

AFGHAN WOMEN JUDGES: CHANGES TO LIFE CIRCUMSTANCES AFTER TALIBAN SEIZED AFGHANISTAN

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I was a judge for three years at the primary court of elimination of violence against women in the Herat province, Afghanistan. Then, the Supreme Court of the Islamic Republic of Afghanistan announced that there was a need for some women to go to provinces where there are no women judges. I went to Nangarhar province as the first woman judge and worked there until Afghanistan was seized by the Taliban and I fled to Kabul. In Kabul, I confronted challenges such as: losing freedom, security issues, lack of accommodation, and loss of income. As an Afghan woman judge, everything was over for me in my own country. Without committing any crime, I had to live as a prisoner. Fortunately, I am a member of the Afghan Women Judges Association, an organisation affiliated with the International Association of Women Judges (IAWJ). With the assistance of IAWJ, I was evacuated to Greece. After two months in Greece, I received a visa for New Zealand. It is almost seven months since I started living here in New Zealand. I have found New Zealand the most lovely and beautiful country and New Zealanders the kindest and most helpful people I have ever seen in my life.

I was born in a village of the Jaghori District, Ghazni province, located in the central part of Afghanistan. I was the fifth child of the family. My mother is uneducated, as are all women of her generation in the village. My father has only primary education. My parents did not have the opportunity to go to school, so their desire was to support all their children to be educated. As I was growing up, the Taliban ruled Afghanistan, so I was not allowed to go to school. When the Taliban collapsed in 2001, I, and all the girls of the village, started going to school. After primary school my father decided to move us to Kabul, so we could have better educational facilities. I studied law and political science in Kabul and graduated in 2013 from the Law Faculty of Kabul University.

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I had wanted to study law from the time I was growing up because I saw so much discrimination between men and women and I wanted to know the reasons for gender-based discrimination. For example, my mother worked all day at home and yet my father got more privileges. He was the house owner even though my mom is the one who looked after it. I saw the same situation for all women in my village. My mother raised us, but her name was not there on my identity card. It seemed so unfair to me.

In 2015, when I told my friends and community I wanted to be a judge, they all laughed at me and said that a woman cannot become a judge. There were also difficulties because I am from the Hazara ethnicity, and there are always barriers for Hazara people to reach high governmental levels. The Hazara ethnic group, which makes up 22 per cent of Afghanistan's population, is Shia. Hazara communities are discriminated against and have been targeted by the Taliban and other terrorist groups. My father was the one who supported me the most to attend the judicial training exam. I did the exam and passed. After two years of full-time judicial training, I became a judge. I worked for three years at the primary court of elimination of violence against women in the Herat province.

Then the Supreme Court announced that there was a need for some women to go to provinces where there were no women judges. I decided to go to Nangarhar province. Nangarhar is one of the eastern provinces of Afghanistan and had been a safe place for ISIS and the Taliban. In Nangarhar all people speak Pashto, yet I speak Farsi. Nangarhar is a dangerous place for the Hazara people, because we are Shia and we are considered by many in that province to be enemies. I knew women in Nangarhar needed a woman judge. That was my motivation. And that is why I went as the first woman judge to Nangarhar.

At the first day of my work at Nangarhar court, my colleagues, who all were men, told me that I had to cover up my face, I said no problem. My colleagues also told me they did not think I could survive as a judge in Nangarhar because people might not accept a woman judge there, and that I would also face security challenges. I said I will work here for some days, and if I can't continue, then I will inform the Supreme Court. After some weeks there, they gradually accepted me. Women who came to my office were very happy that I was there for them. During my time with the court, I tried many dangerous criminals such as murderers who belonged to the Taliban and other

terrorist groups. I also tried many rape cases and sentenced many offenders in relation to family violence.

On 20 July 2021, in our normal monthly meeting of all judges, I entered in the room as usual. Suddenly, two of the judges, wearing turbans and using kohl on their eyes as the Taliban do, stood up and said:

Islam and Sharia law does not allow a woman to be a judge. We as Islamic judges do not want to participate in a meeting with a woman. She should leave the meeting and the court or we will do it.

They then left the meeting. I was shocked and frightened. I could not believe it. They were my colleagues. How had they changed from a judge to a Talib? Their behaviour was a clear alarm for me: “leave the job and save your life”. Life changed very quickly.

When the Taliban took control of Nangarhar province, I fled to Kabul with my family. During this time I received many threatening phone calls from an anonymous person. I knew this was a dangerous criminal who had killed his wife and I had punished him with 20 years in jail. He had been released from prison by the Taliban. My family and I were very scared. We changed our location several times, staying with relatives.

