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Taliban Justice: One year of Sharia punishments

November 2023

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1 Executive Summary

Between 26 October 2022¹ and 26 October 2023, Afghan Witness (AW) recorded the Taliban-led Supreme Court's announcements of Sharia punishments in Afghanistan. These announcements have been published on the court's website and X account (formerly Twitter) since the Taliban's Supreme Leader Mawlawi Hebatullah Akhundzada announced the return of Sharia punishments in mid-November 2022.

It is notable that, while these sentences are often referred to as “public punishments,” the public nature of these penalties is often limited; although these punishments are carried out with an audience, including Taliban officials and citizens, they are often fulfilled behind closed doors, or under significant publication restrictions. As such, there is very limited visual evidence of these punishments taking place.

Despite this, an analysis of the data AW analysts collected during this timeframe reveals the speed, extent, and manner in which, the Taliban rolled out public punishments over the past twelve months:

- Between 26 October 2022 and 26 October 2023, AW recorded 71 announcements of Sharia punishments, which were handed down to a total of 417 individuals.
- Punishments were held in 22 of Afghanistan's 34 provinces – indicating that implementation has been widespread and not isolated to one particular region.
- More than half of these punishments – including the first execution – took place in December 2022. This could be a potential indication of a backlog of cases around this time, as November 2022 had the second-highest number of individuals punished.
- Analysis of the statements, where a gender breakdown of those punished is available², indicates that more men were punished than women (220 men vs. 57 women).
- AW analysis also sheds light on the categories of so-called crimes for which individuals are being punished; these largely crimes the Taliban consider to be ‘moral’ or sexual in nature, including illicit relationships, adultery, and sodomy. Conventional crimes, such as robbery, were also among those punished.
- Most of the punishments issued have taken the form of lashings, and have fallen under the Tazir category of Sharia punishments: discretionary punishments not specified in religious texts. There have also been nine Qisas punishments announced: retributive or retaliative sentences, often taking the form of the death penalty; two of these sentences resulted in executions of alleged murderers (December 2022 and June 2023), while the remaining seven were pardoned.
- At the time of writing, AW has yet to record any punishments under the Hudud category of Sharia punishments, including instances of stoning or amputation for “crimes against God”. However, sources on the ground claim there are stoning punishments awaiting approval by the Supreme Leader. This aligns with a statement [released](#) by the deputy of the Supreme Court in May 2023, which noted that since the Taliban's takeover, many of these sentences

¹ While the Taliban announced the return of Sharia punishments on November 13, 2022, they also announced punishments that were backdated to 26 October and 10, 11, and 12 November.

² Not every announcement included a gender breakdown; many refer only to the number of individuals, as opposed to the number of men or women.

have been issued but are yet to be carried out. This could suggest that a significant uptick of Sharia punishments is forthcoming.

- Visual evidence of the punishments implemented by the Taliban has been limited. While some photos surfaced in the initial weeks and months following the first Supreme Court announcement, content has since dwindled. This could be due to the Taliban enforcing restrictions around photographing and recording the events. There is also a possibility that “public” punishments are becoming less public, and rather than being held in large stadiums, are instead being held in more closed locations, such as small mosques.
- The Taliban has also sought to frame its implementation of Sharia punishments as fair, righteous and desired by Afghanistan’s citizens. They have done so by emphasising judicial norms and due process in Supreme Court announcements of Sharia punishments, underscoring the attendance of both Taliban officials and citizens of Afghanistan at the punishment events, and claiming that the punishments act as a deterrent for future crime.
- The Taliban’s implementation of Sharia punishments has been controversial among certain factions for not being harsh enough. Terror organisations, such as Islamic State Khorasan Province (ISKP), an offshoot of the Islamic State, have accused the Taliban of being too lenient and not applying Sharia to the fullest extent – which in their view would require amputations and stonings. Meanwhile, other groups like Al Qaeda in the Indian Subcontinent and Hizb ut-Tahrir have praised the Taliban’s implementation of Sharia punishments.

2 Introduction

During the Taliban's first period in power, between 1996 and 2001, Sharia punishments became synonymous with the group's hardline rule. Media outlets and NGOs, such as [Human Rights Watch](#), documented public [executions](#) and [amputations](#) in Afghanistan during the 1990s under the Taliban regime. Even during the group's insurgency against the republic government, while US and NATO forces were in Afghanistan between 2002 and 2021, the Taliban [persisted](#) in conducting Sharia punishments through their informal courts.

Weeks after the Taliban seized power in Kabul in August 2021, Mullah Nooruddin Turabi, former justice minister and head of the Ministry of Propagation of Virtue and Prevention of Vice during the group's last period in power, said the Taliban would once again carry out executions and amputations of hands. In an interview with the [AP](#) in September 2021, Turabi said cutting off of hands was "very necessary for security", adding that the measure had a deterrent effect. He also dismissed outrage over the Taliban's executions in the past, and said the Cabinet was studying whether it would conduct punishments in public and was working to "develop a policy."

A little over a year later, on 12 November 2022, a meeting on Sharia punishments was reportedly held between the Taliban's Supreme Leader, Mawlawi Hebatullah Akhundzada, and judges. According to a [post](#) on X (formerly Twitter) by Taliban spokesperson Zabihullah Mujahid, the Supreme Leader directed the judges of the Islamic Emirate of Afghanistan to implement Sharia Hudud and Qisas punishments, when Sharia conditions were met³. "This is the ruling of Sharia, and my order, so its implementation is obligatory", Akhundzada was quoted as saying.

The Taliban-led Supreme Court then began [announcing](#) Sharia punishments on 15 November 2023, via its official X account (formerly Twitter) and on its website. Afghan Witness has tracked these announcements over the past year, with data in this report covering punishments handed down between 26 October 2022 and 26 October 2023⁴. This report aims to shed light on notable patterns in this data, including the frequency and geographic distribution of punishments; the type of punishments implemented and the crimes they claim to punish; the Taliban's communications surrounding Sharia punishments; and how other influential groups in Afghanistan, such as Islamic State Khorasan Province (ISKP) have responded to the Taliban's interpretation and implementation of Sharia law.

There are, however, some limitations to this data. While the Taliban have published statements on Sharia punishments since November 2023, verifying this information through open source methods alone is challenging. The Taliban have severely restricted photography and filming of punishments, meaning visual evidence has been scarce. This has been compounded by general restrictions on the media, and widespread self-censorship due to fear of reprisal. So far, just one video has emerged, [showing](#) the lashing of a man in Kandahar province in January 2023.

³ Hudud refers to fixed Islamic punishments for specific offences, while Qisas refers to the principle of retaliation or equal punishment for crimes in Islamic law. There is a significant evidentiary burden that must be met in order to implement Hudud punishments.

⁴ It is worth noting that the Supreme Court reported four incidents that occurred before the meeting on 13 November, backdating them to 26 October, and 10, 11, and 12 November. This suggests that the Taliban commenced or continued carrying out these punishments without official announcements or significant public attention.

3 Analysis of Sharia punishments in Afghanistan

3.1 Taliban justice

This section examines the Taliban's system of law and order, specifically the implementation of Sharia law and public punishments in Afghanistan. Following a brief overview of the Taliban's implementation of Sharia punishments, from 1996 to the present, the section examines the Taliban's judicial system, specifically the mechanisms and departments responsible for the implementation of Sharia punishments. The section then offers an explanation of the different forms of Sharia punishments: Hudud, Qisas, Diya and Tazir.

3.1.1 Taliban implementation of Sharia punishments in Afghanistan: 1996-Present

The Taliban group's [emergence](#) in 1994 and their rule from 1996 to 2001 involved the implementation of public punishments for alleged criminals under the guise of the Sharia system. Media and international rights groups, including [Human Rights Watch](#), documented public [executions](#) and [amputations](#) in Afghanistan during the 1990s under the Taliban regime. Even during the group's insurgency against the republic government and US/NATO forces in Afghanistan, between 2002 and 2021, the Taliban [persisted](#) in conducting public punishments through their informal courts, operating under the banner of Sharia courts throughout Afghanistan.

Upon the Taliban's return to power, the issue of Sharia punishments resurfaced after their Supreme Leader, Mawlawi Hebatullah Akhundzada, held a [meeting](#) with the judges on 12 November 2022, as [reported](#) by Taliban spokesperson Zabihullah Mujahid. The Supreme Leader directed the judges of the Islamic Emirate of the Taliban to implement Sharia Hudud and Qisas punishments when Sharia conditions were met. "This is the ruling of Sharia, and my order, so its implementation is obligatory," Akhundzada was quoted as saying, in a post on X (formerly Twitter), by the Taliban's spokesperson.

Shortly thereafter, on 15 November 2022, the Taliban's Supreme Court began [announcing](#) public punishments via its website and its official X account (formerly Twitter). Notably, the court reported four incidents that occurred before the 12 November 2022 meeting, backdating these punishments to 26 October, and 10, 11, and 12 November 2022. This suggests that the Taliban began or continued carrying out Sharia punishments without official announcements or significant public attention.

