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COI QUERY

Country of Origin	Afghanistan
Main subject	Justice system and implementation of Sharia law under the Taliban
Question(s)	1. What prevailing justice system is in place? 2. Are there any initial signs of the Taliban's interpretation and implementation of Sharia law? 3. Are capital and corporal punishment issued and executed?
Date of completion	15 November 2021
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Disclaimer

This response to a COI query has been elaborated according to the [EASO COI Report Methodology](#) and [EASO Writing and Referencing Guide](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 15 November 2021 and covers events taking place from 15 August 2021 until the date of finalisation. Any event taking place before or after the reference period is not included in this answer.

COI QUERY RESPONSE – Justice system and implementation of Sharia law under the Taliban

Introduction: current research limitations

Analysing preliminary findings

The purpose of this query response is to provide information relevant for international protection status determination and contains information on developments in Afghanistan after the Taliban's take-over on 15 August 2021 until 15 November 2021. EASO have published two additional and related query responses covering [the governance and state administration under the Taliban](#) and [the general security situation](#).

The political situation and conflict dynamics radically changed in Afghanistan when the former government collapsed in mid-August 2021, the Taliban took control of the country and reinstated the Islamic Emirate of Afghanistan (IEA), and the US withdrew their forces. Questions of great interest at the moment are related to the type of state and rule that may be established under the Taliban, and how it will impact the everyday life of the Afghan people. Such forward looking questions are impossible to answer with certainty at this stage, mainly due to a great information gap on the situation in the country and on the Taliban's intentions, but also due to the transitional and highly volatile period that Afghanistan undergoes at the time of writing. During an EASO organised seminar focusing on Afghanistan taking place on 23 November 2021 three expert speakers, independent of each other and with different fields of interest, stressed that it is too early to draw any conclusions about the situation in Afghanistan or how it might unfold in the future.¹

Against the background of prevailing research limitations, this query demonstrates preliminary findings on how Taliban rule has manifested itself since the take-over of Kabul but does not analyse whether these findings are representative of the Taliban leadership's intentions nor their bearing for the future.

Media presence

During the drafting period, journalism was facing major challenges in Afghanistan. Consequently, the possibilities to cover the situation from abroad reduced significantly. One of the main monitoring challenges was the fact that a great number of international and local journalists evacuated or fled the country.² A number of international media outlets withdrew their correspondents during the evacuation efforts in the last weeks of August 2021, and relied on monitoring the situation from abroad. However, there were international correspondents that stayed in the country, returned or took up duties in Afghanistan after the evacuations³, but in some cases it remained unclear whether

¹ Bette Dam, 23 November 2021; Kristian Berg Harpviken, PRIO, 23 November 2021, Roxanna Shapour, AAN, 23 November 2021

² RSF, RSF seeks UN Security Council meeting on plight of journalists in Afghanistan, 18 August 2021, [url](#); CNN, The media spotlight in Afghanistan is about to dim as journalists evacuate, 20 August 2021, [url](#)

³ See for instance: CNN, CNN correspondent Clarissa Ward boards flight out of Afghanistan, 20 August 2021, [url](#); CNN, Clarissa Ward returns to Kabul just a month after Taliban takeover, 28 September 2021, [url](#); Sune

international media had reporters on the ground or relied on freelancers.⁴

The local media landscape was severely affected by the Taliban's take-over, both by restrictions on media freedom and financial problems.⁵ A significant number of media outlets stopped operating after the take-over.⁶ In mid-September the International Federation of Journalists (IFJ) estimated that at least 153 media organisations had ceased operations⁷ and that about 1 300 local journalists remained in Afghanistan, primarily in Kabul.⁸ The availability of sources on the ground and relevant open source material was impacted by local journalists fleeing or going into hiding⁹, as well as financial drawbacks that left many without an income, forcing journalists to search for other employments.¹⁰ Especially reporting on events taking place in other areas than Kabul was sparse.¹¹

Source assessment

As the possibilities to cover the situation reduced¹², reporting on Taliban interactions with the Afghan population was limited, and in many cases tended to be 'anecdotal'.¹³ Fake news circulated¹⁴ and social media was frequently used as a source by many reporters. Twitter was, for instance, frequently used as a source to report on Taliban policy¹⁵ which made it difficult to assess whether the statements were official, verify the source, and identify nuances in stated policy changes. In some cases, dubious information was even republished by major newspapers.¹⁶ Similarly, some fake social media accounts similar to established media spread false information¹⁷ as well as fake social media accounts attributed to some former and incumbent government officials.¹⁸ A related issue was journalists reporting from abroad who shared information on claimed atrocities and violations by the Taliban on social media.¹⁹ The possibilities to verify circulating information and track the

