



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

June 30, 2017

Office of the Treasurer

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Tel 416-947-3415  
Fax 416-947-7609

H.E. Emomali Rahmon  
President of the Republic of Tajikistan  
Rudaki Avenue, 80  
Dushanbe 734023  
Republic of Tajikistan

Your Excellency:

**Re: Harassment of lawyer Muazzamakhon Kadirova (Muazzama Qodirova)**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the harassment of lawyer Muazzamakhon Kadirova (Muazzama Qodirova). When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

It has come to the Law Society's attention that in October 2015 and again in September 2016, human rights lawyer Muazzamakhon Kadirova agreed, at great risk to herself and her family, to act as defence counsel for fellow lawyers Buzurgmehr Yorov and Nuriddin Makhkamov. The Law Society intervened on behalf of Buzurgmehr Yorov in February 2016 and January 2017, and on behalf of Nuriddin Makhkamov in January 2017.

Due to the fact that the trials of Buzurgmehr Yorov and Nuriddin Makhkamov were conducted behind closed doors, Muazzamakhon Kadirova was effectively the only link between them, their families and the wider public. She told journalists and other activists that the prosecution had not been able to present any compelling evidence against her clients and that the trials were clearly politically motivated.

As the trials progressed, Muazzamakhon Kadirova became increasingly aware of the risks associated with representing Buzurgmehr Yorov and Nuriddin Makhkamov; by November 2016, she was concerned about her safety and possible reprisals from Tajikistani authorities. On December 27, 2016, Muazzamakhon Kadirova was summoned to the Prosecutor General's Office and

questioned about her professional activities for several hours. In the days that followed her questioning, she noticed that she was under surveillance.

In January 2017, Muazzamakhon Kadirova learned from a confidential source that a criminal case was being prepared against her. Fearing for her safety and concerned that she could be arrested at any time, Muazzamakhon Kadirova fled Tajikistan and sought protection abroad. In March 2017, she told journalists that Tajikistani authorities had threatened to launch a criminal case against her, accusing her of leaking confidential information about Buzurgmehr Yorov's case to foreign media. As of March 29, 2017, she is seeking refuge in Germany and has applied for political asylum there.

The Law Society of Upper Canada is deeply troubled by Muazzamakhon Kadirova'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 cease the preparation of a criminal case against Muazzamakhon Kadirova;
- b. put an end to all acts of harassment against Muazzamakhon Kadirova and all other lawyers in Tajikistan;
- c. guarantee in all circumstances the physical and psychological integrity of Muazzamakhon Kadirova;
- 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:

H.E. Mr. Mahmamin Mahmaminov  
Permanent Representative of Tajikistan to the United Nations  
216 East 49th Street, 4th Floor  
New York, NY 10017  
USA

The Honourable Chrystia Freeland  
Minister of Foreign Affairs  
House of Commons  
Ottawa, Ontario  
K1A 0A6  
Email: [chrystia.freeland@parl.gc.ca](mailto:chrystia.freeland@parl.gc.ca)

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, 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

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales