

Summary of Petition to the United Nations Working Group on Arbitrary Detention

In the Matter of
Buzurgmehr Yorov
Citizen of the Republic of Tajikistan

v.

Government of the Republic of Tajikistan
("State")

October 22, 2018

1. Buzurgmehr Yorov is being arbitrarily detained by the Republic of Tajikistan in violation of his fundamental rights under Articles 2(1), 7, 9(1), 9(2), 9(3), 9(4), 10(1), 11, 14(1), 14(2), 14(3)(b), 14(3)(d), 14(3)(e), 14(3)(g), 14(5), 15(1), 17, 19(2), 22(1), 25(a), and 26 of the International Covenant on Civil and Political Rights (the "ICCPR"); Articles 5, 7, 9, 10, 11(1), 11(2), 12, 19, and 20(1) of the Universal Declaration of Human Rights (the "UDHR"); Articles 1, 2 and 16(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Convention Against Torture"), Principles 1, 2, 4, 6, 10, 11, 15, 17(1), 18(1)-(4), 19, 21, 32, 36, 37, 38, and 39 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (the "Body of Principles") and rules 1, 41(3), 43(1)(b) and 45, 61, 111(2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the "Mandela Rules").

I. BACKGROUND

2. Although the Constitution of Tajikistan (the "Constitution") theoretically establishes a tripartite government with separate and equal branches, the executive branch—headed by President Rahmon and the People's Democratic Party (the "PDP")—has dominated every aspect of the governance of Tajikistan. The PDP-controlled government (the "Government") has taken comprehensive steps to maintain its grip on political power and deny the people of Tajikistan any meaningful opportunity to participate in politics and government. The judiciary is compromised, as the president possesses the power to appoint and dismiss judges and prosecutors with few constitutional checks, and the judiciary grants an almost-absolute deference to prosecutors. Elections are marred by ballot-stuffing, the exclusion of opposition candidates, and relentless smear campaigns by state-owned media. Freedoms of expression and association are illusory—the Government criminalizes certain speech, maintains the power to block certain communication mediums, and withholds or revokes media licenses to silence dissent.

3. In 2015, the Government launched a crackdown on the Islamic Renaissance Party of Tajikistan (the "IRPT"), the most well-known opposition political party in the country. Before, during, and after the March 2015 parliamentary elections, IRPT members were beaten, harassed, and imprisoned. On September 4, 2015, an armed clash between government forces and militants loyal to a general provided the Government with the pretext necessary to ban the IRPT altogether. At the time, the Government alleged that the clash was an act of Islamic terrorism by the IRPT and

the Tajikistan Supreme Court declared the IRPT a terrorist organization engaged in extremist activities (as it had done in 2014 to exiled opposition parties Group 24 and Youth for the Revival of Tajikistan).

4. In such a repressive climate, lawyers and human rights defenders have faced widespread persecution and the independence of the legal profession has been severely constrained. Tajik lawyers have been subjected to intimidation, punitive and arbitrary arrest, criminal prosecution on politically-motivated charges, and sentenced to long prison terms following unfair trials. Attorneys who are imprisoned for politically motivated reasons often endure mistreatment, torture and dire prison conditions. In particular, the Government has targeted attorneys who choose to represent political opponents or openly criticize the Government. Many lawyers have fled the country rather than face persecution. Meanwhile, Tajik authorities have targeted lawyers' families for harassment, threatening relatives with reprisals.

II. FACTS

5. Buzurgmehr Yorov, is a human rights lawyer and member of the opposition Social Democratic Party (the "SDP"). In 2007, Mr. Yorov founded the Sipar law firm and was frequently involved in high-profile cases representing individuals prosecuted by the Government on politically motivated charges, as well as citizens and entrepreneurs whose businesses were raided or seized by Government authorities. Mr. Yorov quickly earned a reputation as one of the most fearless human rights lawyers in Tajikistan. Indeed, Mr. Yorov publicly condemned the Government and law enforcement bodies for human rights abuses on countless occasions by making public statements, publishing articles and taking on clients who were victims of the Tajik regime. Because Mr. Yorov's law firm consistently took a stance averse to the Government's interest, the Government targeted it in multiple specious criminal actions and civil law suits. Nonetheless, Mr. Yorov continued to provide political leaders and opposition figures in Tajikistan with dedicated representation and advocacy.

