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

FIFTH SECTION

DECISION

Application no. 66259/14
Oleksandr Petrovych TSYGANENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 27 November 2025 as a Committee composed of:

Gilberto Felici*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 66259/14) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 25 November 2013 by a Ukrainian national, Mr Oleksandr Petrovych Tsyganenko ("the applicant"), who was born in 1953, lives in Lviv and, having been granted legal aid, was represented by Mr R. Maksymovych, a lawyer practising in Lviv;

the decision to give notice of the application to the Ukrainian Government ("the Government"), represented by their Agent, most recently Ms M. Sokorenko, of the Ministry of Justice;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case mainly concerns the applicant's complaints under Article 6 § 1 and Article 13 of the Convention regarding the domestic courts' refusal to examine his claims challenging the police's refusal to open a criminal investigation into his allegations of fraud.

2. On 19 August 2009 the applicant reported the I. company to the police for digital fraud, alleging that he had lost the equivalent of approximately 17,000 euros as a result of the crime. Having carried out certain preliminary checks, on 27 August 2010 the police refused to open a criminal investigation,

citing the lack of evidence of a crime. The decision indicated that it was subject to an appeal to a court. However, the applicant did not lodge an appeal against it. Nor did he bring a civil claim against the I. company.

3. Instead, the applicant lodged a civil claim with the Zaliznychnyy District Court of Lviv against the police, seeking acknowledgment of the unlawfulness of their refusal to open a criminal investigation and requesting compensation. On 10 February 2011 the court refused to examine the claim, citing its lack of jurisdiction and referring the applicant to the administrative courts. No appeal was lodged against that decision.

4. On 17 February 2011 the applicant lodged an administrative claim. On 18 February 2011 the Lviv Circuit Administrative Court rejected the applicant's claim, also citing a lack of jurisdiction. On 11 October 2011, following an appeal by the applicant, the Lviv Administrative Court of Appeal upheld the above-mentioned decision. Following a further appeal by the applicant, on 23 May 2013 the Higher Administrative Court upheld the lower courts' decisions. The domestic courts concluded that the actions challenged by the applicant concerned the results of the pre-investigation inquiry and were therefore governed by the rules of criminal procedure.

THE COURT'S ASSESSMENT

5. The applicant complained under Article 6 § 1 and Article 13 of the Convention about the refusal of the domestic courts to examine the merits of his civil and administrative claims, arguing that it had deprived him of access to a court and of an effective remedy. The applicant also complained under Article 6 § 1 of the unfair conduct and excessive length of the proceedings regarding his administrative claim.

6. The Government contended that Article 6 was inapplicable to the proceedings in question and that the applicant had failed to exhaust the available domestic remedies.

7. At the outset, the Court notes that the proceedings at issue did not concern the determination of a criminal charge against the applicant, and thus, Article 6 § 1 does not apply under its criminal limb.

8. For Article 6 § 1 to apply under its "civil" limb, there must be a dispute ("*contestation*" in French) over a "right" that can be said, at least on arguable grounds, to be recognised under domestic law. Furthermore, the result of the proceedings must be directly decisive for the right in question, mere tenuous connections or remote consequences being insufficient to bring Article 6 § 1 into play (see *Károly Nagy v. Hungary* [GC], no. 56665/09, §§ 60-61, 14 September 2017).

9. In the present case, the Court observes that the applicant essentially sought to protect his property rights, which he claimed had been violated as a result of fraud by the I. company, and to this end, he lodged a criminal complaint against it. Admittedly, the applicant wished to claim damages in

the ensuing criminal proceedings as a civil party. However, his criminal complaint has not resulted in a formal instigation of a criminal prosecution and in the laying of charges against the I. company under the relevant provisions of the Code of Criminal Procedure but ended in the police's refusal to pursue the matter.

10. The Court finds that the proceedings concerning the applicant's criminal complaint which terminated by the police authority's decision not to prosecute a third person were of a purely investigative nature not involving the determination of the applicant's "civil rights and obligations". Accordingly, the proceedings which the applicant subsequently initiated before the civil and administrative courts in order to challenge that decision did not concern the determination of his civil rights either. Furthermore, they could not have resulted in any award of damages (compare *Ulyanov v. Ukraine* (dec.), no. 16472/04, 5 October 2010). Hence, Article 6 § 1 is also inapplicable under its civil limb.

11. In view of the above, the applicant's complaints under Article 6 § 1 are incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

12. The applicant also raised a complaint under Article 13 of the Convention. However, the Court, having declared the applicant's complaints under Article 6 of the Convention incompatible *ratione materiae*, concludes that the applicant has no arguable claim for the purposes of Article 13 of the Convention. It follows that the complaint under this provision must be rejected as being incompatible *ratione materiae* with the provisions of the Convention, pursuant to Article 35 §§ 3 (a) and 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 18 December 2025.

Martina Keller Deputy Registrar	Gilberto Felici President