To make matters worse, I gave interviews to Western media about the situation of women judges and one media outlet mentioned my name and job location in its report. After that, I received many more threats from the Taliban and a judge who had been appointed by the Taliban called me and said, “You spoke against the Taliban and our government in international media, and we will punish you”.

My family and I experienced many hardships, losing our freedom, security, home, job and income. As a woman judge, my family and I were fleeing from one place to another to protect our lives from the Taliban and the freed prisoners. Living secretly and trying not to be seen in any place is not easy. However, it was harder for my then 19-month-old son to live as a prisoner and not go out. I was feeling hopeless about my future. In fact, as an Afghan woman judge, everything was over for me in my own country. Without committing any crime, I had to live as a prisoner. I thought that there was no one to help me. I was sure that the Taliban or a freed prisoner would find me and kill me very soon. I was regretting being a mother and having a

small child. He was being punished because of his mother's job. I know that hopelessness and not having a bright future is scary.

One night the Taliban came to the house of my mother-in-law, where we were staying, and said they had to search the house. She told them, "No man is in my home, and I will not let you to enter my house". They initially insisted but eventually they left but said they would be back. At midnight I left the house with my spouse and child and went to a remote area of Kabul. We had no money or access to the bank, and we were unable to go out to buy necessities.

Fortunately, I am a member of the Afghan Women Judges Association, an affiliated organisation with the International Association of Women Judges (IAWJ). I shared my problem with the IAWJ and they arranged for us to move to a safe place. The safe house was a calm and good place. I did not have freedom there but had the security that was very important for me. I lived there for almost 20 days. There I thought about the people who helped me. I did not know these people and did not know who they were, but they made me believe that humanity is still alive. They brought me hope and positive thoughts about my future.

Finally, I received an email from IAWJ about our evacuation date. With my small family and the families of many other judges, I left Kabul in October 2021 to go to Mazar, in the North of Afghanistan. Although the buses were stopped at many Taliban checkpoints along the way, fortunately they did not recognise us. We stayed in Mazar for two days and then received a letter from IAWJ that we were to take a flight to Greece. When I saw the letter, tears rolled from my eyes down my face. I could not believe it. I thought of it as a dream, not real. That letter meant the end of hardship and the start of a bright future for my small family and me. It was not just me who was happy and crying; all the judges and their families were crying from happiness.

My son was sleeping in my arms. I was on a vast airplane moving from Mazar airport to Athens International Airport. Everyone was happy and proud on the airplane. I looked at the face of my son; he seemed happy as well. He was smiling at me as he slept. Suddenly I thought about my family left behind in Afghanistan. My mother, father, sisters, brothers, cousins, mother-in-law, and sister-in-law. Again tears ran down my face. I could not see them before I left Kabul because I was in the safe house and not allowed to meet them. What about my family in Afghanistan? They are still under threat from the Taliban.

Life is not easy under the control of terrorist groups, especially for my people of the Hazara minority group. Moreover, I was feeling guilty. By living in their houses, I put them in more danger. The Taliban know my family and can harm them at any time. I wiped my face and tried to be positive.

It was night when we arrived in Athens, Greece. Many people in the airport were ready to help us. The representatives of the International Bar Association (IBA), who had arranged the flight, and other volunteers moved the families to hotels. It was around 3.00 am when we got to the hotel. Up to that time, the volunteers had been awake and doing their best to make our way easy. And that continued with the representatives of IBA, with many volunteers tirelessly trying day and night to provide for our needs.

I did not at that stage know where I would go from Greece and which country would be my son's future, but I was happy and full of energy to start a new life soon in a new country. I am committed to serving humanity forever and being as kind as the people helping me.

I currently am worried about my family and all my colleagues still trapped in Afghanistan and I really feel the sadness of all the girls left in Afghanistan who now cannot go to school. Twenty years ago, this was me, because the Taliban did not allow us to go to school. I remember watching, from a hill near my house, the boys getting to go to school and all I wanted was to have the opportunity to go to school as boys did. Finally, my dreams turned to reality the day the Taliban was ousted by the United States army. I still remember the words of my father who finally said that I can go to school. It was such a wonderful feeling for me. Now 20 years later we are back in the same place again. The Taliban have closed the school doors to girls once more. Now our new generation are in the same situation as I was 20 years ago, feeling hopeless and living as prisoners at their own homes. I cannot forgive the politicians for this; they are responsible for every drop of tears of these innocent girls. They are responsible for all the bad days that Afghan women experience under the Taliban government.

It has been almost seven months that we have been living here in New Zealand. I have found New Zealand the most lovely and beautiful country and New Zealanders the most kind and helpful people I have ever seen in my life. I am really grateful to those who helped us to start our new life here. Life is going on and everything changes, the only thing that remains with us is the memories of good people.