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**CONSEIL DES DROITS DE L'HOMME**

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**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: UA G/SO 217/1 G/SO 214 (53-24)  
RUS 12/2013

9 December 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/16 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the circumstances of the case of **Mr. Ismon Azimov**, a citizen of the Republic of Tajikistan, born in 1979, who had been granted temporary asylum in the Russian Federation. Mr. Azimov was the subject of the final judgment of the European Court of Human Rights dated 9 September 2013, stating that his extradition would give rise to a violation of Article 3 of the European Convention on Human Rights (Azimov v. Russia, Application #67474/11).

According to the information received:

On 3 December 2013 at around 8:30 p.m., Mr. Azimov was allegedly abducted by five unknown men who reportedly broke into the premises of the State-run Temporary Accommodation Center for Foreigners called "Serebryaniki", in the Russian Federation. According to the source, the alleged perpetrators forced Mr. Azimov into a car without number plates and drove away to an unknown location. It is reported that prior to this incident, Mr. Azimov had been placed in the Temporary Accommodation Center for Foreigners by the authorities in view of his request to ensure his safety and security following his release from administrative detention. He had reportedly been released from administrative detention in view of the final judgment of the European Court of Human Rights dated 9 September 2013, concluding that Mr. Azimov's "forced return to Tajikistan (in the form of extradition, expulsion or otherwise) would give rise to a

violation of Article 3 of the [European Convention on Human Rights ].” (Azimov v. Russia, Application #67474/11, para. 143).

Serious concern is expressed about the fate and whereabouts of Mr. Azimov. Grave concern is expressed about the allegations that Mr. Azimov may have been deported to Tajikistan in violation of the recent judgment issued by the European Court of Human Rights.

Without in any way implying any conclusion as to the facts of the case, we should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding Mr. Azimov. In relation to the allegations, according to which the fate and whereabouts of Mr. Azimov are currently unknown, we would like to bring to your Excellency’s Government’s attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 9 (right to a prompt and effective judicial remedy and the right to access of competent national authorities to all places of detention);
- article 10 (any person deprived of liberty shall be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention, the accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest);

article 12 (each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention; each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.)

We would further like to draw your Excellency's Government’s attention to article 3 of the Convention against Torture, 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 the person would be in danger of being subjected to torture. In this regard, paragraph 9 of General Comment 20 on the prohibition of torture and other cruel,

inhuman or degrading treatment or punishment, in which the Human Rights Committee states 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”. Furthermore, paragraph 9 of the Resolution A/RES/61/253 of the UN General Assembly urges States “not to expel, return (“refouler”), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture”.

Furthermore, paragraph 6d of Human Rights Council Resolution 8/8 urges States not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture and; the Council recognizes in this respect that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement.

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. Azimov in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of Mr. Azimov?
3. Please provide information on the fate and whereabouts of Mr. Ismon Azimov.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the abduction and whereabouts of Mr. Azimov. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information on the measures taken to ensure the safety of Mr. Azimov.

We undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should sources submit the allegations of enforced disappearance mentioned in this communication a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Azimov are respected and, in the event that your investigations support or suggest the allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Ariel Dulitzky  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment