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

# THIRD SECTION

# DECISION

Application no. 35356/18
Aleksey Nikolayevich LUGACHEV
against Russia

The European Court of Human Rights (Third Section), sitting on 10 November 2022 as a Committee composed of:

Darian Pavli*, President*,
Ioannis Ktistakis,
Andreas Zünd*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 9 March 2018,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Ms Aleksey Nikolayevich Lugachev, was born in 1979.

The applicant's complaints under Article 8 of the Convention about the permanent video surveillance of detainees in detention facilities and allocation to a remote penal facility irrespective of family life considerations, as well as about the lack of any effective remedy in domestic law in connection with these complaints, were communicated to the Russian Government ("the Government").

On 26 July 2021 the applicant's representative informed the Registry that the applicant had died and that Ms T. Klachkova had expressed her interest in pursuing the proceedings before the Court in the applicant's stead.

By the letter of 4 August 2021, the Court asked the applicant's representative to send by 1 September 2021 at the latest, a copy of the applicant's death certificate, as well as a copy of an authentic document issued by the domestic authorities certifying that Ms T. Klachkova is the deceased applicant's legal heir. No reply was provided.

## THE LAW

The Court takes note of the death of Mr Lugachev and of the wish of his alleged partner, Ms Klachkova, to pursue the proceedings he had initiated.

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 Ms Klachkova has demonstrated sufficient interest in pursuing the present application. There is no evidence confirming close relations between Ms Klachkova and the applicant (see, by contrast, *Ivko v. Russia*, no. 30575/08, §§ 51-54, 64-70, 15 December 2015). She provided no evidence, such as a succession certificate, to confirm her right to inherit from the late applicant or the acceptance of the late applicant's succession or any statement confirming that she had accepted the succession (see, by contrast, *Romankevič v. Lithuania*, no. 25747/07, § 15, 2 December 2014) or detailed information on the applicant's and her family situation which could be of relevance in that particular case (see, by contrast, *Andreyeva v. Russia* (dec.), no. 76737/01, 16 October 2003).

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 her status as a heir of the late applicant and of her 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 *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 1 December 2022.

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| Viktoriya Maradudina | Darian Pavli |
| Acting Deputy Registrar | President |