

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

FIFTH SECTION

DECISION

Application no. 82574/17
Volodymyr Ivanovych ZAKUTNIY against Ukraine
and 10 other applications
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 11 July 2024 as a Committee composed of:

Carlo Ranzoni*, President*,
Mārtiņš Mits,
María Elósegui*, 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 regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention concerning the lack of impartiality of the tribunal in view of the absence of the prosecuting party in administrative-offence proceedings were communicated to the Ukrainian Government ("the Government"). In some of the applications, other complaints based on the same facts were also communicated.

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Article 6 § 1 of the Convention (lack of impartiality of the tribunal in view of the absence of the prosecuting party in administrative-offence proceedings)

In the present applications, having examined all the material before it, the Court considers that for the reasons stated below, the complaints about the alleged lack of impartiality of the tribunal in the impugned administrative offence proceedings are inadmissible.

In particular, the Court notes that the impartiality of the domestic courts was not called into question under either the subjective or the objective tests and that the applicants did not point to any specific circumstances which could cause the Court to doubt the domestic courts' impartiality (see *Figurka v. Ukraine*, no. 28232/22, § 30-44, 16 November 2023).

Consequently, it cannot be considered that the domestic courts took the role of a prosecuting party or were put in a position requiring them to take the role of a prosecuting party, thereby undermining their impartiality or the fairness of the proceedings.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

C. Remaining complaints

In applications nos. 347/20, 39421/21 and 48847/21 the applicants raised other complaints under Article 6 of the Convention.

The Court has examined these complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 5 September 2024.

Viktoriya Maradudina Acting Deputy Registrar	Carlo Ranzoni President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(lack of impartiality of the tribunal in view of the absence of the prosecuting party in administrative-offence proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Penalty	Date of final domestic decision Name of court
1.	82574/17 27/11/2017	**Volodymyr Ivanovych ZAKUTNIY** 1977	Ignatov Oleksandr Anatoliyovych Dnipro	suspension of driving licence for a year, administrative fine of UAH 10,200	31/07/2017, Dnipro Regional Court of Appeal
2.	347/20 09/12/2019	**Mykola Mykolayovych TYVONYUK** 1983	Fokiy Bogdan Vasylyovych Chernivtsi	community service	10/06/2019, Chernivtsi Court of Appeal
3.	35082/20 24/07/2020	**Oleksandr Vasylyovych MATVIYCHUK** 1983	Yasyk Ivan Olegovych Kryvyy Rig	suspension of driving licence for a year, administrative fine of UAH 10,200	30/03/2020, Dnipro Court of Appeal
4.	42152/20 09/09/2020	**Sergiy Mykolayovych GRECHKO** 1982	Martynenko Yevgen Pavlovych Dnipro	suspension of driving licence, administrative fine of UAH, 20,400	14/04/2020 Dnipro Court of Appeal
5.	18694/21 15/03/2021	**Oleg Vasylyovych BONDARENKO** 1968	Gopkalo Vadym Volodymyrovych Boryspil	suspension of driving licence for a year, administrative fine of UAH, 10,200	06/10/2020, Zhytomyr Court of Appeal
6.	39421/21 29/07/2021	**Oleg Myroslavovych ONYSKIV** 1998	Samulyak Mykhaylo Yuriyovych Ternopil	suspension of driving licence, administrative fine of UAH 10,200	16/02/2021 Ternopil Court of Appeal
7.	48847/21 21/09/2021	**Vyacheslav Stanislavovych FILONENKO** 1998	Rozumovskyy Oleksandr Sergiyovych Kharkiv	suspension of driving licence, administrative fine of UAH 10,200,	21/07/2021, Kharkiv Court of Appeal

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Penalty	Date of final domestic decision Name of court
8.	32126/22 07/06/2022	**Viktor Bogdanovych DOVBETA** 1969	Parchuk Sergiy Vasylyovych Rivne	suspension of driving licence for a year, administrative fine of UAH 17,000	11/02/2022 Rivne Court of Appeal
9.	54654/22 01/11/2022	**Lada Anatoliyivna LISHYNA** 1964	Kolesnyk Denys Yuriyovych Kryvyy Rig	suspension of driving licence, administrative fine of UAH 17,000	01/07/2022 Dnipro Court of Appeal
10.	7945/23 25/01/2023	**Ivan Romanovych BOYKO** 1982	Samulyak Mykhaylo Yuriyovych Ternopil	suspension of driving licence for a year, administrative fine of UAH 17,000	27/09/2022 Ternopil Court of Appeal
11.	11101/23 24/02/2023	**Taras Viktorovych DZYAMBA** 1990	Samulyak Mykhaylo Yuriyovych Ternopil	suspension of driving licence for a year, administrative fine of UAH 17,000	10/11/2022 Ternopil Court of Appeal