



# Ukraine

## Ratified the European Convention on Human Rights in 1997

### National Judge: Ganna Yudkivska

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Volodymyr Butkevych (1996-2008)

The Court dealt with 15,413 applications concerning Ukraine in 2017, of which 2,975 were declared inadmissible or struck out. It delivered 87 judgments (concerning 12,438 applications), 82 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017
Applications allocated to a judicial formation	6005	8644	4387
Communicated to the Government	8828	1328	294
Applications decided:	5792	4304	15413
- Declared inadmissible or struck out (Single Judge)	4494	3051	2356
- Declared inadmissible or struck out (Committee)	1212	1121	604
- Declared inadmissible or struck out (Chamber)	5	16	15
- Decided by judgment	81	116	12438
Interim measures:	122	46	56
- Granted	64	19	15
- Refused (including out of scope)	58	27	41

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Applications pending before the court on 01/01/2018	
Total pending applications	7537
Applications pending before a judicial formation:	7108
Single Judge	306
Committee (3 Judges)	1056
Chamber (7 Judges)	5745
Grand Chamber (17 Judges)	1

\*including applications for which completed application forms have not yet been received

### Ukraine and ...

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members of whom **47** are Ukrainian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### **Burmych and Others v. Ukraine**

12.10.2017

These five applications concerned the prolonged non-enforcement of final judicial decisions, and raised issues similar to those assessed in the [Ivanov](#) pilot judgment, which noted the existence of a structural problem which amounted to a breach of Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention.

The Court on 12 October 2017:

- declared these five applications admissible
- joined these five applications and the other 12,143 pending applications
- held that the five applications and the 12,143 pending applications joined should be dealt with in compliance with the obligation set out in the pilot judgment delivered on 15 October 2009 in the case of *Ivanov v. Ukraine*

- decided to strike [all these applications](#) out of the list of cases pursuant to Article 37 § 1 (c) of the Convention and to transmit them to the Committee of Ministers of the Council of Europe in order to be dealt with in the framework of the general enforcement measures set out in the *Ivanov* pilot judgment

See press release in [Ukrainian](#)

#### **Bochan v. Ukraine (No. 2)**

05.02.2015

The case concerned the proceedings relating to Ms Bochan's "appeal in the light of exceptional circumstances" based on the European Court of Human Rights' judgment in her previous case about the unfairness of property proceedings ([judgment](#) of 3 May 2007).

Violation of Article 6 § 1 (right to a fair hearing)

### Chamber

Right to life cases (Article 2)

#### **Mikhno v. Ukraine and Svitlana Atamanyuk and Others v. Ukraine**

01.09.2016

Both cases concerned a military aircraft crash during an aerobatics display at an air show on 27 July 2002 at the Sknyliv aerodrome in Lviv. The cases were brought by relatives of persons killed when the aircraft crashed into spectators at the show and exploded (referred to as the "Sknyliv accident"). As a result of the crash, 77 people died and over 290 sustained injuries.

No violation of Article 2 (right to life/investigation)

Violation of Article 6 § 1 (right to a fair trial within a reasonable time) and of Article 13 (right to an effective remedy) on account of the length of the proceedings concerning Ms Mikhno's claims for damages and the lack of an effective remedy with which to accelerate her claim

#### **Yuriy Illarionovich Shchokin v. Ukraine**

03.10.2013

The case concerned the death of a prisoner, the applicant's son, following acts of torture inflicted on him by inmates, with the possible involvement of a prison officer, during his imprisonment in a penal colony.

Violation of Article 2 on account of the death of Mr Shchokin's son during his imprisonment

Violation of Article 2 as regards the investigation into the circumstances leading to the death of Mr Shchokin's son, as it had been conducted by the authorities without the requisite diligence

Violation of Article 3 (prohibition of torture) on account of the torture to which Mr Shchokin's son had been subjected

Violation of Article 3 (lack of effective investigation) on account of the insufficiency of the State's investigation into those acts of torture

#### **Mosendz v. Ukraine**

17.01.2013

The case concerned the death of the applicant's son (D.M.), while he was on guard duty, during his mandatory military service.

