



The Law Society of
Upper Canada

Barreau
du Haut-Canada

January 23, 2017

His Excellency Mr. Emomali Rahmon
President of the Republic of Tajikistan
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Your Excellency:

Re: Convictions of Human Rights Lawyers Buzurgmehr Yorov and Nuriddin Makhkamov

I write on behalf of the Law Society of Upper Canada*, further to our letter of February 4, 2016, to voice our grave concerns over the convictions of human rights lawyers Buzurgmehr Yorov and Nuriddin Makhkamov. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

In our letter dated February 4, 2016, the Law Society expressed concerns over the arrest and detention of Buzurgmehr Yorov, a prominent human rights lawyer known for taking on politically sensitive cases.

The Law Society again writes to voice its continued deep concern as it has come to our attention that on October 6, 2016, Buzurgmehr Yorov was convicted and sentenced to 21 years in prison on charges of fraud, swindling, “arousing national, racial, local or religious hostility” and extremism. He has also been banned from practising law for five years following the completion of his prison sentence.

The Law Society is also concerned with the arrest and conviction of Nuriddin Makhkamov, a human rights lawyer who, in addition to representing members of the Islamist Renaissance Party of Tajikistan (IRPT), acted as legal counsel for Buzurgmehr Yorov.

Nuriddin Makhkamov was arrested on October 22, 2015, on charges of swindling and fraud. During his pre-trial detention, additional charges of “arousing national, racial,

local or religious hostility” and extremism were brought against him. According to reports, Nuriddin Makhkamov was placed in solitary confinement for three days when he went on a hunger strike to protest his arbitrary detention.

On October 6, 2016, Nuriddin Makhkamov was convicted and sentenced to 23 years in prison. He has also been banned from practising law for five years following the completion of his prison sentence.

The Law Society is further troubled by reports of systematic interference with both lawyers’ right to counsel, severe restrictions on the public’s access to the trials, and the lack of credible evidence presented against the lawyers by the prosecution.

The Law Society of Upper Canada 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.

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.

Yours truly,

Paul B. Schabas
Treasurer

**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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