

From: [IBA President - Sternford Moyo](#)
To:
Subject: Afghanistan – Some good news and an appeal by the President of the Afghanistan Independent Bar Association
Date: Wednesday, 15 June 2022 2:49:59 am

International Bar Association



International Bar Association
the global voice of the legal profession

Afghanistan appeal update

Tuesday 14 June 2022

Dear Friend,

We are writing to update you on the evacuation and resettlement efforts relating to the 15 Afghan individuals at risk of persecution and retribution by the current regime in Afghanistan because of their work related to protecting and promoting the rule of law and human rights under the auspices of the Afghanistan Independent Bar Association (Afghan Bar), which was established in 2008 by the IBA in consultation with Afghan lawyers. **Also, appended, beneath the signatures, is a letter to you from the President of the Afghan Bar, Ruhullah Qarizada.**

Of the 15 individuals and their young families, nine have been evacuated to Albania, Canada, Dubai, France, Greece and the United Kingdom. Their statuses of resettlement to third countries differ, but they are out of immediate danger and are receiving government patronage in those countries.

Four families have additionally been evacuated to Pakistan. The Pakistani authorities are not providing support to these families. **Currently, the IBA is funding their accommodation, food, water, clothing and healthcare as well as visa extensions.**

The last two families that make up the 15 are preparing to leave Afghanistan and make a treacherous journey overland to Pakistan as the situation worsens in Afghanistan. Their visas require funding as will their accommodation etc in Pakistan. In one of the families there has also been a recent birth.

For the last six mentioned families, either in or on their way to Pakistan, we are appealing for contributions towards the upkeep of these colleagues as resettlement plans are realised. These Afghan Bar colleagues have lost their livelihoods, homes and connections to their extended families. Their children have not been able to attend school since they went into hiding following the withdrawal of the United States, the United Kingdom and other allies in August 2021.

Lives have been shattered and dreams stalled. Compassion and practical assistance are needed. We are grateful to the IBA Member Organisations who contributed to the initial appeal. Thank you. But we are hopeful that funds and the list of contributors can be expanded.

Furthermore, women's rights have been eroded at great speed. The most recent diktat handed down by the ruling Taliban is that women must be covered from head to toe and not travel outside of their homes without a male member of the family. Women have been barred from attending places of education and jobs and, because of the deteriorating economic situation, girls have been sold or forced into early 'marriages' to provide to generate income for families. In short, girls and women have been pushed into submission.

Thus far, the response to this fundraising initiative has not been as complete as we would like. Two hundred of the world's Bar Associations/Law Societies constitute the IBA, but only a few have responded to calls for assistance. We are certain that a better response rate is possible. It may be the case that you provided a direct humanitarian response at the start of the crisis, but please be aware that the crisis is ongoing. If your organisation has thus far not donated, please consider doing so without delay.

It is appreciated that you may have processes in place that involve some administrative challenges before funds can be released but, please try to find a way to give.

All contributions, regardless of amount, are very welcome. Please send remittances marked 'Displaced BAR members fund' to the NatWest bank account below and an email to Afghanistan.Donations@int-bar.org for acknowledgement of your contribution.

NAME: INTERNATIONAL BAR ASSOCIATION
ACCOUNT: 01286498
IBAN: GB55 NWBK 6073 0101 2864 98
BIC: NWBKGB2L
CURRENCY: **USD**

NAME: INTERNATIONAL BAR ASSOCIATION
ACCOUNT: 06570631
IBAN: GB58 NWBK 6072 1106 5706 31
BIC: NWBKGB2L
CURRENCY: **EUR**

NAME: INTERNATIONAL BAR ASSOCIATION
ACCOUNT: 560003
ACCOUNT: 13270222
IBAN: GB05 NWBK 5600 0313 2702 22
BIC: NWBKGB2L
CURRENCY: **GBP**

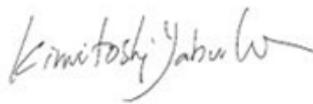
The invasion of Ukraine by Russia has undoubtedly shifted international focus away from Afghanistan, but the Afghans are still in great need. Reports received from contacts in Afghanistan speak of cruelties taking place that do not appear in news bulletins.

Please find attached to this email a personal plea from the President of the Afghan Bar.

Yours,



Mr Sternford Moyo
President
International Bar Association



Mr Kimitoshi Yabuki
Chair, Bar Issues Commission
International Bar Association



Dr Mark Ellis
Executive Director
International Bar Association

Practicing Law under the Taliban's Afghanistan



Afghanistan Independent Bar Association

About Afghanistan Independent Bar Association

The Afghanistan Independent Bar Association (“AIBA”) was established in 2008 under Afghanistan’s Advocates Law. The AIBA’s raison d’être is to oversee the licensing and regulation of lawyers, promote professional excellence and equal opportunity in the legal industry, train future lawyers, and to champion the rule of law and social justice.¹ The AIBA has established itself as an independent institution furthering fundamental rights, due process, judicial independence, the rule of law, and democratic values.

Ramifications of the Taliban’s Takeover on AIBA

The dramatic fall of Kabul and the rapid Taliban’s takeover on August 15th have halted virtually everything including the AIBA. On November 22, 2021, the Taliban’s Ministry of Justice issued a decree depriving AIBA’s of its independence including its authority to license lawyer.² They went further by merging AIBA into the Ministry. The said decree also stipulates that only Taliban-approved lawyers will be allowed to appear before the courts and that the lawyers must be “honest and loyal to the Islamic Emirate.” A day after the issuance of the decree, a group of Taliban soldiers stormed AIBA’s offices in Kabul, violently threatened the employees and members of the Association and ordered them to leave the premises.³ The Taliban has also extended their access to the Association’s account which allows them access to personal and professional data of over 5,000 lawyers (1,200 female members) as well as the AIBA’s staffs. As such, the Taliban have also seized control of the Association’s bank accounts and funds.