3.1.2 Law and order under the Taliban

A number of Taliban departments alongside three levels of courts are largely responsible for the implementation of law and order in Afghanistan. Notably, however, the Taliban have yet to establish a constitution, nor have they published laws that will form the basis of their judicial system. Rather, they

have summarised their current legal system under the umbrella of Sharia law and Hanafi jurisprudence⁵.

In September 2023, during a meeting with the Chinese ambassador to Kabul, the Taliban's acting Justice Minister [stated](#) that “the Islamic Emirate will temporarily implement the constitution from the era of King Mohammad Zahir Shah, except for provisions conflicting with Islamic Sharia and the principles of the Islamic Emirate.” However, no practical steps appear to have been taken to implement the 1964 constitution.

Taliban ministries involved in law and order

The Ministry of the Propagation of Virtue and Prevention of Evil (MoPVPE) and the Ministry of Justice, alongside the three security ministries – the Ministry of Defence, the Ministry of the Interior, and the General Directorate of Intelligence (GDI) – are the main administrative bodies involved in law and order in Afghanistan. The MoPVPE, the Ministry of Defence, the Ministry of the Interior and the GDI are largely responsible for detaining suspects, preparing their case files, and transferring them to civil or military courts that operate under the auspices of the Supreme Court of Afghanistan. In practice, however, there is some deviation from this process, as those responsible for initial arrests sometimes also carry out immediate punishments. For instance, it is not uncommon for the police, under the auspices of the Ministry of Interior, or ombudspersons, under MoPVPE, to implement punitive measures at the time of arrest, including public [humiliation](#).

The Ministry of Justice, meanwhile, is [involved](#) in drafting and adopting laws as well as managing matters related to lawyers. As of October 2022, according to a [decree](#) from the Taliban's Supreme Leader, all legislative documents drafted by various ministries are required to undergo review and approval by the Ministry of Justice before the final review and ratification by the Supreme Leader. Since November 2021, the Ministry has also been [responsible](#) for overseeing lawyers' practices, issuing and renewing their licences, and supervising their activities, as the Taliban announced the incorporation of the Afghanistan Independent Bar Association into its Ministry of Justice.

Notably, prosecutors are excluded from the justice system in the Islamic Emirate of Afghanistan, and there is no equivalent to the position of Attorney General in the Taliban's governance structure. In the absence of prosecutors, lawyers play a crucial role in the court system to ensure justice, however their ability to act independently has been constrained due to the lack of an impartial regulatory body.

The court system in Afghanistan

The court system in Afghanistan consists of three levels, in which judges hear evidence, make rulings and pass sentences. If a convict is dissatisfied with the ruling of a primary or district court, they can appeal and proceed to the secondary court or appellate court, which are typically located in provincial

⁵ For more information on the Taliban's implementation of Hanafi jurisprudence, see: [“Taliban Undertake Speedy Overhaul of Afghanistan's Justice System”](#), [“Afghanistan's laws and legal institutions under the Taliban”](#), [“Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing Under the Taliban Regime”](#)

capitals. The Supreme Court, in Kabul, then serves as the highest court of appeal, should a convict remain dissatisfied with the decision made at the provincial level.

According to the Supreme Court, all Sharia punishments in Afghanistan follow a judicial process: the cases [are processed](#) by the Taliban's primary and appellate courts before the Supreme Court issues the final verdict. Under this system, the Taliban's Supreme Leader is responsible for passing the most severe sentences often dealing with executions (Hudud and Qisas, explained below), while lower level judges are permitted to issue sentences of corporal punishment (Tazir, also explained below).

Although according to the Taliban, these courts function to uphold law and order across Afghanistan, it should be noted that all levels of the Taliban's courts are [composed](#) of Taliban members or pro-Taliban clerics, most of whom have not received formal legal training for their roles.

Field courts, although not officially part of the judicial system in Afghanistan, reportedly continue to function informally throughout the country. These courts hold extrajudicial proceedings, in which punishments are handed down out to individuals accused of committing crimes without first conducting a trial; this is particularly common in cases of moral crimes and punishments often include public humiliation and torture. These proceedings do not involve due process, thorough investigations or lawyers.

3.1.3 Sharia punishments

Although courts across Afghanistan hold the authority to administer punishments in accordance with Sharia law, Sharia law is a general term. Within Islamic jurisprudence, Sharia law is often [taken](#) to mean "the search for the divine will", and as such, it can be open ended, with different Islamic legal scholars [arriving](#) at different interpretations. It is derived from the Quran, alongside the Hadith⁶, and aims to [provide](#) divine guidance and a code for life that all Muslims should follow. There are five major schools of Islamic law: Hanafi, Hanbali, Jaafari, Maliki, and Shafi⁷; [according](#) to the Taliban, Hanifi jurisprudence forms the basis of Afghanistan's legal system.

While the implementation of Sharia punishments by the Taliban has persisted since their emergence in the mid-1990s, in the form of public executions, lashings, and stonings, in mid-November 2022, the Taliban's Supreme Leader [reiterated](#) the importance of enforcing Sharia law punishments during a meeting with the group's judges in Afghanistan. Moreover, the Taliban's Supreme Court [stated](#) that Sharia punishments provided lessons for society alongside admonition for criminals. It should be noted that capital punishment is not a particularly controversial subject in Afghanistan, as politicians of all stripes have consistently [supported](#) the practice, save for a brief moratorium in 2001.

The following subsections provide additional detail on the various types of Sharia punishments. AW notes that Taliban implementation of these punishments may differ from what is written below, as inconsistencies in Islamic interpretation and application are not uncommon.

⁶ The Hadith in Islam is a record of the actions, sayings, approvals, and disapprovals of the Prophet Muhammad.

⁷ Four of which (Hanafi, Hanbali, Maliki and Shafi) are Sunni while Jaafari is Shia.

Hudud, Qisas, Diya and Tazir

Islamic jurisprudence divides crimes into offences against God – Hudud – and those against people – Qisas and Diya. The former are seen to violate God's Hudud or “boundaries”; these are associated with punishments [defined](#) in the Quran. In some cases, these transgressions are associated with punishments inferred from the Hadith – the actions, sayings, approvals and disapprovals of the Prophet Muhammad. These punishments, defined by God, often take the form of lashing, stoning, amputation, crucifixion and execution.

Hudud	
Crime	Punishment
Adultery	Stoning or lashing . If the individual being punished is married, they will be stoned. However, if the individual is single, their punishment will be 100 lashes.
False accusations of adultery	80 lashes
Theft	Amputation . Dependent on the amount of money or property stolen, where the theft took place, and whose property was stolen. In order for Hudud conditions to be met, the stolen item must be an object of value, stored in a secure location, and not be the property of a relative.
Drinking alcohol or taking intoxicants	40 or 80 lashes . Dependent on whether the offence is punished under Shafi ⁸ (former) or Hanafi (latter).
Highway robbery	Crucifixion .
Rebellion against the lawful Islamic ruler	Crucifixion .
Apostasy	Execution . In some cases, imprisonment ⁹ .

Table 1 Summary of Hudud crimes and punishments. Hudud punishments have significant evidentiary burdens that must be met before they can be implemented.

Qisas and Diya are forms of retributive justice for crimes against people. They are punishments [associated](#) with crimes in which someone has been killed or severely injured. In the case of an intentional killing, the punishment is Qisas – retributive execution. In case of accidental death or injury, the punishment is Diya – financial compensation to the victim, or the family of the victim.

⁸ Imam Sahfi was one of the four Sunni Imams, whose legacy on juridical matters and teaching eventually led to the formation of Shafi school of Fiqh (jurisprudence).

⁹ Imam Abu Hanifa, the founder of Hanafi jurisprudence in Islam, reasoned that if a woman became an apostate, she should not be executed. Instead, she should be imprisoned and given a chance to repent.

Qisas and Diya punishments	
Crime	Punishment
Murder	Execution (Qisas). Retributive justice.
Accidental injury or manslaughter	Financial compensation paid to the victim or victim's family (Diya).

Table 2: Summary of Qisas and Diya crimes and punishments.

Tazir refers to punishments which fall beyond the aforementioned categories; in these cases, no sentence is specified in the Quran or the Hadith, and the offence committed is not punishable under retributive or retaliative justice. Tazir is also applicable in cases where the threshold for evidence in Hudud cases has not been met; this [includes](#) cases where there has not been a confession or sufficient witnesses to make a ruling. These punishments are largely considered discretionary and in the Islamic Emirate of Afghanistan, are issued by courts. These punishments take many forms including lashing or flogging; seizure of property; breaking or destroying tools necessary for lawbreaking (such as alcohol bottles, games that encourage gambling); fines; imprisonment; exile; public rebuke and humiliation; and punishments that combine the aforementioned elements. Crimes punished with Tazir are not fixed, like those punished under Hudud and Qisas. Despite this, common examples include bribery, theft (where the conditions of Hudud are not met), treason, usury, selling obscene pictures and fraud.

