

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations on the expulsion of Afghan journalist Mr. Saif Ur Rahman Shirzad from Sweden to Afghanistan, considering the risks he may face, if expelled, in relation to his work as journalist, including risks of death or to be subject to torture or cruel, inhuman, or degrading treatment.**

The case of Mr. Shirzad was already addressed in a previous communication sent on 2 May 2013 (SWE 2/2013) by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We take note of the detailed response provided by your Excellency's Government on 14 June 2013. The present communication provides new information on allegations related to Mr. Saif Ur Rahman Shirzad case.

According to the information received:

As addressed in a previous communication, it is alleged that Mr. Saif Ur Rahman Shirzad was forced to flee from Afghanistan in 2008 after receiving death threats

from the Taliban due to his and his brother's, Mr. Noor Rahman Shirzad, journalistic activities. Mr. Shirzad, along with his brother had reported on the Afghan-Pakistan border region, which allegedly put themselves and their family at risk and under death threats by the Taliban. It is reported that Mr. Saif Ur Rahman Shirzad started working as photographer, working with his brother, and since his brother fled the country, he continued to work as photographer and also started writing articles. Mr. Saif Ur Rahman Shirzad was subject of threats from the Taliban on several occasions. It is also reported that following his participation in a training organized by USAid, for which her received a diploma, his risk and threats had increased. It is reported that since his relocation to Sweden, Mr. Saif Ur Rahman Shirzad continued being active writing and publishing notes, including some published in Pakistan media.

It is reported that since our previous communication was sent, Mr. Noor Rahman Shirzad, brother of Mr Saif Ur Rahman Shirzad, who received refugee status by UNHCR in 2008 and was relocated in Sweden, was granted refugee status by the Swedish authorities in 2013, based on the risk he would face, if returned to Afghanistan, as a result of his activities as journalist. It is also reported that other members of Mr. Shirzad's close family, who received refugee status by UNHCR and were relocated to the United States of America (USA), based on threats they received due to Mr. Noor Rahman Shirzad and Mr. Saif Ur Rahman Shirzad activities as journalists, were finally granted refugee status in October 2013 by the US authorities.

It is also reported that since Mr. Saif Shirzad left Afghanistan, a relative has been killed and his extended family in Afghanistan have continuously been receiving threats. Allegations indicate that the Taliban have been asking about him and his brother. Reportedly, the editor of the newspaper, where Mr. Saif Shirzad and his brother worked, has also received several serious threats from the Taliban, allegedly based on his work as journalist and his relations with Mr. Saif Shirzad and his brother. It is alleged that on that basis, the editor was granted refugee status in Sweden in 2014.

It is alleged that Mr. Saif Ur Rahman Shirzad's application and appeals were rejected by the Swedish migration authorities which found, inter alia, that Mr. Shirzad's account were inconsistent in relation to dates of events, and lacked credibility, including doubting of his activity as journalists due to his young age. It is reported that Mr. Saif Ur Rahman Shirzad has provided additional information and documents to respond to these questions. Mr. Saif Ur Rahman Shirzad is waiting for a final decision on his request for re-examination of his application for asylum and protection status. If rejected, his expulsion could be imminent.

It is alleged that considering his work as journalist in Afghanistan and the death threats he has received by the Taliban, it is alleged that the life and integrity of Mr. Shirzad is at risk if he be expelled to Afghanistan.

While we do not wish to prejudge the accuracy of these allegations, we reiterate our concern about the expulsion of Mr. Saif Ur Rahman Shirzad to Afghanistan, considering the risks he may face, if expelled, as a result of his journalistic activities in defence of human rights, including risks of death and being subjected to torture or cruel, inhuman, or degrading treatment.

In this regards, we would like to refer to articles 6, 7, 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sweden in 1971.

We would also like to remind your Excellency's Government of article 3 of the Convention against Torture (CAT), ratified by Sweden in 1986, which provides that no State party shall expel, return (refouler), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. Moreover, we would like to draw the attention of your Excellency's Government to paragraph 9 of General Comment No. 20, to paragraph 16 of the Resolution A/RES/65/205 of the UN General Assembly, and to paragraph 7(d) of the Human Rights Council Resolution 16/23.

We also wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 12.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Saif Ur Rahman Shirzad.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide detailed information concerning the steps taken to assess the potential risks related to the expulsion of Mr. Saif Ur Rahman Shirzad, in

particular consider newly provided information, his brother being granted refugee status in Sweden, as well as other journalists of the same newspaper they worked in, on similar accounts.

3. Please provide information regarding the measures available in Sweden for the protection of journalists who claim to be victims of persecution in their country of origin.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment