



## Complaints concerning shelling of homes in Eastern Ukraine declared inadmissible due to lack of evidence

In its decision in the case of [Lisnyy and Others v. Ukraine and Russia](#) (application nos. 5355/15, 44913/15 and 50853/15) the European Court of Human Rights has unanimously declared the applications inadmissible. The decision is final.

The case essentially concerned three Ukrainian nationals' complaints about the shelling of their homes during the hostilities in Eastern Ukraine from the beginning of April 2014 onwards.

The Court found in particular that the applicants, having essentially only submitted their passports as evidence, had not sufficiently substantiated their complaints. It reiterated that, generally, if an applicant did not produce any evidence in support of their cases, such as titles to property or of residence, his or her complaints were bound to fail.

In addition to [three inter-State applications](#), approximately 3,000 individual cases related to the events in Crimea or the hostilities in Eastern Ukraine are currently pending before the Court. These cases will not be put on hold and will continue to be processed on a case by case basis.

### Principal facts

The applicants are Anton Lisnyy, Svetlana Piven and Volodymyr Anokhin, three Ukrainian nationals, born in 1984, 1946 and 1957 respectively.

From the beginning of April 2014 onwards, armed pro-Russian groups started to seize official buildings in the east of Ukraine and announced the creation of the so-called "Donetsk and Lugansk People's Republics". In response, an "anti-terrorist" operation was announced by the newly set up Ukrainian government.

In that context, Mr Lisnyy's house in the Donetsk Region was destroyed during shelling in August 2014; Ms Piven's house, also in the Donetsk Region, was damaged, having been under shellfire since April 2014; and Mr Anokhin's house in the Lugansk Region was also damaged, having been under permanent shellfire since the summer of 2014. As evidence, all three applicants submitted copies of their passports, photographs of a destroyed house (Mr Lisnyy) and copies of reports on the general situation in eastern Ukraine (Ms Piven).

### Complaints, procedure and composition of the Court

The applicants complained that their lives had been put at risk as a result of the shelling of the villages where they lived and that their property had either been destroyed or damaged. The applicants also complained more generally that all the State institutions in eastern Ukraine, including the courts, had suspended their operations and been relocated to areas controlled by the Government of Ukraine. They relied on Article 1 of Protocol No. 1 (protection of property), Article 2 (right to life), Article 6 § 1 (right to a fair trial), Article 8 (right to respect for private life), Article 10 (freedom of expression) and Article 13 (right to an effective remedy) of the European Convention on Human Rights.

The applications were lodged with the European Court of Human Rights on 26 December 2014, 27 August 2015 and 15 September 2015, respectively.

The decision was given by a Chamber of seven, composed as follows:

Mirjana **Lazarova Trajkovska** ("the Former Yugoslav Republic of Macedonia"), *President*,  
 Kristina **Pardalos** (San Marino),  
 Ganna **Yudkivska** (Ukraine),  
 Linos-Alexandre **Sicilianos** (Greece),  
 Aleš **Pejchal** (the Czech Republic),  
 Dmitry **Dedov** (Russia),  
 Robert **Spano** (Iceland), *Judges*,

and also Abel **Campos**, *Section Registrar*.

## Decision of the Court

First, the Court pointed out that applicants were required to provide sufficient evidence in support of their complaints about destruction of property in the context of armed conflict. Generally, if an applicant did not produce any evidence of title to property or of residence, his or her complaints were bound to fail. Similar considerations also applied as far as the applicants' complaints under the other Articles of the Convention were concerned.

Although the applicants in this case were legally represented, they had essentially only submitted copies of their passports. Mr Lisnyy had submitted photographs of a destroyed house, but with no proof of ownership of that house or any other right that he might have had in respect of that property. Nor had the applicants made any submissions as to the reasons for which they had failed to submit any relevant documents – such as land or property titles, extracts from land or tax registers, documents from the local administration, plans, photographs and maintenance receipts as well as proof of mail deliveries or witness statements – in support of their Convention claims. Indeed, they had not informed the Court of any attempts they might have made in order to obtain at least fragmentary documentary evidence to substantiate their allegations.

In those circumstances, and despite the fact that the Court in certain exceptional circumstances beyond the applicants' control – such as in this case where there is a situation of ongoing conflict – did take a more lenient approach as to the evidence to be submitted to it in support of individual applications, the Court concluded that the applicants' complaints had not been sufficiently substantiated and declared the applications manifestly ill-founded.

*The decision is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.