

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression**

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 25/2.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the close down of the offices of Payom.net, a news agency run by Tajik opposition in Turkey, and possible risk of return of six members of its staff - Mr. **Sharipov Shavkatjon**, Mr. **Shuhrati Rahmatullo**, Mr. **Salimov Ziyovuddin**, Mr. **Sherov Jama**, Mr. [REDACTED] and Mr. [REDACTED] - from Turkey to Tajikistan where they risk potential trial without the adequate guarantees and ill-treatment.

Payom.net is an independent news agency run by Tajik political opposition in Turkey. It is based in Istanbul and works under the umbrella of an NGO registered in Turkey. It covers events in Tajikistan. The website was blocked in Tajikistan soon after it was first launched. Tajik authorities consider "Payom.net" to conduct terrorist and extremist activities.

According to the information received:

In December 2016, Turkish police closed down the offices of Payom.net, reportedly at the request of the Tajik Consulate in Istanbul. It is reported that six of the news agency's journalists and their families have received threats and harassments from the security services of Tajikistan. These threats and harassments consist of their families in Tajikistan being subject to weekly police interrogations, searches, forced confessions recorded on video, confiscation of cars, houses and passports to prevent the families from leaving Tajikistan.

It has been reported that the six members of the staff of Payom.net - Mr. Sharipov Shavkatjon, Mr. Shuhrati Rahmatullo, Mr. Salimov Ziyovuddin, Mr. Sherov Jama, Mr. [REDACTED] and Mr. [REDACTED] - if returned from Turkey to Tajikistan, face the risk of being criminally prosecuted without the guarantees of a fair trial and subjected to torture or other forms of ill-treatment.

We express grave concern that close-down of Payom.net by Turkish authorities at the request of Tajik authorities are directly connected to Payom.net's exercise of freedom

of expression, in particular its expression as political opposition reporting on affairs and government activities in Tajikistan. We express equal concern that if returned to Tajikistan, the staff of Payom.net may risk criminal prosecution and ill-treatment.

We would like to refer to article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Turkey on 2 August 1988, 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 he would be in danger of being subjected to torture”, and that “for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”. In this regard, we also refer to paragraph 9 of the General Comment no.20 of the Human Rights Committee, underlining that State parties “must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement”.

We would also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of expression as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Turkey on 23 September 2003. In this connection, we reiterate the principle enunciated by Human Rights Council 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on the free flow of information and ideas, including practices such as the banning or closing of media. We believe this principle applies with equal force to the reporters from payom.net.

Furthermore, we wish to refer to 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 text of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 staff members of Payom.net in compliance with international instruments, in particular with respect to the principle of non-refoulement.

It is our responsibility, under the mandate provided to us by the Human Rights Council to seek to clarify all cases brought to our attention. We would therefore 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 information about the justification for closing down the offices of Payom.net and explain how this is compatible with Turkey's obligations under international human rights law, in particular with article 19 of the ICCPR.
3. Please provide information relative to the measures taken to ensure the integrity of the staff members of Payom.net, in particular in relation to Turkey's obligations with regard to the principle of non-refoulement.

While awaiting a reply, I 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 my highest consideration.

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

