

Najib Azad

[REDACTED]
[REDACTED] U.S.A.
Email: nj.aazad@gmail.com

+1 [REDACTED]

November 24, 2022

Prosecutor Karim Khan QC
Information and Evidence Unit
Office of the Prosecutor
P. O. Box 19519
2500 CM The Hague
The Netherlands

VIA U.S. MAIL/E-MAIL
otp.informationdesk@icc-cpi.int

In Re: New Claim Under Articles 6, 7, 8 and 15 bis of the Rome Statute:

Dear Mr. Khan:

I have recently resettled lawfully to the United States, following the departure of my family (spouse and four children) and me from Kabul, Afghanistan, as part of the U.S. airlift on and around August 15, 2021.

I submit this information to you with the intent that the prosecutor's office investigates the allegations and then bring the appropriate prosecution against the following named individuals or entities under the Rome Statute:

Mohammad Ashraf Ghani
Amrullah Saleh
Sarwar Danish
Hamdullah Mohib
Bismillah Khan Mohammadi
Zia Seraj
Abdul Sattar Mirzakwal
Fazel Fazly
The Taliban

1. On August 15, 2021, the Taliban, whose leaders mainly were still on the blocklist of the UN security council as terrorists as of that date, took over the capital of Kabul, Afghanistan, and the Islamic Republic of Afghanistan collapsed. It was not a rapid collapse overnight. Instead, the takeover occurred more gradually.
2. Almost all the Afghan territory was handed over to the Taliban during the two months before August 15, 2021. While the Afghan government -- in particular Mohammad Ashraf Ghani, the former President; Amrullah Saleh, the first Vice-President; Sarwar Danish, the Second Vice-President; Hamdullah Mohib, the National Security Advisor; Bismillah Khan Mohammadi, the Defense Minister; Zia Siraj, General Director of National Directorate of Security (NDS); Abdul Sattar Mirzakwal, the Interior Minister; and Fazel Fazly, the Chief Advisor and Director of Administrative Office of the President-- betrayed their responsibilities to Afghanistan and its citizens and put 44 million Afghans in the control and whim of the Taliban, known and recognized as terrorists.

[United Nations Security Council Listed Taliban Leaders as Terrorists](#)

3. On June 17, 2021, Amrullah Saleh said, “handing over the territory, including the ANA camp in Shinkai District of Zabul Province, to Taliban is an intelligence secrete. At this point, I don’t see a need to share the operation confidential under the freedom of speech so that the enemy will benefit from it. He added.”
4. Saleh’s statement is the equivalent of a confession that he and the others named in this complaint are culpable for allowing all Afghans to be subject to life under terrorist rule by throwing 44 million people into the Taliban’s terroristic control. Thus, according to the provision of Article 8², Section 2, “For the purpose of this Statute, "war crimes" means: and Subsection (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: and clause (viii) Taking of hostages of the Rome Statute, Mohammad Ashraf Ghani and his close aides as defendants in this petition shall be held accountable by the International Court of Criminal.

[Saleh Says Leaving Territories to Taliban is Our Strategy](#)

5. On August 8, 2021, Mohammad Ashraf Ghani called an emergency meeting of the Afghan parliament, where he tried to explain his six-month security and defense plan. But what he did in actual practice was entirely the opposite. In actual practice, he ordered Afghanistan forces to surrender to the Taliban. Afghanistan had about 350,000 modern equipped security and defense forces. Still, Ghani and his circle (mentioned as defendants in this petition) kept ordering the troops to surrender and/or leave the territory to the Taliban.
6. Since 2019, Mohammad Ashraf Ghani has spoiled the peace process. Finally, when it came to transferring the power peacefully to a third party, Ghani betrayed the world and 44 million Afghans by fleeing the country on August 15, 2021. If he had transferred the power peacefully, all Afghan institutions, including security and defense and all other civil institutions, would remain in place. Still, his fleeing caused the collapse of the entire system; the 350,000 security and defense forces, and all civil institutions, including education, were spoiled and undermined.
7. Second, more than three million Afghans were forced to leave the country; some made it to the west, including the U.S.A, Canada, England, Germany, France, Italy, Switzerland, and Australia, and others to Tajikistan, Uzbekistan, Turkey, Pakistan, Iran, and many other countries. The migration was ultimately a forcible deportation and/or unlawful transfer from the country since hundreds of thousands of members of the families of these millions of people had either worked for and/or with the international community and the former Afghan government. They were at a high risk of torture and killings by the Taliban, and the cause and effect of millions of these migrations were directly related to Mohammad Ashraf Ghani and his close aid's fleeing.
8. According to the provision of Article 7, Crimes against humanity, Section 1 states: "For the purpose of this Statute, 'crime 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;" and Subsection (d) Deportation or forcible transfer of population; (d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law, Article 8², Section 2: "For the purpose of this Statute, " war crimes " means : and Subsection (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts

against persons or property protected under the provisions of the relevant Geneva Convention : clause (vii) Unlawful deportation or transfer or unlawful confinement; and clause (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its civilian population into the territory it occupies, or the deportation or transfer of all or parts of the people of the occupied territory within or outside this territory ; of the Rome Statute , Mohammad Ashraf Ghani and his closed circle as a defendant in this petition shall be held accountable by the International Criminal Court.

