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

FIFTH SECTION

DECISION

Application no. 5883/16
Igor Leonidovych GYRYA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 28 May 2026 as a Committee composed of:

María Elósegui*, President*,
Andreas Zünd,
Mykola Gnatovskyy*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 5883/16) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 1 May 2008 by a Ukrainian national, Mr Igor Leonidovych Gyrya, who was born in 1975 and lives in Svatove ("the applicant");

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's attempt to obtain compensation for non-pecuniary damage following the termination of administrative-offence proceedings against him. The applicant relied on Article 6 § 1 of the Convention.

2. On 19 June 2006 the Svativ District Court of the Lugansk Region terminated the administrative-offence proceedings against the applicant concerning an allegation of petty hooliganism, for lack of evidence of the offence.

3. On 6 November 2007 the applicant lodged a request before the Svativ District Court seeking compensation in connection with the termination of those proceedings. The request did not identify any opposing party and was not presented as a formal claim.

4. On 8 November 2007 the Deputy President of the Svativ District Court informed the applicant, by a letter, that his request could not be granted, referring to Article 296 of the Code of Administrative Offences, which provided for compensation only in cases of unlawful imposition of a sanction of administrative detention or community work.

THE COURT'S ASSESSMENT

5. The applicant complained under Articles 6 and 17 of the Convention about the refusal to examine his request for compensation.

6. The Court, being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018), considers that the application falls to be examined solely under Article 6 § 1 of the Convention.

7. The Court notes that the applicant's compensation request did not concern a determination of a "criminal charge" against the applicant. Accordingly, Article 6 § 1 does not apply under its criminal limb.

8. For Article 6 § 1 to apply under its "civil limb", there must be a dispute over a "right" that can be said, at least on arguable grounds, to be recognised under domestic law. The Court may not develop a substantive right which has no legal basis in the State concerned (see, for example, *Roche v. the United Kingdom* [GC], no. 32555/96, § 117, ECHR 2005-X, and *Boulois v. Luxembourg* [GC], no. 37575/04, § 91, ECHR 2012).

9. In the present case, the domestic law did not recognise the right for compensation following the termination of administrative-offence proceedings, unless the individual concerned was subjected to an administrative penalty of arrest or community work (see paragraph 4 above). No such penalty was imposed on the applicant. He cannot therefore claim to have had a right to compensation under the national law. It follows that the civil limb of Article 6 § 1 of the Convention does not apply to the facts of the present case either.

10. The application is therefore inadmissible for being incompatible *ratione materiae* with the provisions of the Convention under Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 18 June 2026.

Martina Keller Deputy Registrar	María Elósegui President