6. In September 2015, following the Government's raids, detentions, and arrests of IRPT members on unsubstantiated allegations that the IRPT orchestrated the September 4 clash, Mr. Yorov took on the representation of high-level IRPT officials. On September 26, 2015, Mr. Yorov met with a client and several other members of IRPT leadership who were being held at a detention facility and learned about the abuse that several had endured. On September 28, 2015, Mr. Yorov made a public statement alleging that one of his IRPT clients had been tortured while in custody. Mr. Yorov announced that he would file a claim for illicit conduct against the officials involved on behalf of his client.

7. Shortly thereafter, Government officials arrested Mr. Yorov at the Police Unit for Combating Organized Crime (the "UBOP") offices and demanded that he withdraw from representing IRPT members. Mr. Yorov was interrogated for ten hours, where he was beaten and questioned about and accused of alleged complicity in the September 4, 2015 uprising. Mr. Yorov's attorney was present for only one and a half hour of the interrogation, after which he left and withdrew from representation, likely as a result of fear for Government reprisal. Mr. Yorov was not given access to any other legal counsel during this interrogation. The Government

authorities also conducted warrantless raids of Mr. Yorov's office and home, seizing books and taking privileged legal document between Mr. Yorov and his clients.

8. On September 29, 2015, the Government transported Mr. Yorov from UBOP's offices to SIZO, a temporary detention facility. That day, the Government seized—without a warrant—Mr. Yorov's laptop, which contained legally privileged information, such as client case files and documents. Mr. Yorov was officially informed by the Government that he had been arrested under suspicion of fraud and forgery, not of alleged involvement in the September 4 clash. At the time, the Ministry of the Interior published an article on its website that an "*attorney-fraudster*" had been detained. Mr. Yorov was kept for nine days in SIZO before being moved to a permanent detention facility. There, Mr. Yorov was subjected to poor living conditions, was abused by detention officers, and was placed in solitary confinement on multiple occasions for three to fifteen days at a time.

9. During his time at SIZO, Mr. Yorov was asked several times—under the promise of reprieve—to stop defending political opposition figures. To exert pressure on Mr. Yorov, government officials arranged for Mr. Yorov's family to meet with him to persuade him to cease defending members of the opposition and, in general, to end his professional activities as an attorney. Aside from these scripted and closely monitored visits, the Government authorities refused the family's requests to meet with Mr. Yorov. Nonetheless, Mr. Yorov remained steadfast in his refusal to comply.

10. On October 1, 2015, three days after his arrest, Mr. Yorov was brought before a judge to adjudicate the legality of Mr. Yorov's detention, as the Government had filed a petition asking the court for a "preventative measure" of detaining Mr. Yorov for two months (although no charges had yet been filed against Mr. Yorov). The October 1, 2015 hearing was closed to the public and only one of Mr. Yorov's attorneys was permitted to participate. The Government did not present any evidence to support its position that Mr. Yorov was a flight risk or likely to falsify evidence, influence witnesses, or destroy documents that were relevant to his criminal case. The Court nonetheless granted the petition on unsubstantiated assertions made by the Government authorities.

11. For two months following the hearing, Mr. Yorov was not permitted to see his family. Similarly, for around 44 days, Mr. Yorov's two attorneys (Bobohon Yakubov and Nuriddin Mahkamov) were not permitted to meet with him (with the exception that one was permitted to attend the October 1, 2015 hearing). As such, for weeks following his arrest, Mr. Yorov was not permitted to discuss his case with legal counsel.

12. On November 9, 2015, Mr. Yorov published a letter announcing a hunger strike in protest of the violation of his right to legal representation. A week later, the Government authorities permitted Mr. Yorov to speak privately with his attorneys. In December 2015, however, the Government arrested one of Mr. Yorov's attorneys, Mr. Mahkamov, a fellow partner at Sipar. The remaining attorney, Bobohon Yakubov, was able to meet with Mr. Yorov privately, but became increasingly afraid of the Government and began to avoid Mr. Yorov's family.

13. On March 2, 2016, the Government authorities finalized their investigation of Mr. Yorov and Mr. Yakubov ceased his representation, allegedly because he had been threatened by the Government. On March 5, 2016, Mr. Yorov's family hired Muazamakhon Kadyrova to represent Mr. Yorov.