Two violations of Article 2

Violation of Article 13 (right to an effective remedy)

The Court held that the authorities had not effectively investigated and duly accounted for D.M.'s death, and that they had not adequately protected his life. The Court, having noted widespread concern over the existence of hazing (*didivshchyna*<sup>1</sup>) in the Ukrainian army, found in particular that limiting the responsibility for D.M.'s death to wrongdoings of individual officers instead of allocating responsibility to upper hierarchical authority levels was especially worrying.

### **Kats and Others v. Ukraine**

18.12.2008

Death resulting from lack of medical treatment in pre-trial detention

Violation of Article 2

### **Gongadze v Ukraine**

08.11.2005

Failure to protect a journalist's life and ineffective investigation into his disappearance and death

Violation of Article 2

Cases dealing with inhuman and/or degrading treatment or punishment (Article 3)

### **Korneykova and Korneykov v. Ukraine**

24.03.2016

The case concerned a pregnant detainee, who alleged that she had been shackled in the maternity hospital where she had given birth and that she and her newborn son had subsequently been held in very poor conditions in a pre-trial detention centre, without adequate medical care.

Four violations of Article 3 (prohibition of inhuman or degrading treatment)

### **Lutsenko v. Ukraine (no. 2)**

11.06.2015

Second application of Mr Lutsenko before the Court, which concerned several complaints about the conditions of the pre-trial detention of the former Minister of the Interior, Yuriy Lutsenko, from December 2010 to April 2012 and his treatment during court hearings.

<sup>1</sup> "Didivshchyna", which literally means "grandfatherism", is the name given to the informal system of fresh conscripts being brutalised by more senior soldiers in the military forces of certain former Soviet Republics, in particular, Russia and Ukraine.

Violation of Article 3 (prohibition of inhuman or degrading treatment) on account of the conditions of Mr Lutsenko's detention from 28 December 2010 to 28 April 2011

Violations of Article 3 on account of the conditions of Mr Lutsenko's detention on days of court hearings and on account of his placement in a metal cage during the trial

No violation of Article 3 on account of the conditions of his detention from 28 April to 10 May 2011, from 23 May 2011 to 6 April 2012 and on 20 April 2012

No violation of Article 3 on account of the medical treatment which Mr Lutsenko received in detention

### **Lutsenko v. Ukraine**

03.07.2012

First application of Mr Lutsenko before the Court (see cases under article 5 of the Convention).

### **Salakhov and Islyamova v. Ukraine**

14.03.2013

The case concerned the lack of appropriate medical care given to a detainee, who died from AIDS two weeks after he was released from detention.

Three violations of Article 3 on account of the inadequate medical care provided to Mr Salakhov both in the detention facilities and in hospital, and on account of his handcuffing in hospital

Two violations of Article 2 (right to life; failure to conduct an adequate investigation)

### **Kaverzin v. Ukraine**

15.05.2012

Serving a life sentence for murder, Mr Kaverzin complained that he had sustained an eye injury when tortured in police custody and then went blind due to inadequate medical care in his subsequent detention.

Four violations of Article 3

No violation of Article 3 as concerned the alleged lack of medical care in detention between September 2001 to December 2008

Under Article 46 (binding force and implementation of judgments) the Court noted that Mr Kaverzin's ill-treatment in police custody reflected a recurring problem in Ukraine. In about 40 of its judgments, the Court had already found that the

Ukrainian authorities had been responsible for ill-treatment of people held in police custody and that no effective investigation had been carried out into their allegations. Currently there are more than 100 other such cases pending. The Court therefore stressed that Ukraine had to urgently put in place specific reforms in its legal system to ensure that the practice of ill-treatment in police custody was eradicated.

#### **Davydov and Others v. Ukraine**

01.07.2010

Ill-treatment of prisoners following brutal training exercises by special forces from the State Department for the Enforcement of Sentences.

Four violations of Article 3

#### **Yakovenko v. Ukraine**

25.10.2007

Conditions of detention and medical assistance provided to HIV infected person.

Three violations of Article 3

#### **Kucheruk v. Ukraine**

06.09.2007

Lack of adequate medical assistance in detention; excessive use of force; handcuffing when in solitary confinement; lack of an effective investigation into the applicant's complaints of ill-treatment  
No possibility under Ukrainian law to bring proceedings challenging the lawfulness of compulsory detention in a psychiatric hospital.

