

BY PRIORITY AIRMAIL

His Excellency Mr. Rustam Shoemurod
Minister of Justice of the Republic of Tajikistan
Ministry of Justice
25 Rudaki Avenue
7 34025 DUSHANBE
TAJIKISTAN

Amsterdam, 28 September 2020

Subject: lawyer Buzurgmehr Yorov

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence for the legal profession.

Lawyers for Lawyers has grave concerns about the situation of our colleague, lawyer Buzurgmehr Yorov (“Yorov”). On 6 October 2016 he was found guilty of Mr. Yorov was tried for fraud (Article 247 of the Criminal Code), forgery (Article 340 of the Criminal Code), arousing national, racial, local or religious hostility (Article 189 of the Criminal Code) and extremism (Articles 307 and 307.1 of the Criminal Code). He was sentenced to 23 years in prison by the Dushanbe City Court. On 16 March 2017 the Supreme Court increased his sentence by two years for “disrespecting” the court and insulting government officials. In August 2017 another three years was added to his sentence after he was found guilty of “insulting the leader of the nation”. In the mass amnesty of December 2019, Yorov’s total sentence of 28 years was reduced by six years but he is still in prison with a very lengthy prison sentence.

On 12 June 2019 the United Nations Working Group on Arbitrary Detention (“the “WGAD”) issued an opinion stating that Yorov’s imprisonment was in contravention of articles 2, 3, 7, 9, 10, 11, 12, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 2 (1), 9 (1), (2), (3) and (4), 14 (1), (2), (3) (b), (d), (e) and (g) and (5), 15, 19, 21, 25 and 26 of the International Covenant on Civil and Political Rights, was arbitrary and fell within categories I, II, III and V. The WGAD requested the Government of Tajikistan to take the steps necessary to remedy Yorov’s situation without delay and to bring it into conformity with the relevant international norms, including those set out in the Universal Declaration and the Covenant. The WGAD considered that, taking into account all the circumstances of the case, the appropriate remedy would be to release Yorov immediately, and to accord him an enforceable right to compensation and other reparations, in accordance with international law. The WGAD further urged the Government of Tajikistan to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Yorov and to take appropriate measures against those responsible for the violation of his rights.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, and more in particular Article 16 and 18, which read:

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) 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.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

On this fifth anniversary of the arrest of Yorov on 28 September 2015, Lawyers for Lawyers respectfully urges you to :

- immediately and unconditionally release Buzurgmehr Yorov, and
- guarantee that all the measures requested by the WGAD in its opinion of 12 June 2019 are implemented without delay.

Thank you for your attention to this very important matter. We are confident of your goodwill and sense of justice and will continue to monitor this case closely.

Yours sincerely,
Lawyers for Lawyers