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**Statement of the New York City Bar Association re:
the Taliban Takeover of the Afghanistan Independent Bar Association**

The New York City Bar Association¹ joins the international community in condemning in the strongest possible terms the Taliban’s recent takeover of the Afghanistan Independent Bar Association and related ongoing developments.²

¹ More than 150 years old, the New York City Bar is an organization of approximately 24,000 members in New York City and elsewhere throughout the United States, and in more than 50 countries around the globe. Its members include judges, prosecutors, defense counsel, government lawyers, and public interest/non-governmental organization practitioners, as well as legal academics and attorneys representing nearly every major law firm and corporation in the United States. The City Bar has a long and distinguished history of promoting the rule of law and human rights (including the rights of legal professionals to fulfill their professional obligations), chiefly through the Bar’s International Human Rights Committee and its Task Force on the Independence of Lawyers and Judges, often with one of the Bar’s numerous regional committees.

The City Bar has monitored human rights and the justice system in Afghanistan for years. *See, e.g.*, *Escape From Kabul+ – and Those Left Behind: The Harrowing “Life-or-Death” Saga of Afghan Women Judges, Prosecutors, & Lawyers and the Heroic Women-Led Efforts to Secure Their Safety*, Third Annual International Law Conference on the Status of Women (video) (New York City Bar, March 8, 2022), <https://www.nycbar.org/media-listing/media/detail/third-annual-international-law-conference-on-the-status-of-women>; *Statement For Afghan Refugee Visa Expedition – NYC Bar Association Statement* (New York City Bar, Aug. 18, 2021), <https://www.nycbar.org/media-listing/media/detail/statement-for-afghan-refugee-visa-expedition>; *Statement of New York City Bar Association Condemning Continuing Assassinations of Prosecutors, Judges, and Court Staff in Afghanistan* (New York City Bar, April 7, 2020), <https://www.nycbar.org/media-listing/media/detail/city-bar-condemns-assassinations-of-prosecutors-judges-and-court-staff-in-afghanistan>; *Human Rights Standards Applicable to the United States’ Interrogation of Detainees* (New York City Bar, April 2004), https://www.nycbar.org/pdf/report/Human_Rights.pdf; *Letter to President George W. Bush re: Human Rights and Security of Women and Girls in Afghanistan* (New York City Bar, March 10, 2003), <https://www.nycbar.org/pdf/report/Intl%20Human%20Rights%20-%20to%20Bush%20re%20Afghanistan.pdf>. (All websites cited in this statement were last visited on March 6, 2021.)

² *See, e.g.*, *Letter to U.N. Secretary-General from International Bar Association re: Taliban Takeover of Afghanistan Independent Bar Association* (International Bar Association (“IBA”), Nov. 30, 2021) (“IBA Letter, Nov. 30, 2021”), <https://www.ibanet.org/document?id=/IBA-letter-to-the-UN-on-Taliban-takeover-of-AIBA-2021Nov30>; *Avocat-e de droits humains: une profession encore trop dangereuse* [Human rights lawyer: a profession that is still too dangerous] (*Avocats Sans Frontieres/Lawyers Without Borders*, Jan. 24, 2022) (French-to-English translation) (*Avocats Sans Frontieres/Lawyers Without Borders* condemning the Taliban takeover of AIBA, and, further, noting

The Afghanistan Independent Bar Association (“AIBA”) was established in 2008 under Afghanistan’s Advocates Law as a statutory body to oversee the licensing and regulation of lawyers independent of the executive branch, to promote professional excellence and equal opportunity in the legal profession, and to champion the rule of law and social justice.³ The

that the U.N. Secretary-General also has condemned the takeover) (“Avocats Sans Frontieres/Lawyers Without Borders, Jan. 24, 2022”), <https://www.asfcanada.ca/medias/nouvelles/avocat-e-de-droits-humains-une-profession-encore-trop-dangereuse/>; Afghanistan: The Afghanistan Independent Bars Association stormed by the Taliban (International Observatory of Lawyers at Risk (“OIDA”), Nov. 26, 2021) (“International Observatory of Lawyers, Nov. 26, 2021”), <https://protect-lawyers.org/en/afghanistan-the-afghanistan-independent-bars-association-stormed-by-the-taliban/>; Letter to President and Vice President of the European Commission re: Call for the recognition of an independent bar in Afghanistan (Council of Bars & Law Societies of Europe (“CCBE”), Nov. 25, 2021) (“CCBE, Nov. 25, 2021”), https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Afghanistan/2021/EN_HRL_20211125_Afghanistan_Letter-Call-for-the-recognition-of-an-independent-Bar-in-Afghanistan.pdf; CCBE plans special award for Afghan lawyers (Law Society Gazette, Oct. 20, 2021) (quoting the Council of Bars & Law Societies of Europe (“CCBE”) as stating that “[t]he Afghanistan Independent Bar Association has been closed by the new regime, making the independent exercise of the legal profession no longer possible”) (“Law Society Gazette, Oct. 20, 2021”), <https://www.lawsociety.ie/gazette/top-stories/2021/10-october/ccbe-plans-special-award-for-afghan-lawyers>; *see also, e.g.*, Joint call in support of endangered lawyers in Afghanistan (signed by the U.N. Special Rapporteur on the Independence of Judges & Lawyers, in addition to 27 bar associations, law societies, and lawyer defense organizations, as well as one law firm) (CCBE, Nov. 10, 2021), https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Statements/2021/EN_Call-endangered-lawyers-in-Afghanistan.pdf.