Four violations of Article 3

Violations of Article 5 § 4 (right to liberty and security)

#### **Koval v. Ukraine**

19.10.2006

Poor conditions of detention and inadequate medical assistance

Violation of Article 3

#### **Dvoynykh v. Ukraine**

12.10.2006

Poor conditions of detention

Violation of Article 3

#### **Melnik v. Ukraine**

28.03.2006

Overcrowded cells, no adequate medical care and no satisfactory conditions of hygiene and sanitation. No effective domestic remedy to complain about conditions of detention.

Violation of Article 3

Violation of Article 13 (right to an effective remedy)

#### **Afanasyev v. Ukraine**

05.04.2005

Lack of effective investigation into allegations of torture during police custody

Violation of Article 3

#### **Nevmerzhitsky v. Ukraine**

05.04.2005

Forced feeding classified as torture

Violation of Article 3

Violation of Articles 3 and 13 (right to an effective remedy)

#### **Poltoratskiy v. Ukraine**

29.04.2003

Conditions of detention on death-row

Violation of Article 3

Right to liberty and security cases  
(Article 5)

Ms Tymoshenko's first application before the Court, **Tymoshenko v. Ukraine**, concerned complaints related to her detention.

In its Chamber [judgment](#) of 30 April 2013, the Court held in particular: that Ms Tymoshenko's pre-trial detention had been arbitrary; that the lawfulness of her detention had not been properly reviewed; and, that she had had no possibility to seek compensation for her unlawful deprivation of liberty, in violation of Article 5 (right to liberty and security) of the Convention.

The Court also found that, in breach of Article 18 of the Convention (limitation on use of restrictions on rights), her right to liberty had been restricted for reasons other than those permitted under Article 5.

[Ukrainian version press release](#)

The second application, **Tymoshenko v. Ukraine (no. 2)**, concerned the fairness of the criminal proceedings.

Ms Tymoshenko raised several complaints under Article 6 (right to a fair trial), Article 7 (no punishment without law) and Article 13 (right to an effective remedy). She also complained, under Article 18 (limitation on use of restrictions on rights), that the criminal case against her had been politically motivated and constituted an abuse of the criminal system of justice.

Furthermore, the case raised a number of issues under Articles 3 (prohibition of torture and inhuman or degrading treatment) and Article 8 (right to respect for private and family life), Article 10 (freedom of expression) taken in conjunction with Article 18 of the Convention and under Article 4 of Protocol No. 7 (right not to be tried or punished twice).

[On 16 December 2014, the Court decided to strike the application out of its list of cases pursuant to Article 39 \(friendly settlements\) of the Convention.](#)

### **Ignatov v. Ukraine**

15.12.2016

The case concerned criminal proceedings against Mr Ignatov, who complained that the domestic courts had failed to uphold the appropriate standards when ordering his pre-trial detention and extending it on multiple occasions.

[Violations of Articles 5 §§ 1, 3 and 4](#)

Press release in [Ukrainian](#).

### **Lutsenko v. Ukraine**

03.07.2012

The case concerned the complaint by a well-known opposition politician that his arrest and the decision on his detention were arbitrary and unlawful, and that he was not informed about the reasons for his arrest.

[Two violations of Article 5 § 1](#)

[Violation of Article 5 § 2 \(right to be informed of the reasons for one's arrest\)](#)

[Two violations of Article 5 § 3 \(right to be brought promptly before a judge\)](#)

[Violation of Article 5 § 4 \(right to challenge the lawfulness of one's detention\)](#)

[Violation of Article 18 \(limitation on use of restrictions on rights\) in conjunction with Article 5](#)

### **Molotchko v. Ukraine**

26.04.2012

The applicant is a German national born in Belarus. On business in Ukraine in February 2010, he was arrested on the basis of an arrest warrant issued against him in Belarus where he stood accused of organised crime, abuse of power, smuggling and bribery. He was released in May 2011 and left for Germany a few months later. He alleged that, if extradited to Belarus (where he was born), he would be at real risk of torture or inhuman and

degrading treatment. He also complained about the unlawfulness, lack of judicial review and conditions of his detention pending extradition.

