

## **Afghanistan judges and lawyers: their evacuation and resettlement (as at 15 November 2021)**

1. This is intended as a brief “information pack”, summarising the main aspects of the project spearheaded by Helena Kennedy QC and the International Bar Association Human Rights Institute (IBAHRI) to assist women judges and lawyers and their families to leave Afghanistan and secure a future elsewhere.

### **Situation in Afghanistan**

2. Woman judges, lawyers, and prosecutors, especially those who were involved in the trials of Taliban fighters, are at risk in Afghanistan. Now that prisoners are being released, including those who they put in jail, they live with a constant target on their backs. Many of them have been receiving threats and had to go into hiding. The situation of women judges was dire even before the Taliban takeover. For example, in early 2021, two women judges working for the Supreme Court have been shot dead. The August 2021 takeover was the end of women holding such important positions.

### **The IBAHRI’s work to help judges and lawyers in Afghanistan**

3. The IBAHRI has been involved in Afghanistan since 2004 when it began the project to establish an independent bar association where none had previously existed, to promote the rule of law through the better regulation of the legal profession. Working with the Ministry of Justice of Afghanistan, this involved convincing the local stakeholders that setting up a bar association would be advantageous to post-conflict Afghanistan, drafting the enabling legislation and by-laws, setting up the physical infrastructure of and personnel for the bar, and facilitating its development. Over the course of the IBAHRI’s active programme in the country, it supported the process of setting legal standards and domesticating human rights, a challenge to systemic issues more than the standard “checks and balances” approach. One of the key issues was to help introduce court-by-laws to bring women into the legal profession and on to the bench. The AIBA was formally established in 2008 and the IBA and IBAHRI continued working closely with the AIBA for several years beyond its establishment.
4. Since the Taliban takeover, the IBAHRI has been supporting judges and lawyers in Afghanistan. This assistance including: providing safe housing in Afghanistan; organising evacuations; providing all-round assistance in the lily pad (Greece) and finding final destinations.
5. At the end of October 2021, the IBAHRI team secured the evacuation of 79 women judges, lawyers, journalists and other human rights defenders, and their family members (over 370 people) from Afghanistan to Greece. This latest evacuation follows a previous successful joint venture with Greece in September when a further 24 women judges and their families, a total of 114, were also evacuated from Afghanistan.
6. On 12 November, 3 female judges and one chief prosecutors, incl. their family members, who were evacuated in September, arrived in the UK. A further two families with UK evacuation letters are to be resettled to the UK over the next few weeks.

## Example cases

7. Among the evacuated women are:

- Lawyer A has worked as a prosecutor in Afghanistan. During this work, she has prosecuted many Taliban offenders in high profile corruption cases. She faces risk for this work for being a woman, and for having worked in sentencing Taliban individuals who have now been freed from prison. Many of the prisoners that she helped to prosecute have been released and are now hunting for the individuals who worked towards their imprisonment.

The IBAHRI evacuated Lawyer A to Greece where she stays on a temporary visa and awaiting a final destination.

- Judge B has been a member of the bench since 2017. The majority of the cases she presided over were prosecuting dangerous criminals, including many members of the Taliban. During her work, she has received many threats from the Taliban. Since the collapse of the Government, all the Taliban individuals whom she sentenced to prison have been released. Judge B has been forced into hiding, fearing for her life. Reports have been received that the Taliban have searched for her door-to-door

IBAHRI's partners evacuated Judge B from a basement where she was hiding and provided safe housing for her in Afghanistan. At the end of October, IBAHRI evacuated her to Greece where she stays on a temporary visa and awaiting a final destination.

## Plans:

8. IBAHRI is currently supporting 89 families evacuated with the flights to Greece and providing them with accommodation, food, and other necessities. Some of them have a final destination and IBAHRI is assisting them until they are transferred. 70 families do not have a final destination. IBAHRI has been planning to organise further evacuations, subject to funding available.

## What is needed:

9. **Financial assistance:** IBAHRI currently pays for all-round-assistance to the families in Greece. The costs are at approx. €100k per week. Donations can be done via gofundme: <https://www.gofundme.com/f/support-afghan-judges-lawyers-womens-activists>

Alternatively, directly to the George Fund managing the donations on behalf of the IBAHRI (details on request to Emily Foale ([Emily.Foale@int-bar.org](mailto:Emily.Foale@int-bar.org)) or Dr Ewelina Ochab ([Ewelina.Ochab@int-bar.org](mailto:Ewelina.Ochab@int-bar.org))).

10. **Assistance with advocacy:** Assistance with advocacy on behalf of the judges and lawyers without a final destination is urgently needed. Such assistance can make a

difference in securing resettlement for each family - and securing it without further delays. IBAHRI has been working on a new initiative calling upon lawyers and law firms to 'adopt' an Afghan family and lead the advocacy efforts on their behalf to find a home for each family before Christmas 2021.

11. **Assistance in the country of final destination:** Living as a refugee is not easy. For example, once the families arrive in the UK, they are placed in hotels awaiting suitable accommodation. Most of the Afghans who arrived in August are still in hotels and there is no guarantee that they will be placed in flats any time soon. After Helena's TV and radio interviews, some people have been offering accommodation for the families. This is of great help, and may provide a solution to the dire problem of accommodation for refugees.

### **Further Information**

12. Further information about the project and the funding appeal can be obtained from IBAHRI, Emily Foale ([Emily.Foale@int-bar.org](mailto:Emily.Foale@int-bar.org)) or Dr Ewelina Ochab ([Ewelina.Ochab@int-bar.org](mailto:Ewelina.Ochab@int-bar.org)).
13. Some further information can be found in media reports, for example:  
  
<https://www.theguardian.com/world/2021/sep/21/qc-baroness-helena-kennedy-calls-on-uk-to-support-female-judges-at-risk-in-afghanistan>  
  
<https://www.theneweuropean.co.uk/afghanistan-women-baroness-helena-kennedy-schindlers-list/>  
  
<https://www.forbes.com/sites/ewelinaochab/2021/11/03/british-lawyers-evacuate-103-women-at-risk-from-afghanistan/?sh=42f6fc9129f>  
  
<https://www.bbc.co.uk/sounds/play/m0011541> - a Radio 4 World at One interview on 3 November with Helena Kennedy and the son of a murdered Afghan judge (at about 33 minutes in)
14. There is also a petition, started by Helena Kennedy, calling on the UK Government to provide sanctuary to Afghan judges and lawyers at risk:  
<https://petition.parliament.uk/petitions/596895>. There are presently 1,322 signatures, and all are encouraged to sign.  
The Government has recently (13 November) put out a press release about assistance provided to date:  
<https://www.gov.uk/government/news/uk-provides-a-new-home-for-vulnerable-afghan-female-judges>