

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

FIFTH SECTION

DECISION

Application no. 55354/17
Anatoliy Arkhipovich PYATACHENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 26 March 2026 as a Committee composed of:

Andreas Zünd*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 55354/17) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 20 July 2017 by a Ukrainian national, Mr Anatoliy Arkhipovich Pyatachenko ("the applicant"), who was born in 1948, lives in Alchevsk and was represented by Mr S.S. Medvedev, a lawyer practising in Lysychansk;

the decision to give notice of the application to the Ukrainian Government ("the Government"), represented by their Agent, Mr Ivan Lishchyna, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint, under Article 6 of the Convention, that a judgment in his favour could not become final in the absence of relevant legislation, and his complaints that his right to an effective remedy under Article 13 of the Convention and his right to the peaceful enjoyment of his possessions under Article 1 of Protocol No. 1 were breached on account of this failing.

2. As a result of the events described in *Khlebik v. Ukraine* (no. 2945/16, §§ 9-12, 25 July 2017), Alchevsk, where the applicant lives, remains outside the Ukrainian government's control.

3. On 2 September 2014 the President of the High Civil and Criminal Court reassigned jurisdiction over cases which would normally have fallen within the jurisdiction of the Alchevsk Court to the Lysychansk Court, located in the government-controlled area of the Luhansk Region[1].

4. On 31 October 2014 the applicant's brother died. In October 2016 the applicant asked the Kadiyivka District Civil Registry Office of the Luhansk Region to register the death. On 27 October 2016 that request was refused.

5. On 6 March 2017 the Lysychansk Court, at the applicant's renewed request, established that the applicant's brother had died on 31 October 2014 in Georgiyivka in the Lutugynsky District of the Luhansk Region (located in the territory outside the government's control).

6. On 13 March 2017 the death was duly registered by the authorities in the government-controlled territory.

7. On 6 April 2017 the applicant gave a statement to a notary in Sieverodonetsk (located in the territory under the government's control) in which he formally accepted the inheritance, and asked the notary to issue an inheritance certificate. The notary refused the request, referring to the time-limit for accepting an inheritance, namely six months from the time of death.

8. The applicant lodged a claim with the Lysychansk Court against the Alchevsk City Council and the notary, seeking an extension of the time-limit for accepting the inheritance.

9. On 1 June 2017 the court allowed the claim and extended the time-limit.

10. On 4 July 2017 the court informed the applicant that its judgment had not and could not become final and enforceable given that one of the defendants, the Alchevsk City Council, was no longer functioning due to seize of Alchevsk by the pro-Russian separatists and the decision could not therefore be served on it. The judgment would only become final and enforceable once the time-limit for lodging an appeal had elapsed, with the time-limit being calculated from the day on which the decision was served on the defendant.

11. On 20 July 2017 the applicant lodged the present application with the Court.

12. On 3 October 2017 the Parliament of Ukraine passed Law no. 2147-VIII amending the Law on Administration of Justice and Criminal Proceedings in connection with the Anti-Terrorist Operation.

[1] On 25 July 2022 Lysychansk was seized by the Russian forces in the course of the full-fledged invasion.

The amendments provided that parties whose last known address was located in the area of the anti-terrorist operation and who did not have an official email address should be informed of court decisions by means of their publication on the official website of the judicial authorities and in the Uniform State Register of Court Decisions.

13. Pursuant to the above-mentioned law, the decision of 1 June 2017 was published on the official website of the judicial authorities and became final on 2 February 2018.

14. The applicant complained that the judgment in his favour could not become final and that he could not receive the inheritance from his late brother. He relied on Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1.

THE COURT'S ASSESSMENT

15. The Government submitted that the applicant had failed to register his brother's death within the prescribed six-month time-limit and had therefore made his situation more complicated. Following the introduction of the law of 3 October 2017, the judgment of 1 June 2017 had become final on 2 February 2018 – that is, shortly after its delivery.

16. The applicant claimed that neither he nor his representative had been informed of the new legislation, or of the fact that the judgment of 1 June 2017 had become final. The court could have called the applicant or sent him a letter, but had failed to do so. In so far as the applicant did not have access to a computer and lived in the occupied territory, he had been unable to check the official website of the judicial authorities.

17. The Court observes that, owing to the enactment of the new legislation, the judgment in question became final eight months after its delivery. The applicant, who was assisted by a lawyer, could have been expected to follow legislative developments relating to his case.

18. In those circumstances, the Court cannot but conclude that the respondent State has taken all the measures available to it to organise its judicial system in such a way as to render the applicant's rights effective in practice in his specific situation (see *Khlebik v. Ukraine* no. 2945/16, § 71, 25 July 2017). Therefore, the applicant's complaints are unsubstantiated.

19. It follows that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 30 April 2026.

Martina Keller Deputy Registrar	Andreas Zünd President