For certain crimes, a specific punishment may not be agreed upon by the Ulema¹⁰ of various sects of Islam practising Sharia law. For example, sodomy, considered a sin and punishable offence under Sharia law, can be punished in various ways, including death by stoning (Hudud) or lashing (Hudud or Tazir, depending on the number of lashes). While often this offence would be punishable under Hudud, some groups suggest that the less severe Tazir punishment is sufficient. To date, according to official communications by the Taliban-led Supreme Court, only Tazir punishments have been implemented for the crime of sodomy.

3.2 Patterns from one year of Sharia punishments

This section analyses the Taliban-led Supreme Court's Sharia punishment announcements throughout the inaugural year of the implementation of Sharia law in Afghanistan, spanning from 26 October 2022 to 26 October 2023. During this period, the Taliban administration announced 71 Sharia punishments across 22 of its 34 provinces, demonstrating the widespread adoption of these punitive measures.

In total, 417 individuals were sentenced to be punished in these announcements; the majority of these punishments (211) occurred in December 2022. Most of the punishments announced by the Supreme Court involved Taziri punishments, which were handed out in the form of flogging.

¹⁰ Scholars of Islamic doctrine and law

While both male and female alleged criminals were subjected to public punishments, there was a clear discrepancy with men being punished in greater numbers than women.

In nine instances the Taliban administration ordered Qisas, or retributive sentences, in the form of a death penalty, for the crime of murder. Only two of these sentences were carried out while seven individuals were pardoned. All individuals sentenced to Qisas were male.

In regard to the type of crime, as stated by the Supreme Court, mentions of moral and religious offences were present in almost 63% of announcements, followed by property crimes, mentioned nearly a quarter of the time. Violent crime charges accounted for 8% of the announcements, while drug related and miscellaneous offences were mentioned in only 2% of Supreme Court publications.

Data analysed by AW, on the number of lashes for specific offences, raised questions about the equivalency of punishment for certain crimes. Violent crimes, such as robbery and armed robbery, appeared to be punished similarly to moral and religious offences, such as adultery and sodomy.

AW also notes that as of 26 October 2023, there has been an absence of Hudud punishments announced by the Supreme Court.

3.2.1 Number of individuals punished

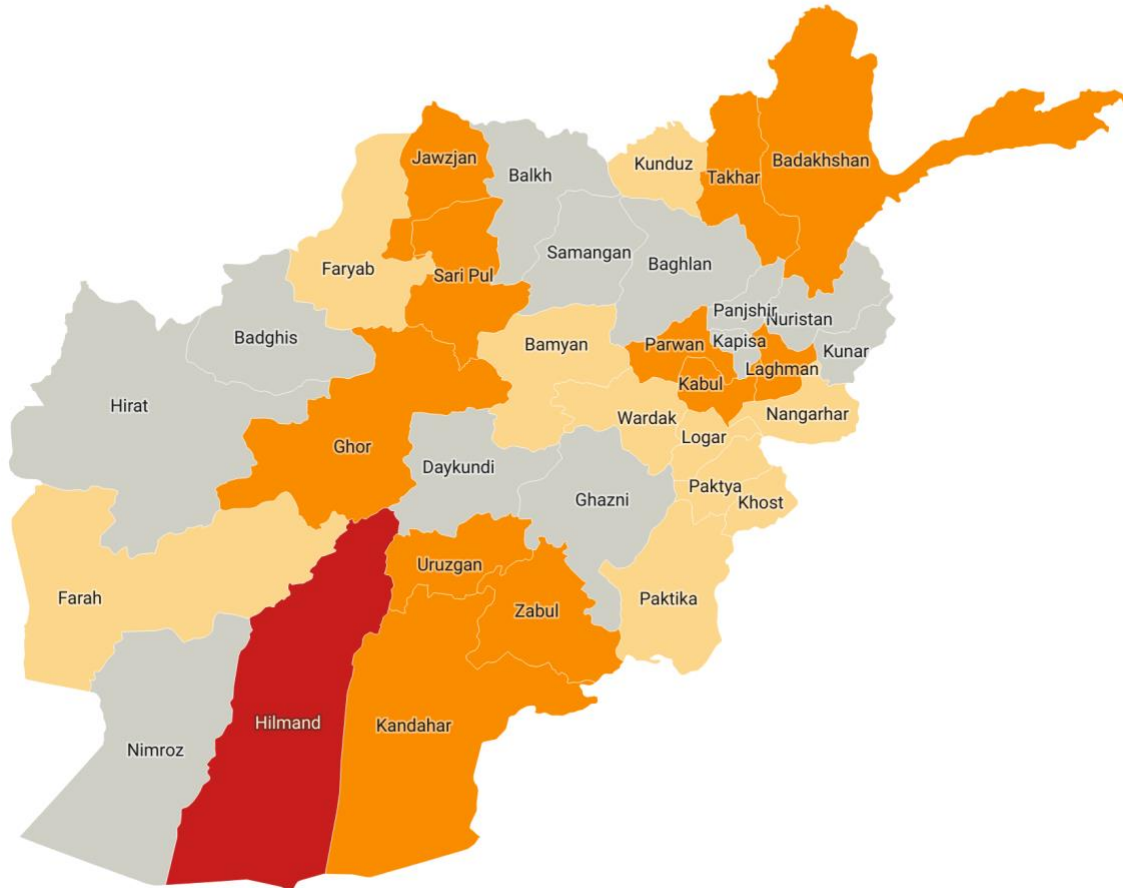
From 26 October 2022 to 26 October 2023, AW recorded 71 announcements of Sharia punishments published by the Taliban-led Supreme Court of Afghanistan, either on their X [account](#) (formerly Twitter) or their official [website](#). Within these announcements, the Taliban sentenced 417 individuals to various Sharia punishments. The map below demonstrates the geographical spread of these punishments, officially implemented across 22 provinces, with Helmand registering the highest incidence with 56 individuals punished.

Number of punished individuals per province

Number of individuals reportedly punished in public in each province, as reported by the Taliban Supreme Court, between 26 October 2022 and 26 October 2023.

Number of individuals

0 1 - 19 20 - 39 40 +



Map: Afghan Witness • Created with Datawrapper

More than half the sentences announced by the Supreme Court between October 2022 and 2023 reportedly took place in December 2022. During that month, it was reported that 211 individuals were punished under Sharia law across 16 provinces.

It is unclear what caused the Taliban to carry out such a high number of punishments in December 2022. The month of November 2022 contained the second highest number of cases, at 43. It is possible that these figures were the result of a backlog of Supreme Court cases, awaiting the official decision regarding the implementation of Sharia Law.

Number of individuals publicly punished per month

Number of individuals publicly punished per month as announced by the Taliban Supreme Court, between 26 October 2022 and 26 October 2023.

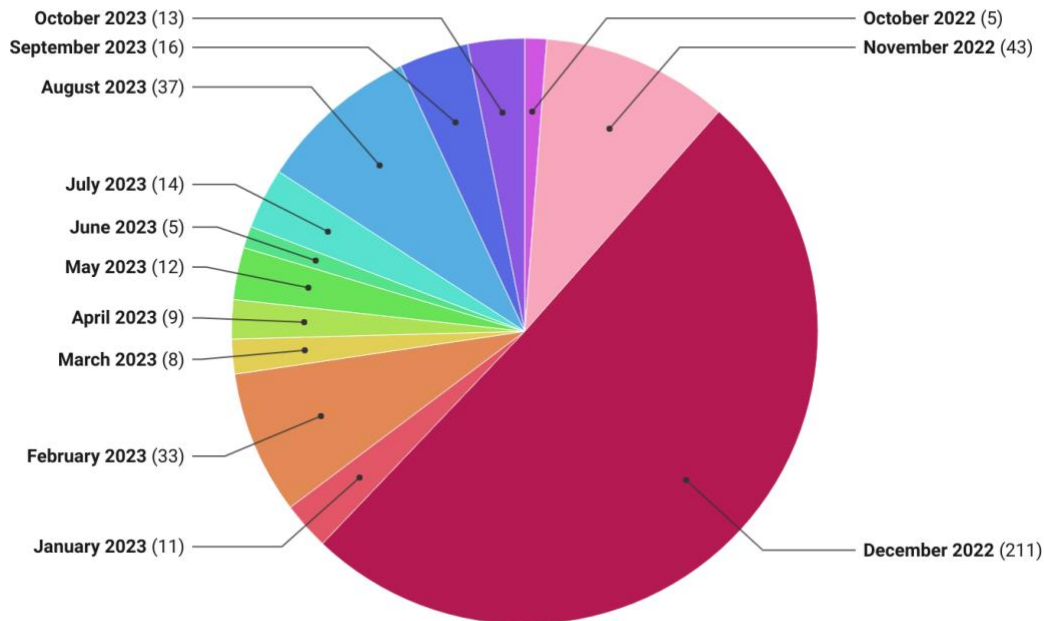


Chart: Afghan Witness • Created with Datawrapper

3.2.2 Gender discrepancy in numbers of individuals punished under Sharia law

The Taliban-led Supreme Court disclosed the gender of the alleged criminals in 49 out of 71 announcements. Within these announcements, the number of men was consistently higher than the number of women. During the month of October 2022, and months of January, March and June 2023, there were no reports of women being punished under Sharia law in Afghanistan. Despite this, in the majority of months during the first year of the implementation of Sharia Law, both men and women were punished. In all reported events, the number of men being punished was higher than women, as can be seen in the graph below.

