4.1. Article 15(a) QR: death penalty or execution

COMMON ANALYSIS
Last update: June 2026

For general guidance on the country guidance approach to this section, see 'EUAA, Article 15(a) QR: death penalty or execution in *Country Guidance: explained*, February 2026'.

The analysis below is based on the following EUAA COI products: COI Update 2026, 1; Country Focus 2026, 1.2.8., 2.1., 2.5., 4.1.1., 4.1.2., 4.3.1., 4.3.2., 4.5.; Country Focus 2024, 1.2.6., 4.3.; Country Guidance should not be referred to as a source of COI.

After the takeover, the Taliban reopened courts across Afghanistan but replaced former staff with male Taliban judges educated in madrassas. The interpretation of *sharia* has largely been left to individual judges, who enjoy almost complete authority in court proceedings. This has caused great variations in verdicts.

On 14 November 2022, the Taliban Supreme Leader ordered all *de facto* judges to fully implement *sharia*, and to issue so-called *hudud* and *qisas* punishments where applicable. Such punishments include execution, stoning, flogging and amputation. In March 2024, the Taliban Supreme Leader announced that the stoning sentence would be enforced for adultery. Since then, cases of women being sentenced to stoning, including a woman accused of having an 'illegitimate' child, have been recorded. In addition, at least 98 LGBTIQ+ persons were also sentenced to public punishment that included stoning and wall crushing, although only corporal punishments in the form of lashings have been enforced. Even if it was noted that almost no *hudud* sentences have been enforced, as they were pending approval from the Taliban Supreme Leader, executions have been carried out in public, including at sport stadiums.

Since the takeover, public executions of individuals convicted of murder have been recorded in the provinces of Badghis, Farah, Ghazni, Jawzjan, Laghman, Nimroz, and Paktia.

Extrajudicial killings have also been documented, in particular in the months following the takeover. However, former government officials and security personnel have continued to face retaliatory violence, including extrajudicial killings. Other incidents targeting women and children have been linked to Taliban members or unidentified individuals. During the first half of

2025, at least 251 cases of people killed or injured ‘in targeted, mysterious, and extrajudicial killings’, many of which linked to Taliban members or unidentified individuals, were documented, representing a 30 % increase compared to the same period in the previous year.

Reportedly, individuals accused of cooperating with anti-Taliban groups, such as the NRF and the AFF, are considered as one of the primary targets of extrajudicial killings. In many cases, the Taliban were believed to have been involved in such killings. In their efforts to restrain the ISKP, the *de facto* authorities also targeted Salafi communities with reports of extrajudicial killings, beheadings, and other human rights violations.

Finally, in 2026, the *de facto* government issued a ‘Criminal Procedure Code for Courts’. Although there is currently no available information about its implementation, it is reported that death penalty is envisaged in several situations, including as punishment for ‘rebels’, ‘habitual homosexuals’, ‘spreaders of disorders’ and ‘wrongdoers’.

As indicated under 3. Refugee status, some profiles of applicants from Afghanistan may be at risk of death penalty or execution e.g., former civilian and military personnel, individuals perceived to have committed *zina*, persons with diverse SOGIESC, individuals perceived as members or supporters of resistance groups and individuals with (perceived) affiliation to the ISKP, and if such risk is substantiated, and all the other qualification criteria under refugee status are met, those individuals would qualify for refugee status.

If nexus to a reason for persecution is not substantiated, Article 15(a) QR would apply. In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QR) and, therefore, exclusion should be examined (see 7. Exclusion).

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