

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

FIFTH SECTION

DECISION

Application no. 21112/20
Igor Anatoliyovych KOVALCHUK against Ukraine
and 2 other applications
(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 applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention concerning the lack of impartiality of the tribunal in view of the absence of the prosecuting party in administrative-offence proceedings were communicated to the Ukrainian Government ("the Government").

## THE LAW

### A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

### B. Complaints under Article 6 § 1 of the Convention (lack of impartiality of the tribunal in view of the absence of the prosecuting party in administrative-offence proceedings)

In the present applications, having examined all the material before it, the Court considers that for the reasons stated below, the complaints about the alleged lack of impartiality of the tribunal in the impugned administrative offence proceedings are inadmissible.

In particular, the Court notes that the impartiality of the domestic courts was not called into question under either the subjective or the objective tests and that the applicants did not point to any specific circumstances which could cause the Court to doubt the domestic courts impartiality (see *Figurka v. Ukraine*, no. 28232/22, § 30-44, 16 November 2023).

Consequently, it cannot be considered that the domestic courts took the role of a prosecuting party or were put in a position requiring them to take the role of a prosecuting party, thereby undermining their impartiality or the fairness of the proceedings.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Declares* the applications 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

## List of applications raising complaints under Article 6 § 1 of the Convention
## (lack of impartiality of the tribunal in view of the absence of the prosecuting party in administrative-offence proceedings)

| No. | Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Penalty | Date of final domestic decision<br>Name of court |
|---|---|---|---|---|---|
| 1. | 21112/20<br>02/05/2020 | **Igor Anatoliyovych KOVALCHUK**<br>1987 | Yasyk Ivan Olegovych<br>Kryvyy Rig | administrative fine of<br>UAH 10,200;<br>suspension of driving licence for a year | 13/01/2020,<br>Dnipro Court of Appeal |
| 2. | 46421/21<br>09/09/2021 | **Yuriy Pavlovych DANYLCHUK**<br>1979 | Samulyak Mykhaylo Yuriyovych<br>Ternopil | suspension of driving licence for a year;<br>administrative fine of<br>UAH 17,000 | 01/06/2021,<br>Ternopil Court of Appeal |
| 3. | 2529/23<br>22/12/2022 | **Ruslan Mykolayovych KOLISNYK**<br>1986 | Shapovalov Andriy Mykolayovych<br>Kyiv | suspension of driving licence;<br>administrative fine of<br>UAH 17,000 | 28/10/2022,<br>Cherkasy Court of Appeal |