



Grand Chamber Panel's decisions

On Wednesday 15 April 2020 the Grand Chamber panel of five judges decided to refer one case and to reject requests to refer eight other cases¹.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

T.K. and S.R. v. Russia (application nos. 28492/15 and 49975/15), concerning the applicants' allegation that they risked ill-treatment if extradited to Kyrgyzstan because they belonged to the Uzbek ethnic minority, who have been persecuted by the authorities since inter-ethnic clashes in 2010.

Referral accepted

T.K. and S.R. v. Russia (application nos. 28492/15 and 49975/15)

The applicants, Mr T.K. and Mr S.R., are Kyrgyz nationals. They were born in 1957 and 1986 and live in Verkhneye Mukhanovo, Oryol Region, and Elektrogorsk, Moscow Region, respectively.

Mr T.K. arrived in Russia in 2010, while Mr S.R. arrived in 2011. They were apprehended, respectively, in 2013 and 2014 because they were wanted in Kyrgyzstan on charges of aggravated misappropriation (Mr T.K.) and several counts of aggravated robbery, destruction of property and murder (Mr S.R.).

In the ensuing proceedings concerning the applicants' extradition and their requests for refugee status, they alleged that they were at risk of persecution and ill-treatment in Kyrgyzstan because they belonged to a vulnerable ethnic group. The courts, prosecution and migration authorities assessed these claims but dismissed them.

In particular, in final decisions of 2015 the courts found that the general human-rights situation in Kyrgyzstan did not as such preclude extradition. Furthermore, they found that both applicants had been charged with common crimes which were unrelated to ethnic or political issues. Moreover, Mr T.K. had been accused of a financial crime which pre-dated the 2010 clashes, and Mr S.R. had travelled from Russia to Kyrgyzstan between 2011 and 2014 without problem.

The courts also stressed that they were in any case satisfied with the assurances provided by the Kyrgyz authorities that the applicants would not be ill-treated and that Russian diplomatic staff would have access to their place of detention to monitor their situation.

The applicants' extradition was, however, stayed in June and October 2015, respectively, on the basis of an interim measure granted by the European Court of Human Rights under Rule 39 of its Rules of Court, which indicated to the Russian Government that they should not be removed for the duration of the proceedings before it.

The applicants were released from detention in 2014 and 2015.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants complain that their removal to Kyrgyzstan would put them at real risk of ill-treatment, alleging in particular that the Kyrgyz authorities' assurances are unreliable.

In its Chamber [judgment](#) of 19 November 2019, the Court held, by five votes to two, that there would be no violation of Article 3 of the European Convention on Human Rights if the applicants were extradited to Kyrgyzstan. The Chamber found in particular that the Russian courts had given the applicants' allegations careful consideration and that their reasons for dismissing them had been reasonable. The Chamber therefore had no grounds to doubt the Russian courts' position, and it concluded that neither the general situation in the country, nor the fact that the applicants belonged to the Uzbek ethnic minority put them at real risk of treatment contrary to Article 3 if they were extradited to Kyrgyzstan. Moreover, the Chamber had to assess the applicants' situation as it stood at present and stressed that, in light of recent international reports, they no longer constituted a vulnerable group at risk of ill-treatment solely in connection with their ethnic origin.

The Chamber further decided, by six votes to one, to continue to indicate to the Russian Government not to extradite or otherwise involuntarily remove the applicants to Kyrgyzstan until the Chamber judgment had become final or until further order.

On 15 April 2020 the Grand Chamber Panel accepted the applicants' request that the case be referred to the Grand Chamber.

Requests for referral rejected

Judgments in the following eight cases are now final².

Requests for referral submitted by the applicants

Ulemek v. Croatia (application no. 21613/16), [judgment](#) of 31 October 2019

Sailing Club of Chalkidiki 'I Kelyfos' v. Greece (nos. 6978/18 and 8547/18), [judgment](#) of 21 November 2019

KIPS D.O.O. and Drekalović v. Montenegro (n° 28766/06), [judgment](#) (just satisfaction) of 22 October 2019

K.O. and V.M. v. Norway (no. 64808/16), [judgment](#) of 19 November 2019

Abdyusheva and Others v. Russia (nos. 58502/11 and two others), [judgment](#) of 26 November 2019

Requests for referral submitted by the Government

Martynyuk v. Russia (no. 13764/15), [judgment](#) of 8 October 2019

I.L. v. Switzerland (no. 72939/16), [judgment](#) of 3 December 2019

Nejdet Atalay v. Turkey (no. 76224/12), [judgment](#) of 19 November 2019

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

Press contacts

Journalists can continue to contact the Press Unit via echrpess@echr.coe.int |

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.