



AFGHANISTAN

Commemorating the Fall of Kabul
A retrospective of the destruction of a profession:
15 August 2021 - 15 August 2022



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INTERNATIONAL
OBSERVATORY
OF LAWYERS



AFGHANISTAN

CONTEXT

The precipitous fall of Kabul to the Taliban on 15 August 2021 and the re-establishment of the Taliban government put an end to 20 years of social development and rule of law building, thus leading to the flight of thousands of people from Afghanistan, including many lawyers, judges and prosecutors. On the first anniversary of the fall of Kabul, the International Observatory for Lawyers in Danger (OIAD for its French acronym) is launching a support and advocacy campaign to show its commitment to continue backing an independent bar association in Afghanistan and our Afghan colleagues whether they are in Afghanistan or in exile.

2001- 2021: the attempt to build the rule of law

The fall of the Taliban regime in November 2001, following the US-NATO invasion, ended with the signing of the Bonn Agreements. The purpose of the agreements was to allow the Afghan authorities to return to power in order to establish a new constitution for the country.

For more than twenty years, Afghanistan has been marked by conflict between government forces and non-state actors. Despite efforts to build the rule of law, many challenges persisted, including corruption, impunity, human rights and the right to a fair trial.

During this period, lawyers have played a key role in promoting the rule of law and social justice in Afghanistan. The establishment of the Afghanistan Independent Bar Association (AIBA) in 2008 has enabled lawyers to practice with guaranteed protection and equal access to the profession for both men and women. Through its independence, parity in governance and non-governmental and non-political status, the bar association pursued the democratic values of protection of fundamental rights, fair trial and independence of justice.

15 August 2021: The fall of Kabul and its consequences for lawyers

Following the withdrawal of the last US troops stationed in Afghanistan, the Taliban stormed the country before reaching the capital on 15 August 2021. The fall of Kabul marked the Taliban takeover and the defection of the Afghan government.

Because of their very active role in defending the human rights of Afghan citizens, lawyers were immediately targeted not only by the new regime, but also by the prisoners who were released. Approximately 30,000 criminals were released from prison, roughly 10,000 of whom pose a direct threat to lawyers, either because they hold their former lawyers responsible for their conviction or because the lawyers, particularly female lawyers, had represented victims in cases in which these prisoners were convicted.

THE DECLINE OF THE AFGHANISTAN INDEPENDENT BAR ASSOCIATION (AIBA)

On 22 November 2021, the Taliban Ministry of Justice issued a decree stripping AIBA of its independence and ability to license lawyers. The decree stipulates that only Taliban-approved lawyers will be allowed to appear in court.

On 23 November 2021, AIBA was assaulted by the Taliban forcing the appointment of a new President of the Bar closely linked to the Taliban Ministry of Justice. This gave the Taliban access to the AIBA database, which included detailed personal information on lawyers' families and clients, thus exposing AIBA lawyers to serious reprisals. There have been 12 assassinations, 171 arrests, and serious threats against these lawyers, particularly those specialising in the defence of human rights and women.

[Find out more](#)



WORKING AS A LAWYER IN AFGHANISTAN TODAY

The Ministry of Justice announced that Afghan lawyers would be required to recertify under a new qualification process established by the Ministry.



The 2,270 lawyers still in the country must pass an exam where the questions are drawn from religious topics unrelated to legal qualifications. Candidates for certification will also have to obtain clearance from the Taliban's intelligence agency regarding any background such as relations with international organisations and the former regime.



Women deprived of their right to exercise

Women were immediately disenfranchised by the Taliban. Many women lawyers face death threats because of their work on sensitive children's and women's rights cases, including domestic violence, banning from teaching, forced isolation, and deprivation of employment.

These threats have become so serious that many women lawyers have been forced to go into hiding, changing their addresses and telephone numbers. At present, women are not included in the new qualification process for the legal profession and are not allowed to enter the Ministry of Justice buildings.

Testimonies of lawyers in Afghanistan



The following testimonies have been published anonymously so as not to endanger the lawyers who shared them.

M.A

[Fictitious name, lawyer in Afghanistan]

M.A., a lawyer in Afghanistan, has lost all of his career prospects. The Taliban consider him their enemy because of his work as a lawyer in several cases. As a result, he had to flee his home with his family given the high risk of reprisals.

Although he managed to reach Iran, he was captured near the Iranian border, separated from his family, taken prisoner and tortured by the Taliban for several weeks. Today, he lives in anonymity in Afghanistan, separated from his family and working as a salesman to survive. He deplores the fact that practicing law has lost all its value: *"the Taliban allow access to the profession to individuals who are supporters of the government, graduates of religious schools who do not know the law"*.