³ *See* Fact Sheet, Important Information on the Afghan Independent Bar Association (AIBA) (Afghanistan Independent Bar Association) (“AIBA Fact Sheet”), <https://krim.dk/kommenteret-lovsamling/straffesager/straffepoces/733-afghan-independent-bar-association.pdf>; Afghanistan Independent Bar Association AIBA: Afghan Biographies (website, in English) (“Afghan Biographies”), http://www.afghan-bios.info/index.php?option=com_afghanbios&id=5132&task=view&total=802&start=39&Itemid=2; Establishing an Independent Bar in Afghanistan (International Legal Assistance Consortium (“ILAC”)) (“ILAC”), <https://ilacnet.org/establishing-an-independent-bar-in-afghanistan/>; International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2; IBA Letter, Nov. 30, 2021, *supra* n.2; The Afghanistan Independent Bar Association and the IBAHRI (IBA Global Insight/YouTube, Oct. 31, 2013), https://m.youtube.com/watch?v=SPY_jQ50K1o; Afghanistan Bar Association Launches Communications Strategy (International Development Law Organization (“IDLO”), Nov. 6, 2017) (“IDLO, Nov. 6, 2017”), <https://www.idlo.int/news/highlights/afghanistan-bar-association-launches-communications-strategy>; Supporting the Legal Profession in Afghanistan (The UK Law Societies’ Joint Brussels Office, Oct. 6, 2021), <https://www.lawsocieties.eu/viewpoint/supporting-the-legal-profession-in-afghanistan/6002025.article>; Afghanistan dispatches: Taliban justice ministry takes lawyer licensing control from Afghanistan bar association (Jurist, Nov. 22, 2021) (“Jurist, Nov. 22, 2021”), <https://www.jurist.org/news/2021/11/afghanistan-dispatches-taliban-justice-ministry-takes-defense-lawyer-licensing-control-from-afghanistan-bar-association/>; Tweet by AIBA President Rohullah Qarizada re: Taliban’s forcible takeover of AIBA (Twitter, Nov. 24, 2021) (emphasizing that the AIBA is “independent, non-governmental, and non-political” and stating that it “did not receive any funding from the government”) (“Twitter, Nov. 24, 2021”), <https://twitter.com/RohullahQariza4/status/1463477170681098247>; Afghanistan bar association head pleads for international help as armed Taliban take over offices, displace leadership (Jurist, Nov. 24, 2021) (“Jurist, Nov. 24, 2021”), <https://www.jurist.org/news/2021/11/afghanistan-bar-association-head-pleads-for-international-help-as-armed-taliban-take-over-offices-displace-leadership/>; Afghan bar pleads for international aid as armed Taliban take control, displace leaders – JURIST – News (Tittle News Desk, Nov. 25, 2021) (“Tittle News Desk, Nov. 25, 2021”), <https://tittlepress.com/world/1315072/>; Independent Bar Association Office Taken Over by Islamic Emirate (TOLONews, Nov. 28, 2021) (“TOLONews, Nov. 28, 2021”), <https://tolonews.com/afghanistan-175659>; Outrage at Taliban takeover of Afghanistan bar association (Law Society

AIBA's by-laws are among the most progressive of any bar association in the world. For example, the AIBA is believed to be the only bar association worldwide to have self-imposed gender quotas for bar leadership, including a quota for women on all executive committees, as well as a requirement of at least one woman vice-president.⁴ Similarly, the AIBA by-laws require all AIBA members to take on at least three pro bono cases a year.⁵ From its inception, the AIBA has been independent, non-governmental, and non-political.⁶

Gazette, Dec. 2, 2021) ("Law Society Gazette, Dec. 2, 2021"), <https://www.lawgazette.co.uk/news/outrage-at-taliban-takeover-of-afghanistan-bar-association/5110804.article>; Afghanistan lawyers ask Taliban cabinet to restore independence of national bar association (Jurist, Dec. 2, 2021) ("Jurist, Dec. 2, 2021"), <https://www.jurist.org/news/2021/12/afghanistan-lawyers-ask-taliban-cabinet-to-restore-independence-of-national-bar-association/>; Interview: Advocate for Afghanistan's Beleaguered Independent Bar Association Fears for His Life and Country's Legal Future Amid Taliban Crackdown ("Jurist, Dec. 8, 2021"), <https://www.jurist.org/features/2021/12/08/interview-advocate-for-afghanistans-beleaguered-independent-bar-association-fears-for-his-life-and-countrys-legal-future-amid-taliban-crackdown/>; Taliban takeover threatens independence of Afghan Bar (International Bar Association ("IBA"), Dec. 9, 2021) ("IBA, Dec. 9, 2021"), <https://www.ibanet.org/Taliban-takeover-threatens-independence-of-Afghan-Bar>; Background document: CCBE Human Rights Award for the endangered lawyers in Afghanistan (CCBE, Dec. 9, 2021), https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_AWARD/2021/EN_Background-document-HR-Award-Afghanistan-2021.pdf; IBA appeals to UN for denunciation of Taliban take-over of Afghanistan Independent Bar Association (International Bar Association ("IBA"), Dec. 15, 2021) ("IBA, Dec. 15, 2021"), <https://www.ibanet.org/IBA-appeals-to-UN-for-support-on-Taliban-take-over-of-AIBA>; 'The Lives of Afghanistan's Lawyers Are Still in Danger,' International Bar Association Director Mark Ellis Urges in JURIST Interview (Jurist, Dec. 21, 2021) ("Jurist, Dec. 21, 2021"), <https://www.jurist.org/features/2021/12/21/the-lives-of-afghanistans-lawyers-are-still-in-danger-international-bar-association-director-mark-ellis-urges-in-jurist-interview/>; Taliban proceed with plans to strip independence of Afghanistan lawyers (Jurist, Jan. 3, 2022) ("Jurist, Jan. 3, 2022"), <https://www.jurist.org/news/2022/01/taliban-moves-forward-with-plans-to-strip-independence-of-afghanistan-lawyers/>; *see generally* Afghan Independent Bars [sic] Association (AIBA website, in English) (with tabs labeled "Home," "About," "Membership," "Trainings and Events," "Laws," "Publications," "Find Jobs," and "Contact Us"; specifying AIBA Headquarters address as "Afghanistan Independent [sic] Bars [sic] Association, Shahr-e Naw, Blasm Hospital Street, House No. 777, Kabul AF," with two phone lines (0799280815 and 0781306729)).

The establishment of an independent bar association in Afghanistan was greeted with some fanfare by the international community. For example, in a March 6, 2008 report to the U.N. Security Council, the U.N. Secretary-General cited the Advocates Law as a significant positive development in legal reform activities in Afghanistan. The law was also highlighted by the U.N. High Commissioner for Human Rights in her Annual Report on Afghanistan to the U.N. Human Rights Council on February 21, 2008. And the AIBA was the subject of international media attention as well. For example, according to a September 18, 2008 article in the London Times, "the creation of the country's Bar Association, will, it is hoped, dramatically improve the position of rule of law in the war-torn nation." *See* ILAC, *supra* n.3.

⁴ *See* International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2; Afghan Biographies, *supra* n.3; ILAC, *supra* n.3; Jurist, Nov. 24, 2021, *supra* n.3; Tittle News Desk, Nov. 25, 2021, *supra* n.3.

⁵ *See* Afghan Biographies, *supra* n.3; ILAC, *supra* n.3; AIBA Fact Sheet, *supra* n.3.

