



**BY AIRMAIL**

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

Amsterdam, 28 September 2017

Subject: lawyer Mr. Buzurgmehr Yorov

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch 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 has grave concerns about the situation of our colleague, lawyer Buzurgmehr Yorov. Two years ago, on 28 September 2015, Mr. Yorov was arrested. Since then he has been imprisoned. In previous letters<sup>1</sup> we raised our concerns about the arrest, prosecution and conviction of Mr. Yorov. Recently family members of Mr. Yorov have reported that prison officials in Tajikistan have repeatedly beaten Mr. Yorov.

At the time of his arrest, Mr. Yorov had just started to represent thirteen senior leaders of the Islamic Renaissance Party of Tajikistan (IRPT). They were arrested by the authorities on various charges on 16 September 2015. The IRPT had been the only Islamic political party legally registered in Central Asia before the Supreme Court of Tajikistan on 29 September 2015, banned the party and declared it a terrorist organization. After meeting one of the leaders in pre-trial detention, Mr. Yorov gave an interview in which he said that detained political leaders were being tortured and publicly invited lawyers, human rights defenders and activists to unite to protect detainees. It was after giving this speech that he was arrested.

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



On 6 October 2016, the Dushanbe City Court sentenced Mr. Yorov to 23 years in prison.<sup>2</sup> The court found Mr. Yorov guilty of “arousing national, racial, local or religious hostility” under Article 189 of the Criminal Code, “fraud” (Article 247), “public calls for violent change of the constitutional order of the Republic of Tajikistan” (Article 307), “public calls for undertaking extremist activities” (Article 307-1), and forgery (Article 340).

Representatives of the media and international monitors were allowed access to the courtroom only at the first hearing on 3 May 2016. All other hearings were closed to the public. Mr. Yorov pleaded not guilty and denied any wrongdoing, insisting in his closing statement on 3 October 2016 that he was “not an extremist, but a lawyer”. The Supreme Court turned down his appeal against his sentence in February 2017.

Furthermore, on 16 March 2017, the Supreme Court found him guilty of “disrespecting” the court and insulting government officials. These charges are connected to Mr. Yorov quoting a celebrated 11<sup>th</sup> century poet in his closing statement to Dushanbe City Court in his original closed trial. The Supreme Court sentenced him to an additional two years in prison.

In August 2017, another three years were added to his sentence after he was found guilty of ‘insulting the leader of the Nation’.

Lawyers for Lawyers fears that Mr. Yorov’s arrest is related to his legal representation and defence of the thirteen leaders of the IRPT and that his prosecution and conviction serves to curb his legitimate activities as a lawyer.

We would like to draw your attention to the UN Basic Principles on the Role of Lawyers<sup>3</sup>, and more in particular Principles 16 and 18, which read:

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<sup>2</sup> On October 22, 2015, police also arrested lawyer Nuriddin Makhkamov, a lawyer who worked for Buzurgmehr Yorov’s law firm Sipar. Makhkamov, who was representing arrested IRPT members as well, was arrested on swindling charges.

<sup>3</sup> 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.



*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.*

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

These principles are universally applicable. Therefore, your government is under an obligation to adequately protect and support its lawyers. Lawyers for Lawyers therefore urges you again to reverse the judgment against Mr. Yorov, immediately release him and put an end to all acts of harassment

We thank you for your attention to this very important matter. We are confident of your sense of justice and will continue to monitor this case closely.

Yours sincerely,

**LAWYERS FOR LAWYERS**

p.o.

Phon van den Biesen, chairman