Engel Rasmussen, [Twitter], posted on: 15 September 2021, [url](#); Washington Post (The), Kabul airport chaos: How the Washington Post team escaped Taliban-controlled Afghanistan, 20 August 2021, [url](#); Washington Post (The), Q&A: Ask The Post's Susannah George about reporting on the Taliban, 11 October 2021, [url](#)

⁴ CNN, The media spotlight in Afghanistan is about to dim as journalists evacuate, 20 August 2021, [url](#)

⁵ Ariana News, Crippling economy closing Afghan media outlets, 11 October 2021, [url](#)

⁶ France24, Afghanistan's media enters the unknown under Taliban rule, 24 August 2021, [url](#); TOLONews, Afghan Media Activity Faces Sharp Decline: Report, 3 October 2021, [url](#); TOLONews, Journalists Call for Access to Official Information, 18 October 2021, [url](#)

⁷ IFJ, Afghanistan: Attacks to the media escalate as Taliban control takes hold, 17 September 2021, [url](#)

⁸ Guardian (The), Taliban's return 'catastrophe' for journalism in Afghanistan, 14 September 2021, [url](#)

⁹ IFJ, Afghanistan: "Every minute I fear they will try to find and kill me", 30 September 2021, [url](#)

¹⁰ Khaama Press, Degeneration of journalism, Afghan journalist making bricks to feed family, 01 October 2021, [url](#); RFE/FL/Gandhara, As Afghan Media Struggles Under Taliban, Jobless Journalists Grow Desperate, 11 October 2021, [url](#)

¹¹ International Crisis Group, Taliban Rule Begins in Afghanistan, 24 August 2021, [url](#)

¹² RSF, RSF seeks UN Security Council meeting on plight of journalists in Afghanistan, 18 August 2021, [url](#); CNN, The media spotlight in Afghanistan is about to dim as journalists evacuate, 20 August 2021, [url](#)

¹³ International Crisis Group, Taliban Rule Begins in Afghanistan, 24 August 2021, [url](#)

¹⁴ Deadline, Afghanistan Has Its Own Fake News Problem – Special Report, 20 September 2021, [url](#); France24, Fake photo of new Afghan central bank chief goes viral, 21 September 2021, [url](#)

¹⁵ See for example: BBC, Afghanistan: Taliban deputy denies reports of leaderships row in new video, 15 September 2021, [url](#); New York Times (The), At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back, 27 September 2021, [url](#); RFE/RL/Gandhara, Taliban Defense Minister Admits To Revenge Killings Despite Amnesty, 23 September 2021, [url](#)

¹⁶ New York Times (The), At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back, 27 September 2021, [url](#); NPR, Kabul University chancellor says female students will be allowed, but segregated, 2 October 2021, [url](#)

¹⁷ Deadline, Afghanistan Has Its Own Fake News Problem – Special Report, 20 September 2021, [url](#)

¹⁸ Pajhwok News, Tens of fake social media pages attributed to high profile figures, 18 October 2021, [url](#)

¹⁹ See for example: Bilal Sarwary, [Twitter], posted on: 25 October 2021, [url](#)

original or primary sources were limited.

It should also be taken into account that much of the reporting on Afghanistan during the drafting period came from Western media outlets, US media in particular, and from reporters mainly working from outside Afghanistan. Furthermore, there was a concentration of reports on events in Kabul. In an article by International Journalists' Network (IJNET), some journalists working in Afghanistan or in the region pointed out that this medial reporting situation left room for errors and misrepresentation, and also noted problematic narratives and language resonating in many reports taking the form of sensationalising content stemming from biases and a lack of cultural and contextual understanding.²⁰ In this query response, cross checking has been conducted in line with EASO's COI Methodology, checking information in Western media with local sources as far as possible. However, assessing the reliability of local media reports also became increasingly complex. Still operating media outlets and journalists reportedly adjusted to the new conditions under Taliban rule.²¹ For instance, this could be noticed in a general decrease of potentially provocative content, as well as increased content praising the Taliban.²² A tendency to self-censorship could also be noted.²³ In addition, the Taliban issued 11 guidelines for journalists which included rules against topics in conflict with Islam or 'insulting national personalities'. Journalists were also instructed to produce reports in coordination with the interim-government's media office.²⁴ Human Rights Watch described these rules as 'suffocating media freedom' and criticised them for being so broad and vague that they in practice prohibited any critical reporting about the Taliban.²⁵