⁶ *See* International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2 (highlighting the fact that the AIBA was founded "to provide lawyers with a non-governmental and independent body to regulate and coordinate the access, life and activities of the profession and to guarantee the rights to defense"); IDLO, Nov. 6, 2017, *supra* n.3; Twitter, Nov. 24, 2021, *supra* n.3 (emphasizing that the AIBA is "independent, non-governmental, and non-political" and stating that it "did not receive any funding from the government"); Jurist, Nov. 24, 2021, *supra* n.3; AIBA Fact Sheet, *supra* n.3; Taliban takes over Afghan Independent Bar Association (Asian News International ("ANI") News, Nov. 29, 2021) ("ANI News, Nov. 29, 2021"), <https://www.aninews.in/news/world/asia/taliban-takes-over-afghan-independent-bar-association20211129210931>; Interview: Attorney Saeq Shajjan – 'We Need to Raise Our Voices

In the wake of Afghanistan's fall to the Taliban in mid-August 2021, the AIBA had been viewed as the country's sole remaining bulwark of fundamental human rights, due process, judicial independence, the rule of law, and democratic values.⁷

However, on November 22, 2021, the Taliban Ministry of Justice published a decree stripping the AIBA of its independence, including its authority to license lawyers, and merging it into the Ministry.⁸ The same decree states that only Taliban-approved lawyers will be permitted to appear

for Afghanistan's Embattled Lawyers' (Jurist, Jan. 27, 2022) ("Jurist, Jan. 27, 2022"), <https://www.jurist.org/features/2022/01/27/interview-attorney-saeed-shajjan-entreats-we-need-to-raise-our-voices-for-afghanistans-embattled-lawyers/>.

⁷ See generally, e.g., Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing Under the Taliban Regime (Jurist, March 7, 2022) (describing the AIBA as one of the "main arms of justice in Afghanistan") ("Jurist, March 7, 2022"), <https://www.jurist.org/commentary/2022/03/mahir-hazim-afghan-legal-judicial-system-collapsing-taliban-regime/>; Women "more vulnerable than ever" – the closure of Afghanistan's safehouses (Afghan Witness, March 8, 2022) (emphasizing that the Taliban takeover of the AIBA will "disproportionately restrict women's 'access to justice'") ("Afghan Witness, March 8, 2022"), <https://www.afghanwitness.org/reports/women-%22more-vulnerable-than-ever%22---the-closure-of-afghanistan's-safehouses->.

⁸ See IBA Letter, Nov. 30, 2021, *supra* n.2 (referring to "[a] Taliban cabinet directive [that] 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," *i.e.*, Taliban Cabinet Decision No. 10 (Nov. 14, 2021)); Afghanistan 2021 Human Rights Report at 17 (U.S. Department of State, April 12, 2022) (referring to November 22, 2022 Taliban decree) ("Afghanistan 2021 Country Report"), https://www.state.gov/wp-content/uploads/2022/03/313615_AFGHANISTAN-2021-HUMAN-RIGHTS-REPORT.pdf; International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2 (emphasizing that the intent of the Taliban takeover of the AIBA was "to allow the Taliban government not only to control the licensing of lawyers but also to register them, thereby exposing them to major risks of persecution"); Law Society Gazette, Oct. 20, 2021, *supra* n.2; Jurist, Nov. 22, 2021, *supra* n.3; Jurist, Nov. 24, 2021, *supra* n.3; Tittle News Desk, Nov. 25, 2021, *supra* n.3; Jurist, Dec. 2, 2021, *supra* n.3; IBA, Dec. 9, 2021, *supra* n.3; IBA, Dec. 15, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; AIBA Fact Sheet, *supra* n.3; Afghan Biographies, *supra* n.3; ANI News, Nov. 29, 2021, *supra* n.6; Jurist, Jan. 27, 2022, *supra* n.6; Jurist, March 7, 2022, *supra* n.7; Afghan Witness, March 8, 2022, *supra* n.7 (referring to a "Taliban cabinet directive [that] stripped the AIBA of powers to licence lawyers, instructing prior licence holders to re-apply to the [Taliban] Ministry of Justice," *i.e.*, Taliban Cabinet Decision No. 10 (Nov. 14, 2021)); Judge, Jury, And Executioner: Taliban Brings Afghanistan's Justice System Under Its Thumb (including photo of November 22, 2021 decree) (Radio Free Europe/Radio Liberty/Radio Azadi, Dec. 1, 2021) ("RFE/RL/Radio Azadi, Dec. 1, 2021"), <https://gandhara.rferl.org/a/taliban-afghanistan-justice-system/31588972.html>; Threats and attacks against activists and journalists as Afghanistan faces a humanitarian crisis (CIVICUS Monitor, Dec. 12, 2021) ("CIVICUS Monitor, Dec. 11, 2021"), <https://monitor.civicus.org/updates/2021/12/11/threats-and-attacks-against-activists-and-journalists-afghanistan-faces-humanitarian-crisis/>; Afghanistan in Review: November 20-December 8, 2021 – Taliban Government Consolidates Power within Afghanistan (Institute for the Study of War, Dec. 13, 2021) ("Institute for the Study of War, Dec. 13, 2021"), <https://www.understandingwar.org/backgrounder/afghanistan-review-november-20-december-8-2021>; Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif (UN Deputy High Commissioner for Human Rights) (video) (Office of the U.N. High Commissioner for Human Rights, Dec. 14, 2021) (briefing the U.N. Human Rights Council) ("OHCHR, Dec. 14, 2021"), <https://media.un.org/en/asset/k1w/k1wllbe9vv>; Afghanistan: Humanitarian crisis threatens basic human rights (UN News, Dec. 14, 2021) ("UN News, Dec. 14, 2021"), <https://news.un.org/en/story/2021/12/1107902>; Afghanistan dispatches: UN says 'The safety of Afghan judges, prosecutors, and lawyers – particularly women legal professionals – is a matter for particular alarm' (Jurist, Dec. 15, 2021), <https://www.jurist.org/news/2021/12/afghanistan-dispatches-the-safety-of-afghan-judges-prosecutors-and-lawyers-particularly-women-legal-professionals-is-a-matter-for-particular-alarm/>; Country police and information note: fear

in the courts and declares that lawyers must be “honest and loyal to the Islamic Emirate” (the Taliban), must have not worked with the prior government (*i.e.*, the internationally-recognized government), and must have taken part in the “jihad” of the past 20 years – criteria that, in effect, would appear to exclude all non-Taliban figures.⁹

On November 23, 2021, the day after the decree issued, an estimated 50 armed Taliban stormed the AIBA’s offices in Kabul, threatening the lawyers and staff with violence before ordering them off the premises¹⁰ and installing a new president who has ties to the Taliban Ministry of Justice but no relevant experience.¹¹ Days later, on December 5, 2021, armed Taliban raided an AIBA news conference planned to protest the Taliban takeover and to highlight the importance

of the Taliban, Afghanistan, para. 6.8.11 (U.K. Government/Visas & Immigration, Version 2.0/Feb. 11, 2022) (“U.K. Government, Feb. 11, 2022”), <https://www.gov.uk/government/publications/afghanistan-country-policy-and-information-notes/country-police-and-information-note-fear-of-the-taliban-afghanistan-february-2022-accessible>; Tweet re: issuance of “Defense Attorney’s ID Card[s]” by Taliban Ministry of Justice Directorate of Defense Attorneys (including a copy of new license/ID card, in English) (Afghanistan Rights Watch (“ARW”), March 22, 2022), <https://mobile.twitter.com/afghanistanrw/status/1506265672103477258/photo/1>.

