

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

FIFTH SECTION

DECISION

Application no. 2588/09
Tetyana Pylypivna OSTAPENKO against Ukraine
and 2 other applications
(see appended table)

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

Diana Sârcu*, President*,
Kateřina Šimáčková,
Mykola Gnatovskyy*, 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 deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and their details are set out in the appendix.

The relevant circumstances concerning lack of communication with certain applicants since 24 February 2022 are set out in *Bryska and Others v. Ukraine* ((dec.) [Committee], nos. 11706/13 and 5 others, 2 November 2023). Those circumstances as far as the present applications are concerned and their subject matter are summarised in the appendix.

THE LAW

Having regard to the similar procedural conduct of the applicants, the Court finds it appropriate to examine the applications jointly in a single decision.

The Court notes that all the available means to contact the applicants have been tried without success. The applicants did not provide the Court with any new contact information which could have allowed the Court to conduct further proceedings.

In the light of the foregoing, the Court concludes that the applicants may be regarded as no longer wishing to pursue the applications (Article 37 § 1 (a) of the Convention). Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and the Protocols thereto which require the continued examination of the applications (see *Bryska and Others*, cited above).

The Court, however, reiterates that under Article 37 § 2 of the Convention it may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases.

Done in English and notified in writing on 16 January 2025.

Viktoriya Maradudina	Diana Sârcu
Acting Deputy Registrar	President

APPENDIX

List of applications

No.	Application no. Introduction date	Applicant Year of Birth	Representative's name	Main complaints raised	Reasons for a strike-out decision
1.	2588/09 02/01/2009	**Tetyana Pylypivna OSTAPENKO** 1956	Yevgeniya Yevgeniyvna OSTAPENKO	Art. 2 (1) - Right to life, Art. 6 (1) - excessive length of civil proceedings, Art. 13 - lack of any effective remedy in domestic law, Prot. 1 Art. 1 - interference with peaceful enjoyment of possessions.	The case concerns the death of the applicant's husband in 2000 as a result of an explosion at a State mine in the Luhansk region. In 2016 the Court adjourned the proceedings since the above territory was outside of the control of Ukraine, so the Government did not have access to the case files and could not submit their observations. Eventually, the proceedings were renewed, and in 2024 the Court required the applicant to provide her observations on the case, with the deadline on 02/06/2024. She did not reply, and the Court sent warning letters to her on 18/06/2024 and 16/08/2024. The applicant's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. No reply followed. According to the post tracking information, the last letter was received by the applicant on 04/09/2024. Since the applicant failed to provide her observations on the case, it is proposed to strike it out of the list of cases.
2.	60253/12 07/09/2012	**Mikhail Vladimirovich GRIGORUK** 1982		Art. 5 (1) - unlawful deprivation of liberty, Art. 5 (3) - excessive length of pre-trial detention, Art. 5 (4) – deficiencies in proceedings for review of the lawfulness of detention.	The present case concerns the alleged unlawfulness and length of the detention of the applicant and the lack of an effective procedure to challenge the lawfulness of his detention. On 01/12/2023 the Government provided their observation on the admissibility and merits of the case. The applicant, who resides in the Crimea, was invited to comment on the Government's observations and submit his just satisfaction claims, however, he did not respond to the Court's correspondence transmitted to him through the Court's Electronic Communications Service (eComms) on 14/12/2023 and 20/06/2024 (the letters were not downloaded by the applicant). Neither did he respond to numerous telephone calls made in 2024. Maintaining contact with the applicant by post is impossible in view of absence of the postal communication with the Crimea.
3.	56284/16 14/09/2016	**Oleg Anatoliyovych KRYUKOVSKYY** 1960		Art. 5 (3) - excessive length of pre-trial detention, Art. 5 (4) - excessive length of judicial review of detention, Art. 6 (1) - absence of detainees from civil proceedings, Art. 6 (1) - excessive length of criminal proceedings, Art. 6 (2) – breach of the presumption of innocence, Art. 6 (3) (d) - examination/attendance of witnesses.	The application concerns the applicant's lengthy detention without relevant justification, the unfair and lengthy criminal proceedings against him, and the breach of his presumption of innocence. The applicant's known address is in Kakhovka, a town in the Kherson Region that has been outside the Ukrainian Government's control since February 2022. The last correspondence was received from the applicant on 14/02/2022. Since then, the Court has lost contact with the applicant. He did not respond to the Registry's letters sent by email on 16/05/2024 inviting him to inform the Court whether he supported his application. He also did not respond to numerous telephone calls by the Registry. On 29/07/2024 the Registry's letter of 28/06/2024 sent to the applicant by registered post returned as it had been impossible to deliver it to the applicant's address.