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

FIRST SECTION

DECISION

Application no. 67563/13
Ekaterina KOLESNIKOVA
against the United Kingdom

The European Court of Human Rights (First Section), sitting on 15 March 2016 as a Chamber composed of:

Mirjana Lazarova Trajkovska, *President,*
Ledi Bianku,
Kristina Pardalos,
Linos-Alexandre Sicilianos,
Paul Mahoney,
Robert Spano,
Pauliine Koskelo, *judges,*

and André Wampach, *Section Registrar,*

Having regard to the above application lodged on 25 October 2013,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Ms Ekaterina Kolesnikova, is an Uzbekistan national who was born in 1985 and lives in London. She was represented before the Court by Ms N. Rathbone Pullen of Wilson Solicitors and by Ms C. Meredith of Doughty Street Chambers, lawyers practising in London.

2. The United Kingdom Government ("the Government") were represented by their Agent, Mr P. McKell of the Foreign and Commonwealth Office.

The circumstances of the case

3. The facts of the case, as submitted by the applicant, may be summarised as follows.

4. The applicant claims that she was trafficked to the United Kingdom. On 2 June 2011 she was convicted of conspiracy to control prostitution for gain, three offences relating to identity documents, and removing criminal property from the United Kingdom.

5. On 17 June 2011 the applicant claimed asylum on the grounds that she would be at risk on return to Uzbekistan as an Orthodox Christian and because the authorities would have become aware of her criminal conviction in the United Kingdom. She also alleged that she would be at risk of further trafficking. Her application was refused.

6. The applicant was served with an order for deportation in June 2012. She appealed unsuccessfully against the order, invoking the same grounds raised in her asylum application.

7. On 23 September 2013 the applicant applied to revoke the deportation order but the Secretary of State refused her application and certified her asylum and human rights claim as clearly unfounded. Removal directions were set for 25 October 2013.

8. Prior to her deportation, the applicant applied to the Court for an interim measure under Rule 39 of the Rules of Court on the grounds that she would be at risk of ill-treatment at the hands of the Uzbek authorities owing to her criminal conviction for controlling prostitution. Her request was rejected owing to its late submission and she was deported to Uzbekistan. Following her arrival at Tashkent airport, she was detained by the police for forty-eight hours. During this time they took her finger prints in order to check her criminal record.

9. The applicant then asked the Court to grant an interim measure ordering her to be returned to the United Kingdom. Although the Court refused this request, it urgently communicated her complaint under Article 3 of the Convention. However, examination of the complaint was adjourned on 7 November 2014 at the applicant's request as she had an out-of-country appeal pending before the First Tier Tribunal.

10. On 22 December 2015 the Court was informed that the applicant had been returned to the United Kingdom on 18 September 2015 to pursue her appeal in-country after a High Court judge found the Secretary of State's decision to certify her claim as clearly unfounded to be unlawful.

11. On 12 January 2016 the Court wrote to both the applicant and Government asking whether, in light of recent developments, they would agree to the application being declared inadmissible, subject to the applicant's right to reintroduce her complaint if she was not satisfied with the progress or outcome of the domestic proceedings. The parties were asked to contact the Court by 26 January 2016 at the latest. By letter of 21 January the Government informed the Court that they agreed to its proposal. To date, no response has been received from the applicant.

COMPLAINT

12. The applicant complained under Article 3 of the Convention that she was at risk of ill-treatment in Uzbekistan.

THE LAW

13. In view of the above circumstances, the Court considers the applicant's complaints under Article 3 of the Convention to be inadmissible as being premature and/or on the ground that domestic remedies have not yet been exhausted within the meaning of Article 35 § 1. The Court notes, however, that should the applicant be dissatisfied in the future with the progress or outcome of the domestic procedures, it would be open to her to lodge a fresh application with the Court.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 7 April 2016.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President