Decrease in relevant reporting

There were a number of sources that stopped publishing or updating material that previously has been important to COI production on Afghanistan. For example, the following sources or products stopped publishing public material during the reference period:

- Afghanistan's National Statistics and Information Authority (NSIA)²⁶
- Reports on protection of civilians in armed conflict by UNAMA²⁷
- Long War Journal mapping Taliban control in Afghanistan²⁸
- The New York Times' Afghan War Casualty Report²⁹
- Voice of Jihad (Taliban official website)³⁰
- RiV Monitoring³¹
- Reportedly (resumed in early November 2021)³²

²⁰ IJNET, Report responsibly on Afghanistan with this advice, 5 October 2021, [url](#)

²¹ RSF, RSF seeks UN Security Council meeting on plight of journalists in Afghanistan, 18 August 2021, [url](#)

²² BBC, Afghanistan crisis: 'Hey world, do you care what happens here?', 22 August 2021, [url](#); RFE/RL/Gandhara, Fewer women, No Entertainment: Kabul's Media Scene Transforms After Taliban Takeover, 18 August 2021, [url](#)

²³ New York Times (The), 'Everything Changed Overnight': Afghan Reporters Face an Intolerant Regime, 11 September 2021, [url](#)

²⁴ New York Times (The), New Taliban Guidelines Stir Fear About the Future of Press Freedom, 23 September 2021, [url](#)

²⁵ HRW, Afghanistan: Taliban Severely Restrict Media, 1 October 2021, [url](#)

²⁶ Afghanistan. National Statistics and Information Authority (NSIA), [official website inaccessible]

²⁷ UNAMA, Reports on the Protection of Civilians in Armed Conflict, 2021, [url](#)

²⁸ FDD's LWJ, Mapping Taliban Control in Afghanistan, 15 September 2021, [url](#)

²⁹ New York Times (The), The Afghan War Casualty Report, 5 August 2021, [url](#)

³⁰ Voice of Jihad, [official website inaccessible]

³¹ RiV Monitoring, [homepage], last updated: 12 August 2021, [url](#)

³² Reportedly, [homepage], n.d., [url](#)

- United States Department of Defense's (USDOD) Reports on Enhancing Security and Stability in Afghanistan³³

The Armed Conflict Location & Event Data Project (ACLED) is also a source frequently used in previous EASO COI products. ACLED continues their coding of events, but experiences increased difficulties in sourcing events.³⁴

Furthermore, there were no active monitoring bodies reporting from Afghanistan, which limited the possibilities to monitor human rights violations or other misconduct. On 18 September 2021 the Afghanistan Independent Human Rights Commission (AIHRC) issued a statement in which it said that it could not carry out its function as all offices had been 'occupied' by Taliban forces. Furthermore, AIHRC stated that they were hindered in carrying out their duties as they had little confidence in the Taliban government respecting the mandate of AIHRC or female staff members.³⁵

The Office of the High Commissioner of Human Rights (OHCHR) and the United Nations Assistance Mission in Afghanistan (UNAMA) did not publish public reports during the drafting period.³⁶

³³ USDOD, Publications, n.d., [url](#)

³⁴ ACLED, ACLED Methodology and Coding Decisions around the Conflict in Afghanistan, September 2021, [url](#), pp. 12–13

³⁵ AIHRC, Statement on the status of the Afghanistan Independent Human Rights Commission, 18 September 2021, [url](#)

³⁶ OHCHR, Human Rights Reports OHCHR/UNAMA, n.d., [url](#); UNAMA, Reports on the Protection of Civilians in Armed Conflict, n.d., [url](#)

1. Justice system

Under the previous rule three parallel and overlapping systems or sources of law could be identified within Afghan jurisdiction; formal statutory law, tribal customary law, and Sharia law.³⁷ The Taliban administered shadow Sharia courts for years³⁸, and they were welcomed by many due to dissatisfaction with the justice system provided by the Afghan state.³⁹

In an article by Radio Free Europe/Radio Liberty (RFE/RL), several experts were consulted on the coming judicial structure under the Taliban which was believed to be a continuation of the established shadow courts which were identical to the judicial system of the former government with both criminal and civil courts on district and provincial level, as well as a supreme court. The shadow court system was overseen by the head of the Taliban's judicial commission, Abdul Hakim Ishaqzai (also known as Abul Hakim Haqqani), who also headed the shadow supreme court.⁴⁰ Ishaqzai was appointed to an equivalent function within the structure of the announced Islamic Emirate of Afghanistan.⁴¹ The Telegraph reported that shadow judges took positions within the justice system of the former government.⁴² On 7 September 2021, Mawlawi Abdul Hakim Shari was appointed as Minister of Justice⁴³ and in mid-October reportedly established a new Supreme Court and appointed Sheikh Mawlawi Abdul Hakim Haqqani as an interim chief of justice, Mawlawi Mohammad Qasim Turkman as the first deputy and Mawlawi Abdul Malik as the second deputy.⁴⁴

