



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

FIRST SECTION

DECISION

Application no. 49539/09
Igor KORKIN and Irina LADYNINA
against Russia

The European Court of Human Rights (First Section), sitting on 18 September 2012 as a Committee composed of:

Linos-Alexandre Sicilianos, *President*,

Anatoly Kovler,

Erik Møse, judges,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 19 August 2009,

Having regard to the comments submitted by the Russian Government,

Having deliberated, decides as follows:

THE FACTS

The applicants, Mr Igor Vladimirovich Korkin, and Ms Irina Aleksandrovna Ladygina, are Russian nationals who were born in 1960 and 1981 respectively and live in Moscow. They are represented before the Court by Ms Z. Aliyeva, a lawyer practising in Moscow and Makhachkala.

The Russian Government (“the Government”) are represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

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

The applicants are parents to three daughters born in 2002, 2003 and 2006 respectively. In July 2008 a public official carried out an inspection in their flat and concluded, *inter alia*, that the sanitary conditions were

deplorable and that no proper food supplies were available. The municipal authorities ordered the immediate placement of the children in a public care facility pending a decision on the rights of the parents.

By a judgment of 24 November 2008 the Kuzminskiy District Court of Moscow deprived the first applicant of his parental rights and temporarily restricted the second applicant's parental rights, considering that she was unable to take care of her children due to her mental deficiency and that her communication with the children was dangerous for them.

The parties appealed. The district prosecutor considered that the decision in respect of the first applicant was unfair and that the insufficient work done by the public care authority had led to the unfavourable situation in the applicants' family. On 19 February 2009 the Moscow City Court rejected the appeals and upheld the first-instance judgment.

The children were placed in different care institutions. The applicants had to obtain permission from the authorities to see the children.

In 2010 the applicants were fully restored in their parental rights in respect of their children.

COMPLAINTS

The applicants complained under Articles 6 and 8 of the Convention about various restrictions imposed on them by the authorities. In particular, the applicants complained about (i) the immediate removal of the children from their custody without a court order and without any adequate opportunity to present their position; (ii) the judgment annulling or limiting their parental rights and ordering payment of alimony; and (iii) the limitations on the number of visitations to the children in public care and the absence of any appropriate arrangements made for such visitations.

Lastly, the applicants complained under Article 1 of Protocol No. 1 that they had been limited in the capacity to exercise their property rights over the flat.

THE LAW

By letter dated 5 January 2011 the Government's observations were sent to the applicants' representative, who was requested to submit any observations together with any claims for just satisfaction in reply by 9 March 2011.

By letter dated 15 April 2011, sent by registered post, the applicants' representative was notified that the period allowed for submission of the applicants' observations had expired and that no extension of time had been

requested. The applicants' representative's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicants do not intend to pursue the application. The applicants' representative received this letter on 10 May 2011. However, no response has been received.

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

André Wampach
Deputy Registrar

Linos-Alexandre Sicilianos
President