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Lawyers in danger:

The select cases below concretely illustrate the very real challenges and risks that Afghan lawyers face.²⁵

1. Z M:

Z M is a defence lawyer who previously worked as a translator for NATO. Z M handled sensitive cases, including human rights cases and cases related to violence against women, as well as cases against members of the Taliban.

²⁴ See, e.g., Taliban’s ‘Injustice’; Women Lawyers and Judges Forced to Beg for Food (Khaama Press News Agency, 24 Nov. 2022) (quoting tweet by U.S. Special Envoy for Afghan Women, Girls, and Human Rights in Afghanistan Rina Amiri: “Now women are sidelined from practicing law & many women judges & lawyers are forced to beg for food for their children rather than use their skills”; slamming the Taliban, saying “Such injustice.”), <https://www.khaama.com/talibans-injustice-women-lawyers-and-judges-forced-to-beg-for-food-47885/>; Female Lawyers Tolerate Poverty with Empty Food Tables and Life Threats (Hasht-E Subh, 30 Oct. 2022) (interviewing a number of Afghan women lawyers still in Afghanistan, reporting that “[h]undreds of female defense lawyers in the country are in a state of destitution and are not allowed to work,” while their lives remain in danger from former clients and ex-prison inmates freed by the Taliban; quoting one lawyer, for example, as stating that “[she] can’t even afford a packet of powdered milk for [her] child,” while poverty “forced [another lawyer] to marry immediately and against her will”; quoting another lawyer as stating that she has “been threatened by the Taliban many times”; and another lawyer lamented that, although she was formerly the breadwinner for her relatives, she has now “become a threat to the life of [her] family”), <https://8am.media/eng/female-lawyers-tolerate-poverty-with-empty-food-tables-and-life-threats/>.

²⁵ As noted above, Afghan prosecutors and judges are in certain respects in even greater danger than lawyers; and those prosecutors and judges who are women are in the greatest jeopardy.

Judge S A – a woman judge who was still in Afghanistan – was recently assassinated in cold blood. Her parents found her lifeless body. See Information on file with the Coalition. See also, e.g., Collapse of Afghanistan’s Judiciary as Over 2,000 Prosecutors Fired (Afghanistan International, 18 July 2022) (reporting, *inter alia*, that “at least 26 prosecutors [had] been killed” as of mid-July 2022), <https://www.afintl.com/en/202207185576>.

Except as otherwise indicated, the information in this section of the report was provided by leaders of the Afghanistan Independent Bar Association and is on file with the Coalition. To protect their safety and that of their families, most of the individuals who are profiled are identified only by their initials.



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In one case, Z M represented a woman seeking to divorce a Taliban militant imprisoned in Bagram. After the Taliban released the prisoners at Bagram, Z M’s client called him to warn him that her ex-husband was searching for him, presumably to retaliate. The ex-husband went to Z M’s office, but, fortunately, Z M already had left.

After 15 August 2021, Z M tried to fly from the city of Kabul to a safe place, but he could not enter the airport, which was heavily fortified.²⁶ He eventually managed to escape the country but is not yet in a safe location.

²⁶ Like Z M, many Afghans at risk who sought to flee the country in the immediate aftermath of the Taliban takeover were not successful. In the days between 15 August and 31 August, Kabul erupted in pandemonium as desperate Afghans frantically tried to leave Afghanistan. With the borders largely sealed and the city encircled by the Taliban, tens of thousands of Afghans sought to make their way to Kabul’s Hamid Karzai International Airport to attempt to get on a flight out – especially those who had worked for the Afghan government and the so-called “collaborators” who had supported the work of the U.S. and other foreign governments. However, while U.S. and coalition forces secured the airport itself, all streets and roads were controlled by the Taliban. Frequent Taliban checkpoints rendered passage to the airport a harrowing process, requiring people to navigate a gauntlet that left even those who were successful dehydrated, exhausted, traumatized, and, in many cases, injured, either by Taliban fighters or U.S. soldiers.

The scene at the airport itself was sheer chaos. The mayhem soon turned deadly, with seven people killed, including several who clung to the landing gear of a departing U.S. military transport plane before plunging to their deaths, and others who were crushed in stampedes at the airport’s Abbey Gate, one of the main entrances to the airport. Day by day, casualties continued to mount – victims of gunshots, trampling, suffocation, and heart attacks. Repeatedly flights had to be halted as crowds stormed runways. The U.S. Embassy warned its citizens to stay away from the airport unless specifically instructed otherwise, citing risks of attack by Islamic State militants operating in Afghanistan.