However, in the Taliban's transition from an insurgency to a government, addressing the current state of the justice system was complex, especially due to its provisional nature which, inter alia, lacked an official constitution and official laws.⁴⁵ Thus, it was not clear whether reported judiciary work was conducted within an actual 'system'. For instance, Agence France-Presse (AFP) reported on the delay in judicial proceedings for some prisoners as the Taliban struggled to implement their justice system across Afghanistan. Awaiting the local judge in Panjwai district in Kandahar, Taliban fighters reportedly represented the whole justice system and were 'left to their own whims and understanding of the group's interpretation of Islamic law'.⁴⁶ In other cases, reports and interviews with judges, local leaders and other Taliban officials working with order, security and solving disputes indicated some kind of structure being in place.⁴⁷ For instance a judge, previously serving in a district shadow court in Ghazni, told Foreign Policy (FP) that he was currently serving in the main court of Ghazni city together with four muftis. Furthermore, a local police officer in Chak district in Wardak told FP that a judge in the sharia court helped people solve their problems, and that bigger disputes were taken to the provincial court in Maidan Shar.⁴⁸ An anonymised lawyer in Kabul, referring to secondary information from another lawyer, told JURIST that the Taliban were looking to

³⁷ Hakimi, Aziz & Sa'adat, Masooma, Legal reform or erasure of history? The politics of moral crimes in Afghanistan, Central Asian Survey, 2020, 39:2, 255-271, DOI: 10.1080/02634937.2019.1207510, [url](#)

³⁸ USIP, Insurgent Bureaucracy: How the Taliban Makes Policy, November 2019, [url](#), p. 37

³⁹ FP, 12 Million Angry Men, 28 October 2021, [url](#)

⁴⁰ RFE/RL/Gandhara, Public Executions, Floggings 'Inevitable' Under Taliban Court Rulings, Says Scholar, 8 September 2021, [url](#)

⁴¹ Express Tribune (The), Abdul Hakim Haqqani appointed Afghanistan's chief justice, 15 October 2021, [url](#)

⁴² Telegraph (The), Taliban will chop off hands of thieves as harsh punishments return, 7 September 2021, [url](#)

⁴³ van Bijlert, M., The focus of the Taleban's new government: internal cohesion, external dominance, AAN, 12 September 2021, [url](#)

⁴⁴ Frontier Post (The), Taliban announces creation of Supreme Court of Afghanistan, 15 October 2021, [url](#)

⁴⁵ FP, 12 Million Angry Men, 28 October 2021, [url](#)

⁴⁶ AFP, Justice delayed as Taliban build their legal system in Afghanistan, 13 November 2021, available at: [url](#)

⁴⁷ CNN, The Taliban have Afghanistan's justice system in their hands. CNN shows what it's like, 11 October 2021, [url](#); New York Times (The), This Is Life in Rural Afghanistan After the Taliban Takeover, 15 September 2021, [url](#)

⁴⁸ FP, 12 Million Angry Men, 28 October 2021, [url](#)

hire judges and prosecutors and that they had already appointed prosecutors in some areas.⁴⁹

In interviews, judges and police officers said that the basis of their judgements and actions was Sharia law.⁵⁰ However, implementing Sharia law opens up for variations according to some experts interviewed by FP and RFE/RL.⁵¹ Rana Osman, doctoral researcher at SOAS University of London, explained that to achieve some values and norms within Sharia law the methods of jurisprudence have been dependent on interpretation and ‘implementation style’, which could open up for the system to ‘become an extension of the arm of power of an authoritative state’. Mahmood Mahroon, professor at Kabul University called the situation under the Taliban’s shadow government ‘completely arbitrary’ and mentioned the lack of laws. Journalist Stefanie Glinski, who wrote the FP article, claimed that the Taliban were not great jurists, and that they viewed ‘everything through their own clouded lens’ as Sharia law leaves much open to interpretation and scholarship.⁵² Ashley Jackson, co-director of Centre for the Study of Armed Groups, told RFE/RL that there were ‘some degree’ of geographic variability in the functioning of shadow courts, especially for women and in processing more sensitive issues. Jackson referred to the influence of local customs and tribal structures, that seemed to be more present in the South-eastern parts of the country than in the Western parts.⁵³

