



**United Nations Human Rights Council  
43rd Regular Session  
24 Feb. – 20 March 2020  
Agenda Item 3**

**Clustered Interactive Dialogue with the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism  
(Item 3)**

**International Bar Association's Human Rights Institute**

**5 March 2020**

Mr. President,

The International Bar Association's Human Rights Institute welcomes the Special Rapporteur's report on Kazakhstan and shares her serious concern about the climate of fear that independent human rights lawyers, working on terrorism and extremism cases, experience,<sup>1</sup> and which has increased in the last years.

Independent human rights lawyers working on terrorism and extremism cases are frequently under surveillance by authorities, subjected to threats and intimidation, including threats of their licence being revoked, and risk themselves to face terrorism charges on fraudulent grounds for undertaking their work.

We would like to recall as prerequisite to the independence of justice and the rule of law the state obligation to respect the independence of the legal profession and the corresponding guarantees that lawyers shall not be identified with their clients and/or causes,<sup>2</sup> and are entitled to civil and penal immunity for relevant statements made in good faith in written or oral pleadings.<sup>3</sup> States shall ensure that these principles are not curtailed by any legislation or measure purporting to protect national or international security interests.

In support of the Special Rapporteur's recommendations, we urge the government of Kazakhstan to ensure a safe and free working environment for all lawyers in the country and take all the necessary measures to guarantee that all lawyers are able to perform their professional duties without fear of reprisal, intimidation or harassment, in accordance with

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<sup>1</sup> A/HRC/43/46/Add.1, para 42.

<sup>2</sup> Basic Principles on the Role of Lawyers, Principle 18.

<sup>3</sup> Basic Principles on the Role of Lawyers, Principle 20.



the UN Basic Principles on the Role of Lawyers,<sup>4</sup> and the International Covenant on Civil and Political Rights.

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<sup>4</sup> In particular Principle 16 and 17 on Guarantees for the functioning of lawyers, Principle 24 on Professional associations of lawyers and Principle 28 on Disciplinary proceedings.