



Public Statement

The Law Society of Upper Canada expresses grave concern about the conviction and pending charges against lawyer Buzurgmehr Yorov in Tajikistan

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the conviction and pending charges against lawyer Buzurgmehr Yorov in Tajikistan.

The Law Society first intervened on behalf of Buzurgmehr Yorov in February 2016 and again in January 2017. It has come to the Law Society's attention that several developments have taken place since its last intervention. In February 2017, the Supreme Court of Tajikistan rejected Buzurgmehr Yorov's appeal, upholding his conviction and the accompanying 23-year prison term. That same month, additional charges of fraud were brought against Buzurgmehr Yorov. Alleged to be based on new complaints made against him by members of the public, these charges carry a sentence of up to 12 years in prison.

On March 16, 2017, the Supreme Court of Tajikistan found Buzurgmehr Yorov guilty of contempt and "insulting government officials", and added an additional two years to his sentence (for a total of 25 years). The hearing into these charges opened on December 12, 2016 after authorities accused him of disrespecting the court and insulting government officials by quoting a celebrated 11th century poet in his closing statement to the Dushanbe City Court during his original trial.

As of May 2017, yet another criminal case is pending against Buzurgmehr Yorov. This new charge of "insulting the leader of the Nation" apparently stems from statements he made in court in response to the aforementioned fraud charges. According to his wife Zarina Nabieva, Buzurgmehr Yorov had told the court that, as a lawyer, he had always operated within the country's legal framework. Given that this legal framework had been approved by the president of Tajikistan, he argued that if he was guilty of fraud, then so was everyone else in the country, including the president. The subsequent publication of this statement on the independent news website Payom.net apparently served as the grounds upon which the criminal charge was advanced.

Further compounding Buzurgmehr Yorov's situation is the fact that his family has been unable to find an independent lawyer willing to represent him in court. Consequently, his wife Zarina Nabieva has taken on his legal defence.

The Law Society of Upper Canada is deeply troubled by Buzurgmehr Yorov's situation, particularly in light of reports that repressive tactics are commonly used by the Government of Tajikistan to intimidate and silence lawyers in Tajikistan, effectively precluding their legitimate professional activities. Arbitrary arrests of human rights lawyers, their prosecutions on politically-motivated charges, harsh prison sentences and the harassment of their families have served as deterrents for anyone daring to defend the fundamental rights of those willing or perceived to challenge the authority of the Tajikistani government. Most notably, defending arrested lawyers has become increasingly risky for other lawyers. This and other government actions (for example, legislative amendments regarding the licensing of lawyers which were introduced in November 2015) have led to a dramatic decrease in the number of licensed lawyers in Tajikistan over the last two years (from more than 1200 in 2015 to just 600 today).

In light of the foregoing, the Law Society urges the Government of Tajikistan 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. immediately and unconditionally release Buzurgmehr Yorov;
- b. pending his release, ensure that Buzurgmehr Yorov is detained in an official place of detention; is not subjected to torture or other ill-treatment; and has regular, unrestricted access to his family, lawyer(s) of his choice, and medical care on request or as necessary;
- c. immediately and unconditionally vacate the convictions rendered against Buzurgmehr Yorov;
- d. immediately and unconditionally withdraw all charges against Buzurgmehr Yorov;
- e. guarantee all of the procedural rights that should be accorded to Buzurgmehr Yorov in accordance with the *Universal Declaration of Human Rights*, including equality before the law, the presumption of innocence, the right to a fair and public hearing by an independent and impartial tribunal, and all the guarantees necessary for the defence of everyone charged with a penal offence;
- f. ensure that Buzurgmehr Yorov is able to secure the services of and is able to communicate and consult in confidence with independent legal counsel;

- g. put an end to all acts of harassment against Buzurgmehr Yorov and all other lawyers in Tajikistan;
- h. guarantee in all circumstances the physical and psychological integrity of Buzurgmehr Yorov;
- i. ensure that all lawyers in Tajikistan can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- j. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.