



The Law Society of
Upper Canada | Barreau
du Haut-Canada

March 5, 2015

His Excellency Mr. Emomali Rahmon
President of the Republic of Tajikistan
Rudaki Avenue, 80
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Republic of Tajikistan

Office of the Treasurer
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Your Excellency:

Re: The arrest and sentence of human rights lawyer Shukhrat Kudratov

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the case of Shukhrat Kudratov. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Shukhrat Kudratov is a human rights lawyer who is well-known for defending opposition activists, victims of police torture and religious extremists. In 2011, Shukhrat Kudratov was named the Bureau for Human Rights and Rule of Law's Human Rights Defender of the Year in Tajikistan. He is the lawyer for the independent news agency "Asia-Plus" and he is the deputy director of the opposition Social Democratic Party.

Reports indicate that on 21 July 2014, Shukhrat Kudratov was arrested in his office and charged with three criminal offences, including attempted bribery of a judge. Groups have raised concern that Shukhrat Kudratov is being targeted as a result of his human rights work, which includes defending Zaid Saidov, an opposition activist, who was arrested in November 2013 after announcing the creation of a new opposition party. Shukhrat Kudratov's arrest took place six days after he issued a public letter addressed to foreign parliaments, governments, embassies and international human rights organizations drawing their attention to the human rights violations committed during Zaid Saidov's trial and to the ongoing persecution of Zaid Saidov's legal team.

It is reported that Shukhrat Kudratov is the second of Zaid Saidov's lawyers to be detained. In March 2014, Fakhriddin Zokirov, was charged with fraud. He was released after eight months on the condition that he would no longer defend Zaid Saidov.

On 13 January 2015, Shukhrat Kudratov was sentenced to nine years in a penal colony for bribery and fraud. He is also prohibited from performing any activities as a lawyer upon completion of his prison term. Reports indicate that Shukhrat Kudratov has announced that he will appeal the verdict. The Supreme Court of Tajikistan must decide on his appeal by 23 February 2015.

In concern over these reports, The Law Society of Upper Canada urges your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.

The Law Society urges the government of the Republic of Tajikistan to:

- a. release Shukhrat Kudratov immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Shukhrat Kudratov;
- c. provide Shukhrat Kudratov with regular access to his lawyer, family, physician and medical care;
- d. guarantee all the procedural rights that should be accorded to Shukhrat Kudratov and other human rights lawyers and defenders in Tajikistan;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Shukhrat Kudratov in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation would be provided to Shukhrat Kudratov if found to be a victim of abuses;
- g. put an end to all acts of harassment against Shukhrat Kudratov as well as other human rights lawyer and defenders in Tajikistan;
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Shohmurod Rustam
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Mr. Aslov Sirojiddin Muhridinovich
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Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales