

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the situation of human rights in Belarus

REFERENCE: UA BLR 1/2016:

25 August 2016

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; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on the situation of human rights in Belarus, pursuant to Human Rights Council resolutions 25/2, 25/18, 25/13, and 26/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of possible immediate extradition of **Mr. Chary Annamuradov**, from Belarus to Turkmenistan, where he risks being subjected to ill-treatment and torture as a result of the exercise of his right to freedom of expression through his previous work as a journalist.

Mr. Chary Annamuradov is a former journalist working in Afghanistan and Turkmenistan. Between 2000 and 2002, he worked as a freelancer for Reporters Without Borders, as well as for the radio "Deutsche Welle" under the pseudonym of Oraz Salyev. He quit practicing journalism in 2006. He possesses Swedish and Russian citizenship.

According to the information received:

Between 1995 and 1996 Mr. Annamuradov worked as a journalist for the Russian newspaper "Nezavisimaya gazeta" in Afghanistan. In 1996, he was their correspondent in the region of Herat, where he reported on relations between Turkmen diplomats and the Taliban. In his work, he also reported on the use of Turkmen diplomatic documents as a cover by members of Pakistani services.

In 1996, Mr. Annamuradov returned to Turkmenistan and learned that six criminal cases were opened against him. He was sentenced to 18 years of imprisonment and spent 3 years in prison before being pardoned. Mr. Annamuradov was reportedly detained in the Ovodan Depe high security detention facility, where he was subjected to torture and ill-treatment.

In 2000, a new case was opened against Mr. Annamuradov for fraud, leading Mr. Annamuradov to leave Turkmenistan. He was granted refugee status in 2002 and settled in Sweden.

On 18 July 2016, Mr. Annamuradov went to Belarus to visit a friend. He was detained upon his arrival, and initially held in incommunicado detention. It has been reported that efforts by Swedish authorities to approach Belarusian authorities have been unsuccessful.

On 19 August 2016, the Minsk General Prosecutor's Office received official documentation from Turkmen authorities requesting the extradition of Mr. Annamuradov from Belarus to Turkmenistan, where there are substantial grounds to believe that he would be in danger of being subjected to torture or other forms of ill-treatment. It is expected that the decision on the extradition will be made anytime.

We express grave concern about the possible extradition of Mr. Annamuradov to Turkmenistan, where there are substantial grounds to believe that he would anew be in danger of being subjected to torture or other forms of ill-treatment. We express grave concern that the extradition request is connected to Mr. Annamuradov's exercise of his right to freedom of expression through his work as a journalist in the 1990s, in particular his reporting on foreign and domestic government activities in Afghanistan. We express equal concern that if extradited, Mr. Annamuradov would be arrested and tried, without any guarantees of a fair trial.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of the principle of non-refoulement as outlined in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol to which Belarus acceded on 23 August 2001.

We would also like to refer to article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Belarus on 13 March 1987, 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 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 Belarus on 12 November 1973.

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 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. Annamuradov 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 on the details of the extradition request by Turkmen authorities.
3. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Mr. Annamuradov, and in particular in relation to Belarus's obligations with regard to the principle of non-refoulement.

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 Ernesto Mendez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Miklós Haraszti
Special Rapporteur on the situation of human rights in Belarus