There were reports on punishments being carried out⁵⁴ and persons being deprived of their liberty.⁵⁵ However, it was unclear under which authority and mandate reported cases were handled. For instance, DW reported that the justice system had been ‘radically changed’ after the Taliban’s take-over and referred to public shaming for petty crime and public execution of a kidnapper as examples of punishments under Sharia law.⁵⁶ However, looking into reported cases it was not always clear whether punishments had been issued by a court or on the spot by Taliban fighters.⁵⁷ For instance, other sources did not report on ‘public executions’, but an event of public display of four corpses in Herat.⁵⁸ According to an article by Associated Press (AP), the Taliban announced that the four men had been caught in a kidnapping and were killed by the police during an exchange of gunfire.⁵⁹ A second display of corpses took place on 5 October 2021, and Taliban officials said that the three men were killed after an attempted home theft.⁶⁰ Neither reports on the instances of public shaming mentioned any court proceedings.⁶¹ According to Hindustan Times, the crimes of those subjected to

⁴⁹ JURIST, Afghanistan dispatches: ‘the Taliban are looking to hire judges and prosecutors’, 14 October 2021, [url](#)

⁵⁰ FP, 12 Million Angry Men, 28 October 2021, [url](#); DW, Afghanistan’s justice system altered under the Taliban, 6 October 2021, [url](#)

⁵¹ FP, 12 Million Angry Men, 28 October 2021, [url](#); RFE/RL/Gandhara, Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar, 8 September 2021, [url](#)

⁵² FP, 12 Million Angry Men, 28 October 2021, [url](#)

⁵³ RFE/RL/Gandhara, Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar, 8 September 2021, [url](#)

⁵⁴ FP, 12 Million Angry Men, 28 October 2021, [url](#)

⁵⁵ Euronews, Inside the Afghan jail where ex-inmates are now the prison guards, 13 September 2021, [url](#)

⁵⁶ DW, Afghanistan’s justice system altered under the Taliban, 6 October 2021, [url](#)

⁵⁷ National (The), The shaky ethics of public flogging in Afghanistan, 20 September 2021, [url](#)

⁵⁸ AP, Taliban hang bodies in public; signal return to past tactics, 25 September 2021, [url](#); Guardian (The), Taliban publicly display bodies of alleged kidnappers in Herat, 25 September 2021, [url](#); CNN, Taliban put alleged kidnappers’ bodies on display, 25 September 2021, [url](#)

⁵⁹ AP, Taliban hang bodies in public; signal return to past tactics, 25 September 2021, [url](#)

⁶⁰ Washington Post (The), Harsh public justice and private despair reign in Taliban-ruled Herat, 6 October 2021, [url](#)

⁶¹ National (The), The shaky ethics of public flogging in Afghanistan, 20 September 2021, [url](#)

public shaming were not known⁶², and according to AP public shaming was revived by Taliban fighters.⁶³ The Washington Post reported that Taliban fighters were undisciplined and sent people to prison on the slightest suspicion of illegal activity without legal counsel, ‘languishing in cells until a formal judicial system is in place’.⁶⁴

2. Interpretation and implementation of Sharia law

Sharia law itself allows for different interpretations and varies between different schools of thought. The Taliban’s version of Sharia law also varies from these interpretations and from the implementation of Sharia law in other countries with justice systems under Islamic law, as their version is also influenced by local traditions and tribal codes.⁶⁵ During their first press conference after the take-over of Kabul, Taliban spokesmen said that they had changed since their last time in power. However, they also said that nothing should be against Islamic values, and in their promises of allowing women’s rights and media freedom they also used wordings such as ‘within the limits of Sharia’, ‘within our cultural frameworks’ and ‘Islamic values’.⁶⁶ However, the Taliban did not elaborate on what such limits would look like in practice⁶⁷, and during the reporting period the role of political Islam in Afghanistan remained unclear.⁶⁸

As previously mentioned, the implementation of Sharia law differed in areas controlled by the Taliban during their time as an insurgency.⁶⁹ Under the same time-period there were also reports indicating a tendency to implement stricter policies gradually as they gained influence in an area.⁷⁰ There were reports as well on differences in the implementation of Sharia after the take-over.⁷¹

In some northern provinces, reportedly in the provinces of Balkh, Kunduz, and Sar-e Pul, girls resumed secondary education in early October.⁷² Later in November secondary schools also opened up for girls in Herat city⁷³, while secondary education remained closed in most other parts of the country.⁷⁴