[Article 3: application struck out from the list of cases in so far as this complaint is concerned](#)

[Violation of Article 5 § 1 \(f\) - as regards Mr Molotchko's detention from 23 February to 23 June 2010 and from 29 July 2010 to 19 May 2011](#)

[No violation of Article 5 § 1 \(f\) - as regards his detention from 23 June to 29 July 2010](#)

[Violation of Article 5 § 4 - as regards his detention from 23 February 2010 to 19 May 2011](#)

### **Ichin and Others v. Ukraine**

21.12.2010

Detention of minors in the context of criminal proceedings

[Violation of Article 5 § 1](#)

The case concerned the unlawful detention of two minors who stole food and appliances from a school cafeteria.

### **Soldatenko v. Ukraine**

23.10.2008

Lack of legal provisions governing the procedure for detention in Ukraine pending extradition

[Violations of Article 5 §§ 1 \(f\) and 4 \(right to liberty and security\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

The Court further holds that applicant's extradition to Turkmenistan would be in violation of Article 3 (prohibition of inhuman or degrading treatment).

### **Gorshkov v. Ukraine**

08.11.2005

No possibility under Ukrainian law to bring proceedings challenging the lawfulness of compulsory detention in a psychiatric hospital.

[Violations of Article 5 § 4 \(right to have lawfulness of detention decided speedily by a court\)](#)

### **Salov v. Ukraine**

06.09.2005

Applicant not brought promptly before a judge to have his arrest reviewed

[Violation of Article 5 § 3 \(right to liberty and security\)](#)

[Violation of Article 6 § 1 \(right to a fair trial\)](#)

Violation of Article 10 (freedom of expression)

#### Cases dealing with Article 6

##### Right to a fair trial

##### **Karpyuk and Others v. Ukraine**

06.10.2015

Concerned the trial against seven opposition activists following their participation in mass protests in Kyiv in March 2001.

Violation of Article 6 in respect of two of the applicants on account of the non-attendance of a number of witnesses during the trial

No violation of Article 6 as regards one applicant's removal from the courtroom and as regards the appointment of a legal aid lawyer for one of the applicants

Violation of Article 11 (freedom of assembly and association) in respect of three of the applicants who were involved in organising the protests

No violation of Article 11 in respect of the remaining applicants

##### **Svetlana Naumenko v. Ukraine**

09.11.2004

Civil proceedings

Violation of Article 6 § 1

##### **Tregubenko v. Ukraine**

02.11.2004

Supervisory (or extraordinary) review proceedings not subject to any time-limit following a final judgment breached the principle of legal certainty and the applicant's right to access to a court.

Violation of Article 6 § 1

##### Right of access to court

##### **Tsezar and Others v. Ukraine**

13.02.2018

The case concerned a complaint by seven residents of Donetsk that they had not been able to bring cases challenging a suspension of pension payments and other social benefits ("social benefits") before a court in the city where they lived.

No violation of Article 6 § 1

##### Right to a fair trial within a reasonable time

##### **Khlebiuk v. Ukraine**

25.07.2017

The case concerned the complaint by a man who had been convicted of several offences by a court in the Luhansk Region in 2013 that the domestic courts were unable to examine his appeal against his conviction, because his case file was blocked in an area that was no longer under the Ukrainian Government's control.

No violation of Article 6 § 1

##### **Agrokompleks v. Ukraine**

06.10.2011

The case concerned the insolvency proceedings initiated by a private company (Agrokompleks) against the biggest oil refinery in Ukraine (LyNOS), in an attempt to recover its outstanding debts. Agrokompleks complained, among other things, about the unfairness of the insolvency proceedings, alleging that the courts were not independent or impartial, given the intense political pressure surrounding the case as the State authorities had a strong interest in its outcome.

Three violations of Article 6 § 1: courts deciding the case lacked independence; reopening of finally settled court decision on amount owed by LyNOS breached legal certainty; and proceedings lasted too long; Violation of Article 1 of Protocol No. 1 (protection of property).

#### Cases dealing with private and family life (Article 8)

##### **Putistin v. Ukraine**

21.11.2013

The case concerned an article written about the legendary "Death Match" between Ukrainian footballers and members of the German Luftwaffe in 1942 in Kyiv. The applicant alleged that the article discredited his father, who had played in the game, as it suggested that he had been a collaborator. He claimed that, by rejecting his requests for the article to be rectified, the Ukrainian courts had failed to protect his and his family's reputation.

