

ECTHR_COMMITTEE 23293/21 vom 30. April 2026

Ecthr Committee, 2026-04-30, FR

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Regeste

Violation de l'article 3 - Interdiction de la torture (Article 3 - Enquête effective) (Volet procédural); Violation: 3

Volltext

THIRD SECTION CASE OF AZIMOVY v. RUSSIA (Application no. 23293/21)
JUDGMENT STRASBOURG 30 April 2026 This judgment is final but it may be subject to editorial revision. In the case of Azimovy v. Russia, The European Court of Human Rights (Third Section), sitting as a Committee composed of: Úna Ní Raifeartaigh , President , Mateja ■urovi■, Vasilka Sancin , judges , and Viktoriya Maradudina, Acting Deputy Section Registrar, Having deliberated in private on 9 April 2026, Delivers the following judgment, which was adopted on that date: PROCEDURE 1. The case originated in an application against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 29 April 2021. 2. The Russian Government (“the Government”) were given notice of the application. THE FACTS 3. The list of applicants and the relevant details of the application are set out in the appended table. 4. The applicants complained of the ineffective investigation into allegations of abduction and ill-treatment of their relative committed by private individuals. THE LAW Jurisdiction 5. The Court observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine the present application (see Fedotova and Others v. Russia [GC], nos. 40792/10 and 2 others, §§ 68 ■ 73, 17 January 2023). ALLEGED VIOLATION OF ARTICLE 3 of the Convention 6. The applicants complained of the ineffective investigation into their complaints about abduction and ill-treatment of their relative committed by private individuals. They relied on Article 3 of the Convention. 7. The Court reiterates that the absence of any direct State responsibility for acts of violence that meet the condition of severity such as to engage Article 3 of the Convention does not absolve the State from all obligations under this provision. The obligation on the High Contracting Parties under Article 1 of the Convention to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention, taken together with Article 3, requires States to take measures designed to ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment or punishment, including ill-treatment administered by private individuals. Admittedly, it goes without saying that the obligation cannot be interpreted as requiring the State to guarantee through its legal system that inhuman or degrading treatment is never inflicted by one individual on another or, if it has been, that criminal proceedings should necessarily lead to a particular sanction. What Article 3 does require is that the authorities conduct an effective official investigation into the alleged ill-treatment even if such treatment has been inflicted by private individuals. 8.

The Court further reiterates that where the authorities of a State party are informed of an individual's exposure to a real and imminent risk of torture or ill ■ treatment through his forcible transfer to another State, they have an obligation under the Convention to conduct an effective investigation capable of leading to the identification and punishment of those responsible (see *Kasymakhunov v. Russia*, no. 29604/12, § 144, 14 November 2013, and *Savriddin Dzhurayev v. Russia*, no. 71386/10, § 190, ECHR 2013 (extracts)). To be effective, the investigation must be both prompt and thorough. That means that the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill ■ founded conclusions to close their investigation or to use as the basis of their decisions. They must take all reasonable steps available to them to secure the evidence concerning the incident, including, in particular, eyewitness testimony and forensic evidence (see the authorities cited in *Kasymakhunov* , § 143).

9. In cases under Articles 2 and 3 of the Convention where the effectiveness of the official investigation has been at issue, the Court has often assessed whether the authorities reacted promptly to the complaints at the relevant time. Consideration has been given to the opening of investigations, delays in taking statements and to the length of time taken for the initial investigation (see, among other authorities, *Denis Vasilyev v. Russia* , no. 32704/04, §§ 98-100, 17 December 2009). An investigation has been considered defective when it was marked by serious shortcomings, such as the failure to take essential investigative steps, to question relevant witnesses, or to follow up on potentially incriminating evidence. It is likewise defective where existing forensic evidence is not analysed and requests aimed at clarifying the facts are dismissed without adequate justification, thereby undermining the overall effectiveness of the investigation (see *Tyagunova v. Russia* , no. 19433/07, § 71, 31 July 2012).