⁹ See IBA Letter, Nov. 30, 2021, *supra* n.2; Afghanistan 2021 Country Report, *supra* n.8, at 17 (reporting that “Taliban Acting ‘Justice Minister’ Abdul Hakim declared that only Taliban-approved lawyers could work in the[] [Taliban] Islamic courts, effectively revoking the licenses of approximately 2,500 lawyers”); RFE/RL/Radio Azadi, Dec. 1, 2021, *supra* n.8; CIVICUS Monitor, Dec. 11, 2021, *supra* n.8; Institute for the Study of War, Dec. 13, 2021, *supra* n.8.

¹⁰ See International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2 (describing the Taliban’s storming of the AIBA’s Kabul headquarters and reporting that the Taliban “ordered the verification of all contracts signed by the Bar Association with foreigners”); IBA Letter, Nov. 30, 2021, *supra* n.2; Twitter, Nov. 24, 2021, *supra* n.3 (reporting that “about fifty armed Taliban” had just entered and “took over [the] Bar”); Afghanistan dispatch: formerly independent bar association merged with Taliban MoJ now subject to new regulations (Jurist, March 22, 2022) (“Jurist, March 22, 2022”) (stating that AIBA headquarters were “recently emptied by Taliban officials”); Jurist, Nov. 24, 2021, *supra* n.3; Tittle News Desk, Nov. 25, 2021, *supra* n.3; TOLO News, Nov. 28, 2021, *supra* n.3; Jurist, Dec. 2, 2021, *supra* n.3; Law Society Gazette, Dec. 2, 2021, *supra* n.3; Jurist, Dec. 8, 2021, *supra* n.3; IBA, Dec. 9, 2021, *supra* n.3; IBA, Dec. 15, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; ANI News, Nov. 29, 2021, *supra* n.6; Jurist, March 7, 2022, *supra* n.7; Afghanistan 2021 Country Report, *supra* n.8, at 17; RFE/RL/Radio Azadi, Dec. 1, 2021, *supra* n.8; CIVICUS Monitor, Dec. 11, 2021, *supra* n.8; Institute for the Study of War, Dec. 13, 2021, *supra* n.8; U.K. Government, Feb. 11, 2022, *supra* n.8; Taliban Takeover Of Afghanistan Bar Association (The Nigeria Lawyer, Dec. 4, 2021) (“The Nigeria Lawyer, Dec. 4, 2021”), <https://thenigerialawyer.com/taliban-takeover-of-afghanistan-bar-association/>; Armed Taliban break up lawyers press conference protesting Afghanistan bar association takeover (Jurist, Dec. 5, 2021) (“Jurist, Dec. 5, 2021”), <https://www.jurist.org/news/2021/12/armed-taliban-break-up-lawyers-press-conference-protesting-afghanistan-bar-association-takeover/>

¹¹ See Jurist, Nov. 24, 2021, *supra* n.3; Tittle News Desk, Nov. 25, 2021, *supra* n.3; Jurist, Dec. 2, 2021, *supra* n.3; Jurist, Dec. 8, 2021, *supra* n.3; IBA, Dec. 9, 2021, *supra* n.3; Afghan Biographies, *supra* n.3; RFE/RL/Radio Azadi, Dec. 1, 2021, *supra* n.8; Jurist, Dec. 5, 2021, *supra* n.10; *see generally*, *e.g.*, Jurist, March 7, 2022, *supra* n.7 (stating that “[t]he Taliban has systematically replaced the employees of the previous government’s justice institutions with their fighters with no substantial education or background in law or even Shari’a”; further reporting that “Taliban leaders accused of severe violations of human rights and included in the UN terrorism sanction list are taking on the Afghan justice institutions including the Supreme Court . . . and the Attorney General’s Office,” and, specifically that “the new Attorney General [is] on the UN terrorism sanction list”).

of the AIBA's independence, forcing AIBA members to flee for their lives.¹² The situation has continued to deteriorate since then.¹³

¹² See Jurist, Dec. 8, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; Jurist, March 7, 2022, *supra* n.7; CIVICUS Monitor, Dec. 11, 2021, *supra* n.8; U.K. Government, Feb. 11, 2022, *supra* n.8; Jurist, Dec. 5, 2021, *supra* n.10; Taliban justice ministry summons protesting lawyers after AIBA press conference dispersed (Jurist, Dec. 5, 2021), <https://www.jurist.org/news/2021/12/taliban-justice-ministry-summons-protesting-lawyers-after-aiba-press-conference-dispersed/>; Timeline: Afghan dissidents arrested by the Taliban in five months (TRT News, Jan. 10, 2022) (“TRT News, Jan. 10, 2022”), <https://www.trtworld.com/magazine/timeline-afghan-dissidents-arrested-by-the-taliban-in-five-months-53485>.

¹³ One particularly high-profile case involved the Taliban's arrest of Faizullah Jalal, a prominent, outspoken professor of law and political science at Kabul University. See Prominent Afghan professor arrested for criticizing Taliban rule (Al Jazeera, Jan. 9, 2022) (“Al Jazeera, Jan. 9, 2022”), <https://www.aljazeera.com/news/2022/1/9/afghan-professor-arrested-for-criticising-taliban-regime>. Taliban intelligence/security forces took the 59-year-old Professor Jalal into custody at his residence in Kabul on January 8, 2022 and held him in an intelligence prison. *Id.*; Taliban Detain Prominent Critic, Intensifying Crackdown on Dissent in Afghanistan (Wall Street Journal, Jan. 9, 2022) (“WSJ, Jan. 9, 2022”), <https://www.wsj.com/articles/taliban-detain-prominent-critic-intensifying-crackdown-on-dissent-in-afghanistan-11641744527>; Taliban Criticized For Arresting Outspoken Professor (Gandhara/Radio Azadi/Radio Free Europe/Radio Liberty, Jan. 9, 2022) (“Gandhara/Radio Azadi/RFE/RL, Jan. 9, 2022”), <https://gandhara.rferl.org/a/taliban-arrest-professor-jalal/31645848.html>; Prominent lecturer and Taliban critic released after arrest: daughter (Radio France Internationale (“RFI”)/Agence France-Presse, Jan. 11, 2022), <https://www.rfi.fr/en/prominent-lecturer-and-taliban-critic-released-after-arrest-daughter>; Daughter Says Afghanistan's Taliban Freed Prominent Critic Due to International, Domestic Pressure (Voice of America (“VOA”) News, Jan. 12, 2022) (“VOA News, Jan. 12, 2022”), <https://www.voanews.com/a/daughter-says-afghanistan-s-taliban-freed-prominent-critic-due-to-international-domestic-pressure/6393350.html>. (Note: A few sources mistakenly report that the arrest was made on January 9. See, e.g., TRT News, Jan. 10, 2022, *supra* n.12; Gandhara/Radio Azadi/RFE/RL, Jan. 9, 2022, *supra* n.13; Taliban free popular Afghan professor critical of government (Associated Press, Jan. 11, 2022), <https://apnews.com/article/afghanistan-media-social-media-kabul-taliban-7bb297da35a71c7835fc29838608cdf4>; Taliban releases prominent Afghan professor from custody: Family (Al Jazeera, Jan. 11, 2022), <https://www.aljazeera.com/news/2022/1/11/taliban-releases-afghan-professor-faizullah-jalal>).

