



BY AIRMAIL

His Excellency Mr. Rustam Shomurodovich
Minister of Justice of the Republic of Tajikistan
Ministry of Justice
25 Rudaki Avenue
734025 DUSHANBE
TAJIKISTAN

Amsterdam, 21 September 2016

Subject: Arrest of lawyer Jamshed Yorov

Your Excellency,

Lawyers for Lawyers is an independent, non-profit and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

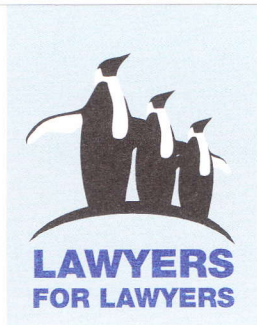
Lawyers for Lawyers is concerned about the arrest and detention of lawyer Jamshed Yorov. We have reason to believe that his arrest is connected to his legitimate activities as attorney.

Atty. Yorov represented Muhammadali Hayit, the deputy chairman of the banned opposition Islamic Renaissance Party of Tajikistan (IRPT). On June 2, 2016, Mr. Hayit was sentenced to life imprisonment after a closed-door ruling by Tajikistan's Supreme Court.

According to our information, Atty. Yorov was arrested and detained on 22 August 2016 on suspicion of 'dissemination of a state secret' (article 311 of the Criminal Code of Tajikistan). Allegedly, Atty. Yorov would have disclosed information about the closed-door ruling against Mr. Hayit. We were informed that under Tajik law, court rulings can no longer be a state secret after their announcement.

This case is not an isolated one. Jamshed Yorov is at least the third Tajik lawyer representing members of the IRPT that has been arrested. By letter of November 4, 2015, Lawyers for Lawyers already called upon your Excellency to immediately release Atty. Buzurgmehr Yorov who was detained on September 29, 2015 on present credible and internationally recognizable charges against him.¹ At the time of his arrest, Atty. Yorov was representing several high-ranking detained IRPT members. Authorities initially charged him with fraud related charges. In December 2015, authorities added charges of "arousing national, racial, local or religious hostility" (article 189) and extremism (articles

¹ <http://www.advocatenvooradvocaten.nl/11212/tajikistan-human-rights-lawyer-arrested/>



307 and 307.1). Furthermore, on October 22, 2015, the Police Unit for Combating Organized Crime arrested lawyer Nuriddin Makhkamov, a lawyer who worked for Buzurgmehr Yorov's law firm *Sipar*, on what appear to be trumped-up charges. Makhkamov, who was also representing arrested IRPT members, faces swindling charges. When the trial against Attys. Yorov and Makhkamov started on May 3, it was closed to the public.

Lawyers for Lawyers, as well as other organizations, fear that Attys. Jamshed Yorov, Buzurgmehr Yorov and Nuriddin Makhkamov have been arrested and detained in retaliation for representing IRPT members. Also other lawyers representing political opponents or taking on politically sensitive cases have been arrested, imprisoned, and intimidated, including lawyers Shukhrat Kudratov and Fakhriddin Zokirov, who represented Zayd Saidov, an opposition leader of the Social Democratic Party. Other lawyers have reportedly received death threats. On 7 June 2016, the United Nations Special Rapporteur on the right to freedom of opinion and expression, David Kaye, also expressed alarm at reports on the continued intimidation of political opposition leaders and their lawyers and relatives.²

In this respect, Lawyers for Lawyers would like to remind your government of its obligation to recognize the valuable role played by lawyers to ensure the rule of law in your country and to promote and support the work of lawyers in line with the UN Basic Principles on the Role of Lawyers³, an instrument that is universally applicable.

In particular, we would draw your attention to Articles 16, 17 and 18 of the Basic Principles, which read:

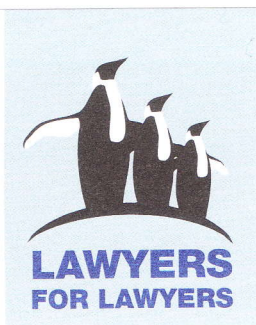
16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken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

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

²<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20064&LangID=E#sthash.RkaBVFyS.dpuf>

³ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.



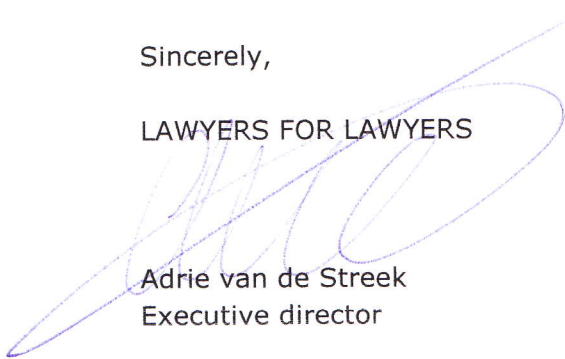
In view of the above, Lawyers for Lawyers respectfully urge you to:

1. Immediately release Jamshed Yorov, Buzurgmehr Yorov and Nuriddin Makhkamov. In the absence of their release, their trials should be open to ensure due process rights and fair trials, and the evidence against them should be subject to public and independent scrutiny.
2. Take meaningful steps to ensure the independence of the legal profession and the security of individual lawyers, including to enable all lawyers in Tajikistan to carry out their legitimate professional activities without fear of reprisals, intimidation and threats.

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

Sincerely,

LAWYERS FOR LAWYERS



Adrie van de Streek
Executive director

A copy of this letter was sent to:

- Human Rights Ombudsman of Tajikistan
- Ambassador for the Republic of Tajikistan in Brussels
- Netherlands mission to Tajikistan in Astana, Kazakhstan