



FREEDOM NOW

Statement on the sentencing of Buzurgmehr Yorov to an additional ten years

Freedom Now and Lawyers for Lawyers strongly condemn the sentencing of Buzurgmehr Yorov on July 10 to an additional ten years in prison on charges of alleged fraud. We call for all charges against Yorov to be dropped and for him to be released from prison unconditionally.

The new charges against Yorov were initiated in early 2023. They are allegedly related to complaints made by a fellow prisoner regarding legal services Yorov promised but did not provide. However, the exact details of the charges are unclear as the trial was largely closed to the public, held in the pre-trial detention facility where Yorov is detained, little evidence was presented to substantiate the allegations, Yorov's family was unable to participate in the trial other than to give testimony, and Yorov's defense counsel was ineffective.

The arbitrary extension of prison sentences is a common practice across Central Asia. Prisoners convicted under politically-motivated charges are often the victims of these extensions as authorities use spurious charges, based on vague laws, to silence and intimidate critics of abysmal, life-threatening prison conditions.

Yorov was initially arrested in September 2015 and after three separate criminal trials was sentenced to a combined 28 years in prison on charges of forgery, fraud, "arousing national, racial, local or religious hostility", extremism, contempt of court, and publicly insulting the president. After a series of mass pardons, his sentence was ultimately shortened to 18 years, a reduction this new conviction effectively reverses. Yorov's detention has already been recognized as arbitrary and unlawful by the UN Working Group on Arbitrary Detention, which concluded in 2019 that the charges against Yorov were baseless and that the government's motivation for imprisoning him was to punish him for his representation of members of the political opposition. Despite the Working Group issuing this opinion in June 2019, Tajikistan has taken no steps to comply with the decision calling for the release of Yorov or reform its laws to respect its international human rights obligations.

Freedom Now and Lawyers for Lawyers also remain deeply concerned about Yorov's physical well-being and health. Yorov remains at grave risk as he has been subjected to beatings and other forms of torture since his unlawful arrest. He has been physically abused by prison authorities and forced into solitary confinement on multiple occasions for three to 15 days at a time. In September 2017, Yorov was beaten so severely that he suffered several broken bones, was completely unable to walk, and had to be admitted to the detention center hospital. In May 2020, Tajikistani authorities used torture in an attempt to coerce Yorov into making false confessions on the record and publicly condemn the political opposition leaders as terrorists

(including condemnation of certain opposition leaders living in exile). In November 2022, Yorov was transferred to SIZO No. 1, correctional colony 9/1 in Dushanbe. He was held there *incommunicado* for nearly a month before his wife was allowed to visit him. During this visit, bruising was visible on Yorov's neck and face.

Persecution of lawyers for their lawful legal work is a violation of international standards as established by Article 16 of the United Nations Basic Principles on the Role of Lawyers:

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.

Moreover, Yorov's continued wrongful imprisonment poses a serious threat to judicial independence, human rights, and democracy in Tajikistan.

Lawyers for Lawyers and Freedom Now are deeply concerned about the safety and health of Yorov and respectfully urge the Government of Tajikistan to:

- Immediately and unconditionally release Yorov; and
- Ensure his safety and health according to international standards

Background

Buzurgmehr Yorov is a prominent Tajik human rights lawyer. In 2007, he founded Sipar, an independent law firm. Through Sipar, he was involved in a number of high-profile legal cases, representing individuals prosecuted by the government of Tajikistan on charges deemed politically motivated. Yorov thus earned a reputation as one of the most fearless human rights lawyers in Tajikistan, however he was routinely targeted by the government for this work.

Around 2013, Yorov began representing a number of political prisoners and members of the Islamic Renaissance Party of Tajikistan (IRPT), one of the only officially registered opposition parties in the country until 2015. In early September 2015, Yorov took on the initial representation of 13 IRPT members falsely accused by the government of orchestrating a failed coup in September 2015.

On the same day that the Tajik Supreme Court designated the IRPT a terrorist organization, police arrested Yorov, raided his home and legal office without a warrant, and ultimately charged him with forgery, fraud, "arousing national, racial, local or religious hostility" and extremism. These charges appear to have been prompted by an interview Yorov gave shortly before his arrest in which he announced that his client had been tortured in pre-trial detention and called for a coalition of lawyers to join him in representing the detained IRPT members.

Yorov was held in pre-trial detention for eight months; where he was beaten and held in solitary confinement. On October 6, 2016, after a trial replete with due process violations, he was sentenced to 23 years in prison.

Before his sentencing, Yorov read aloud an 11th century poem by a Persian poet. As a result, authorities charged him with contempt of court and insulting a government official. On March 16, 2017, he was convicted and sentenced to an additional two years.

In March 2017, the government charged Yorov with additional offenses: fraud and publicly insulting the president. On August 18, 2017, Yorov was found guilty of these charges and sentenced to 12 years of confinement in a maximum security prison. Because of the related nature of the crimes across the three trials, the combined sentence for Yorov was set to 28 years. In November 2019, as part of a mass amnesty, Yorov's sentence was reduced by six years. It was reduced again by four years in October 2021 as part of another amnesty.

Among other violations, throughout these trials, Yorov was unable to freely communicate with or receive the assistance of counsel or even present his own defense. He was badly mistreated in prison and his family received threats from the government not to advocate on his behalf.

Yorov's detention and abuse have taken place at the same time as Tajikistan has declined further into authoritarianism. While the human rights and rule of law situation was challenging when Yorov was first arrested, it has only declined since then, and especially since November 2021 when the authorities launched an apparent campaign to pacify the residents of the Gorno-Badakhshan region of Tajikistan and wipe out independent media and civil society. Along with Yorov's recent conviction, dozens of lawyers, civic activists, journalists, community leaders, and others have been killed and arrested in recent years in Tajikistan.

On October 22, 2018, Freedom Now, Lawyers for Lawyers, Hogan Lovells LLP, and DLA Piper filed a petition with the UN Working Group on Arbitrary Detention on behalf of Yorov. In May 2019, the Working Group issued an opinion that determined Tajikistan violated international law and called for Yorov's immediate release.

Yorov was shortlisted as one of three candidates for the Council of Europe's Václav Havel Human Rights Prize in August 2019. Yorov was presented the Homo Homini Award by the Czech organization People in Need in February 2020.