9. Third, the millions of evacuees and refugees are still going through severe anxiety, depression, and mental torture; they have not only left their homeland but also their beloved ones and are now facing challenges of resettlement, work, health, and education, especially in countries like Pakistan and Iran. For instance, in mid-April 2022, hundreds of recent Afghan refugees to Iran were tortured, insulted, and beaten up by the Iranian security forces, as outlined in the following links reporting on the abuses:

[Human rights body airs concern over Afghan refugees' torture in Iran](#)

[Alleged Iranian abuses of refugees spark protests across Afghanistan](#)

[Bodies of 'beaten and tortured' Afghans recovered at Iran border.](#)

10. Furthermore, in early February 2022, about 600,000 Afghan refugees who had been living in a refugee camp in Abu-Dhabi U.A.E for more than seven months by then, protested for weeks and they confirmed that almost all of them had been going through anxiety, depression, and mental torture:

[Afghan refugees in UAE protest months-long wait for resettlement](#)

[Afghan Refugees Suspend Protests at U.A.E. Camp After Talks](#)

[with](#)
[U.S.](#)

[Afghan refugees in UAE protest for the third day, call for U.S](#)
[. resettlement.](#)

11. According to Article 6, Genocide: For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: Sections (b) Causing serious bodily or mental harm to members of the group; and (c) Deliberately inflicting on the group conditions of life calculated to bring about

its physical destruction in whole or part and Article 7, Crimes against humanity, Section 1. For the purpose of this Statute, "crime 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: Subsection (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health, of the Rome statute, the defendant in this petition shall be held accountable for causing mental torture to more than three million recent Afghan refugees to different parts of the world.

12. Fourth, by Ghani fleeing, collapsing the regime and leaving the country and Forty-four million people's destiny to the Taliban, a group that was known as terrorists by the Security Council of the United Nations, hundreds of former Afghan forces were tortured, missing, and killed by the Taliban, based on the UN reports, hundreds of former Afghan forces were killed or disappeared by Taliban since August 15, 2021.

[Dozens of former Afghan forces killed or disappeared by Taliban, rights group says](#)

[Dozens of Former Afghan Security Forces Dead or Missing Under Taliban, Report Says](#)

[Taliban killed dozens of former Afghan officials: UN report.](#)

[Over 100 ex-Afghan forces officials killed since US pullout: UN](#)

13. According to Article 6, Genocide, For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: Sections (a) Killing members of the group; and (b) Causing serious bodily or mental harm to members of the group; of the Rome Statute which states the inaction is laid under genocide of a specific group of people, and the ground for such brutality was provided by the defendants in this petition who shall be held accountable in accordance to the above provision of Rome statute.
14. Fifth, causing the collapse of the Republic of Afghanistan and leaving Afghanistan to the Taliban in an irresponsible way, 23 million people – more than half the country's population, are facing hunger and starvation:

[on the brink of starvation](#)

[Facing Economic Collapse, Afghanistan Is Gripped by Starvation](#)

[Millions of Afghans Facing Crisis of Hunger and Starvation](#)

[In Afghanistan, 'people selling babies, young girls to survive.'](#)

15. Consequently, these starved people and tens of millions of other citizens go through the mental torture caused by hunger and starvation.
16. According to the provision of Article 8² War crimes , Section 2. For the purpose of this Statute , "war crimes " means :and Subsection (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions , Article 6, Genocide; For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: Sections (b) Causing serious bodily or mental harm to members of the group; and (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part and Article 7, Crimes against humanity , Section 1. For the purpose of this Statute, "crime 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 : Subsection (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health, the defendants in this petition shall be held accountable for starving and mental torturing millions of human beings and shall be brought to court!
17. Sixth, after the country politically collapsed and left everything to the Taliban, a group known and recognized as terrorists , millions of Afghans who remained in Afghanistan are not allowed to leave the country . In March 2022, Afghan women who already had all the required legal travel documents got off the plane and were not allowed to leave the country . Zabihullah Mujahid, the Taliban Spokesman, in a press conference confirmed that no woman, including a student who might have got a scholarship from a foreign university , is allowed to leave the country without a male chaperone:

[Taliban banned women from traveling abroad without male kin.](#)

[Taliban ban Afghan women flying alone in the latest setback on rights chaperones Taliban bans women from solo, long-distance road trips in Afghanistan.](#)

[Taliban ban Afghan women from flying without a male relative.](#)

18. This inaction lays down under forceful hostage, and the grounds for the cause of this effect were provided to the Taliban by the defendants in this petition. According to the provision of Article 8², Section 2, "For the purpose of this Statute, "war crimes" means: and Subsection (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: and clause (viii) Taking of hostages of the Rome Statute, the defendants in this petition shall be held accountable and brought to the court by the international criminal court (ICC).
19. Seventh, by fleeing and leaving the country to the Taliban, the defendants in this petition provided the ground for the Taliban, who had been known and recognized as terrorists who deprived the Afghan girls of the right to education. Millions of Afghan girls are not allowed to go to school for more than fifteen months. In addition to that, although Afghanistan has always been a 99.99% Islamic country, and all women, including a few non-Muslim minorities (Hindus and Sikhs), have been wearing fully Islamic and Afghan culture-based dressings, on May 07, 2022, the Taliban ordered the Afghan women to wear a dress against their will, which comes under hostage. Furthermore, on May 18, 2022, the Taliban issued another executive order that if female university students wear any colored veil/scarf other than black, they are not allowed to enter the university.

['Is Gaining Knowledge a Sin?' Afghan Girls Contemplate a Future Without Schools After the Taliban Backtracks](#)

[The Taliban is holding girls' education hostage in Afghanistan – the question is, why?](#)

[‘Is it a crime to study?’: outcry as Taliban bar girls from secondary schools](#)

[Taliban Takes School and Work from Afghan Women and girls](#)

20. If the individual defendants in this petition had not fled the country and caused the collapse, the Taliban would have never been in the position they are in today. Thus, according to the provision of Article 8², Section 2, “For the purpose of this Statute, "war crimes" means: and Subsection (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: and clause (viii) Taking of hostages of the Rome Statute, Mohammad Ashraf Ghani and his close aides as defendants in this petition shall be held accountable and brought to the court by the International Criminal Court.

21. Eighth , on May 2, 2022, Mohammed Ashraf Ghani , the defendant in this petition, in a video clip (from minute 3:20 to 4:40 in Dari and from 6:00 to 7:20 in Pashtu) confirmed that more than fifty percent (50%) of the population is trying to leave the country . No doubt that more than fifty percent (50%) of the population, which are more than 22 million people, are leaving the country due to starvation , no jobs, and no human rights at all, and this is for sure a deportation , or forceable transfer of millions of populations , this condition and/or situation is the aftermath of Mohammad Ashraf Ghani and his circle fleeing and made the drastic collapse happen.

22. According to the provision of Article 7, Crimes against humanity, Section 1 that states : “For the purpose of this Statute , "crime 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 : and Subsections (d) Deportation or forcible transfer of population; (d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law, Article 8², Section 2 “For the purpose of this Statute, "war crimes" means: and Subsection (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: and clause (vii) Unlawful deportation or transfer or unlawful confinement ; and clause (viii) The transfer , directly or indirectly , by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the

The occupied territory within or outside this territory ; of the Rome Statute . Thus, the defendants in this petition shall be held accountable and brought to court by the International Criminal Court.

23. Ninth , on May 11, 2022 , Hamdullah Mohib , the former National Security Advisor and one the closest aides to President Ashraf Ghani until the fall of the Afghan government and return of the Taliban on August 15, 2021 , during his talk on the Oxford Union said that Afghanistan did not collapse in a few days and/or weeks . He further added that two weeks before the collapse of Kabul , the Taliban knew that they would be in full power . Saying that he in his statement, he confessed that they knew that they would leave the country and flee, while a report published by *The Washington Post* on December 30, 2021, says that the final weeks were the deadliest weeks for the Afghan security forces, with 4,000 dead and 1,000 missings.

[Final weeks of fighting among t h e deadliest for Afghan security forces, the missings.](#)

24. So, since the individual defendants knew that they would leave Afghanistan , they still left behind thousands of Afghans (the security forces) to be killed, which is genocide . Thus, Article 6, Genocide ; For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: Sections (b) Causing serious bodily or mental harm to members of the group; and (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part and Article 7, Crimes against humanity, Section 1. For the purpose of this Statute, "crime 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: Subsection (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health, of the Rome statute. In Article 7 (1): “ Crime 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 . . . ; (b) Extermination . . . ; (j) The crime of apartheid.” According to Article 7 (2) of the statute, extermination includes the “Intentional infliction of conditions of life . . . calculated to bring about the destruction of part of a population ,” and the crime of apartheid means “Inhumane acts of a character . . . committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the

The intention of maintaining that regime.” The Convention on the Prevention and Punishment of the Crime of Genocide, which the UN General Assembly adopted in 1948, states in Article II, “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: . . . (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group.” The offenders of genocide shall be held accountable and brought to the court by the International Criminal Court.

