



1 September 2021

LAWASIA STATEMENT OF CONCERN REGARDING THE SAFETY OF THE AFGHAN LEGAL COMMUNITY

1. LAWASIA expresses grave concern for the safety of members of the Afghan legal community, including judges, lawyers, law students and human rights defenders, who could face risks to their lives and safety following the Taliban's takeover of civil administration in Afghanistan.¹
2. LAWASIA is a regional association of legal organizations, including bar associations and law societies, individual lawyers, and judges, which advocates for the rights of lawyers to promote the rule of law in Asia and the Pacific region. LAWASIA has a long-established connection with Afghanistan, as the first meeting at which LAWASIA was contemplated took place under the aegis of the United Nations in Kabul in 1964.² The Lawyer's Union of Afghanistan has long been a valued member of LAWASIA.
3. LAWASIA is particularly concerned for the safety of 250 female judges, who face an ongoing and serious threat,³ following reports of female judges and journalists being targeted by the Taliban. In January 2021 two female judges of the Afghan Supreme Court were shot by militants,⁴ and there have been recent reports of the Taliban targeting female journalists.⁵
4. LAWASIA echoes statements made by several Bar Associations, including the International Bar Association,⁶ the American Bar Association,⁷ the Law Council of Australia, the Australian Bar Association,⁸ the Canadian Bar Association,⁹ the Bar Council, the Bar Human Rights Committee of England and Wales, and the Law Society of England and Wales,¹⁰ to call on the international community to ensure the safety of those within Afghanistan who have worked to establish democracy and respect for the rule of law and human rights over the last 20 years.
5. LAWASIA notes that judges, lawyers, and human rights defenders must be able to continue their work without fear of intimidation, harassment, or interference, to uphold the rule of law.¹¹ If it is not possible to meet these conditions, the international community bears a responsibility to ensure these people are given safe passage, and refuge in other countries. LAWASIA echoes the words of the Former Justice of the High

Court of Australia, the Hon Michael Kirby AC CMG, “The international community bears a legal responsibility to ensure the safe passage of refugees fleeing Afghanistan and that none are forcibly returned as failed asylum seekers, in adherence to the principle of non-refoulement.”¹²

6. LAWASIA also echoes the concerns raised in the 31st Special Session of the United Nations Human Rights Council and calls on any new government that will succeed the former Afghan administration to ensure the protection of the rule of law and universally recognized human rights.¹³ Any new government must fully respect the human rights of all individuals in Afghanistan, including women, children and persons belonging to ethnic, religious and other minority groups. In order to effectuate these rights, members of legal community should be guaranteed they are able to exercise their duties freely and independently in accordance with the UN Basic Principles on the Role of Lawyers.

Chunghwan Choi
President, LAWASIA

¹ “Taliban declares ‘war is over in Afghanistan’ as foreign powers exit Kabul,” The Guardian, August 16, 2021, <https://www.theguardian.com/world/2021/aug/16/taliban-declares-war-is-over-in-afghanistan-as-us-led-forces-exit-kabul>.

² “LAWASIA and the United Nations,” at <https://lawasia.asn.au/about-us/organisation-structure/lawasia-and-un>.

³ “Afghanistan: As Taliban gains ground, female judges fear for their safety,” PBS, August 14, 2021, <https://www.pbs.org/newshour/show/afghanistan-as-taliban-gains-ground-female-judges-fear-for-their-safety>.

⁴ “Two female judges shot dead in Kabul as wave of killings continues,” The Guardian, January 17, 2021 <https://www.theguardian.com/world/2021/jan/17/two-female-judges-shot-dead-in-kabul-as-wave-of-killings-continues>.

⁵ “‘Please pray for me’: female reporter being hunted by the Taliban tells her story,” The Guardian, August 10, 2021, <https://www.theguardian.com/global-development/2021/aug/10/please-pray-for-me-female-reporter-being-hunted-by-the-taliban-tells-her-story>.

⁶ International Bar Association, “IBA Judges’ Forum issues statement in support of Afghanistan’s Judges,” August 20, 2021, <https://www.ibanet.org/IBA-Judges-Forum-Statement-Afghanistan-Judges>; International Bar Association, “Afghanistan: IBA and IBAHRI call for the international community to hold the Taliban to account for pledges made to citizens,” August 18, 2021, <https://www.ibanet.org/Afghanistan-IBA-and-IBAHRI-call-for-the-international-community-to-hold-the-Taliban-to-account>.

⁷ American Bar Association, “Statement of ABA President Reginald Turner Re: Afghanistan,” August 16, 2021 <https://www.americanbar.org/news/abanews/aba-news-archives/2021/08/aba-president-statement-re-afghanistan/>.

⁸ Law Council of Australia, Australian Bar Association, “Statement on Afghanistan by the Law Council of Australia and the Australian Bar Association,” August 18, 2021, <https://austbar.asn.au/news-media/statement-on-afghanistan-by-the-law-council-of-australia-and-the-australian-bar-association>

⁹ Canadian Bar Association, “Statement by CBA President on the Situation in Afghanistan,” August 17, 2021, <https://www.cba.org/News-Media/Press-Releases/2021/August/Statement-by-CBA-President-on-the-Situation-in-Afg>.

¹⁰ Bar Council, the Bar Human Rights Committee of England and Wales, and the Law Society of England and Wales, “Bar Council, BHRC and Law Society urge UK Government to offer asylum to legal professionals in Afghanistan,” August 16, 2021, <https://www.barhumanrights.org.uk/bar-council-bhrc-and-law-society-urge-uk-government-to-offer-asylum-to-legal-professionals-in-afghanistan/>.

¹¹ This includes the United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>.

¹² “Afghanistan: IBA and IBAHRI call for the international community to hold the Taliban to account for pledges made to citizens,” <https://www.ibanet.org/Afghanistan-IBA-and-IBAHRI-call-for-the-international-community-to-hold-the-Taliban-to-account>.

¹³ UN High Commissioner for Human Rights, *The serious human rights concerns and situation in Afghanistan, Statement by Michelle Bachelet*, 31st Special Session of the Human Rights Council, 24 August 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27403&LangID=E>.