

URGENT ACTION

TORTURE FEARS FOR DETAINED HUMAN RIGHTS LAWYER

Human rights lawyer Buzurgmekhr Yorov is serving a 28-year prison sentence on politically motivated grounds. He is allegedly being subjected to regular beatings – accompanied by threats, insults and harassment – by officials at the detention centre. Buzurgmekhr Yorov continues to be at serious risk of torture and other ill-treatment.

On 27 September, the Tajikistani authorities allowed the mother of **Buzurgmekhr Yorov** to visit him at pre-trial detention centre number 1 (SIZO) in Dushanbe, capital of Tajikistan, where he is currently held. During the meeting, Buzurgmekhr Yorov told his mother that the detention centre guards subjected him and other cellmates to regular beatings to the head and other parts of the body, using their legs, arms and batons. These have intensified in the past month. As a result of the beatings, Buzurgmekhr Yorov was transferred to the detention centre hospital for treatment. After several days, he was taken back to his cell. He told his mother that the beatings are accompanied by insults, humiliation and threats. In an interview to Radio Free Europe Radio Liberty (RFE/RL) on 4 October, the head of the SIZO said that Buzurgmekhr Yorov has been held in solitary confinement since 29 September, which he claimed was in response to Buzurgmekhr Yorov's 'violation of the regime of detention'. It is unclear what this 'violation' is in reference to. This is at least the fourth time Buzurgmekhr Yorov has been put in solitary confinement. In an interview to RFE/RL on 28 September, the head of the SIZO denied all allegations of torture and other ill-treatment against Buzurgmekhr Yorov.

Buzurgmekhr Yorov, who had been representing several co-defendants in the case against the banned Islamic Renaissance Party of Tajikistan's (IRPT), was arrested by police on 28 September 2015 on fraud and forgery charges, unrelated to his role in the IRPT case. However, during his arrest, police seized documents relating to the IRPT case, in violation of lawyer-client privilege. Shortly afterwards, additional extremism related-charges were brought against him, and in October 2016 the Dushanbe City Court sentenced Buzurgmekhr Yorov to 23 years in prison following an unfair trial. Since then, a further three cases were instigated against him on charges of fraud, "disrespecting" the court, insulting government officials and insulting "the leader of the Nation", and sentenced to an additional five years in prison.

Please write immediately in Tajik, Russian, English or your own language to the Tajikistani authorities:

- Calling on them to release Buzurgmekhr Yorov immediately and to quash convictions based on unfounded and politically motivated charges;
- Calling on them to ensure that, if Buzurgmekhr Yorov is guilty of any recognisable criminal offences, these must be established in fair trial proceedings;
- Urging them to protect Buzurgmekhr Yorov from torture and other ill-treatment, pending his release, and to order a prompt, impartial and effective investigation into his allegations of torture and ill treatment;
- Urging them to ensure that all lawyers in Tajikistan can perform their professional duties without intimidation, hindrance, harassment or improper interference in line with the UN Basic Principles on the Role of Lawyers.

PLEASE SEND APPEALS BEFORE 15 NOVEMBER 2017 TO:

Minister of Justice
Rustam Shoemurod
Rudaki avenue 25
Dushanbe, 734025, Tajikistan
Fax: +992 372 21 80 66

Salutation: Dear Minister

Prosecutor General
Yusuf Rakhmon
Prosecutor General's Office
126 A. Sino Avenue
Dushanbe 734043, Tajikistan
Fax: +992 372 21 02 59

Email: secretariat@prokuratura.tj
Salutation: Dear Prosecutor General

And copies to:

Minister Internal Affairs
Rahimzoda Ramazon
Ministry of Internal Affairs
st. J. Ikrami 29
Dushanbe, 734025, Tajikistan
Fax: +992 372 21 21 21
E-mail: info@vkd.tj

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below.