Number of male and female individuals publicly punished per month

Number of male and female individuals publicly punished as reported by the Taliban Supreme Court per month, between 26 October 2022 and 26 October 2023.

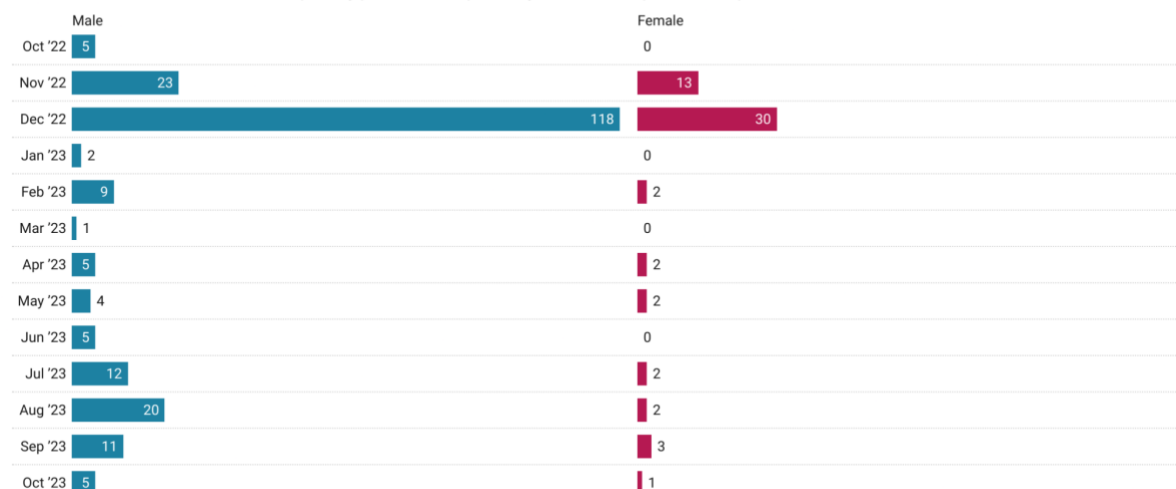


Chart: Afghan Witness - Created with Datawrapper

The discrepancy between male and female individuals punished under Sharia law was at its highest in the provinces of Uruzgan and Ghor. In Uruzgan, 24 men were punished, compared to two women; in Ghor, 11 men were punished, relative to just one woman. Takhar was the province that registered the least discrepancy between the sexes, with nine women punished, compared to 10 men. There were no instances in which only women were punished.

Within the 71 Sharia punishments announced by the Supreme Court, the number of individuals punished per sentence varied from one to 23. There were nine events where only one person was sentenced; all of these instances were for the crime of murder. Excluding these, on average, there were nearly seven individuals punished per event. In the majority of these events, various crimes were punished at the same time.

3.2.3 Type of crimes announced punished

The 71 punishment announcements, published by the Supreme Court during the first year of Sharia law, contained details of the various crimes allegedly committed by citizens. AW analysed the announcements and grouped the offences into five main categories: moral and religious offences, violent crimes, property crimes, drug-related crimes, and miscellaneous offences. These crimes and their assigned categories can be seen in the table below.

Moral and Religious Offences	Violent Crimes
Insulting the Hadith	Murder
Illegal marriage	Armed robbery
Illegal acts	Property Crimes
Sharing immoral pictures online	Robbery
Other corruptions	Break-in
Making alcohol	Trespassing
Drinking alcohol	Drug Related Crimes
Illicit relationship	Drug smuggling
Adultery	Drug sales
Sodomy	Miscellaneous Offences
Immorality	Falsification of documents
Cuckolding	False eyewitness testimony
Attempt to elope	Fraud
Solicitation of prostitution	

Table 3 Summary of the categories and subcategories of offences listed in Sharia punishment announcements by the Taliban's Supreme Court.

Moral and religious offences were by far the type of crime the Taliban administration chose to punish most frequently between 26 October 2022 and 26 October 2023. Crimes in this category were included in almost 63% of Supreme Court announcements, followed by property crimes, which were mentioned in nearly 25% of all cases. Violent crime charges accounted for 8% of the announcements, while drug-related and miscellaneous offences were mentioned in only 2% of Supreme Court publications.

In most announcements, the Supreme Court did not specify the number of individuals punished per offence, with the exception of murder. In nine instances, the Supreme Court announced Sharia punishments sentencing only one person, listing the alleged crime as murder; in these instances, because only one individual was charged per sentence, it was clear that all those charged with murder were male. However, as the majority of punishments were announced in groups, it was often difficult to determine who was being charged with which crimes. This was especially true for women, as there were no instances among the announcements in which only women were charged; as such, it was not possible for AW to determine the offences for which women were most often punished.

Despite this, there were 25 announcements in which only men were charged and assigned punishments. These announcements refer to 28 individuals. Based on these announcements, AW was able to analyse the crimes that men were frequently accused of committing. As can be seen in the chart below, common accusations include murder (nine instances), robbery (seven instances) and sodomy (four instances), followed by illicit relationships, break-ins, adultery and drug sales.

Crimes men were accused of committing

Number of mentions of specific crimes by the Taliban Supreme Court in statements regarding public punishments for male-only groups

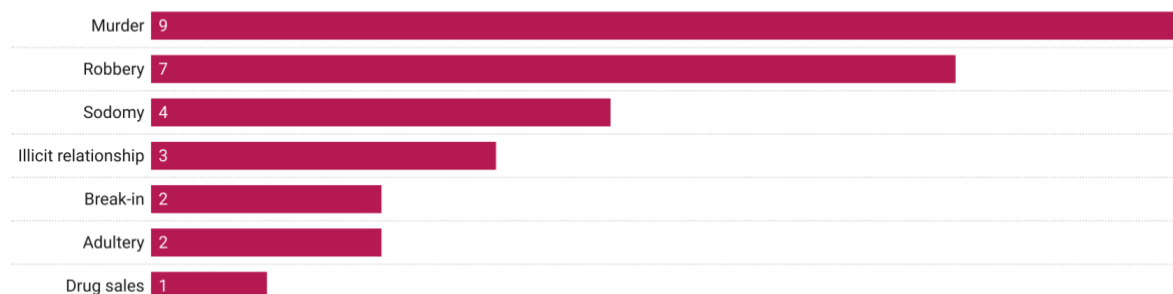


Chart: Afghan Witness • Created with Datawrapper

It is also notable that although crimes including adultery, sodomy, drinking alcohol and armed robbery were reported and punished by the Supreme Court between 26 October 2022 and 26 October 2023, none of these crimes were punished under Hudud. Rather, those accused appear to have received Tazir punishments instead. This suggests that either the burden of evidence required to implement Hudud punishments was not met, or the Taliban have chosen not to implement Hudud punishments. It is possible, however, that Hudud punishments will be forthcoming, based on media reports and sources on the ground; this possibility is examined in the section 3.3 below.

3.2.4 Tazir and Qisas punishments

Of the Supreme Court announcements, 62 out of 71 called for Tazir punishments. As such, 408 of the 417 individuals sentenced during the year were flogged. The remaining nine announcements sentenced individuals to Qisas punishments, commonly referred to as the death penalty or “divine retribution”. However, in seven of these cases, the individual was [reportedly](#) pardoned by the family of the murder victim. The two Qisas cases that resulted in executions occurred in December 2022 in [Farah](#) province and June 2023 in [Laghman](#); the latter case involved the execution of an alleged Taliban member.

It is noteworthy that, during the first year of the implementation of Sharia Law in Afghanistan, all nine Qisas announced were men convicted of murder; moreover, no women were convicted of crimes punishable by Qisas.

3.2.5 Equivalency in punishment for moral and violent crimes

Among the announcements, violent and property-related crimes, such as robbery and armed robbery, appeared to be treated similarly to moral and sexual offences, including adultery and sodomy, although the severity of punishments varied depending on the court issuing the sentence.

For instance, while courts in [Badakhshan](#) and [Kandahar](#) issued sentences of 39 lashes for individuals accused of having illicit relationships, the Alinghar district court, in Laghman province applied the same [sentence](#) of 39 lashes to a man charged with robbery.