No violation of Article 8 (right to respect for private life)

##### **Garnaga v. Ukraine**

16.05.2013

The case concerned the Ukrainian authorities' refusal to allow the applicant to

change her patronymic – the middle name derived from the father’s forename.

[Violation of Article 8](#)

### **Oleksandr Volkov v. Ukraine**

09.01.2013

The case concerned the dismissal of a Supreme Court Judge.

[Four violations of Article 6 \(right to a fair trial\)](#)

[Violation of Article 8](#)

Under Articles 41 (just satisfaction) and 46 (binding force and execution of judgments), the Court, in view of the serious systemic problems concerning the functioning of the Ukrainian judiciary disclosed in Mr Volkov’s case, recommended Ukraine to urgently reform its system of judicial discipline. It further held that, given the very exceptional circumstances of the case, Ukraine was to reinstate Mr Volkov in the post of Supreme Court judge at the earliest possible date.

### **Trosin v. Ukraine**

23.02.2012

The case concerned a detainee’s complaint about the restrictions imposed on his family visits and about the prison authorities monitoring his correspondence with the European Court of Human Rights.

[Violation of Article 8](#)

The Court further held that Ukraine had failed to comply with its obligations under Article 34 (right of individual petition).

### **Dubetska and Others v. Ukraine**

10.02.2011

Prolonged exposure of the applicants to environmental pollution from a State-owned coal mine and coal-processing factory

[Violation of Article 8](#)

### **Saviny v. Ukraine**

18.12.2008

Placement of children in public care

[Violation of Article 8](#)

### **Volokhy v. Ukraine**

02.11.2006

Secret surveillance of correspondence: Ukrainian law not compatible with the Convention as no clear scope and conditions for it and no sufficient safeguards against abuse of that surveillance system

[Violation of Article 8](#)

Freedom of expression and information  
(Article 10)

### **Shvydka v. Ukraine**

30.10.2014

The case concerned the detention for ten days of a member of a Ukrainian opposition party for tearing a ribbon from a wreath which had been laid by the then President of Ukraine, V. Yanukovich, during a ceremony.

[Violation of Article 10](#)

[Violation of Article 2 of Protocol No. 7 \(right of appeal in criminal matters\)](#)

### **Editorial Board of Pravoye Delo and Shtekel v. Ukraine**

05.05.2011

The case mainly concerned the lack of adequate safeguards in Ukrainian law for journalists’ use of information obtained from the Internet.

[Two violations of Article 10](#)

### **Ukrainian Media Group v. Ukraine**

29.03.2005

Media fined for statements found to be defamatory.

[Violation of Article 10](#)

Freedom of assembly and association  
(Article 11)

### **Vyerentsov v. Ukraine**

11.04.2013

The case concerned a human rights activist who complained in particular that he had been sentenced to three days of administrative detention for holding a demonstration without permission, even though such permission was not required by domestic law.

[Violation of Article 11](#)

[Violation of Article 7 \(no punishment without law\)](#)

[Violation of Article 6 §§ 1 and 3 \(right to a fair trial\)](#)

The Court considered that the case disclosed a structural problem, namely a legislative lacuna concerning freedom of assembly which has remained in Ukraine since the end of the Soviet Union.

### **Koretskyy and Others v. Ukraine**

03.04.2008

Registration of associations: domestic legislation allowed an unfettered discretion

to the executive and did not meet the Convention standard of clarity and foreseeability.

[Violation of Article 11](#)

Cases concerning effective remedy  
(Article 13)

### [Abuhmaid v. Ukraine](#)

12.01.2017

The case concerned Mr Abuhmaid's right to reside in Ukraine.

[No violation of Article 13 in conjunction with Article 8 \(right to respect for private and family life\)](#)

### [Kebe and Others v. Ukraine](#)

12.01.2017

The case concerned the applicants' attempts to obtain asylum in Ukraine.

[Violation of Article 13 in conjunction with Article 3](#)

[No violation of Article 3 \(prohibition of ill-treatment\)](#)

### [Merit v. Ukraine](#)

30.03.2004

Delayed enforcement of judgments against the State or State-controlled entities.

