

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: +1-212-290-4700
Fax: +1-212-736-1300; 917-591-3452

HUMAN
RIGHTS
WATCH

HRW.org

**EUROPE AND CENTRAL ASIA
DIVISION**

Hugh Williamson, *Director*
Rachel Denber, *Deputy Director*
Benjamin Ward, *Deputy Director*
Philippe Dam, *Advocacy Director*
Jane Buchanan, *Associate Director*
Tanya Lokshina, *Russia Program Director*
Inna Khodzhaeva, *Moscow Office Director*
Giorgi Gogia, *South Caucasus Director*
Emma Sinclair-Webb, *Senior Researcher*
Judith Sunderland, *Associate Director*
Tanya Cooper, *Researcher*
Lydia Gall, *Researcher*
Yulia Gorbunova, *Researcher*
Izza Leghtas, *Researcher*
Mihra Rittmann, *Researcher*
Steve Swerdlow, *Researcher*
Eva Cosse, *Assistant Researcher*
Viktoriya Kim, *Senior Coordinator*
Kathryn Zehr, *Associate*
Anže Močilnik, *Associate*

ADVISORY COMMITTEE

Catherine Zennström, *Chair*
Jean Paul Marthoz, *Vice-chair*
Henri Barkey
Gerhart Baum
Rudolf Bindig
Yves Robert-Charrue
Alexander Cooley
Stephen Del Rosso
Felice Gaer
Michael Gellert
Miklós Haraszti
Alice H. Henkin
Jeri Laber
Walter Link
Masha Lipman
Helena Luczywo
Jane Olson
László Jakab Orsós
Arjan Overwater
Kimberly Marteau Emerson
Glenda Nühn-Morris
Can Paker
Lucy Pereira
Signe Rossbach
Colette Shulman
Leon Sigal
Malcolm Smith
Mark von Hagen
Joanna Weschler

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and
Global Initiatives*
Nicholas Dawes, *Deputy Executive Director, Communications*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal & Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

September 7, 2016

Prosecutor General of Belarus

Aleksandr Vladimirovich Konyuk (Конюк Александр Владимирович)

Internatsionalnaya Street, 22

Minsk, GSP, 220030, Belarus

Dear Aleksandr Vladimirovich,

I am writing to express grave concern about plans by Belarus authorities to extradite Chary Annamuradov, a citizen of Russia and Sweden, to Turkmenistan. Human Rights Watch is convinced that if Mr. Annamuradov is sent to Turkmenistan, he will be at serious risk of ill-treatment, including torture, and also to criminal prosecution and imprisonment based on his political convictions and affiliations. We urge you to immediately release Mr. Annamuradov from detention and allow him to return to Sweden.

The Turkmen authorities are seeking Mr. Annamuradov's extradition on charges of fraud and bribery filed in 2006, under p. 4 of Article 228, p. 2 of Article 185, and Article 33 of the Criminal Code of Turkmenistan. He is currently held at a pretrial facility SIZO-1 in Minsk.

Belarusian border police arrested Annamuradov on July 18, 2016, when he arrived at passport control in the Minsk airport. He was travelling from Sweden to Minsk on vacation with his 16-year-old daughter. Annamuradov's family told Human Rights Watch that the police held both of them for four hours, then released his daughter but told Annamuradov he was under arrest. His daughter subsequently returned to Sweden.

Annamuradov worked as an independent journalist in Turkmenistan in the 1990s but had to flee the country in 1999 due to persecution and obtained asylum in Sweden in 2003. He had both Swedish and Russian citizenship and continued to work as a journalist until 2008.

We are convinced that the charges against Annamuradov are politically motivated, in retribution for his work as an independent journalist and criticism of Turkmen government policies.

In 1993, Annamuradov became a correspondent in Turkmenistan for the Russian daily Nezavisimaya Gazeta. He and his family faced harassment in retribution for his work, and in 1997, he was imprisoned on trumped-up charges of smuggling and other infractions. He was amnestied and released in 1999, but police detained him in 1999 and severely beat him. He fled soon thereafter, first to Russia, only to be hounded by Turkmen security services, and then to Belarus. Meanwhile, Turkmen security services repeatedly detained and threatened his wife, who was still in Turkmenistan, and his brother, to get them to reveal Annamuradov's whereabouts.

While Mr. Annamuradov was in Moscow in 2002, Human Rights Watch was in contact with him and supported his application for refugee status.

