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

THIRD SECTION

DECISION

Application no. 37702/21
A.B.
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 13 February 2025 as a Committee composed of:

Diana Kovatcheva*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 13 July 2021,

Having regard to the decision to grant the applicant anonymity, in accordance with Rule 47 § 4 of the Rules of the Court,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table. She was represented by Ms O. Karacheva, a lawyer practising in St Petersburg.

The applicant's complaints under Articles 3 and 13 of the Convention concerning the ineffective investigation into allegations of ill-treatment committed by private individuals and the lack of any effective remedy in domestic law were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under Article 8 of the Convention.

THE LAW

Having examined all the materials submitted, the Court considers it appropriate to address first the issue of compliance with the six months' rule set out in Article 35 § 1 of the Convention. In assessing whether an applicant has complied with the rule, it is important to bear in mind that the requirements contained in that Article concerning the exhaustion of domestic

remedies and the six-month period are closely interrelated. Thus, where no effective remedy is available to an applicant, the time-limit expires six months after the date of the acts or measures complained of. If an applicant first avails himself of a domestic remedy and only subsequently becomes (or should have become) aware of the circumstances which render that remedy ineffective, it might be appropriate to calculate the six-month period from the date on which the applicant became (or ought to have become) aware of those circumstances. The pursuit of remedies which do not satisfy the requirements of Article 35 § 1 will not be considered by the Court for the purposes of establishing the date of the "final decision" or calculating the starting point for the running of the six-month rule. It follows that if an applicant has recourse to a remedy which is doomed to failure from the outset, the decision on that appeal cannot be taken into account for the calculation of the six-month period (see *Jeronovičs v. Latvia* [GC], no. 44898/10, § 75, ECHR 2016, and the cases cited therein).

Turning to the circumstances of the present cases, the Court observes that on 21 July 2019 the investigator discontinued criminal proceedings against B. for the expiration of the prescription period and that on 14 February 2020 the applicant applied for the judicial review of the relevant decision. The Court further observes that, while the proceedings were pending before the court at first level of jurisdiction, the investigator's decision was quashed and the case was re-opened on 15 July 2020. Accordingly, in the Court's view, once the applicant learnt of the re-opening of the case on 27 July 2020, she should have become aware of the futility and ineffectiveness of the court's review of the investigator's decision of 21 July 2019 which was no longer in force. The fact that the proceedings in question lasted until 13 January 2021 is of no relevance, and the Court cannot take them into account.

Lastly, the Court notes that, after the re-opening of the case on 15 July 2020, the investigator discontinued the criminal proceedings on 9 August 2020. The relevant decision was communicated to the applicant on 17 December 2020. The applicant chose not to appeal against it. Nor did the authorities quash the decision of their own motion.

Regard being had to the above and in view of the absence of any objection on the part of the Government on the issue of exhaustion of domestic remedies in respect of the investigator's decision of 9 August 2020, the Court considers that, in the present case, the six months' period started to run from the date on which the applicant was informed thereof, that is from 17 December 2020 (see Rule 55 of the Rules of the Court, and, among other authorities, *N.C. v. Italy* [GC], no. 24952/94, § 44, ECHR 2002-X). By having lodged the application on 13 July 2021, the applicant has failed to comply with the six months' rule. It follows that the application is lodged out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 6 March 2025.

Viktoriya Maradudina
Acting Deputy Registrar

Diana Kovatcheva
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	Representative's name and location	Factual information, including medical evidence and domestic proceedings	Specific grievances
37702/21 13/07/2021	**A.B.** 2005	Karacheva Olga Vladimirovna St Petersburg	Between 2015 and 2018 the applicant, a minor at the time, suffered verbal and physical abuse from her father B. On 14/02/2019 the applicant complained to the police. On 21/03/2019 the police opened criminal investigation on the charge of cruelty to a child (assault and ill-treatment). On 20/06/2019 the investigator reclassified the offence as failure of parental duties and on 21/07/2019 the investigation was discontinued upon expiry of the prescription period. The applicant appealed. While the proceedings were pending before the courts, the investigator annulled the decision of 21/07/2019 and re-opened the case on 15/07/2020. On 27/07/2020 the prosecutor informed the court and the applicant accordingly. On 09/08/2020 the investigator discontinued again the criminal case against B. for the expiry of the prescription period. The applicant was informed thereof on 17/12/2020. She did not appeal. Following the annulment of the investigator's decision of 21/04/2019, the judicial review of the applicant's complaint was discontinued. The relevant decisions were taken by the Nevskiy District Court of St Petersburg and the St Petersburg City Court on 24/08/2020 and 13/01/2021 respectively.	Authorities' failure to take into account the specific features of domestic violence (*Tunikova and Others v. Russia*, nos. 55974/16 and 3 others, § 118, 14 December 2021)