EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 20735/15
Zukhreddin Gulomovich RAKHIMOV
against Russia

The European Court of Human Rights (Third Section), sitting on 5 September 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 4 May 2015,

Having regard to the interim measure indicated to the respondent Government under Rule 39 of the Rules of Court,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having regard to the comments submitted by the Russian Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Zukhreddin Gulomovich Rakhimov, is an Uzbek national, who was born in 1983. He was represented before the Court by Mr I.G. Vasilyev, a lawyer practising in Moscow.

2. The Russian Government ("the Government") were represented initially by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

3. The applicant complained under Article 3 of the Convention that there were substantial grounds for believing that he would be subjected to treatment prohibited by that provision if he was removed to Uzbekistan.

4. On 4 May 2015 the Acting President of the Section decided to indicate to the Government of Russia, under Rule 39 of the Rules of Court, that the applicant should not be extradited, expelled or otherwise involuntarily removed from Russia to Uzbekistan or another country for the duration of the proceedings before the Court.

5. The applicant's complaints under Article 3 of the Convention were communicated to the Government on 3 September 2015. They submitted their observations on 15 January 2016.

6. On 28 March 2016 in the observations in reply submitted by the applicant's representative maintained the complaints, but stated that he had no contact either with the applicant or his relatives.

On 4 May 2016 the President of the Section, under Rule 54 § 2 (a) of the Rules of Court, requested the Russian Government to submit information on the applicant's whereabouts and any investigation into his alleged disappearance.

7. On 17 May 2016 the Government informed the Court that according to the border control records the applicant voluntarily left Russia on 27 October 2015. They further stated that the Russian authorities had no grounds to believe that the applicant had disappeared and to open any investigation in this regard and that no relevant complaint had been submitted by the applicant, his relatives, his lawyer or representative or any other person.

COMPLAINTS

8. The applicant complained under Article 3 of the Convention about a real risk of ill-treatment in case of removal to Uzbekistan. Further complaints were submitted under Articles 3 and 34 of the Convention about the applicant's alleged disappearance and about an alleged interference with the correspondence to the Court.

THE LAW

9. The applicant complained that his removal to Uzbekistan would expose him to a real risk of being subjected to treatment in breach of Article 3 of the Convention which reads as follows:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

10. The Court notes that, according to information submitted by the Government and not disputed by the applicant's representative, the

applicant left Russia on 27 October 2015. Consequently, the factual and legal circumstances forming the basis of this part of the application are no longer present, as the applicant is no longer at risk of being extradited from Russia to Uzbekistan.

11. In the light of the above, the Court considers that, within the meaning of Article 37 § 1 (c) of the Convention, it is no longer justified to continue the examination of the application in this part and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of it under Article 37 § 1 *in fine*.

12. As regards further complaints under Articles 3 and 34 of the Convention, the Court finds that, in the light of all the material before it, and in so far as the matters complained of are within its competence, they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. Accordingly, these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

13. In view of the above, it is appropriate to discontinue the application of Rule 39 of the Rules of Court.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in part concerning the complaint under Article 3 of the Convention about a real risk of ill-treatment in case of removal to Uzbekistan;

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 28 September 2017.

Fatoş Aracı
Deputy Registrar

Luis López Guerra
President