In 2002, Mr. Annamuradov and his family received asylum in Sweden after filing an application with the United Nations Office of the High Commissioner for Refugees (UNHCR), due to their well-founded fear of persecution in Turkmenistan for his work as a journalist. In 2007, Mr. Annamuradov became a Swedish citizen.

Our belief that Annamuradov would face persecution and torture if returned to Turkmenistan is grounded in several decades of monitoring and documenting the human rights situation in that country.

Imprisonment of political prisoners, enforced disappearances, and torture in Turkmenistan

In 2016, Turkmenistan remains extremely repressive and is virtually closed to independent scrutiny. The government imposes harsh restrictions on media and religious freedoms and exerts total control over access to information. Independent critics face constant threat of government reprisal. Authorities continue to impose informal and arbitrary travel bans on various groups, including students leaving for study abroad, activists, and relatives of exiled dissidents.

Many people continue to languish in Turkmen prisons on what appear to be politically motivated charges.

Political dissident Gulgeldy Annaniyazov, arrested in 2008, remains imprisoned following a conviction on charges that are not known even to his family. He is serving an 11 year sentence.

Several dozen people, many of whom were imprisoned under former President Niyazov, remain victims of enforced disappearance including former Foreign Minister Boris Shikhmuradov, his brother Konstantin, and a former ambassador, Batyr Berdiev. For more than a decade, the government has refused to allow them any contact with their families and their fates remain unknown. In 2014, the United Nations Human Rights Committee recognized Boris Shikhmuradov as a victim of enforced disappearance and stated that the Turkmen government must release him. At time of writing, the Turkmen government had not replied to the committee, missing the one year deadline to do so.

Torture remains a grave problem, particularly in high-security facilities. A 2014 report by a coalition of independent human rights groups—Prove They Are Alive!—described the torture of inmates in the Ovadan Tepe prison, a facility shrouded in secrecy that houses many people believed to have been sentenced on politically motivated charges. The government has persistently denied access to independent human rights monitors, including the Red Cross and 10 United Nations special procedures.

International human rights law and Belarus legislation

According to Annamuradov's lawyers, the extradition request against him by Turkmen authorities is based on the Minsk Convention on Legal Aid and Legal Relations in Civil, Family, and Criminal Cases of 1993 and in accordance with the Criminal Procedural Code of Belarus. The 1993 Minsk Convention does not allow for a judicial review of the legality of detention.

The principle of non-refoulement, articulated in international refugee law and human rights law instruments, establishes an absolute prohibition on the forced removal of a person to another state where there are substantial grounds for believing that the person would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Belarus is a state party, provides that no state shall expel, return (“refouler”) or extradite a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. To make such determinations, the CAT requires states to examine all relevant factors, including a consistent pattern of gross or flagrant violations of human rights in the country in question. Article 7 of the International Convention on Civil and Political Rights (ICCPR) also prohibits deportation of a person to a country where he faces a real risk of torture or “cruel, inhuman or degrading treatment or punishment.” Following the principle of non-refoulement, states are prohibited from removing individuals protected by the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. In international law, a refugee is defined as a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country [...]” The Convention prohibits the return of refugees to a territory where the refugee’s life or freedom may be threatened: “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

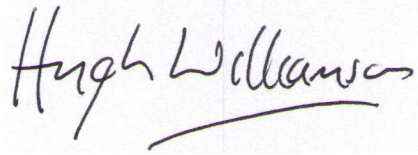
Moreover, Article 484 of the Criminal Procedure Code of Belarus provides for Belarus authorities to refuse a request to return or extradite a person wanted by a foreign state if “the aims of this request is a criminal prosecution or punishment of a person on account of his race, gender, religion, nationality, ethnic origin, membership of a particular social group or political opinion.”

We believe the charges against Mr. Annamuradov to be politically motivated and that if returned to Turkmenistan, the country he had received international protection from, he will not receive a fair trial for politically motivated charges against him and will likely be subjected to unlawful imprisonment and even torture.

We again urge you to desist from extraditing or otherwise returning him to Turkmenistan, and release him from custody so that he can return to Sweden.

We thank you for your attention to this letter.

Sincerely,

A handwritten signature in black ink that reads "Hugh Williamson". The signature is written in a cursive style with a long horizontal flourish underneath the name.

Hugh Williamson

Director

Europe and Central Asia Division

Human Rights Watch