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**For immediate release**

### **European Court: Expulsion of Uzbek from Russia would breach Article 3**

Today, in the case of *Yakubov v Russia* (No. 7265/10), the European Court of Human Rights ruled that should Russia carry out the expulsion of Mr Umid Yakubov to Uzbekistan, it would lead to a violation of the European Convention on Human Rights as he would face “a real risk of treatment proscribed by Article 3” (prohibition of torture and inhuman and degrading treatment). It also found a violation of Article 13 (right to an effective remedy). The case was brought by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO Memorial HRC, based in Moscow.

Mr Yakubov is an Uzbek national who moved to Russia in May 2009. In October 2009, the Uzbek authorities charged him with participation in the “banned religious extremist, separatist and fundamentalist organisation” Hizb ut-Tahrir (HT) and with leaving Uzbekistan unlawfully, and issued an arrest warrant calling for his extradition. He was detained by the Russian authorities at the request of the Uzbek authorities on 4 January 2010, but was released after ten days. Later in January he was detained for disobedience to police officers and sentenced to seven days’ detention. At the Sovetskiy district court of Ryazan on 1 February 2010, he was charged with giving false information during migration registration and his expulsion from Russia was ordered (a decision that was later upheld by the Ryazan Regional Court). Following a request to the European Court for interim measures (Rule 39), the President of the European Court indicated to the Russian authorities on 5 February 2010 that he should not be expelled to Uzbekistan until further notice.

Throughout the proceedings, Mr Yakubov stated that he had been repeatedly ill-treated when serving time in detention between 1999 and 2008 in Uzbekistan, resulting in chronic injuries which he suffers from to this day, and that his extradition would lead to a serious risk of further ill treatment.

The Russian government conceded that the situation in Uzbekistan had not improved, and the Court found that the “ill-treatment of detainees and prisoners continued unabated” despite the Uzbek authorities’ assertions to the contrary. In addition, the Court found evidence that accused members of the banned religious organisation *Hizb ut-Tahrir* are at risk of a “persisting pattern of persecution...including torture and ill-treatment”, and described the practice of holding incommunicado those extradited from other countries for participation in HT as “disturbing”. In light of this evidence, the Court concluded that there were substantial grounds that a violation of Article 3 would occur if Mr Yakubov were expelled to Uzbekistan.

Although the Government argued that Mr Yakubov failed to provide the necessary evidence to prove a risk of ill-treatment, the Court rejected this submission and found that the domestic authorities had “failed to rigorously scrutinise the applicant’s claims that there was a risk that he would be ill-treated in the event of his expulsion to Uzbekistan.” The Court therefore found a violation of Article 13 of the Convention, as Mr Yakubov had no effective or accessible remedy in regards to his complaint under Article 3.

The Court also decided to continue the Rule 39 indication to prevent Mr Yakubov’s expulsion until the present judgment becomes final.