Outside the airport was a sea of humanity. Taliban soldiers wielded ropes, whips, sticks, rifle butts, hose, and plastic pipe, and fired shots into the air, in crude attempts at crowd control. Coalition forces stood guard atop massive concrete barriers topped with razor wire, controlling access to the airport. Masses of anxious Afghans surged up against the barriers, waving their documents in the air, seeking to attract the attention of the armed soldiers in a bid to gain admission to the airport. Accessing one of the gates required desperate Afghans to wade through raw sewage, carrying children in their arms and balancing precious personal belongings high above their heads. Some people tried to scale the concrete barriers surrounding the airport. And, in some of the most heartbreaking images of the evacuation, families hoisted young children over the barriers and the razor wire to foreign soldiers, in the hopes that the young ones might escape to safety, even if the rest of the family did not.

Those fortunate enough to make it into the airport were confronted with confusing instructions and a days-long wait inside the terminal, as well as evacuation flights departing with empty seats. In the chaos, families often became separated, with members of the same family being sent to different countries. As the days wore on, kilometres of land near the airport began to resemble makeshift refugee camps as increasingly desperate Afghans continued to mass, exposed to dust and blistering heat, and sometimes left without food and water. Then, on 26 August, two massive explosions occurred – the first just outside the airport’s Abbey Gate, and the second at the nearby Baron Hotel, which was being used by British and Canadian forces as a muster point for Afghans approved for evacuation flights. The two blasts left 13 U.S. troops and at least 169 Afghans dead, with hundreds more seriously wounded.

While states generally focussed on evacuating their own nationals and Embassy staff, *ad hoc* volunteer operations mobilized around the globe, laboring 24/7 in heroic efforts to rescue others at risk, including Afghan judges, prosecutors, and lawyers, particularly women. Ultimately, more than 122,000 people were evacuated between 15 August and 31 August, in one of the largest airlifts in history. But tens of thousands more –



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2. A M A:

A M A, a member of the AIBA, provided legal aid services. Notably, in one case he represented a client accused of murder who was acquitted. A M A's life was threatened by the murder victim's family, which has ties to the Taliban. Due to the cases that he has handled and his role in the AIBA, A M A is now being chased by the Taliban. On one occasion, armed Taliban went to his former home to search for him; and he fell while being ambushed but managed to escape.

3. A S S:

A S S is a defence lawyer and a member of the AIBA. He was active in various sensitive political cases, practising commercial and criminal law. Following the release by the Taliban of many prisoners who seek revenge against the lawyers involved in their cases, A S S and his family have received anonymous phone calls and death threats. They have therefore been forced into hiding.

4. H B:

H B, a member of the AIBA, handled various types of civil, family and criminal cases, including cases of violence against women, children and foreign nationals. He has been the target of explicit death threats from terrorist groups, including the Taliban, and is now forced to hide, changing locations regularly to save his life.

5. Mrs M W:

M W is a member of the AIBA who has practiced law in various disciplines including family law. She also worked as a legal advisor in one of the institutions for human rights and women's

including many who are highly vulnerable to Taliban retribution, such as Afghan lawyers like Z M – were left behind.

See generally, e.g., Judges from around the world work to save female Afghan colleagues amid waning hope (Washington Post, 28 Aug. 2021), https://www.washingtonpost.com/local/afghan-women-judges-rescue/2021/08/28/ccd94798-075c-11ec-a654-900a78538242_story.html; Afghanistan: Danger lies on Kabul's airport road to freedom (BBC News, 19 Aug. 2021) (including a map of the airport, main roads, and environs), <https://www.bbc.com/news/world-asia-58271517>; Chaos on the runway: Kabul airport mobbed as Afghans make desperate dash to exit (Times of Israel/Agence France-Presse, 16 Aug. 2021), <https://www.timesofisrael.com/chaos-on-the-runway-kabul-airport-mobbed-as-afghans-make-desperate-dash-to-exit/>; Chaos spreads outside Kabul's airport as the Taliban try to control crowds. (New York Times, 18 Aug. 2021), <https://www.nytimes.com/2021/08/18/world/asia/kabul-airport-taliban-afghanistan.html>; 7 Afghans die amid chaos at Kabul airport as U.S. orders airlines to assist with airlifts (Los Angeles Times, 22 Aug. 2021), <https://www.latimes.com/world-nation/story/2021-08-22/7-afghans-killed-amid-chaos-at-kabul-airport-british-military-says>; 'Dead people were everywhere': Carnage and chaos at Kabul airport (Washington Post, 27 Aug. 2021), https://www.washingtonpost.com/world/asia_pacific/kabul-airport-afghanistan-isisk/2021/08/26/69466456-0674-11ec-b3c4-c462b1edcfc8_story.html.



