



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

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FIFTH SECTION

Application no. 23798/20
Oleksiy Mykolayovych SAVELYEV
against Ukraine
lodged on 21 April 2020
communicated on 19 August 2026

SUBJECT MATTER OF THE CASE

The case concerns the alleged unfairness of the administrative-offence proceedings against the applicant.

On 20 September 2018 the applicant's car collided with another vehicle at an uncontrolled intersection. The patrol police drew up an administrative-offence report in respect of the applicant, concluding, on the basis of the accident scheme and the explanations provided by both drivers, that, under the applicable traffic regulations, the applicant had been required, but had failed, to give way to the other driver, who was travelling on the main road. It was therefore concluded that the applicant had breached the traffic regulations, resulting in damage to the vehicles.

The applicant applied to the Kyiv Research Institute of Forensic Expert Examinations ("the expert institute") for a road-traffic forensic examination. He sought to establish whether each driver had complied with the traffic regulations, whether either of them had caused the accident, and how they should have acted in the circumstances. The expert institute informed the applicant that it lacked essential information to carry out such an assessment. In particular, it observed that the accident scheme did not specify "the width of the traffic lanes, the complete positioning of the vehicles, the direction of tram traffic, the duration of the hazard and so on". It further noted that those deficiencies could be remedied by the patrol police through

an additional inspection of the accident scene and amending the accident scheme accordingly.

By a final ruling of 30 October 2019, the Kyiv Court of Appeal found the applicant guilty of a breach of Article 124 of the Code on Administrative Offences (a violation of traffic rules resulting in damage to, in particular, vehicles, punishable by a fine or suspension of the driving licence for a period from six months to one year). He was, however, exempted from punishment owing to the expiry of the statutory limitation period. The courts considered that the accident scheme drawn up by the patrol police immediately after the accident fully confirmed the applicant's guilt. His requests for referral of the case materials to the patrol police for rectifying the omissions identified by the expert institute were allegedly disregarded. Likewise, the courts allegedly disregarded the applicant's request for summoning and questioning an eyewitness of the accident.

The applicant complains that the administrative-offence proceedings against him fell short of the Article 6 requirements for several reasons. He submits, in particular, that his conviction was based on inaccurate and manifestly insufficient information and that he was effectively denied the possibility to challenge the evidence against him. Furthermore, the applicant argues that the possible responsibility of the other driver for the accident has never been assessed. He also complains that, despite of his repeated requests, the courts failed to question a witness on his behalf. The applicant relies on Article 6 § 1, Article 6 §§ 3 (a) and (b) and Article 14 of the Convention, as well as Article 1 of Protocol No. 12.

QUESTIONS TO THE PARTIES

1. Did the applicant have a fair hearing in the determination of the criminal charge against him, in accordance with Article 6 § 1 of the Convention?
2. Was the applicant able to obtain the attendance of witnesses on his behalf, as required by Article 6 § 3 (d) of the Convention?