

BY AIR/PRIORITY MAIL

His Excellency Mr. Muzaffar Ashuriyon
Minister of Justice of the Republic of Tajikistan
Ministry of Justice
25 Rudaki Avenue
7 34025 Dushanbe
Tajikistan

16 December 2022

Subject: Buzurgmehr Yorov

Your Excellency,

We, the undersigned organisations, are writing to express our urgent concern about the on-going imprisonment of lawyer Buzurgmehr Yorov and his current detention conditions. We write to urge you to immediately release Mr. Yorov from detention and address his medical needs.

As you may already be aware, on 6 October 2016, Mr. Yorov was found guilty of Articles 189, 247, 307, 307.1, and 340 of the Criminal Code. He was sentenced to 23 years in prison by the Dushanbe City Court. In 2017, Mr. Yorov's sentence was increased by a total of five years on charges of "disrespecting" the court, insulting government officials, and "insulting the leader of the nation," increasing his sentences to a total of 28 years in prison. This has since been reduced to a total sentence of 18 years in subsequent mass amnesties in November 2019 and October 2021.

On 12 June 2019 the United Nations Working Group on Arbitrary Detention (the "WGAD") – an independent panel of five human rights experts from around the world which investigates cases of alleged arbitrary detention - issued an opinion calling for the release of Mr. Yorov. In its opinion, the WGAD found that the Government of Tajikistan had committed numerous violations of international law in arresting and detaining Mr. Yorov. It had determined that Mr. Yorov was denied his right to a fair trial, and that his rights to the freedom of expression and freedom of assembly were violated. Despite the WGAD opinion, Mr. Yorov remains detained.

According to our sources, Mr. Yorov has suffered serious ill-treatment in detention and is at grave risk at the moment. On 16 November 2022, Mr. Yorov was placed in solitary confinement in a punishment cell for expressing his disagreement with President Rahmon. He was reportedly tortured in the punishment cell, abuse which reportedly led to his hospitalization. This treatment is a violation of Tajikistan's international human rights treaty obligations, namely those under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On 17 November, Mr. Yorov was transferred to a different prison, namely SIZO №1, correctional colony 9/1 in Dushanbe. Initially, neither prison authorities nor the Ministry of Justice informed the family about this transfer. He was held *incommunicado* until 10 December when his wife was first allowed to visit him. During this visit, Mr. Yorov's wife noticed he had bruising on his neck and face, a sign of mistreatment. Given this information and his experience of abuse in government custody, we are seriously concerned about Mr. Yorov's wellbeing and the conditions of his detention. We are also aware that he may face a new trial on criminal charges, likely leading to an additional increase of his sentence.

In addition to our concern about Mr. Yorov's wellbeing and conditions of detention, we would like to reiterate our concern that Mr. Yorov is being persecuted for his work as a lawyer. Mr. Yorov's detention in 2016 occurred shortly after he took on legal representation of recently detained members of an opposition party. In its opinion, the WGAD concluded that the charges against Mr. Yorov were baseless and that the motivation of the government in imprisoning him was to punish him for his representation of members of the political opposition. Persecution of lawyers for their lawful legal work is in violation of international standards in this area, and poses a serious threat to judicial independence, human rights, and democracy in Tajikistan. We draw your attention to the United Nations Basic Principles on the Role of Lawyers and more in particular Article 16, which reads:

Governments shall ensure that lawyers(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (..) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Lawyers for Lawyers and Freedom Now are deeply concerned about the safety and health of Mr. Yorov and respectfully urge you to:

- Immediately and unconditionally release Mr. Yorov in compliance with the WGAD decision; and
- Ensure his safety and health according to international standards.

Thank you for your attention to this very important matter. We are confident that the Government of Tajikistan will give this case the attention it deserves, and we will continue to monitor this case closely.

Yours sincerely,
Lawyers for Lawyers
Freedom Now