rights. Because she has represented victims of very serious domestic violence, M W has been threatened with death and was forced to leave her home.

6. M J Q:

M J Q was a defence lawyer and a member of the AIBA. His law practise involved criminal cases, civil cases, cases of violence against women, and cases of internal and external security. Even before the Taliban takeover, M J Q was attacked twice, in 2018 and 2020. Following the Taliban's release of prisoners who now seek revenge, he can no longer live safely at home.

7. M S N:

M S N has defended the legal rights of victims of violence (including violence against women and children), as well as cases involving charges of corruption. He has also represented individuals accused of crimes against internal and external security. He has been threatened several times by relatives of the opposing parties in cases that he has handled. Further, he has received death threats from former clients who were convicted and who refuse to accept the verdict of the court.

In addition, in several cases where M S N represented wives of members of the Taliban who were seeking to divorce their husbands, the Taliban threatened M S N with retribution. Due to the dangers, M S N was forced to leave his home. He now resides in an undisclosed location, with his wife and their young daughter.

8. S M S:

S M S was a defence lawyer specialising in criminal law. In one case, S M S was assigned to defend an individual accused of being a member of the Taliban. His client was convicted and deemed S M S responsible for the conviction. After the Taliban freed his former client from prison, the former client called S M S to inform him that he wants revenge. S M S fled for his safety. However, his ex-client is now an active member of the Taliban and is still searching for S M S and his family.

9. Mrs M D:

M D was a defence lawyer and human rights activist in Kabul and a member of the AIBA. She has handled many cases of violence against women, including, for example, cases of forced marriage and honour killings. As a result, her life and the lives of her family members are now in great peril. Moreover, quite apart from the danger that she faces as a woman lawyer, her everyday life as a woman – like all Afghan women – is extremely difficult. She cannot work, and, indeed, cannot even leave her home without a male chaperone.



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10. Mrs Zohra KOHI:

Mrs Zohra KOHI was a defence lawyer and a member of the Committee for the Elimination of Violence against Women and Children.

She used to visit the female jail in pol-e-Charkhi and was warned by local Taliban not to drive anymore.

In 2015, she represented a mother whose son had been murdered by his father-in-law and brother-in-law. The father-in-law had fled and the brother-in-law was released through guarantee. She received a threat letter from the fleeing murderer every week until the verdict.

In 2016, she represented a woman whose house had been seized by the mafia. The mafia threatened her and tried to kidnap her. Her brother and her cousin had to escort her to work in order to avoid any other attempt.

In 2021, she represented a woman whose daughter had been killed by her husband, under the pretext that she wasn't a virgin. The Taliban conquered Kabul and the perpetrator couldn't be arrested. She received threatening calls from him and from an ex-detainee of Bagram jail.

She managed to leave the country and lives now in Spain.

11. Mrs Masiha FAYEZ

As a lawyer, she worked in the field of human rights and women's rights and helped to promote access to justice for survivors of gender-based violence. She was also an adviser in different committees in charge of reforming the law.

On the 15 August 2021, she was in Kabul and was told that the Taliban had opened the gate of Polcharkhi prison. She saw several prisoners on the street, wearing prison uniforms. She reached the airport but couldn't get a place on a plane. Her son and her suffer from mental health issues due to the incidents they witnessed.

Fortunately, she was able to leave Afghanistan in September but her family received threats as a consequence.

She's now living in Germany with her husband and children but she still faces different challenges:

- Language is one of the big barriers
- Despite the fact that she has a Master degree in Law and 19 years of work experience, her degree is not recognised in Germany
- Landlords don't easily rent houses to refugees without a job