



UIA Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

« Rassembler les avocats du monde • Bringing Together the World's Lawyers • Reunir a los abogados del mundo »

UIA EXECUTIVE COMMITTEE

STATEMENT IN SOLIDARITY WITH THE 13th DAY OF THE ENDANGERED LAWYER: FOCUS ON AFGHANISTAN

Upon the occasion of the meeting of the Executive Committee of the UIA (International Association of Lawyers – Union Internationale des Avocats), held in Algiers on January 28, 2023, we express our full support of the 13th Day of the Endangered Lawyer (DEL), which this year focuses on Afghanistan.

We are extremely concerned about the alarming situation of lawyers in Afghanistan, as well as Afghan judges, prosecutors and other persons in the justice system, especially women, whose safety and security are in great danger, particularly since the takeover of the country by Taliban forces on August 15, 2021.

In the past years, [the UIA](#) and [the UIA-IROL](#) have been monitoring with deep concern the repeated attacks on the legal profession and the members of the judiciary in Afghanistan¹. We deplore the rapid and continuous deterioration of this situation in the last seventeen months.

In the aftermath of the rise of the Taliban regime, practicing men and women judges and prosecutors – but particularly women – were removed from their positions. Many of them have faced and still face a high risk of reprisal by both the Taliban itself and the thousands of now-freed convicted criminals whose cases they once dealt with.

As attacks have become systematic and widespread², hundreds of judges, prosecutors and legal practitioners have had to flee Afghanistan or to begin living in hiding, together with their families, to evade the *de facto* government of the Taliban.

The decision of the Taliban authorities concerned with the Justice Ministry of this *de facto* authority to shut down the Afghanistan Independent Bar Association (AIBA) in November 2021 and subsequently impose new qualification procedures for re-licensing lawyers under its control, dealt a deep blow to the independence and freedom of the legal profession in the country. There are also news reports that the list of lawyers has been used to further persecute them, and many of them have been put at great risk of their life and liberty.

As an unacceptable result of this new licensing system, **our women colleagues**, who represented a quarter of the legal profession before the takeover, **are no longer allowed to renew their licenses**. Further, they are increasingly excluded from all activities which would permit them to continue to

¹ <https://www.uianet.org/en/actions/uia-irol-stands-afghan-legal-profession-and-judiciary-their-struggle-independence>

² More than a dozen prosecutors have been allegedly killed since August 2021, and seven lawyers have been reportedly killed since November 2021.

provide any kind of legal assistance. In the current circumstances, any attempt to engage with their profession exposes them to threats, intimidations and attacks. **We unequivocally condemn this, as we condemn the exclusion of all women from the legal system.**

We further believe that the ability to independently practice the legal profession of those male Afghan colleagues who could have obtained re-licensing is severely undermined. This is particularly worrisome as the current *de facto* justice system in Afghanistan repeatedly has been denounced for flagrantly violating international standards, including in relation to access to justice for women. The rule of law system in Afghanistan has been summarily set aside and replaced by an uncodified purported code, interpreted by members of the Taliban who are not independent judges.

Without an independent bar association to voice and defend the principles and guarantees required for the appropriate exercise of the legal profession, our colleagues who continue to undertake efforts to meet the legal needs of the Afghan population in the country – both licensed and formerly licensed – are more vulnerable than ever.

It is primarily an obligation of governments to protect the lives and safety of lawyers and implement guarantees for a free and independent legal profession that is crucial to safeguard:

- human rights, including women’s rights;
- the independence and integrity of the administration of justice; and
- the Rule of Law.

We therefore urge the *de facto* authorities of Afghanistan to adopt and implement all necessary measures to fully comply with international standards in this regard, in particular the UN Basic Principles on the Role of Lawyers.

We also echo the call of the Special Rapporteurs addressing the situation of human rights in Afghanistan and the independence of judges and lawyers³ urging “greater international support to lawyers, legal aid providers, and non-governmental organisations working to advance justice and human rights”.

We support and reiterate today the requests and recommendations addressed in **the joint report of the 13th Day of the Endangered Lawyer**⁴, signed by the UIA-IROL.

Among them, we echo the calls addressed to the international community to take all necessary measures to ensure that the lawyers at risk who remain in Afghanistan can safely leave the country if they wish to do so, including by:

- implementing evacuation and resettlement programmes for Afghan lawyers – remaining in Afghanistan or locating to neighbouring countries –;
- facilitating their access to humanitarian visas and international protection, legally and safely;
- ensuring that all countries suspend deportations and summary returns of Afghan nationals to Afghanistan or third states; and
- ensuring that any negotiations with the Taliban for recognition, limited or otherwise, include as a basic condition, the independence and protection of the legal profession, and our colleagues.

³ <https://www.ohchr.org/en/press-releases/2023/01/international-day-endangered-lawyer-24-january-2023>

⁴ <https://www.uianet.org/en/actions/13th-day-endangered-lawyer-focus-afghanistan>

We stand in full solidarity with our courageous Afghan colleagues who were forced to leave their country, and whether still in transit or resettled, who continue to tirelessly advocate for the Afghan legal professionals who remained in the country.

In this regard, we welcome the reopening of AIBA in exile: the UIA and the UIA-IROL stand ready to assist and support this effort in every way possible and we invite the legal community to do the same.

We owe our Afghan colleagues our support, wherever they may be located. We will therefore continue to unceasingly advocate for their protection.