

President Emomalii Rahmon  
Office of the President of the Republic of Tajikistan  
pr. Rudaki 80  
734023 Dushanbe  
Tajikistan

Brussels, 6 August 2014

**Re: Concerns regarding human rights lawyer Mr Shukhrat Kudratov**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE would like to alert you to the situation of a lawyer, Mr Shukhrat Kudratov, whom, according to the information we recently received, was arrested in his office in Dushanbe on 21 July and charged the following day with three criminal offences – including attempted bribery of a judge. It appears that the same day the court ruled to hold him in pre-trial detention. We assume that Mr Kudratov is currently detained.

The CCBE has grounds to fear that Mr Kudratov's arrest is a measure of retaliation for his legitimate activity in defence of human rights.

Mr Kudratov is a leading lawyer for the independent news agency "Asia-Plus", and Deputy Director of the opposition Social-Democratic Party in Tajikistan. In 2011, he was named Human Rights Defender of The Year in Tajikistan by the local Bureau for Human Rights and Rule of Law. Mr Kudratov is one of a few lawyers in Tajikistan who defend opposition activists, victims of police torture, and those accused of "religious extremism".

We understand that last year Mr Kudratov was one of three lawyers representing Mr Zaid Saidov, a local businessman and prominent opposition figure, who was arrested in November 2013 and sentenced to 26 years' imprisonment plus confiscation of his property. Mr Saidov's arrest came after he announced the creation of a new opposition party leading up to the December 2013 presidential elections in Tajikistan. After this trial, it appears that his lawyers were targeted by the authorities.

We were informed that on 7 March 2014 the governmental anti-corruption agency arrested another of Mr Saidov's lawyers, Mr Fakhriddin Zokirov, who was charged with fraud on allegations relating to his credit payments. According to the information received, Mr Zokirov is still in detention.

Following the Saidov trial, one of the official victims filed a civil law suit against Mr Kudratov for "moral damage", claiming that the human rights lawyer had offended her. Mr Kudratov

petitioned the judge to grant him access to the audio records used by the complainant as the main evidence of the offence, but the judge rejected the petition. On 17 April 2014, Mr Kudratov filed a complaint to the Ministry of Justice against the judge. On 19 June 2014, the court in Dushanbe sentenced Mr Kuratov to a fine in absentia for 200,000 Tajikistan Somoni (approximately € 30,000) for “moral damage”.

Following these events, on 15 July 2014, Mr Kudratov issued a public letter addressed to foreign parliaments, governments, embassies and international human rights organisations drawing their attention to the main violations during the Saidov trial. In the letter, the human rights lawyer also highlighted the ongoing persecution of Mr Saidov's legal team.

In this context the CCBE wishes to draw to your Excellency's attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

*Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Furthermore, Article 18 states that:

*18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

In view of the above, the CCBE respectfully urges your Excellency to take effective steps to immediately release Mr Kudratov in relation to the charges of bribery; to review the civil fine; to cease all harassment of Mr Kudratov and other lawyers connected to the trial of Mr Zaid Saidov; and to guarantee in all circumstances that all human rights defenders in Tajikistan are able to carry out their legitimate human rights activities without fear of reprisals, intimidation or judicial harassment.

I look forward to hearing from your Excellency as regards the follow up of this case.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo Bulgarelli  
CCBE President