

4.1.5. Former judges and prosecutors

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The general amnesty reportedly extends to former judges and lawyers.1152 All judges that served under the former government were ousted after the Taliban takeover1153 and replaced with male Taliban-affiliated judges – most being ethnic Pashtuns, as reported by the UN Special Rapporteur on human rights in Afghanistan.1154 However, some former male judges with administrative experience and considered 'professional' were asked to return, according to AAN interlocutors.1155 International Legal Assistance Consortium (ILAC) noted that this only concerned a 'handful' cases of people being called back for limited or temporary roles.1156

Prosecutors were not formally dismissed, but were initially told not to come to work after the Taliban takeover.1157 Some reportedly resumed their work at the de facto prosecutor's office, 1158 although their legal and operational status was unclear and 'varied substantially' between regions, according to ILAC.1159 In 2023, the de facto Attorney General's Office was replaced with the de facto 'Directorate of Supervision and Prosecution of Decrees and Orders'.1160 Research for Raoul Wallenberg Institute (RWI) suggested that the mandate of this new institution indicated a role of ensuring compliance and enforcement of decrees, edicts and other instructions, rather than investigating crime and lawsuits. The term 'prosecutor' had moreover been replaced with 'observer' in the decree.1161 Kerr Chiovenda noted that prosecutors have no real role in the current justice system.1162

Many prosecutors and judges left Afghanistan amid the Taliban takeover or went into hiding. 1163 Among the 800 human rights violations documented by UNAMA in the period 15 August 2021–30 June 2023, 2 % targeted former judges and prosecutors.1164 In more recent reports, UNAMA does not indicate victim profiles, although civil former government personnel has been subjected to arbitrary arrests, torture and ill-treatment.1165 In February 2025, the UN Special Rapporteur on human rights in Afghanistan stated that former judges and lawyers were among the groups 'severely affected by human rights violations' by the de facto authorities1166 and noted that also defence lawyers were met with suspicion and faced threats and harassment. 1167 In an earlier report, the same source reported on 20 prosecutors being killed across Afghanistan in the period 1 January 2023–31 January 2024.1168

All female judges, attorneys, and prosecutors have been barred from working within the de facto justice system, and the association of female judges is inactive.1169 Amid the de facto authorities' relicensing of lawyers, women have been excluded from registering, meaning that no women lawyers are registered to practice law.1170 Women who previously served as legal professionals face threats and harassment, as reported by the UN Special Rapporteur on human

rights in Afghanistan.1171 Nevertheless, some women lawyers continue to provide legal support to other women,1172 although informally and outside court settings.1173 Sometimes women lawyers reportedly accompany clients to court, but never in an official capacity.1174

Most female former judges have been evacuated, and those who remain have reportedly been living in hiding fearing reprisals from the de facto authorities as well as former convicts who they had previously sentenced – who in some cases were Taliban members.1175

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