In some areas of southern Afghanistan, more conservative tendencies were reported in the Taliban’s implementation of Sharia⁷⁵, although conservative traditions impacted the public life even before the Taliban’s take-over. Women were for instance reportedly required to wear a burqa⁷⁶, and in

⁶² Hindustan Times, Kidnappers’ body hung in public view: Punishments that Taliban are bringing back in Afghanistan, 25 September 2021, [url](#)

⁶³ AP, Taliban official: Strict punishment, executions will return, 23 September 2021, [url](#)

⁶⁴ Washington Post (The), Taliban faces a new hurdle in Afghanistan: Protecting public from Islamic State, 18 October 2021, [url](#)

⁶⁵ RFE/RL/Gandhara, Taliban ‘Tribal Version’: Shari’a Is Not The Same Everywhere, 2 October 2021, [url](#)

⁶⁶ Al Jazeera, Transcript of Taliban’s first news conference in Kabul, 17 August 2021, [url](#)

⁶⁷ Al Jazeera, Transcript of Taliban’s first news conference in Kabul, 17 August 2021, [url](#)

⁶⁸ Berkley Forum, Islam, Politics, and the Future of Afghanistan, 3 November 2021, [url](#)

⁶⁹ RFE/RL/Gandhara, Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar, 8 September 2021, [url](#)

⁷⁰ HRW, “You Have No Right to Complain”. Education, Social Restrictions, and Justice in Taliban-Held Afghanistan, 2020, [url](#), pp. 38, 42–43, 47–48

⁷¹ See for instance: RFE/RL/Gandhara, ‘I Feel Like A Dead Fish’: Silenced By The Taliban, Afghanistan’s Musicians Despair, 13 October 2021, [url](#); Just Security, Afghanistan: A Way Forward for Women and Girls, 8 November 2021, [url](#)

⁷² TOLONews, Girls Attend Schools in Kunduz, Balkh, Sar-e-Pul, 9 October 2021, [url](#); New York Times (The), Taliban Allow Girls to Return to Some High Schools but With Big Caveats, 27 October 2021, [url](#)

⁷³ TOLONews, Girls Attend Schools in Kunduz, Balkh, Sar-e-Pul, 9 October 2021, [url](#)

⁷⁴ TOLONews, Schools Reopen for Girls in Grades 7-12 in Balkh Province, 8 October 2021, [url](#)

⁷⁵ WSJ, Strange Quiet Arrives in Afghanistan After Decades of War, 11 October 2021, [url](#)

⁷⁶ Magda Gad, [Twitter], posted on 3 October 2021, [url](#); WSJ, Strange Quiet Arrives in Afghanistan After Decades of War, 11 October 2021, [url](#)

Kandahar most women had reportedly been barred from resuming work or education.⁷⁷ Taliban officials in Helmand reportedly banned barbers from shaving or cutting beards, and issued a warning that those violating the rule would be punished by the religious police.⁷⁸ There were also reports on similar restrictions in Kabul⁷⁹, Uruzgan⁸⁰, Kapisa and Takhar⁸¹, although this information could not be verified through other sources. According to TOLONews, these restrictions also included a prohibition of women's ownership of smartphones in Helmand, Takhar and Kapisa. The news agency also reported that officials at the Ministry of Culture and Information had stated that limitations on shaving beards and smartphones were not in line with the Taliban's official position.⁸² According to Wall Street Journal (WSJ), the Taliban authorities 'overruled' decisions in Helmand on cutting hair or shaving beards.⁸³

Concerning the situation in Herat, a report of Human Rights Watch and the San Jose State University (SJSU) Human Rights Institute suggested a particularly dire situation for women and girls in Herat city, claiming that the Taliban committed 'widespread and serious human rights violations against women and girls' and had instilled fear among women and girls. Seven women in Herat were interviewed about their life under the Taliban, and, in sum, they said that their lives had completely changed, being trapped indoors and afraid to leave their houses without a male family member.⁸⁴ However, other sources did not suggest a 'hardline' rule in Herat referring to the more 'modern' values and diverse culture that defines the area.⁸⁵ Women reportedly were not required to fully cover themselves⁸⁶ and all-women demonstrations took place in the city.⁸⁷ However, female residents also stated that they had been harassed for driving alone, being asked to stop wearing make-up or being dismissed from their jobs by Taliban fighters.⁸⁸ Such tendencies of Taliban fighters seemingly acting on their own initiative in implementing Sharia law were also reported elsewhere.⁸⁹

