

Statement on the arrest of the lawyers Manuchehr Kholiknazarov and Faromuz Irgashov

31 October 2022

Lawyers for Lawyers is concerned about the situation of the lawyers Manuchehr Kholiknazarov and Faromuz Irgashov from Tajikistan

Kholiknazarov heads the Pamir Lawyers Association which is a member organisation of both the Civil Society Coalition against Torture and Impunity in Tajikistan and Commission 44. Lawyer **Irgashov** a member of Commission 44.

Commission 44 was set up in the Gorno-Badakhshan Autonomous (GBAO) region to investigate the police brutality which took place there in November 2021 and which led to the death of several civilians and the injury of many more. The GBAO region has been in a state of high tension since May 2022 when protesters announced they would start an indefinite protest unless the regional leader, Alisher Mirzonabot, resigned and a proper investigation was launched into the police brutality the previous November. On 18 May, 2022 the Interior Ministry announced the start of an “anti-terrorist operation” in the region.

On 28 May 2022, at least 13 members of Commission 44 were detained and interrogated by security services in GBAO. While some were released, **Kholiknazarov and Irgashov** remained in pre-trial detention and with four other members of Commission 44 were transferred to the detention centre of Tajikistan’s State Committee of National Security in Dushanbe on 6 June 2022. It is unknown whether they were given any access to legal assistance. They have allegedly been charged under Article 187, part 2, of the Criminal Code of Tajikistan “participation in a criminal association” and, if convicted face up to 12 years in prison. Their trial, which reportedly included many other GBAO activists, started on 20 September behind closed doors at the Supreme Court in Dushanbe.

Lawyers play a vital role in the protection of the rule of law and human rights. It is the responsibility of lawyers to defend the rights of citizens from whatever quarter they may be threatened. Their work is indispensable for ensuring effective access to justice for all. To fulfil their professional duties effectively, lawyers should be able to practise law independently in accordance with recognised laws, standards and ethics. They should be free from improper interference, any fear of reprisals, or unreasonable restrictions.

Article 16 of the United Nations (UN) Basic Principles on the Role of Lawyers, governments must ensure that lawyers “*are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference*” and requires that they “*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.*”¹

Article 23 of the UN Basic Principles on the Role of Lawyers states that: “*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.*”²

In view of the above, Lawyers for Lawyers calls upon the authorities of Tajikistan to:

- Immediately and unconditionally release **Manuchehr Kholiknazarov** and **Faromuz Irgashov** and put an end to all acts of harassment against them;
- Guarantee that all lawyers in Tajikistan who work on cases involving human rights violations or politically-sensitive cases can carry out their legitimate professional activities without intimidation, harassment, improper interference or reprisals

¹ Basic Principle 16 (a) and (c).

² Basic Principle 23.