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

THIRD SECTION

# DECISION

Application no. 49499/18
Roman Vladimirovich DMITRIYEV
against Russia

The European Court of Human Rights (Third Section), sitting on 3 February 2022 as a Committee composed of:

Peeter Roosma, *President,*
Andreas Zünd,
Mikhail Lobov, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 5 October 2018,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Roman Vladimirovich Dmitriyev, was born in 1978. He was represented by Mr S. Kosivskiy, a lawyer practising in Pyatigorsk.

The applicant's complaints under Article 5 §§ 3 and 4 of the Convention concerning the excessive length of pre-trial detention and deficiencies in the proceedings for review of the lawfulness of detention were communicated to the Russian Government ("the Government") on 31 January 2019.

On 26 February 2020 the applicant died.

By letter of 7 May 2021 the applicant's representative informed the Registry that the applicant had died and that the applicant's half-brother, Mr D. Kudryavtsev, expressed his interest to pursue the proceedings before the Court in the applicant's stead.

## THE LAW

The Court must establish whether Mr Kudryavtsev has standing to pursues the application following the applicant's death.

Where the applicant has died after the application was lodged, the Court has accepted that the next-of-kin or heir may in principle pursue the application, provided that he or she has sufficient interest in the case (see, for

example, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 97, ECHR 2014, with further references).

Having examined the materials submitted, the Court is unable to conclude that Mr Kudryavtsev has demonstrated sufficient interest in pursuing the present application. He provided no evidence, such as a succession certificate, to confirm his right to inherit from the late applicant or the acceptance of the late applicant's succession or any statement confirming that he had accepted the succession after his deceased relative (contrast *Romankevič v. Lithuania*, no. 25747/07, § 15, 2 December 2014) or detailed information on the applicant's and his family situation which could be of relevance in that particular case (contrast *Andreyeva v. Russia* (dec.), no. 76737/01, 16 October 2003). Following the applicant's death, Mr Kudryavtsev did not seek contact with the latter's representative. Nor was he aware of the fact that the applicant had lodged an application with the Court. There is nothing in his submissions to suggest that he suffered any consequences from the alleged violation of the applicant's rights or that his intention to purse the application before the Court has any moral dimension.

Against this background, the Court finds that the request to pursue the proceedings was submitted by a person who has failed to provide evidence of his status as a heir of the late applicant and of his legitimate interest to pursue the application (see, *mutatis mutandis*, *Léger v. France* (striking out) [GC], no. 19324/02, § 50, 30 March 2009, *Moisă v. Romania* (dec.), no. 30608/02, 16 November 2010, and most recently, *V.B. v. Romania* (dec.) [Committee], no. 71569/14, 14 December 2021).

Lastly, the Court considers that respect for human rights does not require it to continue the examination of the present case.

In the light of the foregoing, and in accordance with Article 37 § 1 (c) of the Convention, the Court finds that it is no longer justified to continue the examination of the application and concludes that the application should be struck out of its list of cases.

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 24 February 2022.

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| Viktoriya Maradudina | Peeter Roosma |
| Acting Deputy Registrar | President |