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

FIFTH SECTION

DECISION

This decision is to be read in view of the decision adopted on 10 October 2024 in respect of application no. 11706/13

Application no. 11706/13
Lyudmyla Vasylivna BRYSKA against Ukraine
and 5 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 2 November 2023 as a Committee composed of:

Carlo Ranzoni*, President*,
Mattias Guyomar,
Mykola Gnatovskyy*, judges*,
and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the applications against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by the applicants listed in the appended table ("the applicants"), on the various dates indicated therein;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant in application no. 59292/14 is a trade union organisation registered in Ukraine. The applicant in case no. 49951/15 is a Lithuanian national. The other applicants are Ukrainian nationals. Their details are set out in the appendix.

2. On 24 February 2022 the Russian Federation commenced a full-scale military attack on Ukraine.

3. Against the background of those events, on 2 March 2022 the Court announced, in a press release, that it decided to take a number of measures in all cases concerning Ukraine, in particular that "Outgoing correspondence will be sent only for the purpose of informing the parties and as long as the

postal services and the Internet are operational in Ukraine."[1] On 31 March 2022 the Court announced that it has been decided to leave those measures in place until further notice.[2]

4. On 29 August 2022 the Court announced that it has decided to review those measures to return in some aspects to normal processing of cases concerning Ukraine from 1 September 2022. It announced notably that "outgoing correspondence with the applicants will resume, in so far as possible, and general information addressed to all applicants will be made available on the Court's Internet site."[3]

5. The Court accordingly published the following information on the page of its website dedicated to the Applicants:[4]

> As announced in the Court's press release of 29 August 2022, as from 1 September 2022 the Court has returned in some aspects to the normal processing of applications involving Ukraine. Due to the interruption of the international postal services to and from Ukraine, the Court will communicate with applicants via its electronic communication system, eComms. For that purpose, the Court will use the email address provided by the applicants. Regarding specifically the notification of decisions and judgments, where no email address has been provided the Court has exceptionally decided to notify the applicants about decisions and judgments adopted by its Chamber and Committee judicial formations only via its HUDOC database. Decisions adopted by the Single Judge will be notified only to those applicants who have provided an email address. Prior to contacting the Court about the state of the proceedings in a case, applicants are encouraged to consult the Court's State of Proceedings search tool for further information.

6. An equivalent text was published on the version of the Applicants page in Ukrainian.[5]

THE COURT'S ASSESSMENT

7. The Court finds it appropriate to examine the applications jointly in a single decision.

8. As indicated in the above-mentioned public communications from the Court, due to the interruption of the international postal services the Court is unable to send correspondence to postal addresses in Ukraine. Communication from the Court to the applicants is only possible through eComms, the Court's electronic communication platform.

9. In the absence of a valid email address which could be used for communication with an applicant through eComms, the Court has no means of sending correspondence to the applicant having their postal addresses in

[1] https://hudoc.echr.coe.int/eng-press?i=003-7274040-9908360
[2] https://hudoc.echr.coe.int/eng-press?i=003-7299129-9951571
[3] https://hudoc.echr.coe.int/fre-press?i=003-7414013-10146948
[4] https://www.echr.coe.int/apply-to-the-court
[5] https://www.echr.coe.int/web/echr/apply-to-the-court-other-languages?filter_category_2348815=1675246

Ukraine. This is the case for all applicants set out in the appendix except for case no. 59292/14.

10. The Court's repeated attempts to contact those applicants by telephone (where telephone numbers were indicated in the application forms) were unsuccessful. In the absence of valid email addresses on file, the Court has no possibility to reach them.

11. The applicant organisation in case no. 59292/14 did provide the Court with a valid email address but, despite repeated telephone calls informing them of the creation of an eComms account for the applicant, failed to activate it (compare *Atima Limited v. Ukraine*, no. 56714/11, 6 April 2023 (just satisfaction - striking out)).

12. The applicants did not contact the Court since 20 March 2020, at the latest (see appendix).

13. While it is true that applicants are routinely advised (notably in the letters from the Court acknowledging receipt of their applications) against sending the Court unsolicited submissions, the Court notes that their attention is also systematically drawn to Rule 47 § 7 of the Rules of Court which requires them to keep the Court informed of any change of their addresses and of all circumstances relevant to their application.

