

URGENT ACTION

‘EXTREMISM’ TRIAL HELD BEHIND CLOSED DOORS

The trial of **Buzurgmekhr Yorov**, a lawyer representing members of the banned Islamic Renaissance Party of Tajikistan (IRPT), began in May. The trial is closed to the public and **Buzurgmekhr Yorov** remains at risk of unfair trial.

The trial of Tajikistani lawyer **Buzurgmekhr Yorov** began in May. Buzurgmekhr Yorov is charged with fraud and forgery and also with “extremism” and faces a long prison sentence if he is convicted. Representatives of the media and international monitors were allowed access to the court room at the first hearing on 10 May, which was adjourned. The trial has been closed to the public since.

Buzurgmekhr Yorov has been in pre-trial detention since his arrest on 28 September 2015 by officers of the Tajikistani Police Unit for Combating Organised Crime. His arrest followed the detention of 14 high-ranking members of the Islamic Renaissance Party of Tajikistan (IRPT) on 16-17 September 2015, some of whom he was legally representing. The IRPT was arbitrarily banned in September 2015.

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, violating the lawyer-client privilege. In December 2015, additional charges of “extremism” were made against Buzurgmekhr Yorov but to date no information about those charges has been provided. Amnesty International believes that these charges are politically motivated.

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

- Expressing concern that the criminal prosecution of Buzurgmekhr Yorov is politically motivated;
- Urging the authorities to ensure that the criminal proceedings against him fully comply with international fair trial standards, including allowing members of public, media and international monitors to attend court hearings;
- 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 25 JULY 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. HIS EXCELLENCY MR ERKIN KASYMOV, Embassy of the Republic of Tajikistan, 26-28 Hammersmith Grove W6 7BA, 020 8834 1003, Fax 020 834 1100, info@tajembassy.org.uk, www.tajembassy.org.uk

Please check with your section office if sending appeals after the above date. This is the second update of UA 209/15. Further information: <https://www.amnesty.org/en/documents/EUR60/3458/2016/en/>

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ADDITIONAL INFORMATION

Under Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Tajikistan is a state party, "everyone shall be entitled to a fair and public hearing". The media and the public may only be excluded in prescribed and narrowly defined circumstances. In many countries, authorities have justified the extensive use of closed hearings on grounds of national security, including in trials on terrorism-related charges. However, states do not have unrestricted discretion to define for themselves what constitutes an issue of national security. The UN Special Rapporteur on human rights and counter-terrorism has reiterated that restrictions on the right to a public hearing on grounds of national security must occur only when strictly necessary. To guarantee fairness, "they should be accompanied by adequate mechanisms for observation or review.

In Tajikistan, lawyers are regularly denied access to their clients in detention, often for several days at a time and typically immediately following the arrest. 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, three 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).

On 28 August 2015, the IRPT received an order from the Ministry of Justice to cease its activities by 7 September on the basis that it "lacked sufficient popular support" to qualify as a registered party. Amnesty International considers this ban to be arbitrary. 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. Following the widely disputed 1 March 2015 parliamentary elections, the party lost its two remaining seats in the parliament. 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.

Fourteen high-ranking members of the IRPT were arrested soon after this. They were put on trial in February 2016 on charges of involvement in an alleged attempt by a former Tajikistani defence minister to seize power by force in August 2015. The trial of these members of the IRPT did not meet international fair trials standards. All were found guilty and sentenced to prison sentences of between 14 years and life, with the exception of the only woman who was put on trial, who received two years. See: <https://www.amnesty.org/en/documents/EUR60/4214/2016/en/>

Further information on UA: 209/15X Index: EUR 60/4252/2016 Issue Date: 13 June 2016