

URGENT ACTION

LAWYER REMAINS IN DETENTION, RISKS UNFAIR TRIAL

Buzurgmekhr Yorov, a lawyer representing members of the banned Islamic Renaissance Party of Tajikistan (IRPT), remains in pre-trial detention and is at risk of an unfair trial. He was arrested in September 2015 in what appeared to be an attempt to deny the arrested members of the IRPT access to legal counsel.

Tajikistani lawyer **Buzurgmekhr Yorov**, was arrested on 28 September 2015 by officers of the Tajikistani Police Unit for Combating Organised Crime. Since then he has remained in pre-trial detention, which was extended on 28 January 2016 for another two months, to allow for further criminal investigations. His arrest followed the detention of 13 high-ranking members of the Islamic Renaissance Party of Tajikistan (IRPT) on 16-17 September 2015, some of whom he was legally representing.

Buzurgmekhr Yorov was arrested on charges of fraud and forgery. These original charges were not related to the IRPT or its activities, but during his arrest police seized documents relating to the IRPT cases he was working on. The criminal proceedings against Buzurgmekhr Yorov appear to be designed to deny the arrested members of the IRPT access to legal counsel and to deter other lawyers from taking up their case. In December, additional charges of "extremism" were made against Buzurgmekhr Yorov by state investigators.

The criminal proceedings against Buzurgmekhr Yorov are likely to be politically motivated and he is at risk of an unfair trial. The seizure of papers relating to Buzurgmekhr Yorov's legal work on behalf of the arrested members of the IRPT leadership was an illegal interference in the confidential relationship between client and lawyer, in violation of Principle 22 of the UN Basic Principles on the Role of Lawyers.

Please write immediately in Tajik, Russian or your own language:

- Expressing concern that the allegations made against Buzurgmekhr Yorov are politically motivated;
- Urging the authorities to ensure that the criminal proceedings against him fully comply with international fair trial standards, including that he is given immediate access to a lawyer of his choice;
- Calling on them to ensure that all lawyers in Tajikistan are able to perform their professional duties without intimidation, hindrance, harassment or improper interference in accordance with the UN Basic Principles on the Role of Lawyers.

PLEASE SEND APPEALS BEFORE 7 APRIL 2016 TO:

President of Tajikistan

Emomali Rakhmon
80 Rudaki Avenue
Dushanbe 734023, Tajikistan
Fax: +992 372 21 68 00
Email: mail@president.tj

Salutation: Dear President Rakhmon

Prosecutor General

Yusuf Rakhmon
126 A. Sino Avenue
Dushanbe 734043, Tajikistan
(Mark faxes and emails, "Please forward to Prosecutor General")
Fax: +992 372 21 02 59
Email: secretariat@prokuratura.tj

Salutation: Dear Prosecutor General

And copies to:

Minister of Foreign Affairs
Sirodjidin Aslov
33 Sheroz
Dushanbe 734001, Tajikistan
Fax: +992 372 21 02 59
Email: info@mfa.tj

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

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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

<https://www.amnesty.org/en/documents/EUR60/2567/2015/en/>

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ADDITIONAL INFORMATION

Torture and other ill-treatment continue to be used routinely in Tajikistan despite the adoption of an Action Plan to implement recommendations made by the UN Committee against Torture in 2013. Criminal prosecutions of law enforcement officials suspected of torture are rare, and frequently are terminated or suspended before completion. However, in most cases, relatives and victims are too afraid to file complaints for fear of reprisals. In April 2015, Shamsiddin Zaydullov died in police detention, having previously confirmed to his mother that he had been beaten in police custody.

Lawyers are repeatedly denied access to their clients in detention, often for several days at a time. Individuals perceived to be threats to national security, including members of religious movements and Islamist groups or parties, are at particular risk of incommunicado detention, torture and other ill-treatment. Lawyers are also at risk of harassment, intimidation and punitive arrest. In 2015, human rights lawyer Shukhrat Kudratov was sentenced to nine years in prison on charges of fraud and bribery. Shukhrat Kudratov claims these charges were politically motivated and linked to his work as part of the defence team of Zaid Saidov, Tajikistan's former Minister of Energy and Industry and a member of the opposition. Zaid Saidov was himself convicted in 2013 and sentenced to 26 years in prison. Since Buzurgmekhr Yorov was arrested, two other lawyers representing the IRPT have also been detained.

The UN Basic Principles on the Role of Lawyers state that: "governments shall ensure that lawyers ... are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference" (principle 16), "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions" (principle 18) and "governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential" (principle 22).

From the late 1990s until 2015, the IRPT was a legally registered political party that participated in elections, winning seats in the country's parliament, but on 29 September 2015 the IRPT was designated as a "terrorist organization" by the Prosecutor General, later confirmed by a decision of the Supreme Court of Tajikistan, on the grounds that several of its members had allegedly long been involved in groups promoting "extremism", and that it had used the media, including its newspaper Salvation, to spread "extremist ideas" and promote religious hatred. Amnesty International considers that the IRPT has been banned arbitrarily.

Name: Buzurgmekhr Yorov (Бузургмехр Равшанович ЁРОВ)

Gender m/f: m

Further information on UA: 209/15 Index: EUR 60/3458/2016 Issue Date: 25 February 2016