14. On April 5, 2016, Mr. Yorov's and Mr. Mahkamov's cases were classified as secret after Mr. Yorov began to publish materials documenting inconsistencies in the charges. The proceedings were henceforth closed to the public. Mr. Yorov was subjected to three trials between 2016 and 2017.

Trial 1

15. On May 5, 2016, the Government authorities began the closed trial of Mr. Yorov and Mr. Mahkamov, who were charged as co-conspirators. Mr. Yorov was regularly brought into the courtroom wearing handcuffs and placed inside a metal cage. 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). The fraud charge was based on Mr. Yorov's alleged failure to represent clients from whom he had accepted legal fees. The forgery charge stemmed from a 2011 incident in which Mr. Yorov reported to the police that the technical inspection certificate for his car had been forged. The arousing hostility and extremism charges were based on allegations that Mr. Yorov had published extremist articles or posts online under Mr. Mahkamov's name.

16. The prosecution provided scarce evidence to substantiate the aforementioned charges. Its own witnesses provided suspiciously identical (and, at times, nonsensical) testimony, denied the Government's allegations while on the stand; some witnesses even declared to the court that they were being forced to testify against Mr. Yorov. The allegedly extremist articles were never presented at trial allowing Mr. Yorov no opportunity to review them; instead, the prosecution presented an "expert" opinion confirming that the articles were extremist in nature. This opinion did not name Mr. Yorov as the author of these articles.

17. Mr. Yorov's lawyer was not allowed to prepare for or present any meaningful defense. The prosecution removed 85 pages of evidence from the case file prior to trial, preventing the defense from reading the alleged proof of Mr. Yorov's extremism. The evidence against Mr. Yorov was not disclosed to him before the trial. The Court denied the defense's motions calling for additional witnesses and did not permit the defense team to submit an expert report.

18. While the trial was taking place, Mr. Yorov's brother was arrested. On September 28, 2016, the prosecutor interrupted Mr. Yorov as Mr. Yorov was addressing the jury, cautioning Mr. Yorov to speak less while reminding him of his brother's arrest. During the trial Mr. Yorov read a portion of an 11th century poem, which both the judge and prosecutor interpreted as an insult. As a result, Mr. Yorov was charged with contempt of court (Article 355 of the Criminal Code) and insulting a government official (Article 330 of the Criminal Code) with the judge, prosecutor, and three jury members of the first trial named as victims. None of the victims recused themselves from Mr. Yorov's trial.

19. On October 6, 2016, Mr. Yorov was sentenced to 23 years' imprisonment. His appeal was denied on April 11, 2017. Notably, during her representation of Mr. Yorov, Mr. Yorov's attorney was threatened, stalked, and spied on. As such, in December 2016, she ceased her representation of Mr. Yorov, fled Tajikistan, and applied for asylum in Europe, fearing for her safety. Thus, during parts of the first trial, Mr. Yorov had no legal representation.

Trial 2

20. As with the first trial, the second trial (under charges of contempt of court and insulting a government official) was closed to the public. The trial hearings took place in the temporary detention facility where Mr. Yorov was held. The defense was not afforded the opportunity to call any witnesses or experts or introduce evidence. Once again, the Government's evidence was lacking, based only on the Attorney General's report of the poem-reading incident. The Court denied the defense's motion to introduce its own expert report.

21. Mr. Yorov lacked effective representation. He was nominally represented by an intern who was appointed by the Government authorities, had no work experience, and routinely failed to attend the hearings. Mr. Yorov's wife was forced to act as his defense during parts of the second trial, although she lacked legal experience.

22. On March 16, 2017, Mr. Yorov was sentenced to a further two years in prison and one year of community service, extending his sentence to 25 years in prison.

Trial 3

23. On March 28, 2017, Mr. Yorov was charged with fraud (Article 247 of the Criminal Code) and with publicly insulting the President in the media or on the internet, punishable with up to five years in prison (Article 137 of the Criminal Code). As with the other trials, the third trial was closed and Mr. Yorov was not permitted to present any evidence. Given the Government's persecution of independent lawyers, Mr. Yorov's only available legal representation during this trial was his wife.

24. To substantiate its fraud allegations, the prosecution presented no witness testimony and relied on witness statements identical to the prosecution's witness statements from the first trial, which alleged that Mr. Yorov received money to represent certain clients despite allegedly not representing them. One witness statement on which the prosecution relied had been altered to implicate him Mr. Yorov. The Government authorities also argued that Mr. Yorov publicly insulted the President in an online publication on March 8, 2016, by stating that the status of an attorney was higher than that of the President and relied on expert opinions to bolster these claims. Mr. Yorov's request to cross-examine the experts was denied.