Similarly, the crime of sodomy was generally punished with [30-39 lashes](#) and [imprisonment](#). In one [case](#), however, men who were charged with breaking into a house were punished alongside a man charged with sodomy, all receiving the same number of lashes.

None of the announced Sharia punishments ordered by the Supreme Court concerned violent crimes (assault, rape, or murder) committed against female victims, despite AW records documenting widespread claims of violence against women and girls.

3.3 Additional claims of Sharia punishments

This section examines additional claims of Sharia punishments in Afghanistan, identified by AW, beyond those announced by the Supreme Court. While these claims were notable for a number of reasons – including many of them allegedly taking place ahead of the Taliban’s official reinstatement of Sharia punishments – they are also interesting as several appear to refer to Hudud punishments. Although the Taliban’s Supreme Leader Mawlawi Hebatullah Akhundzada directed the Supreme Court to begin implementing Hudud punishments in November 2022, these punishments – including stoning and amputations – have yet to be executed, according to the official narrative.

3.3.1 Claims of Sharia punishment emerging in local media and online

Between December 2021 and late October 2023, AW recorded at least 42 claims concerning alleged Sharia punishments that were not announced by the Supreme Court. Some of these instances appeared to be extrajudicial, while others were allegedly ordered by the Supreme Court.

Of these claims, 23 were recorded before the publication of the first official [announcement](#) of Sharia punishment by the Taliban Supreme Court on X (formerly Twitter) on 15 November 2022. These include at least [three extrajudicial stonings](#), [public humiliations](#), and [lashings](#), allegedly organised by Taliban forces. While it appears that some of these incidents resulted from unofficial field court rulings, some of the remaining punishments – including two claims concerning [amputation](#) and [stoning](#) – were claimed to have been authorised by the Taliban.

For example, on 1 May 2022, it was [reported](#) that the Taliban lashed two women and three men for having illicit relationships in Takhar province. Similarly, on 9 August 2022, several local media outlets [reported](#) that the Taliban publicly lashed two women and three men for committing adultery and theft in Qalat City. Then, on 11 November 2022, the Taliban’s local authorities reportedly [ashed](#) 16 young people, including seven women, in Takhar province for failing to adhere to hijab rules and for “wandering”.

AW also collected at least 34 pieces of visual documentation concerning Sharia punishments, including [four images/videos](#) depicting the public humiliation and [WARNING GRAPHIC] [beating](#) of alleged [gamblers](#) and thieves, some of which [WARNING GRAPHIC] [involve minors](#). Among the collected videos was [footage](#) of the humiliation of musicians who were paraded around, at gunpoint, with their instruments hanging around their necks; they were allegedly sentenced in a field court.

Several of these reports implied that the punishments were ordered by Taliban courts or were carried out on the premises of these judicial institutions. For instance, on 19 September 2022, citing local

sources, Hasht-e Subh, a prominent local news outlet [reported](#) that the Taliban allegedly whipped a man accused of using drugs in front of the people in the appellate court in Ghazni province. In another example, on 10 October 2022, another prominent media outlet, Etilaatroz, [reported](#) that the Taliban city court in Panjshir had sentenced two people accused of stealing to amputation of their hands. The punishment of individuals on the premises of judicial institutions aligns with official narratives of where Sharia punishments are carried out; this is explored below in section 3.4.

3.3.2 Hudud sentences

During the first year of the reinstatement of Sharia punishments, no residents of Afghanistan were officially sentenced to Hudud punishments. Offences punishable by Hudud include adultery, illicit relationships, robbery and drinking alcohol, among others; however, a significant threshold of evidence must be met in order to implement Hudud punishments. When this threshold is not met, some of these offences can be punished with lashing under the Tazir category of punishment, instead of stoning, amputation, or other forms of execution. While it is quite likely there have been cases that have met the criteria required to implement a Hudud punishment, it appears that the Taliban have not officially permitted this form of punishment in the Islamic Emirate of Afghanistan since regaining control of the country in 2021.

Despite the absence of Hudud punishments during the first year of implementation of Sharia law in Afghanistan, sources on the ground told AW that stoning and amputation punishments may surface in the future. One source said that the Supreme Court has sentenced at least one couple, accused of adultery and running away together, to the Hudud punishment of stoning. According to this source, the decision is pending approval from the Supreme Leader before it can be carried out publicly.

Claims of stoning punishments have also surfaced online. In May 2023, two local [media outlets](#) and a [social media user](#) with 29K followers on X (formerly Twitter) claimed that the Supreme Court allegedly issued a stoning sentence to a man and a woman in Bamyan province charged with having an extramarital relationship. As of the time of writing, it has not been confirmed whether this punishment has taken place, and as such, this punishment was not included in the analysis above.

Similarly, in May 2023, a [video](#) posted on the Taliban Supreme Court's YouTube channel announced that the court had issued 37 verdicts of stoning to death and four verdicts of burial under a wall – punishments that often fall under Hudud. Based on the video, however, it is unclear if any of these sentences had been carried out or whether they had simply been announced. As such, they have not been counted in the above analysis. The video is notable, however, as the message from the aligns with other available information on Hudud punishments, suggesting their implementation in Afghanistan is likely imminent.

The Supreme Court has yet to release any official announcements concerning execution by burial under a wall, sometimes [considered](#) a Sharia punishment for homosexuality. Despite this, in August 2023, a homosexual man, living in hiding in Afghanistan, told Radio Azadi that there had been [cases](#) in Herat where the Taliban had killed gay men by collapsing walls on them. These claims remain unverified.

While it is possible that the Taliban have refrained from implementing Hudud punishments, during the first year of the reintroduction of Sharia punishments, in an effort to demonstrate the regime's

moderation and shore up international support, at least two alternative scenarios exist. It is possible the burden of proof to implement a Hudud sentence proved insurmountable between November 2022 and November 2023. The most likely scenario, however, is that Hudud punishments are forthcoming, as they have already been announced in the Supreme Court's video, and that it will be a matter of time until they are implemented.

3.4 Taliban narratives surrounding Sharia punishments

This section discusses the Taliban's communications about Sharia punishments and what is perceived to be the regime's desired narrative surrounding their implementation of Sharia law. Using qualitative and quantitative methods, AW investigators analysed open source materials, including announcements posted by the Supreme Court and content shared by local media outlets about Sharia punishments in Afghanistan.

The section first summarises Supreme Court communications and takes note of the fact that the majority of the information shared by the Court is in Pashto and Dari. Very little content is available in English, suggesting that the Taliban has mainly focused on a domestic audience during its first year of implementing Sharia punishments.

The section then examines the ways that Taliban policies have limited the "public nature" of the Sharia punishments, specifically in terms of the location and publicity around the events. Often, the location in which punishments took place was not disclosed in the Supreme Court announcements. When the location was disclosed, punishments regularly took place within the Supreme Court, in courtyards, or in mosques – venues that enable only a limited audience to witness the punishment. Some punishments, however, were hosted in large stadiums across amongst large audiences. Even in these cases, Taliban control was clear, as very few photos or videos have circulated online depicting these events. It is therefore evident that the Taliban stand firmly in control of what becomes public in Afghanistan in regard to these events. Moreover, although Sharia punishments have historically been synonymous with public spectacles, these punishments have not consistently been implemented in a way that is generally considered to be "public".

The section concludes with a discussion on the significance of Sharia punishment as a religious or ceremonial event and an examination of Taliban efforts to portray the justice system in Afghanistan as fair, righteous and desirable by society.

3.4.1 Supreme Court communications

The Supreme Court has released consistent communications regarding Sharia punishments since mid-November 2022. It posts regular updates regarding its activities, including Sharia punishments that have taken place on its [X account](#) (formerly Twitter) as well as its website. These announcements are also occasionally shared by Taliban spokesperson, Zabihullah Mujahid, and the Department of Information and Culture.

Additionally, the Supreme Court shares weekly updates about organised religious seminars, meetings, and prison visits. It also issues public announcements concerning religious events and incidents

relevant to residents of Afghanistan. For example, following the Herat earthquake in October 2023, the Court [announced](#) the release of 473 prisoners in Herat as a gesture of “compassion”.

In May 2023, the Supreme Court also posted a [video](#) on its YouTube channel, announcing a significant number of sentences¹¹ to be carried out upon receiving approval from the High Council of Leadership. Although the Court’s deputy chief justice noted that some of these verdicts had been carried out, he added that many were still forthcoming.

All Supreme Court communications related to Sharia punishments, including its website, are primarily shared in Pashto and Dari. Meanwhile, international communications about Sharia punishments appear to be limited. Although an English language version of the website exists, most of its content was deleted in 2022; moreover, the first English announcements visible on the website were [added](#) in October and November 2023, roughly a year after Sharia punishments were reinstated. English versions of Supreme Court posts on X (formerly Twitter) were also not available until 19 October 2023, when the Supreme Court [published](#) its first weekly update in English. This may indicate that, at least so far, the announcements have not been aimed at an international audience; this aligns with the Taliban administration’s multiple [requests](#) for non-interference from “[foreigners](#)” and the [international community](#) in Afghanistan’s internal affairs.