14. In the Court's view, it must have been obvious to the applicants in the present applications that the full-scale military attack launched by the Russian Federation against Ukraine on 24 February 2022 disrupted the Court's communication with them and should have prompted them to contact the Court with a view to establishing an effective channel of communication and thus ensure that the applications could be duly processed.

15. The Court has already examined issues similar to those raised by the present cases in the context of the 2014 events described in the Court's admissibility decisions in *Ukraine v. Russia (re Crimea)* ((dec.) [GC], nos. 20958/14 and 38334/18, 16 December 2020) and *Ukraine and the Netherlands v. Russia* ((dec.) [GC], nos. 8019/16 and 2 others, 25 January 2023).

16. Following those events, the Court ruled that the applicants who only provided to the Court their postal addresses in the Ukrainian territories where Ukrainian postal services did not operate (making it impossible for the Court to contact them) could be regarded as no longer wishing to pursue their applications, and decided to strike them out of its list of cases (see *A. v. Ukraine* (dec.), no. 42289/09, 31 January 2017; *Alyoshyn and Anufriyuk v. Ukraine* (dec.), nos. 1503/12 and 2037/12, 31 January 2019; *Yuldashev and Others v. Russia and Ukraine* (dec.), no. 35139/14 and 326 others, 5 May 2020; *Lefter and Others v. Russia and Ukraine* (dec.), no. 30863/14 and 9 others, 16 June 2020; *Ananyeva and Konyev v. Ukraine* (dec.), nos. 1132/11 and 24351/13, 15 December 2020; *Semenyutin and Others v. Ukraine* (dec.), no. 32776/06 and 8 others, 21 December 2021).

17. The Court considers that similar considerations are applicable in the present cases and the applicants could, therefore, be regarded as no longer wishing to pursue their applications, within the meaning of Article 37 § 1 (a) of the Convention.

18. Furthermore, in accordance with Article 37 § 1 *in fine*, given that the issues raised, in the substance of the applications, are the subject of well-established case-law, 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 cases (see, for example, *Yuldashev and Others*, §§ 10 and 17, and *Lefter and Others*, §§ 7-20, both cited above).

19. Finally, the Court reiterates that under Article 37 § 2 of the Convention it may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

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

For these reasons, the Court, unanimously,

Decides to join the applications;

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

Done in English and notified in writing on 23 November 2023.

Martina Keller Deputy Registrar	Carlo Ranzoni President

Appendix

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence	Latest letter from the applicant received on	Complaints raised
1.	11706/13	Bryska v. Ukraine	02/02/2013	**Lyudmyla Vasylivna BRYSKA** 1960 Volodymyr-Volynskyy	20/03/2020	Art. 6, Art. 1 of Prot. No. 1 about reasoning of court decisions
2.	73401/13	Shpilevaya v. Ukraine	12/11/2013	**Irina Petrovna SHPILEVAYA** 1985 Kropyvnytskyy	12/03/2020	Art. 6, 13, 14, Art. 1 of Prot. No. 12 about reasoning of court decisions
3.	42117/14	Zhymelko v. Ukraine	18/05/2014	**Vasyl Ivanovych ZHYMELKO** 1969 Dubno	23/05/2014	Art. 6, 13 and Art. 1 of Prot. No. 1 about alleged breach of legal certainty
4.	59292/14	Trade Union Organisation of Arselormittal Kryvyi Rih, Pat v. Ukraine	16/08/2014	**TRADE UNION ORGANSIATION OF ARSELORMITTAL KRYVYI RIH, PAT** 2005 Kryvyi Rih	17/02/2016	Art. 6, 11, 13, 14 and Art. 1 of Prot. No. 12 in disputes concerning clauses in a trade union contract and alleged discrimination against the union
5.	3590/15	Poltorak v. Ukraine	05/01/2015	**Natalya Mykhaylivna POLTORAK** N/A Pidvolochysk	27/07/2015	Art. 6 about reasoning of court decisions
6.	49951/15	Frolovas v. Ukraine	24/09/2015	**Viktoras Vileno FROLOVAS** 1974 Mykolayiv	28/03/2017	Art. 3 alleged ill-treatment by police and conditions of detention; Art. 5 § 3 length of detention; Art. 6 length of criminal proceedings