¹ ‘733-Afghan-Independent-Bar-Association.Pdf’ <<https://krim.dk/kommenteret-lovsamling/straffesager/straffeproses/733-afghan-independent-bar-association.pdf>> accessed 6 June 2022.

² ‘AFGHANISTAN 2021 HUMAN RIGHTS REPORT’ 69.

³ Unini Chioma, ‘Taliban Takeover Of Afghanistan Bar Association’ (*TheNigeriaLawyer*, 4 December 2021) <<https://thenigeria.com/taliban-takeover-of-afghanistan-bar-association/>> accessed 6 June 2022.

Practicing Law under the Taliban's Afghanistan

The Taliban appointed a new president for Association who has close relationship with their leadership at the Ministry of Justice but has no relevant experience. The Taliban also disrupted the AIBA's news conference held on December 5, 2021, to protest the takeover and emphasize on the Association's independence. Ever since, members of the AIBA fled for their lives and the situation has continued to deteriorate. The alarming thing, however, is that as a result of the takeover of the Association, the Taliban now have access to AIBA's database which includes data of over 5,000 lawyers including 1,200 female and non-lawyer employees. These records include ID information including family members, home addresses, phone numbers, cases they worked and presented, prosecutors, judges' information, as well as the lawyer's affiliation with government and international organizations.⁴ There is real possibility of reprisals at the hands of convicted prisoners who were freed by the Taliban and at the hand of the Taliban itself.

Practicing Law Post-AIBA Takeover

After stripping the AIBA of its independence and curtailing its authority and merging it with the Ministry of Justice, the Taliban Ministry of Justice has made an announcement stating that Afghan lawyers are required to re-certify per the new set of criteria devised by the Ministry.⁵ The new requirements are as follow:

Male lawyers who want to renew their licenses are required to pass an oral examination. The exam basically tests the religious knowledge of the lawyers that is completely irrelevant.

As such, the Taliban has not issued a single license for the female lawyers. Like their male colleagues, the female lawyers have also applied for renewals. However, they were told to wait until a decision is making on whether to renew their licenses or even license female lawyers. The recent changes imposed by the Taliban on the AIBA have brought drastic implications for the legal profession and administration of justice in the country. Lawyers no longer have their independence they used to enjoy under the former government. They are simply turned into the agents of current Taliban government.

⁴ 'AFGHANISTAN 2021 HUMAN RIGHTS REPORT' (n 2).

⁵ 'Armed Taliban Break up Lawyers Press Conference Protesting Afghanistan Bar Association Takeover' <<https://www.jurist.org/news/2021/12/armed-taliban-break-up-lawyers-press-conference-protesting-afghanistan-bar-association-takeover/>> accessed 6 June 2022.

Practicing Law under the Taliban's Afghanistan

Decline of the Judicial System

With the collapse of the previous government, the entire judicial apparatus has been put on a standby mode. A vacuum has been created where the existing laws including the 2004 Constitution has lost its effect and the Taliban also have failed to establish their own system. They are ruling the country without pre-existing laws. They issued a number of decrees attributing it to their leader whose existence and whereabouts are subject to serious doubts. One of the decrees issued by them is the infamous document that curtailed the freedom of press and expression. Overall, when it comes to the judicial system in the country, there is virtually no law enforced and the entire system is put on hold.

Where are we heading to?

The last two decades of international involvement in Afghanistan had given the country an opportunity to start everything afresh. The legal profession, similar to many areas where significant milestones were met, had been on a path towards betterment. Their recent development, however, led to an overnight reversal of all the progress we made in the last 20 years. If the status quo continues, we will end up in a sheer state of lawlessness—a catastrophe.

What AIBA Needs

In consideration of the recent changes and loss of past achievements of AIBA, the AIBA's leadership in support and coordination with IBA will establish AIBA in exile in the near future for the aim of sustaining activities, protection of AIBA's independency, and to support those members whose lives are under threat.

Moreover, Taliban access to confidential documents and files of defense lawyers' further increased the level of risks and majority of defense lawyers are spending time in hide places. AIBA leadership struggled and used all possibilities to evacuate these members in third countries safely but unfortunately evacuation suspended from Afghanistan; Further, to evacuate these members collectively, AIBA needed a big amount of budget but unfortunately AIBA had no funds in hand. Unluckily, the levels of risks are getting increased gradually and those members who are living in hide places are facing financial shortages and they are in a hard condition of lives.

Practicing Law under the Taliban's Afghanistan

AIBA leadership thanks in advance supports of IBA, European Unions Bars Associations, United States of America Bar Associations, Canada Bar Association and Asian Bar Associations and we hereby kindly request financial supports for your colleague's (Afghanistan defense lawyers) whom lives are facing high risk and they are still living in Afghanistan; kindly remember in current conditions these helps will safeguards the lives of a family father, a family mother and a family son/daughter.

Your financial support will be the only source to be used for protecting lives of AIBA members, their families and their children who are at high level of risks.

We kindly request the leadership and members of the bar associations in different countries (around the world) and we call every one of them not to let your colleagues place behind fences of prisons manage by terrorists groups, not let terrorists shot in foreheads of your colleagues (defense lawyers).

I am ending my request by presenting a piece of poem written by Saadi:

Human beings are parts of each other
they are from the same essence in creation
if one part pain in life
the other parts won't take in calm

بني آدم اعضاي يكتديگرند
که در آفرينش ز يك گوهرند
چو عضوي به درد آورد روزگار
دگر عضوها را نماند قرار

Sincerely yours,

Ruhullah Qarizada
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