

Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives

They fear that they or their loved ones could be tracked down and killed because of their work delivering justice to women. “We have lost everything — our jobs, our homes, the way we lived.”

By David Zucchino

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When Nabila was a judge in Afghanistan’s Supreme Court, she granted divorces to women whose husbands were sometimes jailed for assaulting or kidnapping them. Some of the men threatened to kill her after they had served their time, she said.

In mid-August, as the Taliban poured into Kabul and seized power, hundreds of prisoners were set free. Men once sentenced in Nabila’s courtroom were among them, according to the judge. Like the other women interviewed for this article, her full name has been withheld for her protection.

Within days, Nabila said, she began receiving death threat calls from former prisoners. She moved out of her house in Kabul and went into hiding as she sought ways to leave Afghanistan with her husband and three young daughters.

“I lost my job and now I can’t even go outside or do anything freely because I fear these freed prisoners,” Nabila said by phone from a safe house. “A dark future is awaiting everyone in Afghanistan, especially female judges.”

More than 200 female judges remain in Afghanistan, many of them under threat and in hiding, according to the International Association of Women Judges. Taliban officials have recovered their personal information from court records, several former judges said, and some have had their bank accounts frozen.

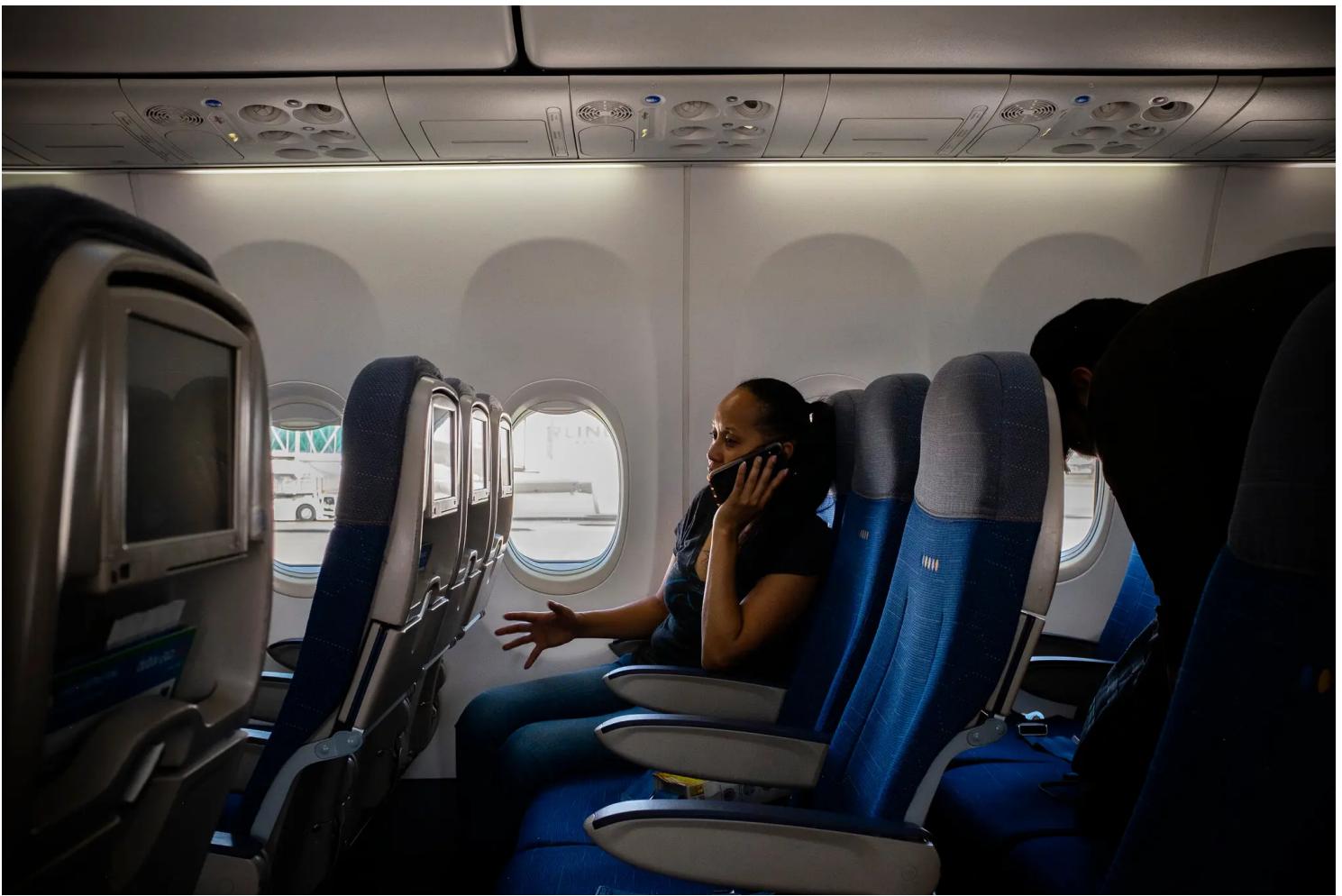
“They are women who had the effrontery to sit in judgment on men,” said Susan Glazebrook, president of the judges’ association and a justice of the Supreme Court in New Zealand.

“The women judges of Afghanistan are under threat for applying the law,” she added. “They are under threat because they have made rulings in favor of women according to law in family violence, custody and divorce cases.”

The plight of female judges and lawyers is one more example of the Taliban’s systematic unraveling of gains made by women over the past two decades. Female judges and lawyers have left the courts under Taliban pressure, abruptly erasing one of the signal achievements of the United States and allied nations since 2001.