[Violations of Article 13](#)

### **First pilot judgment concerning non-execution of final domestic court decisions**

### [Yuriy Nikolayevich Ivanov v. Ukraine](#)<sup>2</sup>

15.10.2009

Under Article 46, the Court noted that the case concerned two recurring problems which lay behind the most frequent violations of the Convention found by the Court since 2004 in over 300 cases in respect of Ukraine - the prolonged non-enforcement of final domestic decisions and the lack of an effective domestic remedy to deal with it. In view of the approximately 1400 applications against Ukraine currently pending before the Court and concerning the same questions, the Court concluded that an incompatible with the Convention

<sup>2</sup> This recurring problem concerns more than half of the almost 3,500 cases in respect of Ukraine pending before a Committee or a Chamber.

In January 2011, the Government was given a six-month extension of the time fixed in the pilot judgment to settle the pending cases and to adopt the necessary general measures at the national level so as to avoid new similar violations.

practice existed in Ukraine and held unanimously that Ukraine had to:

- introduce in its legal system, within one year from the date on which the judgment becomes final, an effective remedy which secured adequate and sufficient redress for non-enforcement of domestic judgments;

- grant such redress, within one year from the date on which the judgment becomes final, to all applicants in such cases who had applied to the Court before the delivery of the present judgment, and whose applications had been communicated to the Ukrainian authorities.

In the event that no redress was granted, the Court would resume its examination of all similar pending applications with a view to adopting a judgment on them. Pending the adoption of the above measures, the Court adjourned, for one year from the date on which the judgment becomes final, the proceedings in all new Ukrainian cases concerning solely the non-enforcement or delayed enforcement of domestic judgments.

[Violation of Article 6 § 1 \(right to a fair trial\)](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

On 21 February 2012, the Court examined the state of the implementation of the above-mentioned pilot judgment, noted that Ukraine has not adopted the required general measures to tackle the issues of non-enforcement at the domestic level, and - in accordance with the pilot judgment (§ 100) - decided to resume the examination of applications raising similar issues.

## [Other noteworthy cases, judgments delivered](#)

### [Ruban v. Ukraine](#)

12.07.2016

The case concerned entitlement to a more favourable sentence due to a gap in legislation. Mr Ruban - serving a life sentence for aggravated murder - alleged that, had he been sentenced during the three-month gap between the time when the death penalty had been abolished in



Ukraine and life imprisonment had not yet been introduced, the courts would have had no choice but to sentence him to a maximum of 15 years' imprisonment.

[No violation of Article 7 \(no punishment without law\)](#)

### [Naydyon v. Ukraine](#)

14.10.2010

No possibility for the applicant, a prisoner without a lawyer, to obtain copies of the documents from his domestic case-files necessary for his application before the European Court of Human Rights.

[Violation of Article 34 \(right of individual petition\)](#)

### [Svyato-Mykhaylivska Parafiya v. Ukraine](#)

14.06.2007

Registration of religious associations: lack of coherence and foreseeability of domestic legislation and no safeguards against arbitrariness.

[Violation of Article 9 \(freedom of thought, conscience and religion\)](#)

### [Gurepka v. Ukraine](#)

06.09.2005

No right to appeal in an administrative arrest case because the available extraordinary review proceedings could only be initiated by a prosecutor or the president of the higher court.

[Violation of Article 2 of Protocol No. 7 \(right of appeal in criminal matters\)](#)

### [Melnychenko v. Ukraine](#)

19.10.2004

Arbitrary denial of registration as a parliamentary candidate

[Violation of Article 3 of Protocol No 1 \(right to free elections\)](#)

### [Sovtransavto Holding v. Ukraine](#)

25.07.2002

Failure of the authorities to secure the effective enjoyment of the applicant company's right to property

[Violation of Article 1 of Protocol No 1 \(protection of property\)](#)

## Noteworthy pending cases

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### Grand Chamber

### Denisov v. Ukraine

Mr Denisov complains that the proceedings for his dismissal from the post of president of the Kyiv Administrative Court of Appeal were unfair and not compatible with the Convention. In particular, he complains under Article 6 (right to a fair trial) that his dismissal was not considered by an independent and impartial tribunal. Relying on Article 8 (right to respect for private life), he also complains that his private life was substantially affected by his dismissal.

