



The Law Society of
Upper Canada

Barreau
du Haut-Canada

June 30, 2017

Office of the Treasurer

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H.E. Emomali Rahmon
President of the Republic of Tajikistan
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Your Excellency:

Re: Travel ban against lawyer Fayzinisso Vohidova

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the travel ban against lawyer Fayzinisso Vohidova. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Fayzinisso Vohidova is a Khujand-based lawyer known for her human rights and criminal defence work in politically sensitive cases. As a result of her professional activities, she has long been the target of government harassment. Since July 2015, she has endured surveillance and intimidation. In early 2016, she received credible information that law enforcement officials had initiated a criminal investigation against her.

It has come to the Law Society's attention that on May 14, 2017, border guards with the State Committee on State Security prevented Fayzinisso Vohidova from traveling to Kyrgyzstan. They detained her for eight hours, stating that there was a "defect" in her passport and that she "had no right to leave Tajikistan". Eventually, the border guards conceded that Fayzinisso Vohidova had been placed on a list of individuals banned from leaving the country. Arbitrary bans on travel violate article 12(2) of the *International Covenant on Civil and Political Rights* (ICCPR), which guarantees every individual the right to leave any country, including his or her own. Tajikistan became a party to the ICCPR in 1999.

According to information received by the Law Society, in the weeks that preceded the above-mentioned incident, Fayzinisso Vohidova had been interrogated multiple times by Tajik security services. Human rights organizations believe that

these latest acts of harassment against Fayzinisso Vohidova are related to the critical remarks she made about the imprisonment of two Tajik human rights lawyers, Buzurgmehr Yorov and Nuriddin Makhkamov. In April 2017, she had publicly appealed to Your Excellency through social media, criticizing the government's imprisonment of Yorov and Makhkamov, both of whom were convicted and sentenced in October 2016 following a prosecution and trial that appeared to be politically motivated. The Law Society intervened on behalf of Buzurgmehr Yorov in February 2016 and January 2017, and on behalf of Nuriddin Makhkamov in January 2017.

The Law Society of Upper Canada is deeply troubled by Fayzinisso Vohidova's situation, particularly in light of reports that repressive tactics are commonly used by Your Excellency's government 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 Your Excellency's 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 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, economics 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 lift all restrictions on Fayzinniso Vohidova's freedom of movement;
- b. put an end to all acts of harassment against Fayzinniso Vohidova and all other lawyers in Tajikistan;
- c. guarantee in all circumstances the physical and psychological integrity of Fayzinniso Vohidova;
- d. 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
- e. 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.

cc:

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Michel Forst, Special Rapporteur on the situation of human rights defenders,
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