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AZERBAIJAN: EXTRADITED BLOGGER SHOULD BE RELEASED IMMEDIATELY BY AZERBAIJANI AUTHORITIES

Amnesty International condemns the extradition of a blogger from Belarus to Azerbaijan. Upon transfer to Baku on 7 February, Aleksandr Lapshin was taken immediately into custody. In Azerbaijan, he is at risk of torture and other ill-treatment as well as an unfair trial. The criminal proceedings against Aleksandr Lapshin should be terminated, and he should be released immediately.

Aleksandr Lapshin is a popular blogger, and a citizen of Russia, Israel and Ukraine. He was arrested on 15 December 2016 in Belarus, on request from Azerbaijan. Criminal proceedings were initiated by the Azerbaijani authorities against him under Articles 281.2 and 318.2 of the Criminal Code of the Republic of Azerbaijan (“public appeals against the state”, punishable by up to eight years of imprisonment and “illegal border crossing” punishable by up to five years of imprisonment, respectively).

Aleksander Lapshin’s extradition order was issued on 17 January and on 26 January his appeal was rejected by the Minsk City Court. He was extradited only hours after his appeal to the Supreme Court of Belarus was considered and rejected on 7 February.

The accusations against him relate to his repeated visits to Azerbaijan’s

breakaway territory of Nagorno-Karabakh, in 2011 and 2012, without consent from the Azerbaijani authorities, and for his critical online publications about Azerbaijan.

Amnesty International is not aware of any other cases of extradition requests being made by the Azerbaijani authorities against individuals who have entered Nagorno-Karabakh without their permission. However, there are numerous individuals who have visited the territory without permission from the Azerbaijani authorities and been “blacklisted” by Azerbaijan - put on an official list of offenders who will be permanently refused entry to Azerbaijan.

Amnesty International takes the view that the extradition and charges against Aleksandr Lapshin are a means of targeting him principally in connection with his blogs, in particular his criticism of the Azerbaijani border control system and the country’s social inequality. The charge of “public appeals against the state” has no legal basis, as the criticism of the Azerbaijani authorities in his blog falls entirely within the scope of his right to freedom of expression. With regard to the criminal charge of illegal border crossing, the organization maintains that irregular entry should not be treated as a criminal offence. As such, Amnesty International considers that his detention is arbitrary and calls for the criminal proceedings against Aleksandr Lapshin to be terminated. He should be released immediately.

Concerns were raised regarding the conditions of Aleksandr Lapshin’s detention in Belarus where he was held at the pre-trial detention centre (SIZO) #1 in Minsk. He is also at risk of torture and other ill-treatment while in custody in Azerbaijan. Two days after Aleksandr Lapshin’s arrival and detention in Baku, he has been refused permission to contact his wife.

Amnesty International has documented numerous cases where individuals who criticized or otherwise publicly challenged the Azerbaijani authorities were arbitrarily arrested and sentenced to imprisonment following unfair trials, and in many cases tortured and otherwise ill-treated in custody. The Azerbaijani authorities have persistently failed to investigate allegations of torture and other ill-treatment and the Azerbaijani courts have on numerous occasions admitted as evidence “confessions” obtained under torture.

In extraditing Aleksandr Lapshin to Azerbaijan, where he is at risk of torture and other ill-treatment, amongst other human rights violations, the Belarusian authorities have failed to adhere to their obligations under

international human rights law.

Belarus ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998, according to which “no State Party shall expel, return 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.”