[The Chamber relinquished jurisdiction in favor of the Grand Chamber on 25 April 2017](#)

[Grand Chamber hearing on 18 October 2017](#)

## Chamber

### Inter-State applications concerning the events in Crimea and Eastern Ukraine

There are currently five inter-State applications lodged by Ukraine against Russia pending before the Court. Further details of the first two applications are set out in a [press release](#) issued by the Court on 26 November 2014.

***Ukraine v. Russia (no. 20958/14)***, lodged on 13 March 2014, concerns the events leading up to and following the assumption of control by the Russian Federation over the Crimean peninsula from March 2014 and subsequent developments in Eastern Ukraine up to the beginning of September 2014. Application communicated on 20 November 2014.

***Ukraine v. Russia (II) (no. 43800/14)***, lodged on 13 June 2014, concerns the alleged abduction of three groups of children in Eastern Ukraine and their temporary transfer to Russia on three occasions between June and August 2014. Application communicated on 20 November 2014.

***Ukraine v. Russia (IV) (application no. 42410/15)***, lodged on 27 August 2015, concerns the events in Crimea and Eastern Ukraine mainly as from September 2014. Application communicated on 29 September 2015. [See press release](#).

On 9 February 2016 the Court decided, with a view of making the processing of the case more efficient, to divide the first inter-State application according to geographical criteria - all the complaints related to the events in Crimea up to September 2014 are currently registered under the case number

20958/14 Ukraine v. Russia; the complaints concerning the events in Eastern Ukraine up to September 2014 are now registered under the case **no. 8019/16 Ukraine v. Russia (V)**.

The same rule was applied in respect of the case **no. 42410/15 Ukraine v. Russia (IV)**. Following the Court's decision of 25 November 2016 all the complaints related to the events in Crimea from September 2014 onwards are currently registered under the **case no. 42410/15 Ukraine v. Russia (IV)**; the complaints concerning the events in Eastern Ukraine from September 2014 are now registered under the case **no. 70856/16 Ukraine v. Russia (VI)**.

Another inter-State application, **Ukraine v. Russia (III) (no. 49537/14)**, was struck out of the Court's list of cases on 1 September 2015. The decision was adopted after the Government of Ukraine had informed the Court that they did not wish to pursue the application, given that an individual application (**no. 49522/14 Dzhemilov v. Ukraine and Russia**) concerning the same subject matter was pending before the Court. The case concerned the deprivation of liberty and the alleged ill-treatment of a Ukrainian national belonging to the Crimean Tatars ethnic group, in the context of criminal proceedings conducted against him by the Russian authorities.

In addition to the inter-State applications, **almost 4,226 individual applications** apparently related to the events in Crimea or the hostilities in Eastern Ukraine are pending before the Court.

#### **Cases concerning protests in Kyiv in 2013 and 2014**

##### **Derevyanko v. Ukraine (no. 7684/14)**

Case communicated to the Ukrainian Government in February 2014

The applicant relies on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 11 (freedom of assembly and association) and 13 (right to an effective remedy) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention.

Press release in [Ukrainian](#)

##### **Sirenko v. Ukraine (no. 9078/14)**

Case communicated to the Ukrainian Government in January 2014

The applicant relies on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security), Article 11 (freedom of assembly and association) and Article 13 (right to an effective remedy) of the Convention.

Press release in [Ukrainian](#)

See also pending cases *Rabchenyuk v. Ukraine*, no. 9873/14 - [communicated](#) in March 2014 and *Lutsenko v. Ukraine* (no. 12482/14) - [communicated](#) in March 2014.

#### **Cases involving alleged persecutions of political figures by the authorities**

##### **Ivashchenko v. Ukraine (no. 41303/11)**

Case communicated to the Ukrainian Government on 15.04.2012

#### **Other communicated cases**

##### **Burlya and Others v. Ukraine (no. 3289/10)**

Case communicated to the Ukrainian Government in February 2016

This case concerns the destruction of the applicants' homes in what they describe as an anti-Roma "pogrom".

The applicants rely on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life and home), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 35 (admissibility criteria) of the Convention and Article 1 (protection of property) of Protocol No. 1 to the Convention.

##### **M.S. v. Slovakia and Ukraine (no. 17189/11)**

Case communicated to the Ukrainian Government in January 2016

The case concerns the applicant's allegation that, upon entering Slovakia from Ukraine, he was not allowed access to the Slovakian asylum system, but was summarily returned to Ukraine where he was detained in degrading conditions before being sent back to Afghanistan without having his asylum claim properly examined.