25. On August 18, 2017, Mr. Yorov was found guilty and sentenced to 12 years in a maximum security prison. The combined sentence for Mr. Yorov was extended to 28 years.

Imprisonment and Abuse

26. In September 2017, Mr. Yorov was beaten so severely that he was admitted to the detention center hospital. Several of his bones were allegedly broken and he was unable to walk. At least

until October 2017, Mr. Yorov was regularly placed into solitary confinement, possibly to hide the brutality of the beatings he was receiving.

27. As of June 4, 2018, Mr. Yorov was being held at the maximum security penal colony No.1 of Dushanbe. Information regarding Mr. Yorov's current detention conditions is difficult to obtain, however, the conditions at his pre-trial detention center were reportedly very harsh.

28. Mr. Yorov's siblings have faced significant harassment and criminal charges as they advocated for his release. This harassment has continued even after Mr. Yorov's siblings fled to Europe, seeking asylum.

III. LEGAL ANALYSIS

29. Mr. Yorov's continued detention constitutes an arbitrary deprivation of liberty under Category I, Category II, Category III, and Category V, as defined by the UN Working Group on Arbitrary Detention (the "Working Group").

a. Deprivation of Liberty Under Category I

30. The Working Group has found detentions arbitrary under Category I when at least one of the following violations is present: (A) the government has arrested an individual without a warrant and without promptly charging such person, (B) vague laws are used to prosecute individuals, (C) an individual is held in detention based on the retroactive application of law; and/or (D) an individual is convicted without substantive evidence to justify such a conviction.

31. The Tajikistan authorities arrested Mr. Yorov without a warrant, without initially informing him of why he was being arrested, without charging him for 10 to 12 days following his arrest, and without presenting him before a judicial authority for a *habeas corpus* hearing for three days. This violates Mr. Yorov's rights to prompt notice of the charges against him and prompt judicial review under Articles 9(2), (3) and (4) of the ICCPR.

32. Mr. Yorov was convicted under overly vague Criminal Code provisions (Articles 137, Articles 189, 307 and 307.1 and 330) and was retroactively convicted of a crime (Article 137, which provision was passed seven months after Mr. Yorov allegedly committed the "crime" of publicly insulting the president). This conviction violated his rights to fair notice of criminal conduct and due process under Articles 9(1) and 15(1) of the ICCPR and Article 11(2) of the UDHR.

33. The prosecution failed to present sufficient evidence to justify Mr. Yorov's arrest, detention, and conviction as being based on actual criminal activity. The evidence presented at each trial lacked authenticity, was tainted by coercion, was not tied to Mr. Yorov authorship or possession, and was even exculpatory.

b. Deprivation of Liberty Under Category II

34. Mr. Yorov's detention is arbitrary under Category II because he was arrested, detained and convicted for exercising his freedom of expression, association and political participation. These freedoms are protected by Articles 19(2), 22(1), 25(a) of the ICCPR and 19 and 20(1) of the UDHR. Imprisonment of human rights defenders (including lawyers) for speech or association-related reasons is subject to heightened scrutiny.

35. Considering the history of Tajikistan's attempts to silence lawyers through harassment, it is clear that the Government targeted Mr. Yorov for detention as a means of preventing him from continuing to represent opposition leaders and government critics. The fact that the Government had intimidated and harassed Mr. Yorov for over 10 years; similarly harassed and imprisoned other attorneys who represented political dissidents; and detained members of opposition political groups illustrates the Government's campaign against attorneys representing opposition leaders. Further, the mutating nature of the charges against Mr. Yorov, as well as the lack of a warrant justifying his arrest and the Government authorities' delay in charging Mr. Yorov demonstrates the tenuous link between his arrest and alleged crime.