3.4.2 Taliban censorship of Sharia punishments

Although at least 71 Sharia punishment events were announced by the Supreme Court and carried out between October 2022 and October 2023, very limited visual evidence has been available online. This is likely, at least partially, the result of a December 2022 announcement prohibiting the use of phones during Sharia punishment events.

On 14 December 2022, a [post](#) on X (formerly Twitter) by the Taliban’s Department of Information and Culture in Helmand, stated that taking pictures during Sharia punishments was “strictly forbidden.” The post added that attendees should refrain from bringing mobile phones or “any other tool that can take pictures” and warned that anyone caught with a phone would be punished.

A month before the announcement was published, sources quoted by Hasht-e Subh [claimed](#) that two individuals in Bamyan who wanted to take pictures during a Sharia punishment on 17 November 2022 were arrested by Taliban forces and taken to an unknown location. It was also [claimed](#) that the Taliban confiscated mobile phones to prevent filming a punishment in September 2022.

Despite the Taliban administration’s attempt to limit the amount of content shared on social media, several photos emerged between [November 2022](#) and [January 2023](#) showing large crowds attending these events. AW investigators [geolocated](#) 10 reported Sharia punishment events in nine provinces, the vast majority of which were held in large open stadiums. Based on these photos, it is clear that these events were attended by hundreds to thousands of individuals.

¹¹ The video announced that the court had issued 75 verdicts of Qisas (retribution), 79 verdicts of diya (paid compensation), and 37 verdicts of rajm (stoning to death). It also sentenced four individuals to be buried under a wall while 103 people were sentenced to “Sharia punishments,” and another 1,562 were sentenced to corporal punishment.

Out of all the content shared on social media, only one [video](#) depicted a punishment taking place. On 17 January 2023, footage emerged on X (formerly Twitter) showing a large number of Taliban members, wearing police uniforms, sitting in a football stadium in Kandahar city, surrounding a group of seven civilians. In the video, a man who appears to be a Taliban member can be seen flogging a man standing in front of the crowd; a screenshot of this video can be seen below.



Figure: Geolocation of the video showing a Taliban member carrying out a lashing sentence during a Sharia punishment event in Kandahar on 17 January 2023 [31.609952, 65.688366].

Beyond prohibiting the recording of Sharia punishments, official communications surrounding these events often provide only limited details concerning those sentenced (as was mentioned in section 3.2). This is especially clear when compared with media articles reporting on the same events. For instance, on 17 November 2022, the Supreme Court [announced](#) that a penalty was imposed on “two criminals” by the head of the Bamyan Provincial Court of Appeal. Meanwhile, an [article](#) published the same day by Hasht-e Subh, reported that the Taliban court had flogged a man and woman – the article including their names – at the Shahid Mazari Stadium in Bamyan for travelling recreationally together and sightseeing.

3.4.3 ‘Public’ locations for punishments

From the 64 Qisas and Tazir punishments announced by the Supreme Court and carried out¹² between October 26 2022 and October 26 2023, the location in which the punishment was held was not disclosed in nearly half (29) of the announcements. In the remaining announcements, 15 punishments took place in stadiums, 10 on the premises of the Supreme court, three in local courtyards or public fields, three in local mosques, and four in other locations¹³.

This is notable as, even when the location was disclosed, Sharia punishments often took place in venues where only a limited audience would be able to witness the punishment, like the Supreme Court, thereby limiting the truly public nature of these events.

According to Supreme Court announcements, punishments were often implemented during meetings, which [usually](#) started with the [recitation of the Quran](#). This was often followed by speeches, concerning [the punishment sentence](#) and the [importance](#) of punishments [“in the Islamic system and the reform of society”](#). Punishments would then be carried out before [ending](#) the meeting [with a prayer](#).

Some announcements also [mentioned](#) reading case summaries alongside policy discussions about security, crime prevention, and [religious matters](#). According to these announcements, officials often [described](#) the implementation of Sharia laws as fulfilling the goals “of the holy struggle.” During these discussions, officials declared that “every criminal will be punished in the courts of the Islamic Emirate,” and referred to the fulfilment of Sharia punishments as a “great achievement”.

Despite the more limited venues in which some of the punishments took place, all punishments allegedly took place in the presence of residents, as well as local, provincial and judicial officials, according to Supreme court announcements.

3.4.4 Sharia punishments as religious ceremony

Within the Taliban’s justice system, Sharia punishments are often presented as a religious ceremony, which aligns with the Islamic notion that many of these punishments are considered to be forms of divine justice. One observed pattern, which illustrates the significance of these punishments is the frequent attendance of national and local Taliban officials, judicial staff, police commanders, intelligence staff, religious scholars, ethnic leaders, and residents. The attendance of these figures adds legitimacy to the punishments, providing implicit religious, administrative, and social approval.

Sharia punishment events involving larger numbers of convicts were reportedly attended by higher-ranking Taliban officials, however, announcements often failed to mention specific names. A full list of attendees, including named Taliban officials, was only provided in the [announcement](#) of the very first Qisas punishment event, in Farah province in December 2022, emphasising the top level support for the policy.

¹² Of the 71 public punishment events announced throughout the year, only 64 were carried out as seven out of the nine Qisas punishments were pardoned. The remaining 62 punishments carried out contained Tazir punishments.

¹³ Additional locations include a space near police headquarters, the place of residence of the alleged criminals, the district headquarters.

Attendees of the Qisas punishment included¹⁴:

- Acting Minister of the Interior Sirajuddin Haqqani,
- Acting Minister of Foreign Affairs Mawlawi Amir Khan Muttaqi,
- Acting Minister of Education Mawlawi Habibullah Agha,
- Acting Minister of Justice Mawlawi Abdul Hakeem Sharai,
- Acting Minister of Vice and Virtue Mohammad Khalid Hanafi,
- Acting Deputy Prime Minister Abdul Ghani Baradar,
- Spokesman of the Islamic Emirate Zabihullah Mujahid,
- President of the Taliban Supreme Court Mawlawi Abdul Hakim Haqqani,
- Chairman of the Supreme Court's Dar al-Ifta, Mufti Aziziullah Mazhari,
- Chairman of the criminal department of the Tamiz Court of Kandahar Mawlawi Abdul Rahman,
- Governor of Herat Sheikh Mawlawi Nur Ahmad Islam Jar,
- Governor of Kandahar, Alhaj Mullah Muhammad Yusuf Wafa,
- Chairman of Kandahar Ulama Council Mawlawi Maluk Shah,
- Hadith teacher of Kandahar Jihadi Madrasa Mawlawi Habibullah,
- The General Manager of Kandahar Airport, Alhaj Fathullah Mansour.

Similarly, announcements of the punishments in [Badakhshan](#) (February 2023), Laghman ([November](#) and [December](#) 2022), and [Jawzjan](#) (December 2022) mentioned that “high-ranking officials” were among the attendees, although no further details were provided. [Judicial officials](#) and [administrative staff](#), local [intelligence directors](#), [religious scholars](#), [scientists](#), local [prison officials and staff](#), [tribal](#) and [ethnic leaders](#), local [Ulema council officials](#), and Taliban officials [affiliated](#) with the Afghan Red Crescent Society were also often among the attendees at punishments, according to Supreme Court documentation.

When fewer individuals were punished, lower ranking Taliban district or province governors, local judicial authorities, local morality police officials and others were often present. For instance, at a Sharia punishment event in the Goshte district of Nangarhar province in December 2022, the Taliban’s local authorities, including their district governor for Goshte, reportedly [attended](#) the event.

The aforementioned [ban](#) on taking pictures and bringing mobile phones or filming devices to the punishments also strengthens the concept of Sharia punishment as a religious ceremony. The ban ensures that the sacred nature of the events is respected and that the attendees view it as an implementation of a religious order rather than as a spectacle to be recorded and shared online. As a result, there is an added element of exclusivity to the events, as those in attendance become the sole audience of the punishments.

3.4.5 Portraying Taliban justice as “fair” and “desired by society”

Taliban communications around law, order and punishments have consistently sought to depict the group’s justice system as fair, righteous, and legitimate. As part of this, the group has publicised

¹⁴ Full list of attendees available in annex.

announcements emphasising due process and judicial norms, through official channels like the Supreme Court, as well as through broader media.

For example, in June 2023, Radio Azadi [reported](#) that the Taliban's Supreme Leader, Mawlawi Hebatullah Akhundzada, ordered members of his government not to punish any criminal without a court order. Moreover, Supreme Court announcements of Sharia punishments often highlight judicial processes, and claim that suspects confess to their crimes [without force](#), [coercion](#) or [reluctance](#).

One Supreme Court [announcement](#), concerning a Qisas punishment from June 2023, noted that the case was reviewed by three courts and religious scholars before being presented to the leader of the Islamic Emirate of Afghanistan for approval. In another case, the [announcement](#) of a Tazir punishment for theft and moral crimes – including running away from home and posting “obscene” pictures online – noted that the case was “investigated by the penal and public security courts”.