25. Tenth, the Taliban fired all the women employees from the government sectors, including the journalists, reporters, and anchors from Radio Television Afghanistan (RTA). They banned all entertainment programs on private televisions and radios. But, on May 19, 2022, the Taliban rulers ordered all female private TV presenters to cover their faces on air. The order came in a statement from the Taliban’s virtue and vice ministry, tasked with enforcing the group’s rulings, and from the information and culture ministry. The order is not even Islamic because the Islamic law, in particular, the Hanafi Jurisprudence and/or school of thought that is applied and enforced in most Islamic countries, including Afghanistan, which the Taliban also claim that they are following and enforcing the Hanafi Jurisprudence, does order that a woman face is exempted from covering when the body including hair shall be covered. Saying that the Taliban are not following any rules and/or regulations, even the one they are claiming, and the only thing they are doing is violating all human rights and keeping hostage Afghan citizens, especially women.

[Afghan Taliban order women TV anchors to cover their faces.](#)

[Taliban orders female TV presenters to cover faces on air](#)

[Afghanistan's female TV presenters must cover their faces, say](#)

[Taliban Taliban orders female Afghan TV presenters to cover faces on air](#)

[Taliban say female Afghan TV presenters must cover faces on air.](#)

Thus, according to the provision of Article 8², Section 2 “For the purpose of this Statute, "war crimes" means: and Subsection (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant.

Geneva Convention: and clause (viii) Taking of hostages of the Rome Statute, Mohammad Ashraf Ghani, and his close aides as defendants in this petition shall be held accountable by the International Court of Criminal.

26. Furthermore , the Taliban has started torturing the Afghan men and women publicly, which they named it the so-called “Shariah-lashing”. The act violates all the Islamic criminal codes and the international human laws and rights. According to Article 6, Genocide: For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: Sections (b) Causing serious bodily or mental harm to members of the group; and (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part and Article 7, Crimes against humanity, Section 1. For the purpose of this Statute, "crime 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 : Subsection (k) Other inhumane acts of a similar character intentionally causing great suffering , or serious injury to body or mental or physical health , of the Rome statute , the defendant in this petition shall be held accountable for causing physical and mental torture to the Afghan citizens.

[As the Taliban doles out lashings, what have Afghan women and girls lost in 15 months under the extremists?](#)

[Taliban lash 12 people before stadium crowd in Afghanistan](#)

[Taliban conducts first public flogging in football stadium since 90](#)

[s](#)

27. Moreover , almost all the former Afghan officials and their families spent millions purchasing expensive homes in the U.S. and abroad in the war’s final years, which became luxurious landings when they escaped the ~~escalating violence in Afghanistan.~~

[High-Ranking Afghan Officials Escaped to Luxury Homes Abroad](#)

28. The Rome Statute of the International Criminal Court , which has been ratified by many of the countries where the conservation NGOs operate and are registered, states in Article 7 (1): “ Crime 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 . . . ; (b) Extermination . . . ; (j) The crime of apartheid.” According to Article 7 (2) of the statute , extermination includes the “Intentional infliction of conditions of life . . . calculated to bring about the destruction of part of a population,” and the crime of apartheid means “Inhumane acts of a character . . . committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or

groups and committed with the intention of maintaining that regime.” The Convention on the Prevention and Punishment of the Crime of Genocide, which the UN General Assembly adopted in 1948, states in Article II, “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: . . .; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group.”

29. The case for the people of the Global home and Afghanistan, in particular, to file charges against the perpetrators in this petition for crimes against humanity and violation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, Hostage, Forceful Deportation, Causing Direct Starvation, and Bodily and Mental harm,
30. Respectfully submitted as a service to the world’s peoples, particularly to the lovers of justice. The court (International Criminal Court) is respectfully requested, following a prosecution by the Office of the Prosecutor, to take urgent action against the defendants in this petition by calling

their presence in front of the court, ban their traveling, political and social activities on any stage at any level and ask the hosting countries and/or the countries wherever the defendants have their capital in banks to be seized until the final hearing of the court, through the authority vested in the prosecutor 's office to investigate and bring criminal charges against the defendants.

Respectfully,

Najib Azad