

URGENT ACTION

LAWYERS JAILED ON POLITICALLY MOTIVATED CHARGES
Tajikistani lawyer Buzurgmekhr Yorov, and his co-defendant, lawyer Nuriddin Makhkamov, were sentenced on 6 October to 23 and 21 years in prison respectively. The charges against them are politically motivated and intended as a reprisal for representing members of the banned Islamic Renaissance Party of Tajikistan (IRPT).

Tajikistani lawyer **Buzurgmekhr Yorov** was sentenced on 6 October by the Dushanbe City Court to 23 years in a "strict regime prison colony". His co-defendant, lawyer **Nuriddin Makhkamov** was also sentenced on 6 October on similar charges to 21 years in prison. The charges against them are politically motivated and intended as a reprisal for acting as defence lawyers of members of the banned Islamic Renaissance Party of Tajikistan (IRPT).

Buzurgmekhr Yorov had been in pre-trial detention since his arrest by officers of the Police Unit for Combating Organised Crime on 28 September 2015. At the time, he was representing some of the 14 high-ranking members of the IRPT who had been arrested on 16-17 September 2015. Buzurgmekhr Yorov was initially charged with fraud and forgery, which were supposedly unrelated to the IRPT. However, during his arrest, police seized documents relating to the case against his IRPT clients, which violated confidentiality of the lawyer-client relationship. In December 2015, additional "extremism"-related charges were brought against him. Buzurgmekhr Yorov has denied any wrongdoing, insisting he was "not an extremist, but a lawyer". In his final word on 3 October he pleaded not guilty. According to Buzurgmekhr Yorov's relatives, he will be appealing the sentence.

Nuriddin Makhkamov, was acting as defence counsel for one of the IRPT members in the same case and was arrested in October 2015.

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

- Expressing concern that the criminal prosecution of Buzurgmekhr Yorov and Nuriddin Makhkamov has been politically motivated;
- Urging the authorities to ensure that the cases against Buzurgmekhr Yorov and Nuriddin Makhkamov are reviewed in line with Tajikistan's human rights obligations, and that international fair trial standards are fully upheld when their appeal is heard;
- 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 23 NOVEMBER 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

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 third update of UA 209/15. Further information: <https://www.amnesty.org/en/documents/EUR60/4252/2016/en/>

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ADDITIONAL INFORMATION

Buzurgmekhr Yorov was found guilty of “arousing national, racial, local or religious hostility” (Article 189 of the Criminal Code of Republic of Tajikistan), “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 charges against Nuriddin Makhkamov were the same, except for forgery. Both lawyers have lost their licences and will be prohibited from practicing law after completing their sentences.

On 22 August, Jamshed Yorov, Buzurgmekhr Yorov’s brother and also one of the defence lawyers in the case against IRPT members, was detained on charges of “divulging state secrets” (Article 311 of the Criminal Code of the Republic of Tajikistan). He was accused of leaking the text of the Supreme Court’s decision in the case against the senior IRPT members which had been classified as a secret document. On 26 August, the Firdavsi District Court of Dushanbe ordered his remand in pre-trial detention. On 30 September, he was amnestied and released from detention.

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).

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, the Supreme Court of Tajikistan sentenced 14 high-ranking members of IRPT to long prison terms in a trial that fell far short of fair trial rules which Tajikistan is legally bound to uphold.

On 29 September, following the violent unrest and the arrest of the party’s leadership, the IRPT was designated a “terrorist organization” by the Supreme Court of Tajikistan on the grounds that several of its members had 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. For additional information see: <https://www.amnesty.org/en/documents/eur60/4855/2016/en/>.

Further information on UA: 209/15 Index: EUR 60/4973/2016 Issue Date: 12 October 2016