Professor Jalal was not permitted to contact his family, who had no idea what his physical condition was or where he was being held, and who feared for his safety. WSJ, Jan. 9, 2022, *supra* n.13; Afghan university professor arrested by Taliban after criticising regime (South China Morning Post/Agence France-Presse, Jan. 10, 2022) (“SCMP/AFP, Jan. 10, 2022”), <https://www.scmp.com/news/world/russia-central-asia/article/3162746/afghan-university-professor-arrested-taliban-after>; Calls for release of Kabul University professor detained by Taliban (The Guardian, Jan. 10, 2022) (“The Guardian, Jan. 10, 2022”), <https://www.theguardian.com/global-development/2022/jan/10/calls-for-release-of-kabul-university-professor-detained-by-taliban>.

Via Twitter, a Taliban spokesperson announced that Professor Jalal was charged with making “nonsensical” statements, and “insulting” and “inciting” opposition to Taliban rulers. VOA News, Jan. 12, 2022, *supra* n.13; Tweet re: arrest of Faizullah Jalal for “insulting Islamic Emirate leadership” (Jan. 8, 2022), <https://twitter.com/msharif1990/status/1479824221735768064?s=21>. As “evidence” of the alleged crimes, the Taliban pointed to screen shots of four tweets purporting to be from the Professor stating, *inter alia*, that the Taliban's chief of intelligence is a “stooge” of Pakistan and that the Taliban consider the Afghan people to be “donkeys.” Al Jazeera, Jan. 9, 2022, *supra* n.13; VOA News, Jan. 12, 2022, *supra* n.13.

Professor Jalal denied the Taliban's accusations, protesting that the Twitter account in question – @UstadJalal1 – did not belong to him. Al Jazeera, Jan. 9, 2022, *supra* n.13. The Professor's actual Twitter handle is @JalalFaizullah. *Id.*

Professor Jalal has long been a thorn in the Taliban's side. The Guardian, Jan. 10, 2022, *supra* n.13; VOA News, Jan. 12, 2022, *supra* n.13. Although the Taliban made no reference to the incident in seeking to justify his arrest, the Professor's fans, friends, and family had been gravely concerned for his safety ever since a TV appearance that he had made in late November 2021. Fears For Afghan Professor's Safety After He Lambasts Taliban On Live 1TV (The Guardian, Nov. 22, 2021), <https://gandhara.rferl.org/a/afghan-professor-criticism-taliban/31573700.html>; Professor Jalal confronts the Taliban out of Kabul (South Asia Democratic Forum ("SADF"), Nov. 22, 2021) ("SADF, Nov. 22, 2021"), <https://www.sadf.eu/professor-jalal-confronts-the-taliban-out-of-kabul/>; Faizullah Jalal, a University Professor, Arrested by Taliban (Hasht-e Subh, Jan. 8, 2021) ("Hasht-e Subh, Jan. 8, 2021"), <https://8am.af/eng/faizullah-jalal-a-university-professor-arrested-by-taliban/>. (Note that most sources report the date of the TV appearance in question as November 20, but some accounts indicate that it was November 21. Compare, e.g., Gandhara/Radio Azadi/RFE/RL, Jan. 9, 2022, *supra* n.13 (Nov. 20, 2021); VOA News, Jan. 12, 2022, *supra* n.13 (same); Fears For Afghan Professor's Safety After He Lambasts Taliban On Live TV (Radio Free Europe/Radio Liberty/Gandhara, Nov. 22, 2021) ("RFE/RL/Gandhara, Nov. 22, 2021") (same), <https://gandhara.rferl.org/a/afghan-professor-criticism-taliban/31573700.html>; with Hasht-e Subh, Jan. 8, 2021, *supra* n.13 (Nov. 21, 2021).)

In the course of a late November 2021 debate broadcast live on NOLO TV (Afghanistan's largest and most popular TV network), Professor Jalal had clashed with a Taliban spokesman also participating in the debate, accusing the Taliban of abuse of power, stifling free speech, and exacerbating the country's financial crisis. RFE/RL/Gandhara, Nov. 22, 2021, *supra* n.13; WSJ, Jan. 9, 2022, *supra* n.13; Taliban arrest Afghan professor after social media criticism (The New Arab, Jan. 9, 2022), <https://english.alaraby.co.uk/news/taliban-arrest-afghan-professor-after-social-media-criticism>. The Professor also called the Taliban spokesman a "terrorist" and a "calf," an insult that means "stupid" in Afghanistan. RFE/RL/Gandhara, Nov. 22, 2021, *supra* n.13; WSJ, Jan. 9, 2022, *supra* n.13.

Video clips of that TV appearance instantly went viral on social media, and Professor Jalal became a nationwide "household name." RFE/RL/Gandhara, Nov. 22, 2021, *supra* n.13; WSJ, Jan. 9, 2022, *supra* n.13. Critics of the Taliban praised him for his candor and his courage. RFE/RL/Gandhara, Nov. 22, 2021, *supra* n.13. Many social media users changed their profile pictures to a photo of the Professor. Taliban arrest prominent Afghan academic for 'dissent' (Deutsche Welle, Jan. 9, 2022), <https://p.dw.com/p/45JbW>. However, Taliban supporters denounced him, calling for retribution; and several Taliban officials warned him that his life might be in danger from lower-ranking members of the Taliban whom leadership could not control. RFE/RL/Gandhara, Nov. 22, 2021, *supra* n.13; WSJ, Jan. 9, 2022, *supra* n.13. After that, the Professor sequestered himself in his home, emerging only occasionally for exercise to relieve a back injury, and, even then, donning a surgical mask to cover his face and help conceal his identity. WSJ, Jan. 9, 2022, *supra* n.13.