Announcements of Sharia punishments also appear to be presented as moral lessons and examples for society to follow. One Supreme Court [announcement](#) emphasised punishments as both a “means of admonition for criminals” as well as a “lesson for others”. [Others](#) have [characterised](#) the punishments as “warnings” for criminals and [teachings](#) for [society](#) at large. These communications often [include](#) promises about the prevention of “immorality, corruption, obscenity and crimes” in Afghanistan. For example, one announcement [claimed](#): “With this [punishment], God willing, any kind of [moral] corruption will be prevented”. Based on these communications, it is clear that the Taliban have aimed to project Sharia punishments as a strategy for crime prevention.

Elements of fairness and forgiveness are also evident in the treatment of the nine Qisas punishments issued by the Supreme Court. While the first Qisas punishment was announced and implemented by the Court in December 2022 in Farah, the second punishment, announced shortly thereafter, was pardoned as the alleged murder was [pardoned](#) by the deputy governor of Jawzjan¹⁵, demonstrating the potential of forgiveness in Sharia law. Following this, out of the remaining seven Qisas issued for murder, six were pardoned by the victim's family. The second Qisas carried out – in June 2023 in Laghman – was reportedly against a Taliban member, supporting the narrative that justice will be applied to all. Some of the Supreme Court announcements mentioned negotiations with the family of the murdered individual, often resulting in an official pardon.

Communications issued by the Supreme Court have sought to demonstrate societal support of Sharia punishments. In [several](#) announcements, the Supreme Court mentioned society's satisfaction, claiming “all those present expressed their happiness and thanked Allah for giving us the Islamic system”. The Court has also [claimed](#) that public punishments were “the will of the people” and desired by the citizens of Afghanistan.

Since the official re-establishment of Sharia punishments in Afghanistan, Supreme Court communications have sought to legitimise the Taliban's system of law and order. Through its announcements, the Court has aimed to demonstrate that it is on a righteous mission of Sharia implementation, aiming to eradicate moral corruption, and framing the punishments as a warning for criminals and a deterrent to crime for society at large.

¹⁵ According to the announcement, the man sentenced to the Qisas punishment had killed the father of the deputy governor of Jazwan.

3.5 Commentary and criticism of Sharia punishments

This section examines various groups' positions following the Taliban's enforcement of Sharia law in Afghanistan. It first covers anti-Taliban commentary before examining pro-Taliban groups as well as broader, societal reactions.

3.5.1 Anti-Taliban commentary

As a primary critic, the Islamic State group has consistently sought to discredit the Islamic Emirate of Afghanistan by [labelling](#) it an apostate Taliban militia, undermining the Taliban's claim of being a legitimate "Islamic" government.

Following the Taliban's rise to power in August 2021, Islamic State Khorasan Province (ISKP) criticised the delayed or modified implementation of Sharia punishments, such as Hudud and Qisas¹⁶, in Afghanistan. In issue two of the Voice of Khorasan magazine, published by ISKP-affiliated Al Azaim media in March 2022, an article titled "Why Khalifa is our Only Choice?" stated that the Islamic State was the only organisation in the world implementing valid Islamic law. The article cited the group's implementation of Hudud punishments.

After the Taliban [announced](#) the implementation of Sharia punishments in mid-November 2022, ISKP ridiculed the Taliban's Supreme Court's punishments, labelling them as "drama" rather than actual Hudud. ISKP argue that the Taliban's Sharia punishments serve two primary purposes: first, to persuade Western allies that they follow a moderate version of Sharia; and second, to convince their followers and the general Muslim population that their interpretation of Islam is pure, discouraging support for groups like the Islamic State¹⁷.

In Issue 14 of the Voice of Khorasan magazine in Pashto (28 November 2022), Issue 21 in English (February 2023), and Issue 4 in Arabic (February 2023), ISKP ran articles with the same title, "Allah's Hudud and Taliban's Drama." This article claimed that the Taliban's punishments were not based on Sharia principles, and rather, insisted that Taliban punishments aimed to deceive the public. Referring to the Supreme Court's [declaration](#) on the punishment of 14 individuals, including three women, in Logar province on 23 November 2022, ISKP questioned which Sharia punishment prescribes 21 lashes for adultery and robbery and 39 lashes for sodomy. In the article, ISKP then provided detailed explanations of Hudud punishments for the aforementioned crimes, including stoning and 100 lashes, respectively, for married and unmarried adulterers, amputation for robbers, and being thrown from a height to death, for homosexuality (sodomy)¹⁸.

In Issue 29 of the Voice of Khorasan magazine, released in October 2023, an article titled "Umari Justice or Haibati Ignorance" suggested the Taliban had double standards for the implementation of Sharia punishments. It questioned why some senior Taliban members accused of crimes, such as

¹⁶ Hudud refers to fixed Islamic punishments for specific offences, while Qisas relates to the principle of retaliation or equal punishment for crimes in Islamic law.

¹⁷ Voice of Khorasan magazine, English, issue 21, Feb. 2023, Allah's Hudud and Taliban's Drama, page 31.

¹⁸ Voice of Khorasan magazine, Pashto, issue 14, Nov. 2022, Allah's Hudud and Taliban's Drama, pages 32-40.

rape¹⁹, adultery²⁰, and moral corruption²¹ were spared from Sharia punishments while those not affiliated with the Taliban were punished.

ISKP also argued that the Taliban were refraining from enforcing Hudud punishments based on the Doha agreement signed with the United States in 2020, and their desire for international recognition of their regime. According to ISKP, in Doha, the Taliban received a USA-designed democratic project that the regime was expected to implement under the guise of an Islamic system. Allegedly, instead of publicly stoning those who commit adultery and amputating the hands of robbers – actions that would lead to international backlash – under this project the Taliban would opt for lashing as a form of punishment instead²². AW investigators found no evidence in the [text](#) of the Doha Agreement, signed between the Taliban and the United States on 29 February 2020, to support ISKP's claim.



Figure: Screenshots from Voice of Khorasan magazines featuring content on the Taliban's Sharia punishments

3.5.2 Pro-Taliban commentary

Al Qaeda

In an [Eid message](#) published on the group's official website, Sahab Media, in April 2023, Al Qaeda in the Indian Subcontinent (AQIS) praised the Taliban for establishing the only true Sharia-based Islamic regime in the world. The group said: "This is the second Eid al-Fitr when, after a century, the Sharia

¹⁹ Saeed Khosty, the former spokesperson for the Ministry of the Interior was [accused](#) of raping a former medical student in 2022.

²⁰ Abdul Ghani Haqbin, the former head of counter-terrorism in Kandahar province, was [charged](#) with adultery and briefly sent to prison, although he was released earlier in 2023.

²¹ The brother of the head of Kabul's passport department was [accused](#) of moral and corruption charges, for allegedly obtaining passports for individuals in exchange for bribes.

²² Voice of Khorasan magazine, Pashto, issue 21, Apr. 2023, Editorial, page 3.

of the Prophet Muhammad has been established in a country of the believers; Hudud is enforced, the system of Salah and Zakah prevails, and Islamic Hijab is implemented in reality and principle.”

After the Taliban seized control of Kabul, Al Qaeda praised and congratulated the regime on their successful restoration in Afghanistan, referencing the restoration of Sharia law in the country. In a [statement](#), Al Qaeda called “upon the Afghan nation to abide by the decisions and Shariah-based policies of the blessed Islamic Emirate.”

Historically, Al Qaeda has sworn fealty to the Taliban. In the 1990s, under the leadership of Osama Bin Laden, the group [pledged allegiance](#) to the Taliban. This pledge has been regularly renewed over the past 30 years, and despite the Taliban vowing to prevent Al Qaeda or other terrorist organisations from operating in Afghanistan in the Doha agreement 2020, and again after assuming control of Kabul in 2021, the Taliban does not appear to have rejected the group.

Hizb ut-Tahrir

In early November 2022, prior to the Taliban’s announcement that it was reinstating Sharia punishments, Hizb ut-Tahrir (HuT), a group that has historically supported the Taliban, [criticised](#) the regime for failing to enforce Sharia punishments in response to the kidnapping of two young girls in Kandahar.

This criticism, however, was short lived. The following month, in December 2022, HuT [praised](#) the Taliban for implementing Sharia punishments across Afghanistan. The group told the Taliban not to heed human rights defenders or UN complaints but to fully implement Islamic Sharia in all aspects of governance, encouraging the regime to expand and entrench their guiding Sharia principles.

Previously, upon the Taliban’s seizure of Kabul, on 15 August 2021, HuT’s Afghanistan-based media office [issued](#) a press release stating: “Afghanistan is in a historic trial between establishing a Caliphate or moving towards human-made systems.” It also urged Taliban leaders and influential Afghan figures not to waste time and move towards establishing the Caliphate.