36. In addition, the suspicious timing of Mr. Yorov's arrest (shortly after he announced that he would file a claim against a Government official who abused one of his clients, a high-ranking IRPT official); the Government's repeated requests to Mr. Yorov to cease representing IRPT leaders during his interrogation; the Government's pressure on Mr. Yorov's family (promising his release - proving Mr. Yorov permanently cease defending political opposition figures); and intense animosity toward Mr. Yorov (with multiple trumped up charges and trials that added an additional five years to his initial sentence) reveal that the Government's true motive in imprisoning Mr. Yorov was to punish him for his critical expression, association, and legal representation on politically-sensitive cases.

c. Deprivation of Liberty Under Category III

37. Mr. Yorov's detention is arbitrary under Category III of the Working Group's methods because the Government's violations of the fundamental international norms and minimal standards for due process in its arrest, detention, trial and conviction of Mr. Yorov were so grave as to render his deprivation of liberty arbitrary.

38. Under Article 9(1) of the ICCPR, Article 9 of the UDHR and Principles 2 and 36(2) of the Body of Principles, an individual has the right not to be subjected to arbitrary arrest. This right requires that the arrest comply with domestic procedures established in law for carrying out a legal deprivation of liberty. In Mr. Yorov's case, this right was violated because Mr. Yorov's arrest was not based on a genuine suspicion that Mr. Yorov had committed a crime.

39. Under Article 17 of the ICCPR, Article 12 of the UDHR, Article 22 of the Tajikistan Constitution, and Article 192 of the Tajikistan Code of Criminal Procedure, an individual has a right to privacy in the home and is protected from warrantless searches and seizures. In this case, the Government authorities violated this right when they permitted the warrantless search of Mr. Yorov's home and law office, seizing his belonging in the process. The fact that many items may have been legally privileged makes the seizures even more egregious.

40. Under Article 9(2) of the ICCPR and Principle 10 of the Body of Principles, a detainee has the right to be informed (a) of the reasons for his arrest during his arrest and (b) promptly, of the charges against him. Here, the authorities did not show Mr. Yorov a warrant for his arrest nor accurately explain why he was arrested; rather the Government's justification for detaining Mr. Yorov changed repeatedly and official charges were not filed until more than 10 days after his arrest.

41. Under Article 9(3) and (4) of the ICCPR and Principles 4, 11, 32 and 37 of the Body of Principles, an individual has the right to challenge the legality of his detention by being brought promptly before a judicial officer. Most recently, in its opinion No. 2/2018 concerning Haritos Mahmatali Rahmonovich Hayit, the Working Group confirmed that Tajikistan's holding of an individual for three days before allowing him to appear before a judge was a violation of his *habeas corpus* rights resulting in an arbitrary detention. Likewise, in this instance, Mr. Yorov was arrested on September 28, 2015, but was not brought before a judge until October 1, 2015, a time frame which exceeds the requirement that a detainee be brought "promptly" (within 48 hours) before a judge.

42. Under Article 9(3) of the ICCPR and Principles 38 and 39 of the Body of Principles, an individual has the right to release pending trial. In denying Mr. Yorov's release pending trial on the basis of unsupported allegations, and not evidence, that he might abscond or destroy evidence, the court impermissibly defaulted to treating pre-trial detention as a general rule.

43. Under Article 14(3)(b) and (d) of the ICCPR, Mandela Rules 41(3) and 61, Principles 11(1), 15, 17(1) and 18 of the Body of Principles, a criminal defendant has the rights to communicate with and have assistance of counsel. By preventing Mr. Yorov from communicating with his attorneys from the onset of his detention and by creating a climate of intimidation such that Mr. Yorov could not find competent attorneys to represent him at trial, the Government authorities violated these rights.

44. Under Article 14(3)(b) of the ICCPR and Principles 11(1) and 18(2) of the Body of Principles, a criminal defendant has the rights to have adequate time and facilities for the preparation of his defense. Here, Mr. Yorov's right to the assistance of counsel was violated by the Government authorities' repeated refusals to allow Mr. Yorov to speak with an attorney, the Government's intimidation of Mr. Yorov's attorneys, and the court's refusal to grant a defense attorney sufficient time to familiarize himself with the case. Mr. Yorov's rights to a defense were also violated, as the Government authorities actively prevented the defense from accessing the prosecution's materials and the court refused to allow the defense to fully present its case.

45. Under Article 14(1) of the ICCPR and Article 10 of the UDHR, an individual has the rights to equality of arms before the courts and to a fair and public hearing by a competent, independent and impartial tribunal established by law. In Mr. Yorov's case, these rights were violated because Mr. Yorov's trials were partially or fully closed. These rights were also violated because the court system in Tajikistan is not independent and is controlled by the executive branch and, as such, the courts defer to the prosecution. Further, following Mr. Yorov's reading of a poem at trial, the judge, prosecutor, and two jury members alleging insult were treated as victims, provided evidence against Mr. Yorov for use in a future trial, and did not recuse themselves from the first trial.

