

January 18, 2018

H.E. Mr. Emomalii Rahmon
The Founder of Peace and National Unity,
Leader of the Nation, President of the
Republic of Tajikistan
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Dushanbe,
Republic of Tajikistan

Office of the Treasurer

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Your Excellency:

**Re: Concerns regarding the ongoing detention and ill treatment of lawyer
Buzurgmehr Yorov**

I write on behalf of the Law Society of Ontario* to voice our grave concern over the ongoing detention and ill treatment of lawyer Buzurgmehr Yorov.

The Law Society first intervened on behalf of Buzurgmehr Yorov in February 2016 and again in January 2017 and June 2017. It has come to the Law Society's attention that several developments have taken place since its last intervention.

Buzurgmehr Yorov is a civil and criminal lawyer and the chairman of the Bar Association of Dushanbe. Two years ago, Buzurgmehr Yorov had been representing several defendants in the case against the banned Islamic Renaissance Party of Tajikistan (IRPT). He was arrested and detained on September 28, 2015. On October 6, 2016, he was sentenced to 23 years in prison on a number of charges including arousing national, racial, local or religious hostility, extremism, fraud and forgery.

According to the latest information received, Buzurgmehr Yorov's family members have reported that he has been subject to regular beatings, which resulted in him being transferred to the detention centre hospital for treatment. We understand that Buzurgmehr Yorov has been held in solitary confinement since September 29, 2017.

The Law Society is deeply concerned about Buzurgmehr Yorov's situation and urges Your Excellency to comply with Tajikistan's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* 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.

Article 17 states:

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

Article 18 states:

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

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Tajikistan to:

- a. withdraw the charges against Buzurmehr Yorov immediately and unconditionally;

- b. guarantee all of the procedural rights that should be accorded to Buzurgmehr Yorov in accordance with his right to a fair trial;
- c. guarantee that adequate reparation will be provided to Buzurgmehr Yorov if he is found to be a victim of human rights abuses;
- d. ensure that all people in Tajikistan, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression;
- e. ensure that all lawyers and judges in Tajikistan are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul Schabas
Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 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:

H.E. Mr. Mahmamin Mahmaminov, Permanent Representative of
Tajikistan to the United Nations



Nicholas Brousseau, Ambassador of Canada to Kazakhstan, the Kyrgyz Republic and Tajikistan

The Honourable Chrystia Freeland, Minister of Foreign Affairs

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Hina Jilani, 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

Diego García-Sayán, Special Rapporteur on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales