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**His Excellency**

**António Guterres**

Secretary-General

United Nations

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30 November 2021

**By email:**

antonio.guterres@un.org and sgcentral@un.org

**Dear Secretary-General,**

Through this direct communicate we bring to your attention, and request intervention in, the reported alarming development of the **Taliban takeover of the Afghanistan Independent Bar Association (AIBA)**. This move has completely compromised the independence of the legal profession in Afghanistan and is deplored by, and is of great concern to, the **International Bar Association – the global voice of the legal profession** – founded in 1947.

**Rohullah Qarizada, the President of the AIBA, now in exile in Europe, stated: ‘Fifty armed Taliban came in AIBA and forcibly took over [the] Bar.’**

As lawyers, we feel duty bound to demonstrate support for our peers in Afghanistan and **we request that the United Nations add its unparalleled voice to a public statement that:**

- **Denounces the violation of the independence of the legal profession;**
- **Raises concern about the appropriation of the AIBA database that includes details relating to AIBA registered lawyers, staff and committee members; and**
- **Condemns the seizure of the AIBA bank account and forfeiture of funds.**

As stated in the **UN Basic Principles on the Role of Lawyers**, lawyers must be able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference’.

**The details:**

On Tuesday 23 November 2021, the Taliban broke up a meeting being held by AIBA officials in their office in Kabul. This action followed a recent public announcement by the Taliban that it would incorporate the AIBA into its Ministry of Justice (MoJ). The ramifications on the Rule of Law, the administration of justice and the further contraction of the rights of women and girls cannot be overestimated.

A Taliban cabinet directive has stripped the AIBA of the authority to issue Afghanistan’s lawyers with licences to practice their profession and has demanded that all lawyers that currently hold a licence reapply to the Taliban’s MoJ. We understand that those who do not submit applications as directed by

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the Taliban will be prevented from practising. The funds from issuing new licences will further benefit Taliban coffers as the Taliban now has direct access to existing AIBA funds, having taken control of the Bar Association's bank account.

As a consequence of the directive and meeting intrusion, the Taliban now has access to the AIBA database that contains the personnel and professional records of Afghanistan's 2,500 lawyers, as well as AIBA staffers and committee members.

There is much concern for the personal safety of all who are on the database. Prior to the sensitive information being in the Taliban's possession, individuals had related threats being made by the group. Now that the Taliban is furnished with details of cases and home addresses, anxieties are further heightened. To keep safe, families have been changing accommodation frequently, but there are only so many times people are able to do this with young families.

There is no need to rehearse the immense number of broader issues currently afflicting Afghanistan since the Taliban regained power on 15 August 2021, but it is sufficient to say that the last vestiges – an independent legal profession and judiciary – of a relatively open society should not be allowed to disappear without condemnation at the highest level of international cooperation.

In 2008, the International Bar Association, in collaboration with Afghanistan's lawyers, established the AIBA as an independent non-governmental organisation.

Copied on this missive is **Diego García-Sayán**, the UN-appointed **Special Rapporteur on the Independence of Judges and Lawyers**, in the hope that this information may aid any conversations to be held.

We look forward to hearing that the UN will provide support as requested.

Yours sincerely,

Handwritten signature of Mr Sternford Moyo.

**Mr Sternford Moyo**  
*President*  
*International Bar Association*

Handwritten signature of Mr Kimitoshi Yabuki.

**Mr Kimitoshi Yabuki**  
*Chair, Bar Issues Commission*  
*International Bar Association*

Handwritten signature of Dr Mark Ellis.

**Dr Mark Ellis**  
*Executive Director*  
*International Bar Association*

**CC:**

**Diego García-Sayán**

Special Rapporteur on the Independence of Judges and Lawyers

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