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## **Garabayev v. Russian Federation (No. 38411/02) group of cases**

Overview of the incidents of alleged abductions/disappearances of applicants

Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights

*The opinions expressed in this document are binding on neither the Committee of Ministers nor the European Court*

**This document entails an overview of the incidents of alleged abductions/disappearances of applicants in the *Garabayev* group of cases v. the Russian Federation:**

1) abductions and unlawful transfers from Russian territory to Tajikistan and Uzbekistan of applicants in respect of whom the European Court has held, in final judgments, that this had taken place with the knowledge and active or passive involvement of the Russian authorities (some in violation of interim measures indicated by the European Court) (7 cases);

2) alleged abductions of applicants in respect of whom the European Court has held, in final judgments, that their removal from Russian territory to Tajikistan or Uzbekistan, respectively, would constitute a violation of Article 3 (allegations of abductions/disappearances were received after the judgments had become final) (some have new applications pending before the European Court) (4 cases);

3) alleged abductions of applicants in respect of whom the European Court has indicated interim measures under Rule 39, ordering that they not be removed from Russian territory to Tajikistan or Uzbekistan, respectively, until further notice (allegations of abductions/disappearances were received after the Rule 39 measures were indicated) (one application pending before the European Court) (2 cases);

In addition, another 2 persons (both asylum seekers) were reported by UNHCR to have been abducted/to have disappeared. Following these incidents, applications were submitted to the European Court, requesting interim measures under Rule 39 not to remove the applicants from Russian territory to Uzbekistan. In both cases, the European Court granted interim measures. Their applications are pending before the European Court.

It is to be noted that although an alleged abduction was initially reported in the case of *Latipov v. Russian Federation* (application no. 77658/11), the European Court did not find it established that the applicant had been abducted in its judgment of 12 December 2013, final on 12 March 2014. For this reason, this case is not included in the present overview.

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<sup>1</sup> This document has been updated to reflect the current state of information. For previous versions (H/Exec(2014)7, H/Exec(2014)7rev, and H/Exec(2014)7rev2), please consult the Department for the Execution of Judgments of the European Court of Human Rights.

**1) ABDUCTIONS ESTABLISHED BY THE EUROPEAN COURT IN FINAL JUDGMENTS (with involvement of State agents):**

Case details	State seeking the applicant and on which grounds	Legal status in the Russian Federation at time of abduction	Abduction details (as established by the European Court)	Current situation of the applicant and result of the investigation into the incident
<p><b>ISKANDAROV</b></p> <p>No. 17185/05</p> <p>Final since 21/02/2011</p>	<p><b>Tajikistan</b></p> <p>Leader of political party (charged <i>i.a.</i> with terrorism and corruption)</p>	<p><b>Asylum seeker</b> (applied for political asylum in January 2005, see §22)</p> <p>Extradition request rejected on 04/04/2005 for reason that applicant had filed asylum application (§23)</p>	<p>Abducted on <b>15/04/2005</b> from a street in Korolev town (<b>Moscow Region</b>) (see §115: arrested by Russian State agents; remained under their control until his transfer to the Tajik authorities)</p> <p>Removed from Russian territory via <b>airport</b> (see §112) (applicant's representatives and his political party stated that he was removed via Chkalovsky military airfield, see <a href="#">DH-DD(2012)755</a> and <a href="#">DH-DD(2012)854</a>)</p>	<p>Arrived in Dushanbe in Tajikistan on 17/04/2005 (by airplane)</p> <p><b>In prison in Tajikistan</b> (convicted on 05/10/2005 to 23 years' imprisonment; §§37-38)</p> <p>Investigation into the incident has not yielded any result</p>
<p><b>ABDULKHAKOV</b></p> <p>No. 14743/11</p> <p>Final since 11/02/2013</p>	<p><b>Uzbekistan</b></p> <p>Charged <i>i.a.</i> with membership of banned religious organisation "Jamaat"</p>	<p>Extradition request granted on 14/05/2010 (upheld in final instance on 14/03/2011) (see §§45-53)</p> <p><b>Asylum seeker</b> (application for temporary asylum pending with national authorities) (see §43)</p> <p>Interim measure indicated on 08/03/2011</p> <p>Recognised by UNHCR as refugee on 18/11/2011 (see §44)</p>	<p>Abducted on <b>23/08/2011</b> from a street in <b>Moscow centre, together with S.K.</b> (see below) (see §127: kidnapped and transferred against his will into the custody of the Tajik authorities, with the knowledge and either passive or active involvement of the Russian authorities)</p> <p>Removed from Russian territory via <b>airport</b> (see §124)</p>	<p>Arrived in Khujand in Tajikistan on 24/08/2011 (by airplane)</p> <p>Following detention in Tajikistan, released on 23/11/2011 and <b>in hiding in Tajikistan</b> since then (extradition requested by Uzbekistan)</p> <p>Investigation into the incident has not yielded any result</p>

