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

FIFTH SECTION

DECISION

Application no. 28032/23
Andriy Anatoliyovych MAKEYEV
against Ukraine
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 16 May 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 27 June 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 Articles 3 and 13 of the Convention concerning the inadequate conditions of detention 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, the applicant's complaints are inadmissible.

In particular, the Court notes, and it is not disputed by the parties, that on 9 February 2021 the conditions of the applicant's detention had significantly improved. In particular, this is confirmed by the evidence submitted by the Government (colour photos of the cell) and their detailed description of the detention conditions, which the Court finds convincing. In view of the above,

the Court considers that the complaint related to the applicant's conditions of detention in the period after 9 February 2021 should be rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention. Considering the applicant's allegations that before 9 February 2021 the conditions of his detention were extremely poor and thus significantly different from those after 9 February 2021, the Court further finds that the complaint under Article 3 of the Convention concerning the period before 9 February 2021 has therefore been introduced out of time and must be rejected pursuant to Article 35 §§ 1 and 4 of the Convention (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 77-78, 10 January 2012, and *Dolgov and Silayev v. Russia* [Committee], nos. 11215/10 and 55068/12, § 20-21, 4 October 2016).

The Court, having found the complaint under Article 3 of the Convention inadmissible, concludes that the applicant has no arguable claim for the purposes of Article 13 of the Convention (see *Rodić and Others v. Bosnia and Herzegovina*, no. 22893/05, § 82, 27 May 2008). The applicant's complaint under Article 13 of the Convention taken in conjunction with Article 3 of the Convention is thus likewise manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and must be rejected under Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 6 June 2024.

Viktoriya Maradudina	Carlo Ranzoni
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Articles 3 and 13 of the Convention (inadequate conditions of detention and lack of any effective remedy in domestic law)

Application no. Date of introduction	Applicant's name Year of birth	Facility Start and end date Duration	Sq. m per inmate	Specific grievances
28032/23 27/06/2023	**Andriy Anatoliyovych MAKEYEV** 1980	Romny Detention Facility no. 56 14/04/2005 to 09/02/2021 Romny Detention Facility no. 56 09/02/2021 pending More than 19 year(s) and 4 day(s)	3.25 m² 11 m²	constant electric light, lack of fresh air, inadequate temperature, lack of or insufficient physical exercise in fresh air, lack of privacy for toilet, no or restricted access to shower, overcrowding, lack of or insufficient natural light.