News of Professor Jalal's January 8 arrest by the Taliban spread like wildfire, sparking a global outcry. Gandhara/Radio Azadi/RFE/RL, Jan. 9, 2022, *supra* n.13. Both Afghan supporters and the international community (including international human rights organizations such as Amnesty International and Human Rights Watch, as well as German and EU diplomats, and U.S. House Foreign Affairs Committee Chairman Gregory Meeks, among others) registered their alarm and demanded the Professor's immediate release. Detention of Professor Faizullah Jalal Sparks Reactions (TOLONews, Jan. 9, 2022), <https://tolonews.com/afghanistan-176240>; VOA News, Jan. 12, 2022, *supra* n.13. Four days later, on January 11, 2022, he was released, unharmed. VOA News, Jan. 12, 2022, *supra* n.13. Cognizant that the outcome easily could have been quite different, the Professor's family has credited his safe and swift release to the overwhelming condemnation of his arrest and the wide-ranging calls for his prompt and unconditional release. *Id.*; Tweet, "Our voices were heard – and, a few hours ago, Afghan law professor @JalalFaizullah, who had been abducted and detained in an unknown location by #Taliban security forces, was released. Absent our influential pressure, I suspect the outcome could have been very different." (Twitter/@michaeljohns, Jan. 11, 2022/4:45 p.m.).

Undaunted by his recent arrest by the Taliban, Professor Jalal – one of Afghanistan's best-known political commentators – has vowed that he will not be silenced. The Guardian, Jan. 10, 2022, *supra* n.13. A critic of successive Afghan governments (including not only the current Taliban, but also the earlier internationally-recognized governments of former Presidents Hamid Karzai and Ashraf Ghani), the Professor has been a long-time activist against authoritarian regimes. The Guardian, Jan. 10, 2022, *supra* n.13; Taliban arrest popular Afghan professor critical of govt (ABC News/Associated Press, Jan. 9, 2022) ("ABC News/AP, Jan. 9, 2022"),

Particularly alarming is the fact that, as a result of its takeover of the AIBA, the Taliban now have access to the AIBA's database of the personal and professional records of more than 2500 lawyers and judicial system employees.¹⁴ These records include detailed, highly-sensitive information on matters such as individuals' home addresses, family members, and client files – leaving lawyers, prosecutors, and judges (particularly women) even more exposed to the very real possibility of reprisals at the hands of convicted prisoners who were freed by the Taliban and at the hands of the Taliban itself.¹⁵ The Taliban have similarly seized control of the AIBA's bank accounts and funds.¹⁶

<https://abcnews.go.com/International/wireStory/taliban-arrest-popular-afghan-professor-critical-govt-82160260>.

Professor Jalal was arrested in 1978 for his role in protests against the communist coup in Afghanistan and was held and tortured in Pul-e-Charkhi prison. The Guardian, Jan. 10, 2022, *supra* n.13. He was imprisoned after the Soviet invasion of Afghanistan and arrested several times under the first Taliban regime in the 1990s. SCMP/AFP, Jan. 10, 2022, *supra* n.13. After joining Kabul University as a lecturer, in 1993 he became Vice-Chancellor of the University, a post that he held until 1996 when the Taliban seized Kabul for the first time. *Id.*; SADF, Nov. 22, 2021, *supra* n.13; The Guardian, Jan. 10, 2022, *supra* n.13. After the Taliban fell in 2001, he was appointed Afghanistan's Deputy Minister of Higher Education, before returning to academia, where he is employed today. SADF, Nov. 22, 2021, *supra* n.13; The Guardian, Jan. 10, 2022, *supra* n.13. The Professor is married to Massouda Jalal, Afghanistan's first female presidential candidate, who ran against former President Hamid Karzai in 2004 and who served as former Minister of Afghanistan's now-abolished Ministry of Women's Affairs. *Id.*; ABC News/AP, Jan. 9, 2022, *supra* n.13.

As a result of their high-profile political activity, Professor Jalal and his family have suffered multiple attacks over the years. Most recently, in 2019, terrorists bombed the family's residence. SADF, Nov. 22, 2021, *supra* n.13. Since the Taliban returned to power in August 2021, Professor Jalal has had numerous opportunities to leave Afghanistan, but he has declined them all. SCMP/AFP, Jan. 10, 2022, *supra* n.13. Although his family fled to Europe, he has remained in Kabul, living mostly in hiding, with no security for protection. *Id.*

¹⁴ See Avocats Sans Frontieres/Lawyers Without Borders, Jan. 24, 2022, *supra* n.2 (reporting, *inter alia*, that the Taliban have seized "access to the personal and professional records of 2,500 lawyers and judicial system employees, exposing them to reprisals, including from [those] who had been imprisoned," and that, "[l]ike all those who worked yesterday to make Afghanistan a country that fully respects the human rights of all its citizens, these legal professionals now fear for their lives"); IBA Letter, Nov. 30, 2021, *supra* n.2; Law Society Gazette, Dec. 2, 2021, *supra* n.3; Jurist, Dec. 8, 2021, *supra* n.3; IBA, Dec. 9, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; Afghan Biographies, *supra* n.3; CIVICUS Monitor, Dec. 11, 2021, *supra* n.8; U.K. Government, Feb. 11, 2022, *supra* n.8.

¹⁵ See Avocats Sans Frontieres/Lawyers Without Borders, Jan. 24, 2022, *supra* n.2 (reporting, *inter alia*, that the seizure of "the personal and professional records of 2,500 lawyers and judicial system employees[] expos[es] them to reprisals, including from [those] who had been imprisoned"; that, "[l]ike all those who worked yesterday to make Afghanistan a country that fully respects the human rights of all its citizens, these legal professionals now fear for their lives"; and that women judges and lawyers are particularly at risk); International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2 (noting that Taliban seizure of AIBA database "jeopardize[s] professional secrecy"); IBA Letter, Nov. 30, 2021, *supra* n.2; IBA, Dec. 9, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; OHCHR, Dec. 14, 2021, *supra* n.8 (briefing the U.N. Human Rights Council); UN News, Dec. 14, 2021, *supra* n.8; U.K. Government, Feb. 11, 2022, *supra* n.8.

¹⁶ See International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2; IBA Letter, Nov. 30, 2021, *supra* n.2; Jurist, Dec. 8, 2021, *supra* n.3; IBA, Dec. 9, 2021, *supra* n.3; IBA, Dec. 15, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; Afghan Biographies, *supra* n.3.

