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

FIFTH SECTION

DECISION

Application no. 26256/21
Tatyana Fedorovna YERMOLENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 2 October 2025 as a Committee composed of:

Gilberto Felici*, President*,
Diana Sârcu,
Sébastien Biancheri*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 26256/21) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 29 April 2021 by a Ukrainian national, Ms Tetyana Fedorivna Yermolenko ("the applicant"), who was born in 1951, lives in Mariupol (according to the information provided in the application form) and was represented by Mr A. Ostapenko, a lawyer practising in Poltava;

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

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant's son, M.Y., who was a policeman in Mariupol (the Donetsk region) at the material time, was fatally injured during an assault on the city's police headquarters by an armed separatist group on 9 May 2014. The applicant complained under Article 2 of the Convention that the State bore a share of the responsibility for her son's death and that the investigation into the matter had fallen short of Convention standards.

A. Relevant events

2. From early April 2014 onwards armed separatist groups started to forcibly take control of administrative buildings across the Donetsk and Luhansk regions (see *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, §§ 43-57, 30 November 2022).

3. On the morning of 9 May 2014 a group of armed terrorists pretending to be law-enforcement officials transporting a detainee entered the premises of the Mariupol police headquarters. Once inside, they took several members of staff, including the applicant's son, hostage. More terrorists subsequently entered the premises, gaining access to the weapons storage room on the ground floor and trying to make their way upstairs. Shortly thereafter Ukrainian law-enforcement officers stormed the building. At some point the applicant's son sustained a gunshot wound to the stomach. The exact time at which he was wounded and the circumstances surrounding the incident remain unknown. The applicant submitted that the terrorists might have used him as a human shield. She also noted that, according to her information, M.Y. had remained inside the building for at least three hours after being wounded. Following the outbreak of a fire in the police headquarters, several terrorists took M.Y. outside, pretending to be policemen evacuating a wounded colleague. They left him in the courtyard and escaped. He was subsequently taken to hospital, where he died during surgery. In total, six law-enforcement officials were killed during the incident and eleven were injured. There were other casualties, but the Court has not been provided with the relevant records.

B. Criminal investigations

1. Terrorist attack and related charges (case no. 0135)

4. On 9 May 2014 and in the days which followed, several sets of criminal investigations were launched into the terrorist attack and related charges. All those investigations were eventually merged into one case, which was registered under no. 0135.

5. On 21 September 2014 the Security Service of Ukraine ("the SBU") arrested four individuals on suspicion of being involved in the terrorist attack. The applicant was granted victim status.

6. On 19 March 2015 the pre-trial investigation was completed and the case was sent for trial (initially to the Mariupol Illichivskyi District Court and subsequently to the Mariupol Zhovtnevyi District Court – "the Zhovtnevyi Court").

7. On 9 December 2019, at one of the so-called "Normandy Format" meetings in Paris (see, for details, *Ukraine and the Netherlands v. Russia*, cited above, § 64), a political agreement was reached between Ukraine and the Russian Federation on "the release and exchange of conflict-related

detainees by the end of the year, based on the principle of 'all for all', starting with 'all identified for all identified'".

8. On 24 December 2019 the Zhovtnevyi Court informed the applicant that it had scheduled an extraordinary hearing for 26 December 2019 in order to examine the possibility of releasing those accused of the terrorist attack on the Mariupol police headquarters, with a view to including them in the above-mentioned "prisoner exchange".

9. The applicant submitted written objections arguing that there were no legal grounds for releasing those charged following the investigation into the death of her son.

10. On 26 December 2019, at a hearing in which the applicant participated, the Zhovtnevyi Court changed the preventive measure in respect of the accused from detention to a personal undertaking, with a view to enabling the "prisoner exchange". It noted that it was "the duty of the [SBU] to transfer the accused to the territory temporarily beyond the control of Ukrainian State authorities, for the exchange [in question]".

11. Although the ruling noted that it was final and not amenable to appeal, the applicant tried, without success, to challenge it before the higher-level courts.

12. On 29 December 2019 the "prisoner exchange" took place.

13. On 2 November 2020 the Zhovtnevyi Court, referring to the fact that the accused had disregarded numerous summonses to attend hearings, ordered their arrest and declared them wanted by the police. The proceedings were stayed on those grounds.

2. Failure to provide assistance to a person in a life-threatening condition (case no. 1266)

14. On 5 April 2016, following a complaint by the applicant, a criminal investigation was launched into a charge of "failure to provide assistance to a person in a life-threatening condition". The applicant neither specified the content of that complaint in any of her submissions to the Court, nor provided a copy of it. The Government submitted that they did not have a copy of the complaint or any other relevant documents in their possession, regard being had to the military occupation of Mariupol by the Russian Federation since March 2022.

15. Between April 2016 and February 2018 the applicant enquired numerous times about the progress of the investigation and complained of its excessive length.

