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

FIFTH SECTION

DECISION

Application no. 30289/17
Sergiy Pavlovych KROTOV
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 5 September 2024 as a Committee composed of:

Lado Chanturia, *President*,
Mykola Gnatovskyy,
Úna Ní Raifeartaigh, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to the above application lodged on 12 April 2017,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Sergiy Pavlovych Krotov, a Ukrainian national, was born in 1973 and lived in Gostomel. He was represented before the Court by Mr G.V. Tokarev and Mr V.I. Melnychuk, lawyers practising in Kharkiv and Strasbourg respectively, who were retained by a non-governmental organisation, the Kharkiv Human Rights Protection Group ("the NGO").

2. The Ukrainian Government ("the Government") were represented by their Agent, most recently Ms M. Sokorenko from the Ministry of Justice.

3. The applicant complained under Article 3 of the Convention that he had not been given access to appropriate medical treatment while serving a prison sentence. He also complained that he had not received appropriate care from the prison authorities given his physical disability.

4. On 7 July 2017 the applicant was released from the prison and transferred to a civilian hospital for treatment.

5. On 19 July 2017 the Court decided to give notice to the Government of the applicant's complaints outlined above.

6. On 11 October 2017 the Government submitted to the Court their observations on the admissibility and merits of the application, in which they

informed the Court that the applicant had died on 13 August 2017 after his release from hospital.

7. On 13 February 2018 the NGO asked the Court for leave to act in the present case on the applicant's behalf. The NGO submitted that it had no information as to whether the deceased applicant had relatives wishing to pursue the present application.

8. Referring to *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* ([GC], no. 47848/08), the NGO believed that it had *locus standi* in relation to the deceased applicant's complaint under Article 3 in view of the existence of a general interest. The NGO argued that it had a connection to the applicant as it had paid his lawyers for their legal services at the domestic level and before the Court.

9. The NGO also lodged an application alleging that the authorities had failed to provide the applicant with adequate medical treatment in detention and that they had delayed his release from prison, thus failing to do everything possible to save the applicant's life, in breach of Article 2 of the Convention.

10. The Court contacted the deceased applicant's parents to check whether they wished to pursue the present case on his behalf. A registered letter was delivered to his mother on 12 February 2019, but she never replied.

THE LAW

11. In the present case, the applicant died in the course of the proceedings and no known relative wished to pursue this application. It was only the above-mentioned NGO which expressed the wish to do so. In this connection the Court reiterates its practice to strike applications out of the list when an applicant dies during the course of the proceedings and no heir or close relative wishes to pursue the case (see *Hirsi Jamaa and Others v. Italy* [GC], no. 27765/09, §§ 57-59, ECHR 2012, with further references).

12. Turning to the question whether the NGO has *locus standi* in the proceedings before it and whether the continuation of the examination of the case following the applicant's death is justified, the Court reiterates that the human rights cases before it generally also have a moral dimension, which must be taken into account when considering whether the examination of an application after the applicant's death should be continued. This is all the more so if the main issue raised by the case transcends the person and the interests of the applicant (see *Karner v. Austria*, no. 40016/98, § 25, ECHR 2003-IX).

13. In *Kaganovskyy v. Ukraine* (no. 2809/18, §§ 65-72, 15 September 2022) the Court found that respect for human rights required it to continue the examination of the application introduced by an applicant who had died in the course of the proceedings and no relative wished to pursue his application. The Court held as follows:

> "The present case raises a question of a serious nature, which concerns issues under Articles 3 and 5 of the Convention about the conditions of confinement at a psychoneurological residential institution and lawfulness of that confinement. This issue transcends the present application and involves a question of general interest given the fact that the relevant domestic law has not been changed, and given the vulnerability of persons residing in such institutions. The continuation of the examination of the present case presents an opportunity to clarify the Conventional standards of protection in relation to such persons."

14. The Court considers that the subject matter of the present case, although relying on a complaint under Article 3 of the Convention, does not raise a serious question of general interest. It relates to repetitive issues on which the Court has developed well-established case-law (see, among many other authorities, *Melnik v. Ukraine*, no. 72286/01, §§ 104-06, 28 March 2006; *Petukhov v. Ukraine (no. 2)*, no. 41216/13, §§ 139-53, 12 March 2019; *Vagapov v. Ukraine* [Committee], no. 35888/11, §§ 42-50, 19 March 2020; and *Ponomarenko v. Ukraine* [Committee], no. 51456/17, §§ 28-29, 1 June 2023).

15. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court, in accordance with Article 37 § 1 (c) of the Convention, considers that it is no longer justified to continue the examination of the application.

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 26 September 2024.

Martina Keller Deputy Registrar	Lado Chanturia President