More recently, the Taliban Ministry of Justice has announced that Afghan lawyers will be required to re-certify under a new qualification process established by the Ministry.¹⁷ Male lawyers who have applied to renew their licenses under the new process report that they have been required to take an oral examination in which the questions are drawn from religious subjects and have nothing to do with the law.¹⁸ To date, the Taliban have failed to issue even a single law license to any woman lawyer.¹⁹ Although, like their male colleagues, women lawyers have applied to renew their licenses, their requests are not being processed and they have been told to wait until a decision is made as to whether they will be permitted to continue to practice.²⁰

The Taliban's takeover of the AIBA also has profound implications for the integrity of the administration of justice.²¹ The Taliban Ministry of Justice's control over the licensing of

¹⁷ See International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2; IBA Letter, Nov. 30, 2021, *supra* n.2; Jurist, Nov. 22, 2021, *supra* n.3; Jurist, Dec. 2, 2021, *supra* n.3; Jurist, Dec. 21, 2021, *supra* n.3; Jurist, March 7, 2022, *supra* n.7; Afghan Witness, March 8, 2022, *supra* n.7; CIVICUS Monitor, Dec. 11, 2021, *supra* n.8; AFW, March 22, 2022, *supra* n.8 (including a copy of new license/ID card, in English); The Nigeria Lawyer, Dec. 4, 2021, *supra* n.10; Jurist, Dec. 5, 2021, *supra* n.10.

¹⁸ See Jurist, March 22, 2022, *supra* n.10 (stating that the Taliban licensing examination tests an applicant's knowledge of "Islam" and "Shari'a," by requiring an applicant to "recit[e] verses of Quran . . . and respond[] to questions related to how to practice five times a day prayers, [and] Hadiths . . . as well as [the] meaning and interpretation of selected verses of Quran"); Jurist, Jan. 27, 2022, *supra* n.6; Jurist, March 7, 2022, *supra* n.7; Tweet 1/2 re: Re-Licensing of Afghan Lawyers (Jurist, Dec. 13, 2021) (reporting, *inter alia*, that "[a] legal correspondent in Kabul tells us about lawyers' re-licensing in Afghanistan under the new Taliban Ministry of Justice: 'Men who have applied for renewal of their licenses have taken an oral re-examination. The questions of this exam are taken from religious subjects [that have nothing to do with the legal profession]"), <https://twitter.com/juristnews/status/1470414466953232384?s=21>; Tweet 2/2 re: Re-Licensing of Afghan Lawyers (Jurist, Dec. 13, 2021) (reporting, *inter alia*, that male lawyers seeking re-licensing are subject to oral examination consisting of questions on religious subjects that "have nothing to do with the legal profession"), <https://twitter.com/juristnews/status/1470414902217035778?s=21>.

¹⁹ See, e.g., Jurist, Jan. 27, 2022, *supra* n.6 (reporting that, to date, "the [Taliban] Ministry of Justice has not issued a single law license to a woman"); Jurist, March 7, 2022, *supra* n.7 (reporting that "women lawyers are not able to practice law . . . under the Taliban regime"); RFE/RL/Radio Azadi, Dec. 1, 2021, *supra* n.8 (quoting CCBE statement that "all women are now excluded from the legal profession in Afghanistan" and reporting that the Taliban's takeover of the AIBA "amounts to removing the legal credentials of several thousand lawyers in Afghanistan – including hundreds of women who were licensed attorneys"); CIVICUS Monitor, Dec. 11, 2021, *supra* n.8 (noting that the Council of Bars and Law Societies of Europe ("CCBE") has stated that "all women are now excluded from the legal profession in Afghanistan"); Jurist, March 22, 2022, *supra* n.10.

²⁰ See Jurist, Jan. 27, 2022, *supra* n.6 (quoting prominent Afghan attorney now practicing in exile as stating that he "know[s] of a couple of women who tried to get their licenses renewed recent, and they were denied" and "were told that the authorities were waiting for a new policy pertaining to women lawyers," but the quoted attorney "[doesn't] thank that policy is going to come"); Tweet 2/2 re: Re-Licensing of Afghan Lawyers (Jurist, Dec. 13, 2021) (reporting, *inter alia*, that "[a] few female lawyers . . . also applied to renew their licenses. But so far their requests have not been processed further. And [the Taliban] told them to wait until a decision about [their] reemployment is made."), <https://twitter.com/juristnews/status/1470414902217035778?s=21>.

²¹ See, e.g., Law Society Gazette, Oct. 20, 2021, *supra* n.2 (quoting the Council of Bars & Law Societies of Europe as stating that "[t]he Afghanistan Independent Bar Association has been closed by the new regime, *making the independent exercise of the legal profession no longer possible*") (emphasis added); International Observatory of Lawyers, Nov. 26, 2021, *supra* n.2 (emphasizing that "the independence of lawyers is one of the essential foundations of the Rule of law"); Afghan Witness, March 8, 2022, *supra* n.7 (observing that Taliban takeover of

lawyers, particularly given the nature of the licensing criteria that have been announced, seem to indicate that lawyers will not be independent advocates for their clients, but, rather, agents of the (Taliban) state.²² No one can serve two masters. Afghans' access to independent legal advice and representation – and to justice – will be a relic of the past.²³

The United Nations Basic Principles on the Role of Lawyers expressly recognize the “vital role” that bar associations play in any society, “protecting [bar] members from persecution and improper restrictions and infringements.”²⁴ The Basic Principles also recognize lawyers' rights

AIBA “will disproportionately restrict women’s ‘access to justice’” precisely at a time when need is greater than ever); RFE/RL/Radio Azadi, Dec. 1, 2021, *supra* n.8 (quoting founder of Afghanistan’s Organization for Social & Economic Development as stating that “[a]ccess to independent legal [assistance] will soon become a thing of the past” and that lines between functions are being blurred, such that “[a] lawyer, prosecutor, and judge can be the same person at the same time”; further, quoting CCBE statement that takeover in essence “exclude[s] the possibility for any lawyer to exercise their profession freely and independently”); Tweet, “By approval of the new regulation for #AIBA Bar Association in Afghanistan it is [now] a directorate of ministry of justic[e]. *Independence of Afghanistan Bar Association is gone how the fair trial will be expected* @JURISTnews @StuartR92034479 @Shajjan @heatherbarr1 @ijrcenter” (Twitter/Afghanistan Rights Watch (“ARW”), March 22, 2022/9:44 a.m.) (emphasis added) (highlighting impossibility of guaranteeing a fair trial absent an independent bar), <https://t.co/vpMG5GkJ7T>.

²² See Jurist, Dec. 8, 2021, *supra* n.3; RFE/RL/Radio Azadi, Dec. 1, 2021, *supra* n.8; OHCHR, Dec. 14, 2021, *supra* n.8 (briefing the U.N. Human Rights Council); Jurist, Dec. 5, 2021, *supra* n.10; Taliban cracks down on more rights while demanding Western aid (Washington Post, Dec. 30, 2021), <https://www.washingtonpost.com/world/2021/12/30/afghan-taliban-crackdown-aid/>.