Case details	State seeking the applicant and on which grounds	Legal status in the Russian Federation at time of abduction	Abduction details (as established by the European Court)	Current situation of the applicant and result of the investigation into the incident
<p><b>SAVRIDDIN DZHURAYEV</b></p> <p>No. 71396/10</p> <p>Final since 09/09/2013</p>	<p><b>Tajikistan</b></p> <p>Charged <i>i.a.</i> with membership of “Islamic Movement of Uzbekistan (IMU)”</p>	<p>Extradition request granted on 17/06/2010 (upheld in final instance on 09/12/2010) (see §§19-24)</p> <p>Interim measure indicated on 07/12/2010</p> <p>Recognised by UNHCR as refugee on 02/06/2011 (see §30)</p> <p><b>Granted temporary asylum</b> by Federal Migration Service on 06/09/2011 (see §31)</p>	<p>Abducted on <b>31/10/2011</b> from a street in the <b>south-west district of Moscow</b> (see §138: kidnapped by unidentified persons in Moscow, detained by his kidnappers in Moscow for 1-2 days, then forcibly taken to an airport and put on board a flight to Khujand in Tajikistan where he was immediately placed in detention by the Tajik authorities)</p> <p>Removed from Russian territory via <b>Domodedovo airport in Moscow</b> (see §137)</p>	<p>Arrived in Khujand in Tajikistan on 03/11/2011 (by airplane)</p> <p><b>In prison in Tajikistan</b> (convicted on 19/04/2012 to 26 years’ imprisonment)</p> <p>Investigation into the incident has not yielded any result</p>
<p><b>NIZOMKHON DZHURAYEV</b></p> <p>No. 31890/11</p> <p>Final since 20/01/2014</p>	<p><b>Tajikistan</b></p> <p>Prominent businessman (charged <i>i.a.</i> with economic crimes)</p>	<p>Application for refugee status rejected on 07/12/2010 (upheld by first-instance court on 16/09/2011; not clear whether appealed to higher court) (see §§48-51)</p> <p>Extradition request granted on 16/02/2011 (upheld in final instance on 02/06/2011) (see §§40-47)</p> <p>Application for temporary asylum rejected on 05/03/2011 (see §50)</p> <p>Interim measure indicated on 26/05/2011</p>	<p>Abducted on <b>29/03/2012</b> following his release from remand centre in Zelenograd (<b>Moscow Region</b>) (see §95: did not travel from Russia to Tajikistan of his own free will but was secretly and unlawfully transferred there by unknown persons following his release from remand centre and handed over to the Tajik authorities before 07/04/2012 when he was shown on Tajik TV)</p> <p><b>Unclear how removed</b> from RF territory</p>	<p>Unclear how he arrived on Tajik territory</p> <p>Re-appeared in detention in Tajikistan at the latest some time before 07/04/2012 when he was shown on Tajik TV</p> <p>Released on 09/04/2012 on undertaking not to leave town and <b>at liberty in Tajikistan</b> since then</p> <p>Investigation into the incident has not yielded any result</p>