Reports on the situation for women in Herat and Kandahar had in common the struggle of women to resume qualified work⁹⁰ and the fear of some women from going outside, although the Taliban did not physically confine them to their homes.⁹¹ A Taliban official in Kandahar told AFP that women had not been banned from anything and that it was the women's own fault if they didn't feel secure enough to go back to work.⁹² A political rights activist based in Kandahar told National Public Radio

⁷⁷ AFP, Anxiety and fear for women in Taliban stronghold, 9 October 2021, available at: [url](#)

⁷⁸ BBC, Afghanistan: Taliban ban Helmand barbers from trimming beards, 26 September 2021, [url](#); Bilal Sarwary, [Twitter], posted on: 26 September 2021, [url](#)

⁷⁹ BBC, Afghanistan: Taliban ban Helmand barbers from trimming beards, 26 September 2021, [url](#)

⁸⁰ RFE/RL/Gandhara, Taliban's 'New' Governing Style Includes Beatings For Beard Shaving, 6 October 2021, [url](#)

⁸¹ TOLONews, Taliban: Some Restrictions in Provinces Not Official, 27 September 2021, [url](#)

⁸² TOLONews, Taliban: Some Restrictions in Provinces Not Official, 27 September 2021, [url](#)

⁸³ WSJ, Strange Quiet Arrives in Afghanistan After Decades of War, 11 October 2021, [url](#)

⁸⁴ HRW & SJSU, Afghanistan: Taliban Abuses Cause Widespread Fear, 23 September 2021, [url](#)

⁸⁵ Washington Post (The), Life under Taliban in Herat, Afghanistan: Harsh public justice and private despair, 6 October 2021, [url](#)

⁸⁶ Washington Post (The), Taliban faces a new hurdle in Afghanistan: Protecting public from Islamic State, 18 October 2021, [url](#); Magda Gad, [Twitter], posted on 3 October 2021, [url](#)

⁸⁷ TOLONews, Herat Teachers Demand Their Salaries, 20 October 2021, [url](#); Al Jazeera, Herat women protest against Taliban over right to work, 2 September 2021, [url](#); Al Jazeera, Herat women protest against Taliban over right to work, 2 September 2021, [url](#)

⁸⁸ Washington Post (The), Taliban faces a new hurdle in Afghanistan: Protecting public from Islamic State, 18 October 2021, [url](#)

⁸⁹ HRW, From Taliban to Taliban: Cycle of Hope, Despair on Women's Rights, 1 November 2021, [url](#)

⁹⁰ Washington Post (The), Taliban faces a new hurdle in Afghanistan: Protecting public from Islamic State, 18 October 2021, [url](#); NPR, How life has changed for Afghan women and girls since the Taliban takeover, 18 October 2021, [url](#)

⁹¹ Washington Post (The), Taliban faces a new hurdle in Afghanistan: Protecting public from Islamic State, 18 October 2021, [url](#); AFP, Anxiety and fear for women in Taliban stronghold, 9 October 2021, available at: [url](#)

⁹² AFP, Anxiety and fear for women in Taliban stronghold, 9 October 2021, available at: [url](#)

(NPR) that women in general still went out in the area, and that ‘normal housewives’ could continue their lives and, for instance, go shopping. On the other hand, women working within the government, NGOs, or at the universities could not resume their ‘normal routine work’ or move outside, mobilise and socialise as they used to.⁹³

The Taliban’s approach towards art and music was another vague area in the implementation of Sharia law. Musicians were reportedly afraid to perform and found a lack of directives on whether they were allowed to carry out their work.⁹⁴ On 19 October 2021, the former head of TOLONews shared a picture on Twitter showing a popular musician from Badakhshan being welcomed by the local Taliban after coming back from Tajikistan.⁹⁵ The following day it was reported that the Pashto poet Heelamand Zhwanday had been taken out of his home in Khost and murdered.⁹⁶ On 29 October 2021, three men claiming to be Taliban members opened fire at a wedding reception in Nangarhar province. According to a Taliban spokesperson, the wedding was attacked because music was being played, but he emphasised that no one in the ranks of the Islamic Emirate has the right to turn anyone away from music.⁹⁷ Later the Taliban’s spokesperson, who was also appointed deputy minister of information and culture, Zabihullah Mujahid claimed that two people were arrested after the shooting at the wedding party.⁹⁸

