



The UIA Institute for the Rule of Law

STATEMENT

Paris, April 10, 2020

UIA-IROL Expresses Grave Concern about Arbitrary Disbarments in Kazakhstan

The UIA-IROL has been informed of the disbarment on February 26, 2020 by the Supreme Court of the Republic of Kazakhstan of two lawyers – Amanzhol Mukhamedyarov, the Chair of the Lawyers' Rights Committee, and Erlan Gazumzhanov, a lawyer from Nur-Sultan.

Both have been disbarred for life from the practice of law.

We are gravely concerned to learn that the Ministry of Justice of the Republic of Kazakhstan initiated disbarment proceedings after the posting of an archive video on a social network of a court hearing session from April 29, 2019. The lawyers are accused of violating the Supreme Court rule prohibiting online publication of trial recordings. The video revealed a judge making inappropriate comments about the two lawyers, specifically, and the legal profession, generally.

The disbarment appears to be not only disproportionate but illegal. According to our information, neither legislation nor lawyers' ethical rules contain any prohibition or penalty for publishing online videos of court hearings. Moreover, even if there were a legal basis for such a sanction – *quod non* – a lifetime ban on practice is disproportionate to the alleged infraction.

This sanction further raises serious issues of improper interference in the freedom of expression of lawyers. The two lawyers named above exercised their right to expression to denounce improper conduct and comments by a member of the judiciary, which targeted not only the two lawyers but also the legal profession in general.

According to Principle 23 of the UN Basic Principles on the Role of Lawyers, "*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice (...)*".

The UIA-IROL has been concerned by recent reports of attacks on the legal profession¹ by the Kazakhstan authorities, notably by arbitrary disbarment. UIA also deplores that the Law on Advokatura does not require the Bar Association's authorization to initiate disbarment proceedings.

The UIA-IROL calls on the Kazakh authorities, specifically on the Minister of Justice, to overturn the disbarment decision and allow for the readmission of all lawyers for whom disbarment is or was a pretext used by the government to silence critics of the legal and/or judiciary system.

¹ See ICJ statement during the adoption of the outcome of the Universal Periodic Review of Kazakhstan (UPR) by the Human Rights Council in Geneva, March 2020, <https://www.icj.org/hrc43kazakh/>

The UIA-IROL also calls on the Kazakh authorities to cease all forms of harassment of lawyers through disciplinary proceedings and to reform the Kazakh Law on Advokatura consistent with international standards relating to independence of the legal profession.

More about the UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

For more information go to: www.uianet.org - uiacentre@uianet.org
Press contact: Marie-Pierre LIENARD, *Communication Officer* mplienard@uianet.org