²³ The availability of pro bono legal services is but one of the near-certain casualties of the Taliban’s takeover of the AIBA.

In adopting the U.N. Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (the first international instrument dedicated to the right to legal aid), “the General Assembly urged States to establish, strength, and expand legal aid ‘to the maximum extent possible,’” and specifically called for the involvement of bar associations, among others. See [U.N.] Global Study on Legal Aid: Global Report at 21 n.64 (U.N. Office on Drugs & Crime, Oct. 2016), https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global-Study-on-Legal-Aid_Report01.pdf; United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (U.N. Office on Drugs & Crime, 2012), https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf.

In the past, the Afghan government has recognized the importance of access to legal aid. See, e.g., Program Flier, Enhancing Access to Legal Aid in Criminal Justice Systems (presented Nov. 13, 2014, at United Nations Headquarters in New York, sponsored by, *inter alia*, Afghanistan’s Mission to the United Nations, and including as one of the featured speakers Afghanistan’s Ambassador to the U.N.), <https://www.un.org/ruleoflaw/files/Invitation%20and%20Concept%20Enhancing%20Access%20to%20Legal%20Aid%2013%20November%202014.pdf>. And, as explained above (*see supra* n.5), the by-laws of the AIBA reflect that organization’s strong commitment to pro bono service.

There is no indication that the Taliban Ministry of Justice will place such a priority on pro bono service, or that the Taliban will otherwise prioritize access to legal aid for the Afghan people.

²⁴ See United Nations Basic Principles on the Role of Lawyers (1990), Preamble (recognizing the “vital role” of bar associations in “protecting their members from persecution and improper restrictions and infringements,” as well as in “upholding professional standards and ethics, . . . providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and [the] public interest”), <https://www.un.org/ruleoflaw/files/UNBasicPrinciplesontheRoleofLawyers.pdf>.

of “freedom of expression, belief, association and assembly,” and specifically state that bar associations must be permitted to “exercise [their] functions without external interference.”²⁵ In addition, the Principles explicitly provide that clients’ positions are not to be attributed to their counsel.²⁶ The Principles further charge governments with ensuring that lawyers are able to fulfill “all of their professional functions without intimidation, hindrance, harassment or improper interference,”²⁷ and underscore that, “[w]here the security of lawyers is threatened,” the lawyers must be “adequately safeguarded by the authorities.”²⁸ Lastly, the Principles prohibit discrimination in lawyer licensing based on criteria such as sex, ethnic origin, religion, and “political or other opinion.”²⁹

The New York City Bar calls upon the Taliban authorities to immediately restore the independence of the Afghanistan Independent Bar Association, to recognize and respect the U.N. Basic Principles on the Role of Lawyers in full, and, even more fundamentally, to take all measures necessary to ensure the fairness and the integrity of the legal profession and the justice system for all Afghans.

The City Bar further urges that, in their diplomacy, the United Nations, as well as the U.S. government and all other governments, exert maximum leverage and do everything in their power to press Taliban authorities to comply with all applicable international standards governing the administration of justice, and, more broadly, human rights (including women’s rights).³⁰

²⁵ See U.N. Basic Principles on the Role of Lawyers, Principle 23 (recognizing lawyers’ rights of “freedom of expression, belief, association and assembly”); *id.*, Principle 24 (stating that bar associations must be permitted to “exercise [their] functions without external interference”).

²⁶ See U.N. Basic Principles on the Role of Lawyers, Principle 18 (providing that “[l]awyers shall not be identified with their clients or their clients’ causes”).

²⁷ See U.N. Basic Principles on the Role of Lawyers, Principle 16 (charging governments with ensuring that lawyers are able to discharge “all of their professional functions without intimidation, hindrance, harassment or improper interference”).

²⁸ See U.N. Basic Principles on the Role of Lawyers, Principle 17 (underscoring that, “[w]here the security of lawyers is threatened,” the lawyers must be “adequately safeguarded by the authorities”).

²⁹ See U.N. Basic Principles on the Role of Lawyers, Principle 10 (prohibiting discrimination in lawyer licensing based on criteria such as sex, ethnic origin, religion, and “political or other opinion”).

³⁰ See generally, e.g., CCBE, Nov. 25, 2021, *supra* n.2 (urging “the EU and its Member States, in their diplomatic efforts toward the regime in place, to do everything in their power to ensure the maintenance of an independent legal profession and bar in Afghanistan, through the existing AIBA,” emphasizing that that “the issue of the independence of the bar should be one of the redlines in any diplomatic effort towards the new government . . . in order to ensure that both human and women’s rights are effectively protected,” and “ask[ing] the EU and its Member States to demand that all lawyers in Afghanistan, including women lawyers, are able to carry out their professional duties without fear of reprisal, hindrance, intimidation or harassment”; underscoring that “[t]he independence of the legal profession governed by a self-regulated AIBA as an indispensable element of the integrity of the administration of justice and the rule of law, should be considered a prerequisite for any possible engagement by the EU and its Member States with the [Taliban] authorities”); Jurist, March 7, 2022, *supra* n.7 (addressing “The Responsibility of the International Community and the UN Towards the Afghan Legal System and Rule of Law,” stating that “it is the

At a time when an independent bar association could not be more important, the New York City Bar is proud to stand with the members of the Afghanistan Independent Bar Association and all Afghan lawyers whose courage and commitment to the universal ideals of the independence of the legal profession and the judiciary, due process, human rights, democracy, justice, and the rule of law inspire us all.

responsibility of the United Nations . . . and the countries engaging with the Taliban to make rescuing the legal system and ensuring rule of law their top priority when they negotiate with the Taliban”).

In addition, the AIBA’s sister bar associations and law societies of the world, together with the international community generally, must craft and implement creative, proactive, affirmative measures to support the continued existence of the AIBA. *See generally, e.g.,* Leaving Afghanistan (Judicature International/Duke Law School, Fall/Winter 2021-2022) (referring to possibility of the operation of the AIBA “in exile”), <https://judicature.duke.edu/articles/leaving-afghanistan/>; IBA, Dec. 9, 2021, *supra* n.3 (referring to establishment of “a new Afghan bar association in exile” as a means for “Afghanistan’s lawyers and judges to come together”; emphasizing need for “[AIBA] leaders who are currently outside Afghanistan . . . [to] maintain vigilance in that country and work in collaboration with one another as they expose to the world the excesses of the current regime”; and reporting that AIBA President Rohulla (or “Ruhulla”) Qarizada and AIBA Vice President Najla Raheel are “two of the AIBA Executive team that have managed to flee Afghanistan with their families”).