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 209/15. Further information:

www.amnesty.org/en/documents/eur60/4973/2016/en/

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ADDITIONAL INFORMATION

On 6 October 2016, Dushanbe City Court sentenced Buzurgmekhr Yorov to 23 years in prison following an unfair trial. The court found him guilty of “arousing national, racial, local or religious hostility” under Article 189 of the Criminal Code; “fraud” (Article 247); “public calls for violent change of the constitutional order of the Republic of Tajikistan” (Article 307); “public calls for undertaking extremist activities” (Article 307-1); and forgery (Article 340). The state media have portrayed Buzurgmekhr Yorov as a terrorist sympathiser and therefore a “terrorist” himself. Buzurgmekhr Yorov pleaded not guilty to all charges and denied any wrongdoing, insisting in his closing statement on 3 October 2016 that he was “not an extremist, but a lawyer”. In February 2017, the Supreme Court rejected his appeal.

On 12 December 2016, Buzurgmekhr Yorov was tried on new charges of “disrespecting” the court and insulting government officials, on account of quoting the celebrated 11th century poet, Omar Khayyam in his closing statement on 3 October 2016, before Dushanbe City Court. On 16 March 2017, the Supreme Court found him guilty and sentenced him to an additional two years in prison. In February 2017, Firdavs District Court in Dushanbe started hearings into a third criminal case brought by the authorities against Buzurgmekhr Yorov on new fraud charges, allegedly in response to complaints made against him by members of the public. In April 2017, Buzurgmekhr Yorov’s wife was informed of a fourth criminal case against her husband for allegedly insulting ‘the leader of the Nation’. In August 2017, Buzurgmekhr Yorov was sentenced to an additional three years in prison on charges of fraud and of insulting ‘the leader of the Nation’ for statements he made in court in response to the fraud charges brought against him. Buzurgmekhr Yorov’s total sentence is 28 years imprisonment.

The prosecution of the 14 high-ranking IRPT members was linked to the violent unrest in Tajikistan in September 2015 which the authorities reported as an armed attempt by the former Tajikistani Deputy Defence Minister Abdukhalim Nazarzoda and his supporters to seize power. The Tajikistani authorities have alleged that during the violent unrest, Abdukhalim Nazarzoda had acted on the orders of Mukhiddin Kabiri, the exiled IRPT leader. Mukhiddin Kabiri denied any links to the violent events, and accused the authorities of fabricating evidence against him and other IRPT members. On 2 June 2016, the Supreme Court of Tajikistan sentenced 13 high-ranking members of IRPT to long prison terms, and one (later amnestied) to two years in prison, in a trial that fell far short of fair trial standards which Tajikistan is legally bound to uphold.

Amnesty International’s research has shown that over the last three years defence lawyers who have taken up politically sensitive cases, or cases related to national security and counter terrorism, have faced increasing harassment, intimidation and pressure in connection with their legitimate professional activities. In some situations, lawyers have been subjected to punitive arrest, criminal prosecution on national security-related or politically-motivated charges, and sentenced to long prison terms following unfair trials. Some have had to flee the country for fear of reprisals against them or members of their families. To be a lawyer, and particularly a human rights lawyer, comes with unprecedented risks in present-day Tajikistan. See *In the line of duty: Harassment, prosecution and imprisonment of lawyers in Tajikistan* 23 May 2017, Index number: EUR 60/6266/2017, available at <https://www.amnesty.org/en/documents/eur60/6266/2017/en/>.

Solitary confinement is the isolation of a prisoner or detainee from other inmates. Depending on its length and other conditions solitary confinement, or the reduced sensory stimulation which can result from solitary confinement, may amount to cruel, inhuman or degrading treatment. The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) prohibits the practice of prolonged solitary confinement, considered to be in excess of 15 consecutive days.

Name: Buzurgmekhr Yorov

Gender m/f: m

Further information on UA: 209/15 Index: EUR 60/7205/2017 Issue Date: 4 October 2017