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

FIFTH SECTION

# DECISION

Application no. 19191/23
Dmytro Anatoliyovych GRUBYY
against Ukraine
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 11 July 2024 as a Committee composed of:

Carlo Ranzoni*, President*,
Mārtiņš Mits,
María Elósegui*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 22 April 2023,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 6 § 1 and Article 13 of the Convention concerning the excessive length of criminal proceedings and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government").

## THE LAW

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, these complaints are inadmissible.

In particular, the Court notes that the time-limit for lodging an application starts running from the date on which the applicant and/or his or her representative has sufficient knowledge of the final domestic decision (see, *mutatis mutandis*, *Koç and Tosun v. Turkey* (dec.), no. 23852/04, 13 November 2008). The Court usually interprets this rule as implying that

the applicant should be served with the final decision. At the same time, this rule should not be interpreted in an excessively rigid manner. In that respect, in the case of *Krasyuk v. Ukraine* ([Committee] (dec.), no. 61208/21, 12 October 2023), the Court took as relevant the facts that both the applicant and his lawyer were present at the final hearing, they knew that the final decision was rendered on that date, and they were aware of the end date of the proceedings as of that day. In that case, the Court took the date of the final hearing as the starting point for the six-month time-limit since the applicant had sufficient knowledge of the final decision in his case already at the final hearing.

In the present case, having attended the Supreme Court's hearing of 13 December 2022, the applicant had sufficient knowledge of the final decision and, accordingly, the end date of the proceedings in his case already at that hearing. Therefore, it was on 13 December 2022 that the four-month time-limit started running, while the application form was only submitted to the Court on 22 April 2023, that is belatedly.

In view of the above, the Court finds that these complaints have been introduced 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 5 September 2024.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Carlo Ranzoni<br>President |

# APPENDIX

## Application raising complaints under Article 6 § 1 and Article 13 of the Convention (excessive length of criminal proceedings and lack of any effective remedy in domestic law)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Start of proceedings | End of proceedings | Total length<br>Levels of jurisdiction |
|---|---|---|---|---|
| 19191/23<br>22/04/2023 | **Dmytro Anatoliyovych GRUBYY**<br>1987 | 26/03/2015 | 13/12/2022 | 7 years and 8 months and 18 days<br>3 levels of jurisdiction |