



Public Statement

The Law Society of Upper Canada expresses grave concern about the convictions of lawyers Buzurgmehr Yorov and Nuriddin Makhkamov in Tajikistan

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the convictions of lawyers Buzurgmehr Yorov and Nuriddin Makhkamov in Tajikistan.

It has come to our attention that on October 6, 2016, prominent human rights lawyers Buzurgmehr Yorov and Nuriddin Makhkamov were convicted and sentenced to 21 and 23 years in prison, respectively, on charges of fraud, swindling, “arousing national, racial, local or religious hostility” and extremism. They have also been banned from practising law for five years following the completion of their prison sentences.

Human rights organizations believe that both lawyers’ arrests and subsequent convictions are tied to their representation of members of the Islamist Renaissance Party of Tajikistan (“IRPT”). The IRPT was banned by the government of Tajikistan in September 2015 and later declared a terrorist organization.

According to reports, Buzurgmehr Yorov was arrested on September 29, 2015, while Nuriddin Makhkamov was arrested shortly thereafter on October 22, 2015. It has been reported that during his pre-trial detention, Nuriddin Makhkamov was placed in solitary confinement for three days when he went on a hunger strike to protest his arbitrary detention.

Reports have further indicated that authorities systematically interfered with Buzurgmehr Yorov and Nuriddin Makhkamov’s right to counsel and severely restricted public access to the trials. Moreover, it is alleged that the prosecution presented no credible evidence against either lawyer.

The Law Society of Upper Canada 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.

The Law Society urges the government of Tajikistan to:

- a. vacate Buzurgmehr Yorov and Nuriddin Makhkamov's convictions immediately and unconditionally;
- b. guarantee in all circumstances the physical and psychological safety and integrity of Buzurgmehr Yorov and Nuriddin Makhkamov;
- c. guarantee all the procedural rights that should be accorded to Buzurgmehr Yorov and Nuriddin Makhkamov;
- d. ensure that both Buzurgmehr Yorov and Nuriddin Makhkamov can appeal their convictions through an independent, impartial judicial proceeding that is open to the public and in which all rules regarding due process are respected;
- e. ensure that the conditions in detention of Buzurgmehr Yorov and Nuriddin Makhkamov comply with applicable international standards; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada 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.

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