

Reference: TIGO IOR 40/2017.036

Dr Jens Modvig
Chairperson
Committee against Torture
Office of the United Nations High
Commissioner for Human Rights –
UNOG
1211 Geneva 10
Switzerland

26 June 2017

Dear Mr Modvig,

TAJKISTAN- LIST OF ISSUES PRIOR TO REPORTING

Please find below a short outline of key issues of concern to Amnesty International in relation to restrictions on access to independent and adequate legal defence. Secondly, Amnesty International is also concerned about harassment, torture or other ill-treatment, prosecution and imprisonment of lawyers in Tajikistan.

These issues are explained in more detail in the enclosed briefing, *In the line of duty: Harassment, prosecution and imprisonment of lawyers in Tajikistan* (Index number: EUR 60/6266/2017 published by Amnesty International in May 2017). They also reflect concerns relating to access to lawyers and independence of the legal profession raised by the Special Rapporteur on Torture in his 2015 follow-up report to his mission to Tajikistan in February 2014, which to date the authorities have failed to address or remedy effectively.¹

HARASSMENT, PROSECUTION AND IMPRISONMENT OF DEFENCE LAWYERS (SEE PAGES 12-15 OF THE ENCLOSED BRIEFING)

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.

Arbitrary arrests of human rights lawyers, their prosecutions on politically-motivated charges, harsh prison sentences and the harassment of their families have served as a deterrent to anyone daring to defend the fundamental rights of those willing or perceived to challenge the authority of the president and the government.

Amnesty International is particularly concerned about the cases of lawyers Buzurgmekhr Yorov, Nuriddin Makhamov and Shukhrat Kudratov, who were sentenced to long-term imprisonment following unfair trials and is calling for their immediate release.

¹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Follow up report: Missions to the Republic of Tajikistan and Tunisia, A/HRC/28/68/Add.2, 27 February 2015, para 17, 18, 19.

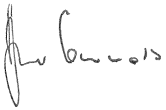
LIMITING THE INDEPENDENCE OF LAWYERS (SEE PAGES 10-11 OF THE ENCLOSED BRIEFING)

Legal amendments introduced in November 2015 to the law on the legal profession (Law on Advokatura) have increased the control over the mandatory licensing of lawyers by the executive branch of government thereby effectively limiting the independence of the legal profession as required under international standards and cutting the total number of lawyers licensed to practise (*advokaty*) by more than half to 600.

The right to assistance by a lawyer is essential in upholding the rights to liberty, freedom from torture and the right to an effective remedy for human rights violations, including torture and other ill-treatment. Amnesty International is concerned that the effect of the harassment and persecution of lawyers in Tajikistan, combined with the recent, drastic reduction in the number of *advokaty*, is undermining the respect for rights in the country.

I would be grateful if you could make this letter and the enclosed briefing available to the members of the Committee in advance of the adoption of the list of issues prior to reporting.

Yours sincerely,



Jane Connors

Director, International Advocacy Program