

4.1.5. Former judges and prosecutors

4.1.5. Former judges and prosecutors

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

1152

New York Times (The), Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives, 20 October 2021, [url](#)

1153

UN OHCHR, UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support, 20 January 2023, [url](#), p. 3

1154

UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, [url](#), para. 31

1155

Clark, K. and Shapour, R., What do the Taliban Spend Afghanistan's Money on?, AAN, March 2023, [url](#), p. 36

1156

ILAC, Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover, 2023, [url](#), pp. 21–22

1157

ILAC, Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover, 2023, [url](#), pp. 13, 21

1158

Clark, K. and Shapour, R., What do the Taliban Spend Afghanistan's Money on?, AAN, March 2023, [url](#), pp. 36– 37; Hasht-e Subh, Reactions to Kabul Suicide Attack: Internal Purge or ISIS Strikes?, 4 September 2024, [url](#)

1159

ILAC, Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover, 2023, [url](#), pp. 21–22

1160

TOLOnews, Islamic Emirate Abolishes Attorney General's Office, 18 July 2023, [url](#); Rawadari, Latest Taliban decree on Attorney General's Office (AGO) further erodes rule of law in Afghanistan, 25 March 2023, [url](#)

1161

Ramizpoor, M. A. A., Restrictions of Civic Space in Afghanistan Under the Taliban – From Religious Ideas to Actions, RWI, April 2024, [url](#), pp. 41, 55

1162

Kerr Chiovenda, M., email, 29 November 2025

1163

Clark, K. and Shapour, R., What do the Taliban Spend Afghanistan's Money on?, AAN, March 2023, [url](#), pp. 36– 37; Independent (The), The female Afghan judges trapped in hiding, fearing reprisal from the Taliban, 7 April 2024, [url](#); Times (The), 'Afghanistan has fallen off the agenda and been put on hold', 7 March 2024, [url](#)

1164

UNAMA, A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan, 22 August 2023, [url](#), pp. 5–6

1165

UNAMA, Update on the human rights situation in Afghanistan: January–March 2024, 1 May 2024, [url](#), p. 6; UNAMA, Update on the human rights situation in Afghanistan: April–June 2025, 24 July 2025, [url](#), p. 5; UNAMA, Update on the human rights situation in Afghanistan: July–September 2025, 28 October 2025, [url](#), p. 6

1166

UN Human Rights Council, Situation of human rights in Afghanistan, 20 February 2025, [url](#), para. 47

1167

UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, [url](#), para. 37

1168

UN Human Rights Council, Situation of human rights in Afghanistan, 29 February 2024, [url](#), para. 85

1169

Austria, Austrian Federal Office for Immigration and Asylum, Afghanistan: Afghan legal system under the Taliban, 9 April 2024, [url](#), p. 7

1170

UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, [url](#), paras. 36, 38

1171

UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, [url](#), para. 38

[1172](#)

Femena, A Voice from Afghanistan: An Interview with an Afghan Woman Lawyer, 29 September 2025, [url](#), 7:10–7:47

[1173](#)

UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, [url](#), paras. 38, 40; Femena, A Voice from Afghanistan: An Interview with an Afghan Woman Lawyer, 29 September 2025, [url](#), 7:51–8:36

[1174](#)

UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, [url](#), paras. 38, 40

[1175](#)

Times (The), ‘I am going to find you’: the plight of Afghanistan’s female judges, 16 August 2025, [url](#); PassBlue, Four Years After the Taliban’s Return, Afghan Women Judges Go Deeper Underground, 7 August 2025, [url](#)