



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

FIRST SECTION

DECISION

Application no. 51699/12
Rukhiyya Mikail Kyzy ISMAILOVA
against Russia

The European Court of Human Rights (First Section), sitting on 17 June 2014 as a Committee composed of:

Khanlar Hajiyev, *President*,

Erik Møse,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 23 July 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mrs Rukhiyya Mikail kyzy Ismailova, is an Azerbaijani national, who was born in 1980. She was represented before the Court by Mr A. Ibatullin, a lawyer practising in Tuymazy (Bashkortostan Republic of Russia).

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

On 2 December 2011 the applicant, accompanied by her children and having in possession a valid residence permit, arrived at the airport of Norilsk from Moscow. The purpose of the trip was a family reunion with her husband, a Russian citizen, living in Norilsk. According to the applicant, the police arrested her at the airport since she did not have a special permit necessary to enter Norilsk, a restricted area for foreign nationals.

On 5 December 2011 the Norilsk Town Court found the applicant guilty of an administrative offense under Article 18.8 of the Code of Administrative Offences (violation of residence regulations by a foreign national), imposed a fine on her and ordered her expulsion (administrative

removal) from Russia. The court also ordered her placement in detention pending expulsion. On 12 January 2012 the Krasnoyarsk Regional Court upheld the judgment on appeal.

According to the Government, the applicant was deprived of her liberty only for a couple of hours on 5 December 2011, being subsequently released due to her medical condition, and lived with her husband and children in Norilsk until her expulsion from Russia, which took place on 13 September 2012.

The applicant complained under Article 8 about her expulsion and detention pending expulsion. She also complained under the same Article that she had not been allowed to see her family members while in detention. In addition, she complained under Article 2 of Protocol no. 4 about violation of her freedom of movement and freedom to choose her residence by the special regime of entering Norilsk for foreign nationals. Lastly, she complained under Article 4 of Protocol no. 7 that she had been punished twice for the same offence.

The applicant's complaints under Article 8 and Article 2 of Protocol no. 4, along with additional questions posed by the Court under Article 5 § 1 (f) *proprio motu*, were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant's representative, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 18 December 2013, sent by registered post, the applicant's representative was notified that the period allowed for submission of the observations had expired on 5 September 2013 and that no extension of time had been requested. His 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 applicant does not intend to pursue the application. It follows from the acknowledgement-of-receipt card that the Court's letter was delivered on 15 January 2014. However, no response has been received.

THE LAW

The Court reiterates that under Rule 47 § 7 of the Rules of Court applicants shall keep the Court informed of any change of address. The Court notes that, being expelled from Russia on 13 September 2012, the applicant failed to inform the Court about her new address until present. The Court also notes that, in accordance with Rule 37 § 1 of the Rules of Court, communications and notifications addressed to the applicant's lawyers shall be deemed to have been addressed to the applicant.

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her 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

Khanlar Hajiyev
President