Case details	State seeking the applicant and on which grounds	Legal status in the Russian Federation at time of abduction	Abduction details (as established by the European Court)	Current situation of the applicant and result of the investigation into the incident
<p><b>ERMAKOV</b></p> <p>No. 43165/10</p> <p>Final since 24/03/2014</p>	<p><b>Uzbekistan</b></p> <p>Charged <i>i.a.</i> with membership of banned religious organisation</p>	<p>Extradition request granted on 12/04/2010 (upheld in final instance on 22/09/2010) (see §§21-29)</p> <p>Recognised by UNHCR as refugee on 06/07/2010 (§35)</p> <p>Application for refugee status rejected on 12/08/2010 (upheld in final instance on 24/06/2011) (see §§36-42)</p> <p>Interim measure indicated on 22/09/2010</p>	<p>Abducted on <b>02/11/2012</b> following his release from a remand centre in <b>Nizhniy Novgorod</b> (see §182: applicant did not travel from Russia to Uzbekistan of his own free will but was forcibly transferred to Uzbekistan by unknown person/s following release from remand centre; his transfer through Russian State border at Domodedovo airport took place with authorisation, or at least acquiescence, of State agents in charge of the airport)</p> <p>Removed from RF territory on regular flight operated by Uzbek Airlines from <b>Domodedovo airport in Moscow</b></p>	<p>Arrived in Tashkent in Uzbekistan on 03/11/2012 (by airplane)</p> <p><b>In detention on remand</b> (at the latest since 01/12/2012) in Andijan Region in <b>Uzbekistan</b></p> <p>Investigation into the incident has not yielded any result</p>
<p><b>KASYMAKHUNOV</b></p> <p>No. 29604/12</p> <p>Final since 24/03/2014</p>	<p><b>Uzbekistan</b></p> <p>Charged <i>i.a.</i> with membership of “Hizb ut-Tahrir (HT)” (radical Islamic organisation)</p>	<p>Application for refugee status rejected on 03/06/2011 (upheld in final instance on 01/03/2012) (see §§ 25-30)</p> <p>Extradition request granted on 19/04/2012 (upheld in final instance on 18/07/2012) (see §§ 34-38)</p> <p>Interim measure indicated on 17/07/2012 (amended on 07/08/2012)</p>	<p>Abducted on <b>14/12/2012</b> from rented flat in Verbilki village (<b>Moscow Region</b>) (see §110: did not travel from Russia to Uzbekistan of his own free will but was forcibly transferred to Uzbekistan by unknown person/s; his transfer through Russian State border at Domodedovo airport took place with authorisation, or at least acquiescence, of State agents in charge of the airport)</p> <p>Removed from RF territory on regular flight operated by Uzbek Airlines from <b>Domodedovo airport in Moscow</b></p>	<p>Arrived in Tashkent in Uzbekistan on 15/12/2012 (by airplane)</p> <p><b>In detention in Uzbekistan</b> (see <a href="#">DH-DD(2014)1357</a>)</p> <p>Investigation into the incident has not yielded any result</p>
<p><b>MUKHITDINOV</b></p> <p>No. 20999/14</p> <p>Final since 19/10/2015</p>	<p><b>Uzbekistan</b></p> <p>Charged <i>i.a.</i> with membership of “Islamic Movement of Uzbekistan (IMU)”</p>	<p>Unclear resident status after having been stripped of a previously acquired Russian nationality (see §§ 10-11)</p> <p>Extradition request granted on 11/12/2013 (upheld in final instance on 19/03/2014) (see §§ 18-22)</p> <p>Interim measure indicated on 17/03/2014 (see § 4)</p>	<p>Disappeared on <b>22/07/2014</b> in <b>Tyumen</b> after being taken to and released again from the local FMS office (see §§ 23-24)</p>	<p><b>In detention in Uzbekistan</b> (see <a href="#">DH-DD(2016)67</a>)</p> <p>Investigation into the incident has not yielded any result</p>

**2) ALLEGED (ATTEMPTED) ABDUCTIONS OF APPLICANTS WITH FINAL JUDGMENTS PROHIBITING THEIR REMOVAL TO TAJIKISTAN OR UZBEKISTAN:**

Case details	State seeking the applicant and on which grounds	Legal status in the Russian Federation at time of alleged (attempted) abduction	Alleged abduction details (as reported by the applicants and/or their representatives and/or NGOS)	Current situation of the applicant and result of the investigation into the incident
<p><b>YULDASHEV</b></p> <p>No. 1248/09</p> <p>Final since 22/11/2010</p>	<p><b>Uzbekistan</b></p> <p>Charged with <i>i.a.</i> membership of terrorist organisation (Court spoke of politically motivated crimes, see §84)</p>	<p><b>Granted temporary asylum</b> on unspecified date between 22/11/2010 and 08/03/2013, last renewed until 07/08/2013 (see <a href="#">DH-DD(2013)763</a>)</p>	<p>Abduction attempted on <b>08/03/2013</b> by unknown persons in the street in <b>Moscow centre</b> (see <a href="#">DH-DD(2013)259</a>)</p>	<p><b>In the Russian Federation</b> (relocated to another region following the reported incident)</p> <p>Investigation into the incident has not yielded any result</p>
<p><b>AZIMOV</b></p> <p>No. 67474/11</p> <p>Final since 09/09/2013</p>	<p><b>Tajikistan</b></p> <p>Charged with <i>i.a.</i> membership of opposition movements (“Bay’at” and “Islamic Movement of Uzbekistan (IMU)”)”) )</p>	<p><b>Granted temporary asylum</b> on 18/09/2013</p>	<p>Allegedly abducted on <b>03/12/2013</b> by unknown persons, some of whom were wearing uniform, from temporary accommodation centre for refugees and asylum seekers (under the authority of the Federal Migration Service) in <b>Tver Region</b> (see <a href="#">DH-DD(2013)1313</a>)</p>	<p><b>Fate unknown</b></p> <p>New application submitted to the Court (<i>pending</i>)</p> <p>Investigation into the incident has not yielded any result</p>
<p><b>YAKUBOV</b></p> <p>No. 7265/10</p> <p>Final since 04/06/2012</p>	<p><b>Uzbekistan</b></p> <p>Charged with <i>i.a.</i> membership of “Hizb ut-Tahrir (HT)” (radical Islamic organisation)</p>	<p><b>Granted temporary asylum</b> on unspecified date, last renewed until 28/02/2014 (see <a href="#">DH-DD(2013)763</a>), application for renewal pending at the date of alleged abduction</p>	<p>Allegedly abducted on <b>29/04/2014</b> from a friend’s car by policeman and two plain-clothed persons in <b>Moscow</b> near the local UNHCR office (see <a href="#">DH-DD(2014)571</a>)</p>	<p><b>At liberty in Uzbekistan following an amnesty</b> (see <a href="#">DH-DD(2015)424</a>)</p> <p>New interim measure indicated on 29/04/2014 (see <a href="#">DH-DD(2014)581</a>)</p> <p>New application (no. 33113/14) struck out by the Court on account of the lack of response from the applicant (28/01/2016)</p> <p>Investigation into the incident has not yielded any result</p>
<p><b>ABDULAZHON ISAKOV</b></p> <p>No. 14049/08</p>	<p><b>Uzbekistan</b></p> <p>Charged with <i>i.a.</i> participation in</p>	<p><b>Granted temporary asylum</b> on unspecified date after the judgment became final (see <a href="#">DH-DD(2014)913</a>)</p>	<p>Allegedly disappeared on <b>21/07/2014</b> in <b>Tyumen</b> (applicant’s car was found in road side ditch with traces of accident; relatives did not find him in any hospital nor in the morgue; see</p>	<p><b>Fate unknown</b></p> <p>Investigation into the incident has not yielded any result</p>