46. Under Article 14(2) of the ICCPR, Article 11(1) of the UDHR and Principle 36(1) of the Body of Principles, criminal defendants have the right to a presumption of innocence. This right requires that accused have the benefit of the doubt and be treated accordingly. Here, Government violated Mr. Yorov's right to the presumption of innocence by treating him as if his guilt was a foregone conclusion. In particular, the Government publicized Mr. Yorov as guilty before his conviction, presented him to the court in a manner which suggested his guilt, held his trial within a detention center, criminally convicted Mr. Yorov on the basis of poor quality evidence, and refused to afford Mr. Yorov his fair trial rights.

47. Under Article 14(3)(e) of the ICCPR, a criminal defendant has the right to examine any witnesses against him and to obtain the participation of his own witnesses. Here, however, Mr. Yorov was not permitted to fully challenge the Government's case against him and was prohibited from presenting his own witnesses and evidence.

48. Under Articles 7, 10(1) and 14(3)(g) of the ICCPR, Article 5 of the UDHR, Articles 1, 2 and 16(1) of the Convention Against Torture, Principles 1 and 6 of the Body of Principles and Mandela Rules 1, 43(1)(b) and 45, prisoners have a right to human dignity and to not be tortured or subjected to cruel, inhuman or degrading treatment. The beatings, abuse, prolonged solitary confinement, and likely substandard prison conditions endured by Mr. Yorov constitute violations of this right.

49. Under Article 14(5) of the ICCPR, every person convicted of a crime has the right to a higher tribunal's substantively review of the conviction and sentence. Here, however, the appellate court reviewing the sentence from Mr. Yorov's first trial failed to meaningfully engage with the allegations or facts of Mr. Yorov's case and upheld the lower court's verdict without engaging in a meaningful review, in violation of Mr. Yorov's right to review.

50. Several charges raised against Mr. Yorov in the first and third trials related to an alleged failure to meet his contractual obligation of providing legal services to clients who had paid for such work. These should have been tried as a civil suit, not a criminal case, and any imprisonment due to these claims violates Mr. Yorov's right to freedom when he is unable to fulfill a contractual obligation under Article 11 of the ICCPR.

d. Deprivation of Liberty Under Category V

51. Mr. Yorov's detention is arbitrary under Category V of the Working Group's methods because the Government authorities detained Mr. Yorov in part due to its discriminatory intent against Mr. Yorov as a human rights lawyer and a perceived supporter of his client's causes.

52. Article 7 of the UDHR and Articles 2(1) and 26 of the ICCPR enshrine an individual's right to freedom from discrimination by the State based on a ground such as ethnic or social origin. Although the status of lawyers is not an explicitly enumerated ground within the non-discrimination clauses of the UDHR and the ICCPR, lawyers have been treated by international instruments (such as UN Basic Principles on the Role of Lawyers) as a distinct class in need of particular protections because of their role in upholding fundamental human rights of

individuals. The UN Office of the High Commissioner for Human Rights has confirmed that lawyers should be considered human rights defenders when they seek to act in the course of their profession in such a manner that protects the rule of law and upholds universally recognized human rights. Further, the Declaration on Human Rights Defenders guarantees the right to offer and provide professionally-qualified legal assistance in defence of human rights and the right to the lawful exercise of the occupation of profession of human rights defender.

53. Here, Mr. Yorov's arrest, detention, and treatment occurred in the context of the Government's relentless attack on the legal profession and in particular those lawyers representing opposition members. The interrogators' insistence that Mr. Yorov cease his representation of opposition leaders, the Government's inducements aimed at Mr. Yorov's family with the same demand, and Mr. Yorov's arrest shortly after he made a public statement in relation to the mistreatment of his client evidences the Government's focus on his role as a human rights defender. The Government's pattern of targeting Mr. Yorov and his law firm, including past fabricated charges, the evolving nature of Mr. Yorov's charges, and continued abuse clearly demonstrates that prejudicial hostility against Mr. Yorov resulting from his status as a human rights lawyer and his perceived identity as a supporter of his client's political causes lay at the root of his arrest, trial, and conviction in violation of his right to non-discrimination before the law.