3. Capital and corporal punishment

Taliban spokesman Zabiullah Mujahid and senior Taliban leader Mullah Nooruddin Turabi have addressed the issue of capital and corporal punishment in two separate interviews. Zabiullah Mujahid told The Telegraph that amputation of hands would be among the punishments in court. In the same article unnamed Taliban officials told The Telegraph that some physical punishments were necessary parts of Islamic law and would be revived but did not comment whether public executions and stoning would return.⁹⁹ However, a local judge in Ghazni city later told FP that such punishments could return, although this requires a lengthy decision-making process.¹⁰⁰ Mullah Nooruddin Turabi told AP that the foundation of Afghanistan’s laws will be the Quran and that some punishments used during the last Taliban rule would be revived. Further, Turabi said that ‘cutting off hands is very necessary for security’ and that executions will be issued by court, but the punishments might not be carried out in public.¹⁰¹ One legal expert explained that public executions and floggings are inevitable under a court system in line with the Taliban’s interpretation of Sharia law, but said that the punishment of certain crimes ‘against God’ must be carried out in public, such as stoning for adultery, public flogging for drinking alcohol, hand amputation for some types of theft. Furthermore, other types of crimes ‘against man’ actualising retributive justice, such as execution for murder on the request of the victim’s family, may not be in the same need of public display. However, as a Quranic verse says that witnesses should be taken to floggings, it might indicate such punishments can be carried out in public as well.¹⁰²

⁹³ NPR, How life has changed for Afghan women and girls since the Taliban takeover, 18 October 2021, [url](#)

⁹⁴ AP, Under Taliban thriving Afghan music scene heads to silence, 22 September 2021, [url](#); TOLONews, Afghan Musicians Face Uncertain Future, 21 October 2021, [url](#)

⁹⁵ Miraqa Popal, [Twitter], posted on 19 October 2021, [url](#); Bilal Sarwary [Twitter], posted on 19 October 2021, [url](#)

⁹⁶ Bilal Sarwary [Twitter], posted on 20 October 2021, [url](#)

⁹⁷ CNN, Three wedding guests reportedly shot dead in Afghanistan for playing music at reception, 1 November 2021, [url](#)

⁹⁸ Ariana News, IEA arrests two gunmen after wedding party shooting, 31 October 2021, [url](#)

⁹⁹ Telegraph (The), Taliban will chop off hands of thieves as harsh punishments return, 7 September 2021, [url](#)

¹⁰⁰ FP, 12 Million Angry Men, 28 October 2021, [url](#)

¹⁰¹ AP, Taliban official, Strict punishment, executions will return, 23 September 2021, [url](#)

¹⁰² RFE/RL/Gandhara, Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar, 8 September 2021, [url](#)

No reports on corporal or capital punishments issued by a court were found during the reference period. However, on 11 November 2021, an Italian freelancing journalist posted a picture on Twitter showing several men outside a football stadium, and claimed that the Taliban made their first ‘justice delivery’ at the stadium in Ghazni city, where 200 persons gathered to witness the punishment of two men found ‘sexually guilty’.¹⁰³ This information could not be verified.

Taliban judges reportedly avoided to issue too harsh punishments to avoid losing support among the population.¹⁰⁴ However, there were reports on Taliban fighters subjecting civilians to violence, inter alia using whips against alleged thieves¹⁰⁵, and in their responses to some demonstrations¹⁰⁶, conducting revenge killings and ‘executions’ of surrendering military personnel.¹⁰⁷

In mid-October the Taliban announced that punishments shall not be carried out in public unless the supreme court issues and orders for such actions.¹⁰⁸

¹⁰³ Giuliano Battiston, [Twitter], posted on: 11 November 2021, [url](#)

¹⁰⁴ AFP, Justice delayed as Taliban build their legal system in Afghanistan, 13 November 2021, available at: [url](#)

¹⁰⁵ Metro, Taliban return to brutal ways as they whip and torment ‘thief’, 5 October 2021, [url](#)

¹⁰⁶ CBS News, As Taliban robs Afghan women and girls of work, school and safety, the most vulnerable “have nowhere to go”, 22 September 2021, [url](#)

¹⁰⁷ CNN, Taliban fighters use whips against Afghan women protesting the all-male interim government, 9 September 2021, [url](#); ABC, Interpreter who assisted ADF executed by Taliban, 20 October 2021, [url](#); CNN, Taliban accused of murdering pregnant Afghan policewoman in front of her family, 6 September 2021, [url](#)

¹⁰⁸ Zabihullah Mujahid, [Twitter], posted on 14 October 2021, [url](#); Dawn, Taliban ask officials not to carry out public executions unless directed by apex court, 15 October 2021, [url](#)

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