Final since 22/11/2010	subversive activities of extremist religious movement		<a href="#">DH-DD(2014)913</a> )	
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### **3) ALLEGED ABDUCTIONS OF APPLICANTS BENEFITTING FROM RULE 39 INDICATIONS PROHIBITING THEIR REMOVAL TO TAJIKISTAN OR UZBEKISTAN:<sup>2</sup>**

<b>Case details</b>	<b>State seeking the applicant and on which grounds</b>	<b>Legal status in the Russian Federation at time of alleged abduction</b>	<b>Alleged abduction details (as reported by the applicants' representatives and/or NGOS)</b>	<b>Current situation of the applicant</b>
<b>S.K.</b>  No. 58221/10  <i>Pending before the Court</i>	<b>Tajikistan</b>  Suspected of membership in banned Islamist group	Application for refugee status rejected (dates not known, neither whether appealed to court) (see <a href="#">DH-DD(2013)917</a> , p. 28)  Extradition request granted on 25/06/2010 (see <a href="#">DH-DD(2013)917</a> , p. 29)  Interim measure indicated in October 2010 (see <a href="#">DH-DD(2013)917</a> , p. 29)	Allegedly disappeared on <b>23/08/2011</b> in <b>Moscow together with ABDULKHAKOV</b> (see above) (see <a href="#">DH-DD(2012)158</a> )  Presumably removed from RF territory via <b>airport</b> , together with ABDULKHAKOV (see <a href="#">DH-DD(2013)917</a> , p. 29)	Presumably arrived in Khujand in Tajikistan on 24/08/2011, together with ABDULKHAKOV (see <a href="#">DH-DD(2013)917</a> , p. 29)  <b>Reported to be in detention in Tajikistan</b> and to have been convicted on 19/04/2012 to 28 years' imprisonment, alongside SAVRIDDIN DZHURAYEV (see above) (see <a href="#">DH-DD(2012)422</a> and <a href="#">DH-DD(2013)917</a> , p. 29) (see also <a href="#">DH-DD(2013)228</a> : Tajikistan claimed that applicant handed himself over to police on 28/08/2011)
<b>MAMAZHONOV</b>  No. 17239/13  Final since 23/03/2015	<b>Uzbekistan</b>  Charged <i>i.a.</i> with involvement in "Islamic Movement of Uzbekistan (IMU)"	Extradition request granted on 12/11/2012, (upheld in final instance on 12/03/2013) (see §§30-39)  Application for refugee status rejected on 24/08/2012 (upheld in final instance on 11/01/2013) (see §§44-47)  Application for temporary asylum rejected on 06/03/2013 (§48)  Interim measure indicated on 11/03/2013	Disappeared on <b>13/06/2013</b> following his release from a remand centre in <b>Orenburg</b> (see §54)	<b>In detention in Uzbekistan</b> (see <a href="#">DH-DD(2015)424</a> )  Investigation into the incident has not yielded any result

<sup>2</sup> In addition to these incidents, UNHCR reported the abductions/disappearance of another two persons with a profile similar to that of the applicants in the present group of cases: Mr **NAZAROV**, Uzbek national, who disappeared on 26/05/2014 in Kaliningrad when he was allegedly taken to the airport; and Mr **DAVRONBEK MAMAZHONOV**, Uzbek national, who was forcibly taken from a street in Kaliningrad (see [DH-DD\(2014\)717](#)). The Court indicated interim measures not to remove them to Uzbekistan until further notice on 27/05/2014. Their applications are pending before the Court.