



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 7 606 applications concerning Ukraine in 2012, of which 7 305 were declared inadmissible or struck out. It delivered 71 judgments (concerning 301 applications), 69 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2010	2011	2012
Applications allocated to a judicial formation	3956	4617	7796
Communicated to the Government	1587	746	1032
Applications decided:	3430	4753	7606
- Declared inadmissible or struck out (Single Judge)	2963	4157	6698
- Declared inadmissible or struck out (Committee)	254	472	595
- Declared inadmissible or struck out (Chamber)	94	17	12
- Decided by judgment	119	107	301
Interim measures:	29	39	43
- Granted	7	6	9
- Refused (including out of scope)	22	33	34

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

Applications pending before the court on 14/01/2013	
Total pending Applications	13005
Applications pending before a judicial formation:	10480
Single Judge	5344
Committee (3 Judges)	3843
Chamber (7 Judges)	1293
Grand Chamber (17 Judges)	0

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

Ukraine and ...

Its contribution to the Court's budget

For 2013 the Court's budget amounts to approximately 67 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2013 contribution of Ukraine to the Council of Europe's (EUR 244 million) budget is **EUR 3 614 268**.

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 **675** Registry staff members of whom **32** are Ukrainian.

Noteworthy cases, judgments delivered

Chamber

Tymoshenko v. Ukraine

30.04.2013

The case concerned complaints related to the detention of the former Ukrainian Prime Minister Yuliya Tymoshenko.

Violations of Article 5 § 1 (right to liberty and security); 5 § 4 (right to a speedy review of the lawfulness of detention); 5 § 5 (right to compensation for unlawful detention);

Violation of Article 18 (limitation on use of restrictions on rights) in conjunction with Article 5;

No violation of Article 3 (prohibition of inhuman or degrading treatment or punishment) in respect of Ms Tymoshenko's alleged ill-treatment during her transfer to hospital on 20 April 2012 and the effectiveness of the investigation of those complaints

The Court found 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 no possibility to seek compensation for her unlawful deprivation of liberty.

The Court also found that, given that the judge had referred to her alleged hindering of the proceedings and contemptuous behaviour, her right to liberty had been restricted for other reasons than those permissible under Article 5.

[Ukrainian version press release](#)

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 (freedom of assembly and association)

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.

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 (prohibition of torture and of inhuman or degrading treatment), 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)

Oleksandr Volkov v. Ukraine

09.01.2013

The case concerned the dismissal of a Supreme Court Judge.

The Court held in particular: that the proceedings leading up to Mr Volkov's dismissal had not fulfilled the requirements of an "independent and impartial tribunal"; that the proceedings before the High Council of Justice, which initiated the inquiries leading up to his dismissal, had been unfair as there were no time-limits for such proceedings; that the vote in Parliament on his dismissal had been unlawful; and, that the chamber of the Higher Administrative Court, which reviewed the case, had not complied with the principle of a "tribunal established by law".

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.

Four violations of Article 6 (right to a fair trial)

Violation of Article 8 (right to respect for private and family life)

Lutsenko c. 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.

The Court held in particular: that Mr Lutsenko's arrest had been arbitrary; that no valid reasons had been given for his detention; that he had not been duly informed of the reasons for his detention; and, that the lawfulness of his arrest and detention had not been properly reviewed. The Court also found that, given that the prosecutors had referred to Mr Lutsenko's communication with the media as one of the reasons for his arrest, his right to liberty had been restricted for other reasons than those permissible under Article 5.

-Two violations of Article 5 § 1 (right to liberty and security)

-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.

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 of the Convention (prohibition of torture and of inhuman and degrading treatment)

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.

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

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 (right to respect for private and family life)

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

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 (right to a fair trial within a reasonable time): 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).

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 (right to respect for private and family life)

Freedom of expression and information

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 (freedom of expression and information)

Ukrainian Media Group v. Ukraine

29.03.2005

Media fined for statements found to be defamatory

Violation of Article 10

Ichin and Others v. Ukraine

21.12.2010

Detention of minors in the context of criminal proceedings

Violation of Article 5 § 1 (right to liberty and security)

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)

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 (prohibition of inhuman and degrading treatment)

FIRST PILOT JUDGMENT CONCERNING NON-EXECUTION OF FINAL DOMESTIC COURT DECISIONS

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.

Yuriy Nikolayevich Ivanov v. Ukraine

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 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.

[Kats and Others v. Ukraine](#)

18.12.2008

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

[Violation of Article 2 \(right to life\)](#)

[Saviny v. Ukraine](#)

18.12.2008

Placement of children in public care

[Violation of Article 8 \(right to respect for private and family life\)](#)

[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 \(right to liberty and security\)](#)

[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 \(freedom of association\)](#)

[Yakovenko v. Ukraine](#)

25.10.2007

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

[Three violations of Article 3 \(prohibition of inhuman and degrading treatment\)](#)

[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 \(prohibition of inhuman and degrading treatment\)](#)

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

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

[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 \(right to respect for private and family life\)](#)

[Koval v. Ukraine](#)

19.10.2006

Poor conditions of detention and inadequate medical assistance

[Violation of Article 3 \(prohibition of inhuman and degrading treatment\)](#)

[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 Articles 3 and 13 (right to an effective remedy)

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 (right to life)

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 liberty and security)

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)

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)

Afanasyev v. Ukraine

05.04.2005

Lack of effective investigation into allegations of torture during police custody

Violation of Article 3 (prohibition of inhuman and degrading treatment)

Nevmerzhitsky v. Ukraine

05.04.2005

Forced feeding classified as torture

Violation of Article 3 (prohibition of inhuman and degrading treatment)

Svetlana Naumenko v. Ukraine

09.11.2004

Civil proceedings

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

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 to a fair trial)

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)

Merit v. Ukraine

30.03.2004

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

Violations of Article 13 (right to an effective remedy)

Poltoratskiy v. Ukraine

29.04.2003

Conditions of detention on death-row

Violation of Article 3 (prohibition of inhuman and degrading treatment)

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 cases, including pending and judgments delivered

Cases involving alleged persecutions of political figures by the authorities

Ivashchenko c. Ukraine (no. 41303/11)

Communicated to the Government 15.04.2012

Korniychuk c. Ukraine (no. 10042/11)

Communicated to the Government 29.06.2011

Mararenko c. Ukraine (no. 622/11)
Communicated to the Government 07.06.2011

Other communicated cases

Yaremenko v. Ukraine (II) (no. 66338/09)

[Admissibility decision](#) of 21 September 2010

The case concerns a complaint about the absence of a fair trial in proceedings re-opened following a Court's judgment.

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

Mushynskyy v. Ukraine (no. 3547/06)

Communicated to the Government in November 2009 and March 2010

Limitations on family visits during post-conviction detention

[Articles 8 \(right to respect for private and family life\) and 34 \(right of individual petition\)](#)

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

Communicated to the 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.

[Article 6 § 1 \(right to a fair trial\) and Article 1 of Protocol No. 1 \(protection of property\)](#)

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