Z.K

[Fictitious name, lawyer in Afghanistan]

For Z.K., as for all other Afghan women lawyers, the Taliban government's seizure of power has meant a ban on practising her profession. She regrets that since the fall of Kabul in August 2021, legal practice in the country has not been respected. In particular, she denounces the fact that her colleagues who are still practicing are *"highly stigmatised by the Taliban authorities in the courts, exerting pressure on the victims not to use the legal defence services of lawyers"*. In addition, the recent announcement by the Taliban to impose Sharia law as the only applicable law in Afghanistan considerably complicates the practice of the profession today.

MJ.

[Fictitious name, lawyer in Afghanistan]

An Afghan lawyer specialising in women's and children's rights, M.J. fled to Pakistan after the fall of Kabul in August 2021. However, due to the impossibility of obtaining a visa and regularising his status in Pakistan, he had to return to Afghani-stan. The lawyer states that *"since my return, I have had to face numerous lawsuits and charges against me related to my work as a lawyer and human rights activist. I have even had to pay heavy fines to defend myself against these charges to save my life"*.

AFGHAN LAWYERS IN EXILE: TESTIMONIES



As a result of the deteriorating humanitarian situation in Afghanistan in 2021, 3.4 million people are currently displaced by the conflict, while there are 2 million registered Afghan refugees in Iran and Pakistan. Many of them are lawyers who have fled the country to escape serious threats to their lives and those of their families. According to AIBA figures, there are currently over 400 Afghan lawyers in exile.

The testimonies collected by the Observatory express the reality of the difficulties faced by these lawyers who have been forced into exile. Visa applications and their examination by the competent authorities take several months and many thus find themselves in an irregular situation in Iran or Pakistan, often forced to live on extremely low incomes, which further increases their vulnerability.



Rohullah Qarizada

[President of the Afghanistan Independent Bar Association (AIBA)]

The President of the Afghanistan Independent Bar Association (AIBA), Rohullah Qarizada, recalls that “just one year ago, AIBA was the largest

independent lawyers' association in the country with more than six thousand members, 30% of whom were women, and that it was defending the profession and working to uphold the rights of every citizen”. Mr Qarizada condemned the fact that “after taking power, the Taliban eliminated all legal, judicial and human rights organisations, including AIBA. On 24 November 2021, the Taliban attacked the AIBA offices with armed force. AIBA staff and officials were expelled from their offices in an extremely violent manner both physically and through acts of humiliation. Some were even imprisoned. The Taliban then took control of the offices and had access to all the computers and information concerning the lawyers”. From exile, the AIBA President says its Board continues to work to support its members. To this end, Mr Qarizada says AIBA will become active again in exile with the cooperation of international organisations and bar associations.

[Watch the video testimony](#)





Hakima Alizada

[Lawyer forced into exile twice by the arrival of the Taliban]

As a lawyer, Hakima Alizada is specialised in the defence of women's and children's rights and human rights.

She worked for years for the Ministry of Justice and the Independent Human Rights Commission in this field. Regarding the practice of law in Afghanistan before the fall of Kabul, Hakima denounces that *"there was a widespread view that women are less capable than men"*. However, Hakima also acknowledges that *"little by little, the situation improved thanks to the constitution based on equal rights for men and women"*. Since the Taliban took power in August 2021, she has been living in exile for the second time in her life.

[Watch the video testimony](#)



Testimony of Hafedzada Mohammad Ayatullah:

"I have been a lawyer since 2016, registered with the bar under number 3407. I have participated in many human rights trainings and also worked in official translation and issuance of official documents of the Ministry of Justice."

I have also been a volunteer in the Afghanistan Youth Volunteers Organization where, I worked as a human rights defender and also as a notary. I have dealt with many cases of severe violence against women, torture and divorce cases which have brought me many threats from those involved, such as the Taliban. My sister is a very engaged magistrate. She has also participated in many radio and television programmes on women's and children's rights. She and I have received many messages asking her to leave her position as a magistrate because 'a woman cannot be a judge'. When the Taliban took control of Afghanistan, my sister contacted the Paris Bar Association for help and support with the evacuations. Unfortunately, the Kabul airport bombing complicated the evacuations. For two months, my family and I had to hide in different parts of the country, often with very little means of subsistence. Finally, we were evacuated to the United Arab Emirates where we stayed for several months in a refugee camp. We were safe, but without a visa for the host country, it was impossible for us to leave the camp, which made it very difficult to contact government administrations or embassies. We were finally able to get a visa for France six months later. Thank God I am now living in a safe place with my family, we have accommodation and I received my refugee status on 21 July 2022. I would especially like to thank the French authorities and the Paris Bar for their support and actions to save many Afghan lawyers including myself. I pray that one day other lawyers living in exile will also be evacuated to a safe country. Greetings to all allies of justice everywhere around the world."