



The Law Society of
Upper Canada | Barreau
du Haut-Canada

December 9, 2016

His Excellency Mr. Emomali Rahmon
President of the Republic of Tajikistan
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Office of the Treasurer

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Your Excellency:

Re: Arrest of lawyer Jamshed Yorov

I write on behalf of the Law Society of Upper Canada to voice our grave concern in the matter of lawyer Jamshed Yorov. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Jamshed Yorov is known for representing Mahmadalli Hait, the deputy chairman of the banned opposition Islamic Renaissance Party of Tajikistan. On June 2, 2016, Mr. Hait was sentenced to life imprisonment after a closed-door ruling by Tajikistan's Supreme Court.

It has come to our attention that Jamshed Yorov was arrested and detained on August 22, 2016, and charged with "disclosure of State secrets" under part 1 of article 311 of the Criminal Code of Tajikistan. Jamshed Yorov informed his family that he was being questioned in connection with the alleged leaked publication of the text of a classified court judgment, concerning the case of Mr. Hait, on the internet.

The Law Society is deeply concerned about these reports. It is our understanding that Jamshed Yorov's arrest may be as a result of the exercise of his legitimate duties in defending Mahmadalli Hait. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

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. release Jamshed Yorov immediately;
- b. guarantee all the procedural rights that should be accorded to Jamshed Yorov and other human rights lawyers and defenders in Tajikistan;
- c. put an end to all acts of harassment against Jamshed Yorov as well as other human rights lawyers and defenders in Tajikistan;
- d. guarantee in all circumstances the physical and psychological integrity of Jamshed Yorov;
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 7,800 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 Mahmadaminov
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The Honourable Stéphane Dion
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David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, 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

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Charlotte Ford, Head of International Policy and Engagement, The Law Society of England and Wales