Days later, on 31 August 2021, HuT’s central media office [issued](#) a congratulatory message to the Afghan people on the Taliban’s victory, highlighting that while Afghan history demonstrates success against occupation, it also presents governance challenges. The message further stressed the Afghan people’s desire for an Islamic state, based on Islamic principles; it also emphasised the failures of past regimes, largely due to corruption and a failure to adhere to these principles. The message then urged Taliban leaders and Mujahideen to serve as role models for other Jihadist groups, claiming that an Islamic State in Afghanistan could bring positive regional and global change.

The Tehreek-e-Taliban Pakistan (TTP)

Although TTP have not explicitly commented on the Taliban’s implementation of Sharia punishments, on various occasions, two senior TTP leaders [called](#) the Taliban regime in Afghanistan “the world’s only pure Islamic government,” implying support for the Taliban’s system of law and order. The group previously [congratulated](#) the Taliban on their control of Afghanistan, characterising it as a victory for the entire Islamic world.

Jamaat Ansarullah or Tehreek-e-Taliban Tajikistan (TTT)

A [video](#) message released by a Jamaat Ansarullah propagandist claimed that Afghanistan was the only country in the world in which Sharia law, and therefore Sharia punishments prevail. Abu Abdullah Muhajir, a Jamaat Ansarullah propagandist, posted his video message on Telegram and YouTube in September 2023; in it, he added that Afghanistan could serve as a model for neighbouring countries.

Similarly, in other propaganda messages, the group, which has historically [remained](#) close with the Taliban, often fighting alongside the Taliban, named the Taliban's Islamic Emirate as a model for Islamic regimes worldwide.

3.5.3 Other views on Sharia punishments in Afghanistan

The Taliban's announcement of the reinstatement of Sharia punishments in Afghanistan drew criticism from several ex-lawmakers, non-Taliban religious scholars and legal experts across the country. These groups [claim](#) that the Taliban lacks the legitimacy to enforce Sharia penalties, based on the suspension of the republican government's constitution (and the lack of an active constitution), and the absence of a transparent and accountable political system; they claim this is underscored by the dismissal of professional judges, prosecutors and lawyers across the country.

Salahuddin Saeedi, an Afghan religious scholar [told](#) Radio Free Europe that the Taliban's attempted implementation of Sharia punishments was a "propaganda stunt," adding that Hudood punishments could only be handed down under strict conditions of Islamic law – conditions he claims the Taliban have failed to meet. Moreover, religious and legal experts also argue that the Taliban regularly violate Islamic principles by eliciting confessions through torture.

Although visual evidence is limited, [photos](#) and [videos](#) depicting some Taliban-administered Sharia punishments in Afghanistan have revealed the scale of attendance at these events, with hundreds to thousands of Afghan residents in audiences across the country. Following a punishment event in [Kandahar](#) on 17 January 2023, where nine individuals were punished, [some](#) Afghan [journalists](#) expressed their disapproval of the public's fascination with the Taliban's punitive spectacle, sharing photos of residents perched in trees, attempting to watch the lashings taking place in the stadium. These journalists also mention that viewing punishments remains one of the few forms of "entertainment" remaining under Taliban rule in Afghanistan.

4 Conclusion

This report has examined the Taliban's implementation of Sharia punishments in Afghanistan over the period of 26 October 2022 through to 26 October 2023. This period approximates to one year of carrying out these punishments, as recorded by Supreme Court announcements. While the Court did not officially announce the reintroduction of Sharia punishments until mid-November 2022, following a meeting between the Taliban's Supreme Leader Mawlawi Hebatullah Akhundzada and judges throughout the country, it proceeded to report punishments that had taken place prior to this announcement, dating back to 26 October 2023.

Based on these communications, AW investigators recorded 71 announcements of Sharia punishment, assigned to 417 individuals. These punishments were carried out in 22 of Afghanistan's 34 provinces. During the first year of Sharia punishments, more men were punished relative to women; where a gender breakdown of those punished, an analysis of the data revealed that that 220 men were punished compared with just 57 women.

Although the crimes punished under Sharia law during the year covered a broad spectrum, moral and religious crimes were punished most frequently. These offences were mentioned in 63% of Supreme Court announcements regarding Sharia punishments, followed by property crimes, which were mentioned in nearly a quarter of all cases, and violent crimes, which accounted for just 8% of the punishment announcements.

The vast majority of the punishments issued over the period – 62 out of 71 – fell under the Tazir category of Sharia law: discretionary punishments not specified in religious texts, determined by the courts. These punishments often took the form of lashing or public humiliation. The remaining nine punishments announced fell under the category of Qisas: retributive justice, often taking the form of the death penalty for the crime of murder; while two of these sentences were carried out – in December 2022 and June 2023) – the remaining seven were pardoned.

It is notable that more than half of the punishments recorded by AW took place in December 2022, with November 2022 registering the second highest frequency of punishments executed during the year. This potentially indicates a backlog of cases as the implementation of punishments began.

It is also notable that very little visual evidence has emerged from the Taliban's first year of implementing Sharia punishments. It is likely that this is largely due to Taliban restrictions that prohibit any form of recording of the Sharia punishment events. It is also possible that the venues in which the punishments take place have become increasingly less public; although some Sharia punishment events took place in stadiums across the country, many were executed in the Supreme Court, in local mosques and locations that would only accommodate limited audiences.

AW investigators identified at least 42 claims from local media and social media regarding Sharia punishments not mentioned in the Supreme Court announcements. While many of these claims occurred before the official reintroduction of Sharia law, several have been reported since November 2022. Many of these reports suggest that unofficial field courts continue to implement Sharia punishments, in the absence of due process.

This report also examined the way in which the Taliban framed public punishments in Afghanistan. Supreme Court announcements appear to aim to portray the Taliban's judicial system as fair and righteous, emphasising due process in punishment announcements alongside claims that the punishments represent the "will of the people".

Commentary and criticism of the Taliban's implementation of Sharia punishments was also considered. While ISKP accused the Taliban of being too lenient and failing to apply Sharia to the fullest extent of the law, which in the terror group's view would require implementing Hudud punishments of stonings and amputations. ISKP also accused the Taliban of implementing lesser

punishments in an effort to appease Western leaders, demonstrating the regime's "moderation" in hopes of securing international legitimacy. Other groups, however, were more supportive of the Taliban's actions. Al Qaeda in the Indian Subcontinent and Hizb ut-Tahrir both praised the Taliban for their enforcement of Sharia punishments and establishing what they consider to be the only true Sharia-based Islamic regime in the world.

While it is possible that the Taliban have held off on implementing more severe Sharia punishments, specifically stonings and amputations under Hudud, to shore up international support, this seems unlikely. Based on Supreme Court communications regarding punishments yet to take place, as well as reports in local media and on social media, it seems more likely that the execution of Hudud punishments in Afghanistan is imminent.

Annex

List of attendees of the first Qisas punishment in Farah province, December 2022

The President of the Supreme Court and Chief Justice Sheikh Al-Hadith Maulvi Abdul Hakim Haqqani

Deputy Minister of Economy, Honourable Alhaj Mulla Abdul Ghani Baradar,

Deputy Supreme Court Justice and Head of Tamiz of the South West Zone, Sheikh Al-Hadith Maulvi Sardar Muhammad,

Military Deputy of the Supreme Court Sheikh Al-Hadith Maulvi Khairjan,

Honourable Minister of Interior Khalifa Sahib Sirajuddin Haqqani,

Honourable Sheikh Al-Hadith Maulvi Muhammad Khalid Hanafi,

Minister of Justice Honourable Sheikh Al-Hadith Maulvi Abdul Hakeem Sharia,

Minister of Foreign Affairs Honourable Maulvi Amir Khan Muttaqi,

Minister of Education Honourable Sheikh Al Hadith Maulvi Habibullah Agha,

Chairman of the Supreme Court Dar al-Ifta Sheikh Al Hadith Mufti Azizullah Mazhari

Spokesman of the Islamic Emirate Zabihullah Mujahid

Chairman of Kandahar Ulema Council Sheikh Al-Hadith Maulvi Maluk Shah,

Chairman of the Criminal Court of Kandahar Sheikh Al-Hadith Maulvi Abdul Rahman

Hadith teacher of Kandahar Jihadi Madrasa Sheikh Al-Hadith Maulvi Habibullah,

Governor of Herat Sheikh Maulvi Nur Ahmad Islam Jar

Deputy Governor of Farah Maulvi Abdul Karim Jihadyar Mawlavi Abdul Hakim

The head of the office of Amirul Momineen, Mawlavi Ahmad Jan Bilal,

The head of the Office of the Commander of the Faithful, Mawlavi Ahmed Jan Bilal,

The Governor of Kandahar, Alhaj Mullah Muhammad Yusuf Wafa,
The General Manager of Kandahar Airport, Alhaj Fathullah Mansour,
Many other officials of the Islamic Emirate of Afghanistan also participated.



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