

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

FIFTH SECTION

DECISION

Application no. 19395/24
Swapnil Bhalchandra MULUNDKAR
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 12 February 2026 as a Committee composed of:

María Elósegui, President,
Gilberto Felici,
Diana Sârcu*, judges*,

and Sophie Piquet, Acting Deputy Section Registrar,

Having regard to:

the application (no. 19395/24) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 12 July 2024 by an Indian national, Mr Swapnil Bhalchandra Mulundkar ("the applicant"), who was born in 1985, lives in Kyiv and was represented by Ms K.M. Grygorash, a lawyer practising in Kyiv;

the decision to give notice of the complaint, concerning the risk of the applicant being subjected to treatment in breach of Article 3 of the Convention in the event of his extradition, to the Ukrainian Government ("the Government"), represented by their Agent, Mrs M. Sokorenko, from the Ministry of Justice of Ukraine, and to declare the remainder of the application inadmissible;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the decision to indicate an interim measure to the respondent Government under Rule 39 of the Rules of Court;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerned the alleged risk of treatment contrary to Article 3 of the Convention in the event of the applicant's extradition to Kuwait.

2. The applicant lived and worked in Kuwait from 2014 until he left for India in 2015.

3. On 4 May 2017 a first-instance court in Kuwait convicted him *in absentia* of breach of trust and misappropriation committed against his former employer (a restaurant) in Kuwait and sentenced him to two years' imprisonment, combined with labour.

4. In August 2018 the applicant was arrested on arrival in Ukraine, on the basis of an Interpol Red Notice from Kuwait. The applicant was subsequently released and he remained in Ukraine.

5. The Kuwaiti authorities requested the applicant's extradition so that he could serve his sentence.

6. On 5 March 2024 the Ministry of Justice of Ukraine ordered the applicant's extradition.

7. On 3 June 2024 the Kyiv Pecherskyy District Court upheld the extradition decision, considering that it was lawful and there were no barriers to extradition. On 11 July 2024 the Kyiv City Court of Appeal upheld that decision.

8. On 30 July 2024 the Court indicated to the Government, under Rule 39 of the Rules of the Court, that the applicant should not be extradited to Kuwait for the duration of the proceedings before the Court.

9. On 21 August 2025 the criminal case against the applicant in Kuwait was closed for being time-barred.

10. On 22 October 2025 the Ministry of Justice was notified that the applicant's extradition was no longer requested and on 31 October 2025 the Ministry annulled its decision of 5 March 2024 (see paragraph 6 above).

THE COURT'S ASSESSMENT

11. The application concerned the planned extradition of the applicant, an Indian national, to Kuwait, to serve a prison sentence imposed on him there. He complained that it would be in breach of Article 3 of the Convention given the conditions of detention and risk of forced labour in that country. After the criminal proceedings in Kuwait and the extradition proceedings in Ukraine had been discontinued, the applicant expressed his wish to pursue his application considering that such an examination could be justified by the fact that the extradition had been discontinued thanks to his efforts and not those of the Government and that the failure of the Ukrainian authorities to protect him could lead to a violation of his rights. He further maintained that the findings of the Court in his case would be beneficial to other individuals who could find themselves in similar situation.

12. The Court notes that on 31 October 2025 the extradition proceedings against the applicant were discontinued and therefore he does not face any imminent risk of being removed from the country to be subjected to treatment contrary to Article 3 of the Convention. It was the risk of extradition that triggered his application to the Court and the indication of the interim measure to the Ukrainian Government by the Court.

13. The Court reiterates that in assessing the risk of treatment contrary to Article 3 in extradition cases, it assesses the situation in its development, taking into account the indications of improvement or worsening of the human rights situation in general or in respect of a particular group or area that might be relevant to the applicant's situation (*Dzhaksybergenov v. Ukraine*, no. 12343/10, § 36, 10 February 2011, with further references).

14. Thus, in the absence of any foreseeable, let alone imminent, risk of extradition, the applicant could no longer claim to be a victim of the violation he had complained of, namely the risk of facing treatment contrary to Article 3. At the same time, any potential future situation would need to be assessed in the light of the developments and circumstances that would be relevant at that given moment when any decision on extradition is taken. The Court cannot entertain any such complaints *in abstracto*, nor could it entertain an *actio popularis* in respect of an unidentified group of individuals who may find themselves in a situation comparable with that of the applicant before 31 October 2025. Accordingly, the applicant's complaints are incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4 of the Convention.

15. The interim measure previously indicated in this application therefore ceases to have any basis.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 5 March 2026.

Sophie Piquet
Acting Deputy Registrar

María Elósegui
President