The women have not only lost their jobs, but also live in a state of perpetual fear that they or their loved ones could be tracked down and killed.

“Afghanistan is an open-air prison for these women,” said Kimberley Motley, an American lawyer who has worked in Afghanistan for several years. She said she is representing 13 female lawyers and judges who are trying to leave the country.



"Afghanistan is an open-air prison for these women," Kimberley Motley, an American lawyer who has worked in the country for several years, said of female judges and lawyers. Kiana Hayeri for The New York Times

A Taliban spokesman, Bilal Karimi, said no decision had been made about a future role for female judges and lawyers.

"Right now, they are on hold," Mr. Karimi said.

But the judges and lawyers say they have been effectively fired because it is too dangerous for them to continue their work, given the Taliban's disapproval of women who sit in judgment of men.

"Women judging men is anathema to the Taliban," Justice Glazebrook said.

Before the Taliban takeover, more than 270 female judges served in Afghanistan's corrupt, male-dominated justice system. Special courts with female judges, along with special police units and prosecution offices, were set up in many places to handle cases of violence against women. A little more than a decade ago, nearly 90 percent of women experienced some form of domestic abuse in their lifetime, according to a 2008 study by the United States Institute of Peace.

These judges helped to bring some reform to many courts, particularly in urban areas, delivering justice to growing numbers of women and girls beaten and abused by husbands or male relatives.

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The women defied a legal system that favored husbands, granting divorces to Afghan wives who in many cases would previously have been doomed to stay in abusive marriages. Among those now in hiding are former lawyers and judges who defended abused women or pursued cases against men accused of beating, kidnapping or raping women and girls.

Now many former judges and lawyers said their relatives or neighbors have been beaten or accosted by men demanding to know the women's whereabouts.

"We have lost everything — our jobs, our homes, the way we lived — and we are terrified," said Wahida, 28, a former judge.

Behista, 25, a former defense lawyer who represented victims of domestic abuse, said she had not left her home in Kabul since the Taliban takeover on Aug. 15. She is trying to leave Afghanistan with her mother and two brothers, one of them a former government soldier, she said.

"I lost my job, and now my whole family is at risk, not just me," Behista said.



"I lost my job, and now my whole family is at risk, not just me," said Behista, a former defense lawyer who hasn't left her home since the Taliban takeover. Kiana Hayeri for The New York Times

Nabila said she continued to receive threats even after replacing the SIM card in her cellphone.

Even before the Taliban takeover, female judges and lawyers were sometimes threatened or attacked. In January, two female judges on the Afghan Supreme Court were shot and killed on their way to work in Kabul.

Understand the Taliban Takeover in Afghanistan

Who are the Taliban? The Taliban arose in 1994 amid the turmoil that came after the withdrawal of Soviet forces from Afghanistan in 1989. They used brutal public punishments, including floggings, amputations and mass executions, to enforce their rules. Here's more on their origin story and their record as rulers.

Male judges and police officers often resisted reforms to the justice system, and pressured women to rescind their complaints from the court. A Human Rights Watch report released in August said the system had failed to provide accountability for violence against women and girls and had undermined progress to protect women's rights.

The report said landmark legislation passed in 2009, the Elimination of Violence Against Women law, was often sabotaged by male officials despite some progress in bringing justice to victims under the law.

Now, many female former judges and lawyers who were responsible for this progress are not able to evacuate because they do not have national ID cards or passports, said Ms. Motley, the American lawyer. According to the World Bank, more than half of all Afghan women lack national ID cards compared with about 6 percent of men. And for many of the women who do have documents, theirs efforts to escape are complicated by a husband or child who does not.

To assist Afghan women, Ms. Motley suggested reviving Nansen Passports, first issued in 1922 to refugees and stateless people after World War I and the Russian Revolution.

Some female judges and lawyers have managed to escape Afghanistan. Polish authorities recently helped 20 women and their families leave, Justice Glazebrook said, and 24 female judges have been evacuated to Greece since August, according to the Greek foreign ministry.



The funeral of a female judge in Kabul in January. Even before the Taliban takeover, female judges and lawyers were sometimes threatened or attacked. Hedayatullah Amid/EPA, via Shutterstock

Friba, 40, was an appeals court judge from Mazar-i-Sharif, a city in Afghanistan's north, before she fled to Greece. She has convicted numerous men for domestic violence and also presided over the trial of two Taliban members found guilty for the November 2016 suicide bomb attack on the German consulate.

"I was getting threats for the past five years," Friba said.

In 2014, she secured a divorce for her sister who had been forced to marry a Talib at age 17 under the movement's first regime. Her sister has since fled to Egypt with their three children. "He is still after her," she said.

Mr. Karimi, a member of the Taliban cultural commission, denied that the former judges and lawyers were at risk. He said they were covered by a general amnesty for all Afghans who served the previous government.

"To those people who are living in hiding: We are telling them that they should feel free, we won't do anything to you," Mr. Karimi said. "It's their own country. They can live very freely and easily."

Justice Glazebrook rejected this.

"These women believed in their country, believed in human rights and believed in the importance of the rule of law and their duty to uphold it," she said.

As a result, she said, "They are at risk of losing their lives."



The site where two female judges were shot and killed on their way to work in Kabul in January. Wakil Kohsar/Agence France-Presse — Getty Images

Niki Kitsantonis contributed reporting from Athens, and Ruhullah Khapalwak from Vancouver.