10. In the leading cases of *Kasymakhunov*, and *Savriddin Dzhurayev*, both cited above, and *Mukhitdinov v. Russia* , no. 20999/14, 21 May 2015, the Court already found a violation in respect of issues similar to those in the present case (see also *Denis Vasilyev*, cited above; *Tyagunova* , cited above; and *Romanov and Others v. Russia* , nos. 58358/14 and 5 others, §§ 75-80, 12 September 2023, and *mutatis mutandis* , *Maayevy v. Russia*, no. 7964/07, §§ 112-23, 28 November 2011).

11. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the investigation was neither thorough nor sufficiently comprehensive nor efficient (for further details see attached table).

12. These complaints are therefore admissible and disclose a breach of Article 3 of the Convention under its procedural limb.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case ■ law (see, in particular, *Pobokin v. Ukraine [Committee]*, no. 30726/14, §§ 27-29, 6 April 2023), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY, Holds that it has jurisdiction to deal with this application as it relates to facts that took place before 16 September 2022; Declares the application admissible; Holds that this application discloses a breach of Article 3 of the Convention concerning the ineffective investigation into allegations of abduction and ill-treatment of their relative committed by private individuals; Holds that the respondent State is to pay the applicants, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement; that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate

equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. Done in English, and notified in writing on 30 April 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court. Viktoria Maradudina Úna Ní Raifeartaigh Acting Deputy Registrar President APPENDIX Application raising complaints under Article 3 of the Convention (ineffective investigation into allegations of ill-treatment committed by private individuals) Application no. Date of introduction Applicant's name Year of birth Factual information, including medical evidence and domestic proceedings Specific grievances Amount awarded for non-pecuniary damage per household (in euros) [1] 23293/21 29/04/2021 (4 applicants) Household Nodira Pulatzhonovna AZIMOVA 1984 Usama Ismonovich AZIMOV 2002 Makhdi Ismonovich AZIMOV 2004 Zayd Ismonovich AZIMOV 2006 The applicants are the wife and three sons of a Tajik national, Ismon Azimov, who disappeared in Russia in December 2013 following his abduction from his residence. He was wanted by the Tajik authorities in connection with an alleged anti-government Islamist conspiracy. In April 2013 the Court found that his potential return to Tajikistan would violate Article 3 of the Convention, citing serious shortcomings in the Russian courts' risk assessment (*Azimov v. Russia* , no. 67474/11, § 143, 18 April 2013). Following that judgment, Mr I. Azimov was granted asylum and released from immigration detention. Citing security concerns — specifically, the risk of abduction and unlawful rendition, which had affected others in similar circumstances — he requested accommodation at a government-run facility for asylum seekers (the Serebreniki facility). In December 2013 five men identifying themselves as police officers came to the facility. They took Mr I. Azimov away, and he has not been seen or heard from since. On 31 December 2013 the Investigative Committee opened an inquiry into the abduction. The investigation was repeatedly extended, adjourned due to the failure to identify suspects, and subsequently resumed. The applicants' representative criticised the investigator on two points: first, for failing to ask Mr G., a FSB officer, why he wished to know who was living in which room at the Serebreniki facility on the eve of the abduction; and second, for failing to establish how a recycled number plate came to be used on the Lada Priora suspected of being involved in the abduction. At the time the application was lodged, the investigation was still pending. Shortcomings recognised by national authorities (*Tyagunova v. Russia*, no. 19433/07, § 71, 31 July 2012), Delay in opening criminal investigation (*Denis Vasilyev v. Russia*, no. 32704/04, § 124, 17 December 2009), Failure to address the victims' allegations (*Kreyndlin and Others v. Russia*, no. 33470/18, §§ 58-59, 31 January 2023; and *Tunikova and Others v. Russia*, nos. 55974/16 and 3 others, § 119, 14 December 2021), Failure to secure the applicants' right to participate effectively in the investigation (*Denis Vasilyev v. Russia*, no. 32704/04, § 126, 17 December 2009), Limited scope of the initial inquiry and failure to secure evidence (*Mukhitdinov v. Russia* , no. 20999/14, § 67, 21 May 2015; *Tyagunova v. Russia*, no. 19433/07, § 69, 31 July 2012; and *Volodina v. Russia*, no. 41261/17, § 96, 9 July 2019), Repeated refusals to open criminal investigation/or repeated adjournments (*Volodina v. Russia*, no. 41261/17, § 94, 9 July 2019) 3,000 [1] Plus any tax that may be chargeable to the applicants.

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