

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

THIRD SECTION

DECISION

Application no. 38707/23
Tihomir Plamenov DIMITROV
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 19 May 2026 as a Committee composed of:

Peeter Roosma*, President*,
Diana Kovatcheva,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to the above application lodged on 20 October 2023,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Tihomir Plamenov Dimitrov, a Bulgarian national, was born in 1980 and lived in Sofia. He was represented before the Court by Ms D. Dragieva, a lawyer practising in Sofia.

2. The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Ilcheva from the Ministry of Justice.

3. The applicant, who was a homeless person, complained under Article 8 of the Convention that the police had refused to issue him an identification document, on the ground that he did not have a permanent address. He further complained, under Article 6 § 1 and Article 13 of the Convention, that the administrative authorities had failed to comply with a final court judgment ordering them to issue that document.

4. On 10 December 2024 the Court decided to give notice of the application to the Government.

THE LAW

A. The Government's request to strike the case out of the Court's list

5. On 5 May 2025 the Government submitted their observations on the admissibility and merits of the case. They informed the Court that the applicant had died on 4 November 2023.

6. The Government further noted that amendments to the Civil Registration Act, which had entered into force in October 2024, had introduced the concept of an "administrative address". This refers to a municipally owned building where individuals without a permanent residence may be registered for the purpose of obtaining proper civil registration. Such registration – including the indication of a permanent address – is a mandatory requirement for the issuance of identity documents.

7. On the basis of the information above, the Government urged the Court to strike the application out of its list of cases. In their view, the issues raised by the application had been resolved.

8. In submissions dated 7 July 2025, the applicant's representative confirmed that no heirs of close family members of the applicant had expressed an interest to pursue the application. Nevertheless, she urged the Court to continue its examination, referring to the case's "moral dimension" and to the need for the Court to determine "issues on public-policy grounds".

9. Article 37 § 1 of the Convention, in so far as relevant, reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
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> ...
>
> (c) for any other reason established by the Court, it is no longer justified to continue the examination of the application.
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> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

10. The Court notes that in a number of cases in which an applicant died in the course of the proceedings it has taken into account the statements of the applicant's heirs or of close family members expressing the wish to pursue the proceedings before it.

11. On the other hand, it has been the Court's practice to strike applications out of the list of cases in the absence of any heir or close relative who has expressed the wish to pursue an application (see, for example, *Mraović v. Croatia* (striking out) [GC], no. 30373/13, §§ 24-28, 9 April 2021; *Cipleu v. Romania* (revision), no. 36470/08, §§ 10-12, 15 December 2015; and *Balogh and Others v. Slovakia*, no. 35142/15, § 33, 31 August 2018).

12. The applicant in the present case died shortly after the lodging of the application, and none of his heirs or close family members have expressed a wish to pursue it (see paragraphs 5 and 8 above).

13. As to whether respect for human rights as defined in the Convention and its Protocols requires the further examination of the case (Article 37 § 1 *in fine*; see paragraph 9 above), the Government argued that the underlying issues had been resolved through the 2024 amendments to the Civil Registration Act (see paragraph 6 above). The applicant's representative, although urging the Court to continue the application's examination, did not contest the Government's position (see paragraph 8 above).

14. In view of the foregoing, the Court considers that it is no longer justified to continue the examination of the application.

15. Accordingly, it is appropriate to strike the case out of the list.

B. Application of Rule 43 § 4 of the Rules of Court

16. The applicant's representative claimed 3,009 euros (EUR) for the cost of the applicant's legal representation. In support of the claim she provided a legal representation contract dated 8 August 2023, under which the applicant undertook to pay legal fees in the event that the Court made an award under this head.

17. Rule 43 § 4 of the Rules of Court provides:

> "When an application has been struck out in accordance with Article 37 of the Convention, the costs shall be at the discretion of the Court." ...

18. As regards the reimbursement of costs in connection with awards of just satisfaction pursuant to Article 41 of the Convention, according to the Court's well-established case-law an award can be made to an applicant in respect of costs and expenses only in so far as they have been actually and necessarily incurred and are reasonable as to quantum. The Court has held that these requirements should also be observed in the application of Rule 43 § 4 of the Rules of Court (see *Pisano v. Italy* (striking out) [GC], no. 36732/97, § 54, 24 October 2002).

19. The Court has also held that a representative's legal fees are actually incurred if the applicant has paid them or is liable to pay them. The fees payable to a representative under a conditional-fee agreement are actually incurred only if that agreement is enforceable in the respective jurisdiction (see, among other authorities, *Merabishvili v. Georgia* [GC], no. 72508/13, § 371, 28 November 2017).

20. In the present case, the applicant signed a conditional-fee agreement (see paragraph 16 above), but the Court is not satisfied that the agreement is enforceable, seeing that the applicant died shortly afterwards and no heirs have expressed an interest in pursuing the case. Accordingly, the costs and expenses claimed have not been actually incurred, and the Court does not find it necessary to make an award in that regard.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 11 June 2026.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President