Complaints against Ukraine:

The applicant relies on Articles 3 (inhuman or degrading treatment), 13 (right to an

effective remedy) taken in conjunction with Article 3. He also relies on Articles 5 § 2 (everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him), 5 § 4 (right to have lawfulness of detention decided speedily by a court). Also, relying on Article 34 of the Convention the applicant complains that an NGO representative was denied access to him which prevented him from lodging an application for an interim measure with the Court in time to prevent his expulsion to Afghanistan.

#### **Grubnyk v. Ukraine (no. 58444/15)**

Case communicated to the Ukrainian Government in April 2016

The case concerns the applicant's arrest on suspicion of terrorist activity.

Relying on Article 5 (right to liberty and security) of the Convention, Mr Grubnyk alleges that his arrest report was drawn up only the second day of his detention, that he was not promptly informed of the reasons for his arrest, and that he did not have sufficient time to study the investigation file before the court's hearing on determining the preventive measures.

Further on, the applicant alleges that domestic law excluded, in a blanket fashion, release pending trial of defendants suspected of terrorist offences. He also alleges that the wording used in the domestic detention order breached the principle of presumption of innocence.

#### **Patrama v. Ukraine (no. 54476/14)**

Case communicated to the Ukrainian Government on 17 December 2015

This case concerns the applicant's allegation that State agents were involved in the destruction of a Roma encampment where she used to live and that there was no effective investigation in this connection. The applicant relies on Articles 3 (prohibition of inhuman or degrading treatment) and 14 (prohibition of discrimination) of the Convention and Article 1 (general prohibition of discrimination) of Protocol No. 12 to the Convention.

#### **Leshchenko v. Ukraine (no. 14220/13)**

Case communicated to the Ukrainian Government in January 2015

The case concerns the Ukrainian authorities' refusal to provide the applicant,

a journalist, with information concerning the sale of a parcel of State land to the President of Ukraine.

Mr Leshchenko relies on Article 10 (freedom of expression) of the Convention.

#### **Chernega and Others v. Ukraine (no. 74768/10)**

Decision on the admissibility in April 2011 and case communicated to the Ukrainian Government for supplementary observations on additional complaints in May 2014

The case concerns protests against the cutting down of trees in Gorky Park in Kharkiv to clear the way for the construction of a road and the ensuing assaults against the protesters by unidentified men.

The applicants allege that the police officers who were deployed at the scene paid little attention to the clashes between protesters and workers and did not interfere.

Relying on Articles 3 (inhuman or degrading treatment), 6 § 1 (right to a fair trial), Article 11 (freedom of assembly and association), and 13 (right to an effective remedy) of the Convention, the applicants complain that the police failed to protect them from the assaults of the workers during the tree-cutting operation and that the investigation into their complaints had been ineffective, as well as that they had been unable to participate in the appeal hearings in the administrative cases against them, and that they had been prosecuted because they had taken part in the protests.

#### **Ahmed Noor and Others v. Ukraine (no. 77647/11)**

Case communicated to the Ukrainian Government in August 2012

In 2011, the applicants fled from their respective home countries where they allegedly faced persecution mainly for their ethnic origin, religion, political beliefs and expression.

The applicants' main complaint is about the lack of access to the asylum procedure in Ukraine, through which they intended to obtain protection against the alleged risk of persecutions in their home countries.

The applicants rely on Articles 3 (prohibition of inhuman or degrading treatment), 13 (right to an effective remedy), and 5 §§ 1, 2, and 4 (right to liberty and security) of the Convention.

See also pending application *Malevanaya and Sadyrkulov v. Ukraine* (no. 18603/12), which was [communicated](#) to the Ukrainian Government in January 2013.

**Industrial Financial Consortium  
Investment Metallurgical Union  
v. Ukraine (no. 10640/05)**

Case communicated to the Ukrainian Government in December 2008

The case concerns allegations of a violation of the principle of legal certainty on the

grounds that the same matter involving the same parties has been dealt with by the courts of general jurisdiction and the commercial courts in the course of two “parallel” judicial procedures.

The applicant party relies on Article 6 § 1 (right to a fair trial) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention.

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