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The Law Society
of England and Wales

His Excellency Mr. Rustam Shomurodovich
Minister of Justice of the Republic of Tajikistan
Ministry of Justice
25 Rudaki Avenue
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Tajikistan

2 February 2015

Your Excellency

Tajikistan: Mr Sukhrat Quدراتov – Lawyer at risk

We write to you on behalf of the Law Society of England and Wales and Lawyers for Lawyers. The Law Society is the professional body representing more than 145,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world. Lawyers for Lawyer is an independent and non-political Dutch foundation that is committed to ensure the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

The Law Society and Lawyers for Lawyers would like to express their grave concern following the conviction and sentencing of lawyer Shukhrat Quدراتov. We write further to our letter dated 15 August 2014 [enclosed] in which we expressed our concern about the arrest and detention of Mr Quدراتov.

Mr Quدراتov is a prominent lawyer who had represented the former Minister of Industry, Zaid Saidov. The former Minister was convicted of a number of crimes including fraud, corruption, polygamy and sexual relations with a minor, and was sentenced to 26 years of imprisonment.

It has been reported that following the trial of the former Minister, one of the official victims filed a civil law suit against Mr Quدراتov for “moral damage”, claiming that he had offended her. Mr Quدراتov petitioned the judge to grant him access to the audio records used by the complainant as the main evidence of the offence, but the judge rejected the petition. On 17 April 2014, Mr Quدراتov filed a complaint to the Ministry of Justice against the judge. On 19 June 2014, the court in Dushanbe sentenced Mr Quدراتov to a fine in absentia for 200,000 Tajikistan Somoni for “moral damage”.

It has further been reported that on 21 July 2014 Mr Quدراتov was detained on bribery related offences, and that on 23 July 2014 he was charged with three criminal offences – including attempted bribery of a judge. On the same day, the court ruled to hold Mr Quدراتov in pre-trial detention.

On 13 January 2015, we understand that Mr Qudratov was sentenced to nine years in a penal colony for bribery and fraud. Furthermore, that he has been prohibited from performing any activities as a lawyer upon completion of his prison term. The effect of these actions is to impede the legitimate work of a lawyer.

The Law Society and Lawyers for Lawyers are concerned that the conviction and sentencing of Mr Qudratov may be related to his providing legal assistance to and defending the former Minister.

In addition, we would like to recall that Mr Qudratov is the second lawyer who defended the former Minister to be detained by the Tajik authorities.

In March, lawyer Fakhridin Zokirov was arrested by the State Finance Control and Anti-Corruption Agency on charges of fraud. It is reported that Mr Zokirov was released after eight months and promised he would no longer defend the former Minister.

In this context, we would draw to your attention Articles 16(a) and (c), 17 and 18 of the United Nations Basic Principles on the Role of Lawyers (1990) which state that:

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.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

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

We respectfully urge that you:

1. Ensure the immediate release of Mr Qudratov;
2. Review the civil fine imposed on Mr Qudratov;
3. Cease all harassment of Mr Qudratov and other lawyers connected to the trial of Mr Zaid Saidov; and
4. Guarantee in all circumstances that all human rights lawyers in Tajikistan are able to carry out their legitimate human rights activities without fear of reprisals, intimidation, threats and free of all restrictions.

Yours sincerely

The Law Society of England and Wales

Lawyers for Lawyers



Andrew Caplen
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