

## *Lawyers under pressure in Tajikistan:*

### *Civil society concerned about recent cases of harassment and intimidation of lawyers in Dushanbe*

We, the undersigned members of the NGO coalition Civic Solidarity Platform, express our concerns at recent reports of law enforcement officials using arbitrary detention and torture against lawyer Abdulaziz Abdurahmonzoda, and using intimidation against one of his defence lawyers, Chairperson of the Union of Lawyers Saidbek Nuritdinov, who is responsible for legal action related to the torture and ill-treatment allegations. We call on the Tajikistani authorities to investigate these allegations and ensure that lawyers are able to carry out their professional duties without intimidation, harassment or other undue interference from state officials.

#### **Background:**

According to Abdurahmonzoda, on 17 April 2019, officials of the Dushanbe Department of the Financial Control and Anti-Corruption Agency subjected him to torture and ill-treatment to force him to confess to attempting to bribe staff of the Varzob District Court. Abdurahmonzoda was later charged with “fraud” under Article 247 part 2.d of the Criminal Code of Tajikistan and is currently awaiting trial.

Abdurahmonzoda told the Coalition against Torture and Impunity that on 9 April 2019, a resident of Varzob district, Dushanbe - Saimurod Saidov, approached him and asked him to provide legal assistance in a civil damages’ case. Abdurahmonzoda discussed fees of 5000 Tajik Somoni (approximately EUR 500) to cover his participation in all legal proceedings. On 17 April 2019, Saidov came to Abdurahmonzoda’s office with the fees. Abdurahmonzoda drew up a contract for the provision of legal assistance, and signed one of the two copies. Saidov then put a cash sum of USD 500 on Abdurahmonzoda’s desk, which Abdurahmonzoda told him to change into somoni. But Saidov left the money on the table instead and quickly left the office with the signed contract, just as some 20 to 25 people entered. They were later identified as officials of the Dushanbe Department of the Financial Control and Anti-Corruption Agency.

Abdurahmonzoda reports that at least two officials then beat him severely in his office, breaking one of his teeth in the process. His injuries were recorded in a medical examination.

Abdulaziz Abdurahmonzoda told the Coalition against Torture “*After they beat me, the officials forced me to write a statement, that I took the amount of USD 500 to hand over to [...] an employee of Varzob court. I was forced to do as they said under physical pressure. They dictated a statement to me and I wrote it out, signed it, and together we headed to the Varzob District Court.*”

According to Abdurahmonzoda, the officials subsequently instructed him to throw down the dollars on the table in front of a court employee. They claimed that they needed to obtain proof of his attempted bribery in order to incriminate court officials. The officials threatened to withdraw his licence to practice law if he refused to do as they said. Officials of the Anti-Corruption Agency initially told Abdurahmonzoda that he was a key active witness in the case against court employees - but at the end of May 2019 they in fact brought charges against him for fraud.

Abdurahmonzoda’s defence team is comprised of 15 lawyers, including Saidbek Nuritdinov (the Chairperson of the Union of Lawyers) and the Chairperson of the Committee for the Protection of Lawyers’ Professional Rights.

Sino District Court ruled on 22 July to suspend the proceedings while case materials were sent to the Dushanbe Prosecutor’s office for investigation into the allegations of torture. However, on 5 August, Dushanbe Prosecutor’s office refused to initiate a criminal case for “torture” (Article 143.1 of the Criminal Code), on the grounds that investigators did not find concrete evidence of a crime.

On 9 August 2019, Abdurahmonzoda’s legal team lodged a request with Sino District Court asking for the investigation into allegations of torture and ill-treatment to be transferred to the Prosecutor General’s Office. On 27 August, Saidbek Nuritdinov, lawyer for Abdurahmonzoda and Chairperson of the Union of Lawyers, learned

that the Director of the Dushanbe Department of the Financial Control and Anti-Corruption Agency had sent letters to courts across the country asking them to provide information pertaining to any criminal and civil cases in which Nuritdinov or Abdurahmonzoda had taken part as lawyers in 2018 and 2019. We are concerned that such information could be used to fabricate charges against Nuritdinov and additional charges against Abdurahmonzoda.

On 30 August 2019, Saidbek Nuritdinov wrote to the Prosecutor General, the head of the State Security Services, the Director of the Financial Control and Anti-Corruption Agency, as well as the Ministry of Internal Affairs, asking for security measures to be put in place to protect him and his client Abdurahmonzoda after they have experienced threats and intimidation.

We are concerned that lawyers in Tajikistan are increasingly at risk of intimidation, threats of arbitrary detention, torture and ill-treatment to punish them for carrying out their professional activities. Lawyers who take on cases related to allegations of torture and ill-treatment are at particular risk. Such behaviour by state officials erodes important principles such as the independence of the legal profession and the rule of law and violates international standards such as the UN Basic Principles on the Role of Lawyers which states that Governments shall ensure that lawyers are able to perform all of their professional duties without intimidation, hindrance, harassment or improper interference (Principle 16), as well as the national law « On Advocacy » (Article 23) which forbids obstruction of a lawyer's legal professional duties.

**We call on the Tajikistani authorities to:**

- promptly and effectively investigate the allegations that Abdulaziz Abdurahmonzoda was subjected to arbitrary detention and torture and ill-treatment and bring to justice in fair proceedings those suspected of being responsible.
- Ensure that Saidbek Nuritdinov and other defense lawyers of Abdurahmonzoda are not subjected to intimidation and harassment
- abide by its international obligations and allow lawyers to carry out their professional duties without interference or hindrance, irrespective of the nature of the case on which they are working.

We also ask OSCE institutions and member States to call upon Tajikistan to abide by its commitments and pay attention to the increasing pressure on lawyers in the country.

**Signatories:**

Austrian Helsinki Association	Helsinki Association for Human Rights Armenia
Association UMDPL (Ukraine)	Helsinki Citizens' Assembly- Vanadzor
Belarusian Human Rights House	Helsinki Committee of Armenia
Centre for Civil Liberties, Ukraine	Helsinki Foundation for Human Rights, Poland
Centre for the Development of Democracy and Human Rights, Russian Federation	HRC Memorial, Russian Federation
Center for Participation and Development, Georgia	Human Rights Center of Azerbaijan
Citizens' Watch	Human rights center "Viasna"
Crude Accountability	HRM "Bir Duino-Kyrgyzstan"
Freedom Now	Human Rights Matter, Germany

Human Rights Monitoring Institute

Macedonian Helsinki Committee

International Partnership for Human Rights, Belgium

Moscow Helsinki Group

Kazakhstan International Bureau for Human Rights and the Rule of Law

Norwegian Helsinki Committee

Legal Policy Research Centre,

Nota Bene

Office of Civil Freedoms, Tajikistan

World Organization against Torture

Promo-Lex Moldova

Swedish OSCE network

Public Association "Dignity", Kazakhstan

Women of the Don

Public Verdict, Russian Federation

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