



International Day of the Endangered Lawyer 2023

The Afghanistan Independent Bar Association relaunches its activities in exile from Brussels

After the dramatic fall of Kabul and the Taliban's rapid takeover on 15 August 2021, the leadership members and lawyers of the Afghanistan Independent Bar Association (AIBA) have announced their commitment to continue their activities and reopen the AIBA in exile, in Brussels. Reopening the AIBA in exile is a way to preserve the identity of the AIBA and their lawyers and maintain the achievements they have made in the last 20 years, while providing services for lawyers, especially women, with the support and cooperation of international partners.



In this context, on the occasion of the 13th edition of the International Day of the Endangered Lawyer, focusing this year on the situation in Afghanistan, the CCBE is organising a **press conference on 24 January at 10.00 CET**, in collaboration with the AIBA, the International Bar Association (IBA) and the French-speaking Brussels Bar.

[View the invitation](#)



The aim of this press conference is to officially announce the reopening of the AIBA as an organisation in exile in Brussels and give more information about their future activities. It will also be the occasion to get an update on the current judicial situation in Afghanistan.

[See the programme in Annex](#)

Why reopening the AIBA in exile?

Recent events in Afghanistan have resulted in an overnight reversal of all the progress made over the past 20 years by the AIBA and its members. Therefore, by reopening in exile, the AIBA aims to achieve the following missions:

- + to preserve the values of the Bar Association as an independent institution as well as to preserve the independence of the judiciary;
- + to continue promoting the rule of law, the protection of fundamental rights and the prevention of human rights violations;
- + to provide a forum and voice for its members which can serve as a coordinating force for the cohesion of lawyers, including by providing services to its members inside and outside the country;
- + to strive to ensure the safety of its members, including by being a focal point for international efforts to support lawyers whose lives are in danger in Afghanistan;
- + to inform the international community about the situation in Afghanistan, especially concerning the situation of the justice system, the rule of law and human rights.

How to reach the AIBA?

The headquarters of the AIBA in exile will be situated in Brussels, hosted by the French-speaking Brussels Bar. It may open sub-offices later in other countries if needed. The leadership of the AIBA in exile with the cooperation of the IBA is currently building a new website where information about the activities of the AIBA in exile and how to reach them in the future will be available.

You can find more information about the AIBA, the support it received from the international community and the situation in Afghanistan **in the annex here below**, as well as in the **Report** published on the occasion of the International Day of the Endangered Lawyer 2023. [Read the Report](#)



Those wishing to attend the press conference on Tuesday 24 January 2023 at 10.00 CET, are invited to register at event@ccbe.eu and indicate if they wish to participate in person or (passively) online.

Press Conference Schedule

- 9.45 • Welcoming of the participants
- 10.00 • Opening of the press conference
- Speakers**
 - Panagiotis Perakis**
President of the Council of Bars and Law Societies of Europe (CCBE)
 - Claudio Visco**
Vice-President of the International Bar Association (IBA)
 - Emmanuel Plasschaert**
President of the French-speaking Brussels Bar
 - Ruhullah Qarizada**
President of the Afghan Independent Bar Association (AIBA)
- 10.40 • Questions & Answers
- 11.00 • Coffee Break
- 11.30 • Closing of the press conference



Date & Time

24 JANUARY 2023
10h00 - 11h30



Location

**Press Club Brussels
Europe**
Rue Froissart 95
1040 Brussels



Attendance

RSVP
by 23 January 2023
Please indicate if you participate
in person or online.



Contact

Karine Métayer
Head of Communications
+32 (0)2 234 65 10
event@ccbe.eu

Annex 2:

Brief history of the AIBA

The Afghanistan Independent Bar Association (AIBA) was formally created by the legislative act of the Advocate's Law in July 2008. The AIBA is unique to all other independent Bar Associations in that its constitution states that there must be a minimum number of women sitting on the Leadership Board. That is, at least three women must make up the fifteen Members of the Board. Since 2008, the AIBA's main focus has been increasing its membership of registered defence lawyers to allow Afghans to afford their legal rights and offer legal assistance, including pro bono work to women, children and men. The AIBA continues to develop and flourish through the assistance of international donors. The AIBA has approximately 5000 members, with 25% of them being women. It has expected its membership to grow to more than 6000 as of 2021, and with it the

demand from its members for quality continuing legal education.

The AIBA head office was located in Kabul and had five regional offices in the capital cities of Balkh, Herat, Kandahar, Kunduz and Nangarhar provinces to bolster the legal aid sector within those regions.

The main missions of the AIBA include the protection of the rule of law and human rights through the maintenance of a just transparent legal system. To achieve this aim, the AIBA notably provides its members with educational programmes to improve competency and efficiency in the practice of law, while striving for the highest standards of ethical conduct. It also informs the public of their basic legal rights and the legal processes of the formal judicial system, as well as provides legal aid to those in need.

The Taliban's takeover on the AIBA

The dramatic fall of Kabul and the Taliban's rapid takeover on 15 August 2021 have halted everything, including the work of the AIBA.

On 22 November 2021, the Taliban's Ministry of Justice issued a decree depriving the AIBA of its independence, including its authority to license lawyers. They went further by merging the AIBA into the Ministry. The said decree also stipulates that only Taliban-approved lawyers will be allowed to appear before courts and that lawyers must be "honest and loyal to the Islamic Emirate."

A day after the issuance of the decree, a group of Taliban soldiers stormed the AIBA's office in Kabul, violently threatened the employees and members of the Bar Association and ordered them to leave the premises. The Taliban have also seized the Bar Association's database which allows them access to personal and professional data of over 2,500 lawyers as well as the AIBA's staff. These records include

ID (including names of family members), home addresses, phone numbers, cases they worked and presented, information on prosecutors and judges, as well as the lawyer's affiliation with government and international organisations. This database gives a real possibility of reprisals at the hands of convicted prisoners who were freed by the Taliban and at the hand of the Taliban itself.

Moreover, they have also seized control of the AIBA's bank accounts and funds. The Taliban appointed a new president for the Bar Association who has a close relationship with their leadership at the Ministry of Justice but has no relevant experience. Ever since, members of the AIBA have fled in fear for their lives and the situation has continued to deteriorate.

Annex 3:

About the situation of lawyers and the judicial system

After stripping the AIBA of its independence, reducing its authority and merging it with the Ministry of Justice, the Taliban Ministry of Justice has made an announcement that Afghan lawyers are required to recertify under a new set of criteria developed by the Ministry. Under these new requirements, male lawyers who wish to renew their licence must pass an oral examination. The exam essentially tests the lawyers' religious knowledge, which is completely irrelevant to the effective practice of law.

With regard to the situation of women, the Taliban have not yet issued a single license for female lawyers. Similar to their male colleagues, female lawyers have also applied for the renewal of their licences. However, they were told to wait until a decision was made on whether there would be a possibility of renewing their license or even of granting a license to

female lawyers at all. The recent changes imposed by the Taliban on the AIBA have therefore had a dramatic impact on the legal profession and the administration of justice in the country. Lawyers no longer have the independence they enjoyed under the previous government and have been simply turned into agents of the current regime.

As regards the judicial system, with the collapse of the previous government, the entire judicial apparatus has been put on standby mode. A vacuum has been created where the existing laws, including the 2004 Constitution, have lost their effects with the Taliban failing to establish their own system and ruling the country without pre-existing laws. Overall, when it comes to the judicial system in the country, there is virtually no laws enforced and the entire system is put on hold.

International support for the AIBA

Council of Bars and Law Societies of Europe (CCBE)

In the days immediately preceding the scheduled date for the US evacuation of Afghanistan, the CCBE was immediately approached to play a role in assisting Afghan colleagues whose very lives were in immediate danger.

Thereafter, the CCBE, thanks to close contacts with its member Bars and Law Societies, succeeded in establishing contact with significant Afghan legal figures, including the President of the AIBA.

From that moment, the CCBE continued to closely follow the situation in collaboration with its members, which are themselves in close contact with their Ministries, to try to find a concrete solution to assist our Afghan colleagues in danger.

Through its close contact with the AIBA, the CCBE was able to support with practical assistance the

establishment of the AIBA in exile, which notably led to this initiative to organise a press conference on the occasion of the International Day of the Endangered Lawyers to officially announce their reopening which will allow to shed a light on their future activities in support of their members both in exile and in Afghanistan.

Moreover, the CCBE was able to support the AIBA by publishing letters and statements raising awareness about the situation of our Afghans colleagues. The CCBE was also able to provide the AIBA with the benefit of its network and to establish contacts with key actors at European and international level, including the EU Special Representative for Human Rights, the EU External Action Service and the UN Special Rapporteur on the Independence of Judges



More information about the initiatives taken by the CCBE and its members in reaction to the situation in Afghanistan is available [here](#).

Annex 4:

The International Bar Association (IBA)

The IBA is proud to have been the main driver behind the establishment of a Bar in exile, as well as the original AIBA, which it supported for well over a decade. Tragically, the sudden and savage takeover of Afghanistan by the Taliban in 2021 has been a disaster for human rights and the rule of law in that country. It has also led to threats being made directly against the lives of those fighting for the independence of the legal profession, including attorneys, judges and Bar Association employees. Following immense efforts, the IBA has been able to help evacuate and resettle many of those most at risk from Taliban reprisals. Yet even in the face of such brutality and upheaval, it is clear that the spirit of the AIBA will not easily be crushed.

French-speaking Brussels Bar

Following the decision of the AIBA to organise themselves and establish an international presence in Brussels, its President, Ruhullah Qazirada, accompanied by an advisor, Rafi Nadiri, were received on 30 September 2022 by the President of the Brussels Bar, accompanied by Bar Presidents George-Albert Dal, former President of the CCBE; Yves Oschinsky, President of the Institute of Human Rights; Jean-Marc Picard, President of *commission de droit des étrangers* of the OBF; Geoffroy Cruysmans, head of the cabinet of the President of the Bar; and Corinne Delgouffre, member of this cabinet, in charge of the solidarity missions (see photo).

The situation of the AIBA since August 2021 was described, as well as the goals pursued by its representatives, which can be summarised as follows: to coordinate the activities of the Bar Association's members inside and outside the country, to provide them with assistance and resources, to work towards restoring respect for fundamental rights and the rule

of law and preventing human rights violations, to try to improve the security of lawyers and to establish a forum that will be the voice of Afghan lawyers in exile. The statutes of the AISBL (international non-profit association) are being drafted and steps are being taken to determine the location of the AISBL's headquarters in Brussels. The help of the French-speaking Brussels Bar has been requested, in particular, to assist in the creation of an AISBL whose statutes will be inspired by the aims pursued, and to make available premises capable of accommodating two permanent staff members and allowing meetings to be held. The French-speaking Brussels Bar will provide office equipped with the necessary means of communication as well as meeting rooms.