16. On 23 March 2018 a forensic medical expert report was issued. It confirmed that the applicant's son had died from the gunshot wound and the ensuing loss of blood. The experts concluded that he might have survived if qualified medical professionals had assisted him earlier. It was impossible to assess the conduct of the ambulance staff, given that the relevant documents

had been destroyed after the expiry of the statutory storage period. As regards the hospital staff, it was concluded that they had acted correctly.

17. According to the applicant, the above-mentioned expert examination was the only investigative measure implemented in respect of the charge of failure to provide assistance to a person in a life-threatening condition. She did not mention having any subsequent contact with the domestic authorities in respect of the investigation.

18. The Government submitted that on 30 March 2021 the criminal investigation had been discontinued on account of the absence of any indication of a criminal offence. The applicant alleged that she had never been informed of that decision. The parties were not able to provide a copy of it to the Court.

THE COURT'S ASSESSMENT

19. The applicant complained under Article 2 of the Convention that the State had failed to comply with its positive obligation to safeguard the life of her son. In her view, this could have been achieved by enhancing the security of the police headquarters or by uncovering and putting an end to the preparations for the terrorist attack. The applicant further submitted that her son might have been fatally wounded by a State agent, since the storming of the building by law-enforcement officers had involved the indiscriminate use of lethal force. The applicant also complained under the same provision that the State had not complied with its obligation to ensure an effective investigation. Firstly, she submitted that there had been no investigation at all into the possible responsibility of the State. Secondly, she argued that the accused in the proceedings concerning the terrorist attack had been allowed to escape justice, and that their release had rendered any further continuation of the proceedings meaningless. Lastly, she complained that the expert examination in case no. 1266 had been unduly delayed, and that there had been no other investigative measures in respect of the charge of failure to provide assistance to a person in a life-threatening condition.

20. The Government submitted that the applicant had not exhausted the available domestic remedies, given, in particular, her failure to claim damages from the authorities. They further argued that the application had been lodged outside the six-month time-limit. Lastly, the Government invited the Court to reject the application as being manifestly ill-founded.

21. The Court finds that it is not necessary to address all the Government's objections, as the application is inadmissible for the following reasons.

22. The Court refers to the general principles governing the application of the six-month time-limit as in force at the relevant time, which are summarised, in particular, in *Mocanu and Others v. Romania* ([GC], nos. 10865/09 and 2 others, §§ 258-69, ECHR 2014). In cases concerning an investigation into the suspicious death of a relative, applicants are expected

to take steps to keep track of the investigation's progress, or lack thereof, and to lodge their applications with due expedition once they are, or should have become, aware of the lack of any effective criminal investigation (ibid., §§ 263-64). The Court has held, however, that as long as there is some meaningful contact between relatives and authorities concerning complaints and requests for information, or some indication, or realistic possibility, of progress in the investigative measures, considerations of undue delay by the applicants will not generally arise (ibid., § 269).

23. The Court notes that in the present case the applicant's son lost his life on 9 May 2014. The applicant made certain allegations suggesting that the State might have borne some of the responsibility (see paragraph 19 above). It is noteworthy that, as the applicant herself emphasised, none of those allegations had ever been the subject of an investigation at the domestic level. The applicant neither sought to have such an investigation launched, nor asked the domestic authorities whether one had already been opened on their own initiative. Regard being had to the scale of the terrorist attack and its death toll, the applicant presumably expected at first that there would be an investigation into any potential shortcomings in the State's handling of the incident. However, as time went on, it should have become clear to her at some point that no action was being taken in that regard. The applicant, however, waited for almost seven years before lodging her application with the Court. It follows that her complaints under the substantive limb of Article 2 of the Convention about the alleged responsibility of the State for the death of her son, and under the procedural limb of that provision about the lack of any domestic investigation in that regard, are out of time.

24. In so far as the applicant criticised the domestic investigation into the terrorist attack, the Court takes note of her key argument that, with the release of the accused, there was no longer any realistic possibility of the investigation progressing. Given that the release was ordered in the applicant's presence by the trial court in a final ruling on 26 December 2019 (see paragraphs 10-11 above), and that she lodged her application more than one year and four months later, the Court considers that this part of the application was also lodged out of time.

25. Lastly, as regards the applicant's criticism of the domestic investigation into the possible failure to provide her son with timely medical assistance, the Court cannot but note the vagueness of her related grievance. It is unclear from the applicant's submissions who, in her view, failed to provide her son with the requisite assistance, and she also stated that M.Y. had remained in the police headquarters without any assistance for at least three hours while the building had been under the control of the terrorists (see paragraph 3 above).

26. Regardless of the indications that this part of the application has not been sufficiently substantiated, the Court notes that it was also lodged outside the six-month time-limit. It observes that the most recent development in the

domestic investigation prior to the lodging of the application was the publication of the expert report on 23 March 2018, after which the applicant had no further contact with the authorities (see paragraphs 16-17 above). However, she waited for more than three years before lodging her application.

27. In sum, the Court considers that the application has been lodged out of time and must be rejected under Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 23 October 2025.

Martina Keller Deputy Registrar	Gilberto Felici President