

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Anna Austin
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Date: 30/05/2014

DH-DD(2014)717

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1201 meeting (3-5 June 2014) (DH)

Item reference: Communication from the UNHCR (28/05/2014) in the case Garabayev against Russian Federation

Information circulated at the request of the Secretariat.

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1201 réunion (3-5 juin 2014) (DH)

Référence du point : Communication de l'UNHCR (28/05/2014) dans l'affaire Garabayev contre la Fédération de Russie. (**anglais uniquement**).

Informations circulées à la demande du Secrétariat.

DH-DD(2014)717 : Communication from the Secretariat / Communication du Secrétariat.

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UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

DGI

28 MAI 2014

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

UNHCR

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28 May 2014

Reference: HCR/ST/L/14 /38

Subject: Letter from UNHCR Moscow to the Russian Ministry of Foreign Affairs

Dear Ms. Mayer,

Please find attached a copy of a letter which the UNHCR office in Moscow addressed today to the Russian Ministry of Foreign Affairs today in relation to two cases of possible *refoulement*.

I would be grateful if you could bring that letter to the attention of the Committee of Ministers.

Sincerely yours,

Gert Westerveen
Representative to the European Institutions in
Strasbourg

Ms Geneviève Mayer
Head of the Department for the Execution of Judgments
of the European Court of Human Rights
Council of Europe
67075 Strasbourg Cedex



UNHCR-Russian Federation

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28 May 2014 г.

Dear Mr Viktorov,

The Representation of the United Nations High Commissioner for Refugees (UNHCR) in the Russian Federation presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and wishes to raise its deep concern about the apparent kidnapping in Kaliningrad of Mr. Dilshodbek NAZAROV (DOB: 08.01.1972) and Mr. Davronbek MAMAZHONOV (DOB 07.11.1975), nationals of Uzbekistan, who have applied for asylum in the Russian Federation and whose applications are being considered by the authorities.

According to the information available to us, Mr Nazarov's reported to his lawyer on 26 May 2014 that he was being forcibly taken to the airport in Kaliningrad by unknown people and was shouting for help at the moment their conversation with the lawyer was interrupted. It was on 27 May, 2014 that we were also informed of the kidnapping of Mr Mamazhonov. Mr. Mamazhonov was allegedly taken from the street in Kaliningrad forcibly. Further attempts to establish contact with Mr Nazarov and Mr Mamazhonov have so far remained unsuccessful.

UNHCR understands that Rule 39 was applied by the European Court of Human Rights on 27 May 2014 for both Mr. Nazarov and Mr. Mamazhonov, in order to prevent their removal from the Russian Federation. (*A letter to the Applicants' lawyer confirming the application is attached for your reference*).

In this context, UNHCR wishes to remind the Government of the Russian Federation of its obligations under the 1951 Geneva Convention Relating to the Status of Refugees and the European Convention on Human Rights, and in particular its responsibility to provide protection from *refoulement*.

In light of the above, UNHCR urgently requests the support of the Ministry of Foreign Affairs to take all necessary measures to establish the whereabouts of Mr. Nazarov's and Mr. Mamazhonov's and to ensure that their right i.e. protection from *refoulement* is fully respected.

UNHCR avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Russian Federation the assurances of its highest consideration.

Sincerely

Bayisa Wak-Woya

UNHCR Representative in the Russian Federation

Mr. Viktorov A.D.

Director of the Department for Humanitarian Cooperation and Human Rights
Ministry of Foreign Affairs of the Russian Federation

CC: **Mr. Romodanovsky K.O.**

Head of the FMS of Russia

Mr Vincent Cochetel

Director, Bureau for Europe, UNHCR

Mr Gert Westerveen,

UNHCR Representative, Strasbourg