



The Law Society

## From the President

President I. S. Rakhmon  
Dom Pravitelstva  
Pr. Rudaki 80  
734023 Dushanbe  
Tajikistan

By Fax: +992 37 221 69 71  
By Email: [mail@president.tj](mailto:mail@president.tj)

16 April 2013

Dear President Rakhmon

### **Mr Salim Shamsiddinov - lawyer at risk**

The Law Society is a professional body representing more than 150,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

The Law Society is concerned about the circumstances surrounding the disappearance on 15 March 2013 of Mr Salim Shamsiddinov, a lawyer and a leader of the Uzbek community in southern Tajikistan's Khatlon region.

We understand that Mr Shamsiddinov was last seen by his family at 6:30am on 15 March 2013 when he left his family home to do some exercise. The next day Mr Shamsiddinov had not returned home and his family reported him missing. Whilst we further understand a provincial police officer is quoted by various sources in the media as stating that an investigation has not found "any sign that Salim Shamsiddinov was beaten or kidnapped by force", however, we remain concerned about Mr Shamsiddinov's disappearance.

We further understand that at the time he disappeared, Mr Shamsiddinov was preparing to talk to the press on issues about discrimination against ethnic Uzbeks in the Khatlon region.

We further understand that Mr Shamsiddinov is a community leader who has raised issues and spoken about the protection of human rights for both the Uzbek minority in Tajikistan and the Tajik minority in Uzbekistan. We also note he is active in campaigning for a change in the election laws in Tajikistan. We further note Mr Shamsiddinov has called for ethnic Uzbeks in Tajikistan to vote for Rahmatillo Zoirov, the opposition candidate, in November's presidential elections.

We understand Mr Shamsiddinov has been the subject of attacks in the past, including on 5 May 2012 when he was attacked by three men. At the time, Mr Shamsiddinov stated he was receiving medical treatment at home as he was "too afraid" for his security in hospital.

We note that this attack occurred on the same day Mr Shamsiddinov was dismissed in absentia from his post as deputy chairman of the Foundation of Uzbeks in Tajikistan and head of the Foundation of Uzbeks in Khatlon province.

We are concerned that the treatment of and disappearance of Mr Salim Shamsiddinov prevents him from carrying out his legitimate duties as a lawyer. We would respectfully draw your attention to the United Nations Basic Principles on the Role of Lawyers (1990) which states:

16. *"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, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics."*
17. *"Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."*
18. *"Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."*

Likewise, we are concerned that Mr Shamsiddinov's disappearance may be as a result of his work relating to minority rights in Tajikistan and Uzbekistan. We respectfully draw your attention to article 1 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1999) which states that:

*"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels."*

We are concerned that he has been put at risk by virtue of his own exercise of freedom of expression and his wish to expose alleged human rights violations. Article 19 of the United Nations International Covenant on Civil and Political Rights 1966 states that:

1. *"Everyone shall have the right to hold opinions without interference."*
2. *"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice."*

We recall that Tajikistan became a party to the United Nations International Covenant on Civil and Political Rights 1966 when it acceded on 4 January 1999 and it is bound to uphold its provisions, including those contained in article 19.

Additionally, we would in this context remind you of the United Nations Basic Principles on the Role of Lawyers which states:

Article 23: *"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular they shall have the right to take part in public discussion on matters concerning the law, the administration of justice and the promotion and protection of human rights..."*

We are also concerned that Mr Shamsiddinov is being potentially detained against his will. In this respect we would refer to the Universal Declaration of Human Rights (1948):

Article 3 *"Everyone has the right to life, liberty and security of person";* and

Article 9 *"No one shall be subjected to arbitrary arrest, detention or exile".*

We would also remind you of the United Nations Declaration on the Protection of all Persons from Enforced Disappearance (1992). Namely Article 10:

- "(1) *Any person deprived of liberty shall be held in an officially recognised place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.*
- (2) *Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.*
- (3) *An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralised registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person."*

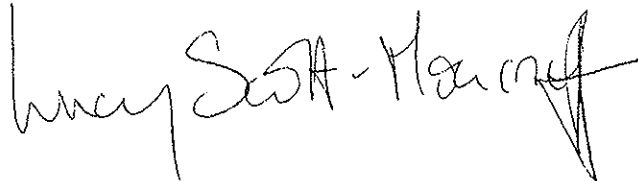
On behalf of the Law Society, I express our concern that Mr Shamsiddinov; a lawyer; an advocate for human rights and the protection of ethnic minorities; and an active supporter of the political opposition has gone missing.

I respectfully urge that you:

1. Establish an impartial and thorough investigation into the disappearance of Mr Shamsiddinov the results of which should be made public and those responsible brought to justice.
2. Ensure that Mr Shamsiddinov gains immediate access to his family, legal representation of his choice and any medical assistance he may require.
3. Ensure the safety of Mr Shamsiddinov's family, and all human rights defenders in Tajikistan.

4. Ensure that political activists, their supporters and relatives are able to campaign peacefully ahead of the Presidential Elections in November without fear of harassment, intimidation or other reprisals.

Yours sincerely

A handwritten signature in black ink that reads "Lucy Scott-Moncrieff". The signature is written in a cursive style with a large initial 'L' and a long, sweeping tail on the 'f'.

Lucy Scott-Moncrieff  
President

Direct Line: 020 7320 5826  
Direct Fax: 020 7320 5759  
[lucy.scott-moncrieff@lawsociety.org.uk](mailto:lucy.scott-moncrieff@lawsociety.org.uk)