

# Ukraine

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

### ➤ *Actions of security forces and effectiveness of investigations*

**Torture and/or ill-treatment by the police**, mostly in order to obtain confessions, and lack of effective investigations into complaints.

***Kaverzin group (23893/03)***  
*Judgment final on 15/08/2012*

Enhanced supervision

**Status of execution**

**Lack of effective investigations into crimes reported**; failure of the supervising authorities to ensure effective control of the conduct of investigations.

***Khaylo group (39964/02+)***  
*Judgment final on 13/02/2009*

Enhanced supervision

**Status of execution**

**Failure to protect a journalist threatened to life** and eventually killed; ineffective investigations into his killing.

***Gongadze (34056/02)***  
*Judgment final on 08/02/2006*

Enhanced supervision

**Status of execution**

**Lack of effective investigations into violent acts** against the applicants, including into the possible motives of racial or religious hatred behind the attacks.

***Fedorchenko and Lozenko group (387/03+)***  
*Judgment final on 20/12/2012*

Enhanced supervision

**Status of execution**

### ➤ *Death during military service*

**Failure to conduct effective investigation** into deaths during the military service.

***Shevchenko (32478/02)***  
*Judgment final on 04/07/2006*

Enhanced supervision

**Status of execution**

### ➤ *Protection against ill-treatment*

**Systemic problem of the irreducibility of life sentences** as well as the authorities' failure to safeguard the applicant's **health in detention**.

***Petukhov no. 2 group (41216/13+)***  
*Judgment final on 09/09/2019*

Enhanced supervision

**Status of execution**

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ **Lawfulness of detention and related issues**

**Detention on remand: unlawful and/or lengthy detention on remand**, notably detention after the end of the investigation, without any court order; inefficient/excessively formalistic review of the lawfulness of detention and absence of a right to compensation.

**Ignatov group (40583/15)**  
*(ex Kharchenko group)*  
*Judgment final on 15/03/2017*  
 Enhanced supervision  
**Status of execution**

**Poor material conditions of detention and transportation and lack of adequate medical treatment in:**

- Pre-trial detention;
- Prisons;
- Police establishments.

**Nevmerzhitsky group (54825/00+)**  
*Judgment final on 12/10/2005*  
 Enhanced supervision  
**Status of execution**

**Sukachov (14057/17)**  
*Pilot Judgment final on 30/05/2020*  
 Enhanced supervision  
**Status of execution**

**Melnik group (72286/01+)**  
*Judgment final on 28/06/2006*  
 Enhanced supervision  
**Status of execution**

**Yakovenko group (15825/06+)**  
*Judgment final on 25/01/2008*  
 Enhanced supervision  
**Status of execution**

**Isayev group (28827/02+)**  
*Judgment final on 28/08/2009*  
 Enhanced supervision  
**Status of execution**

**Lack of adequate medical treatment in detention.**

**Logvinenko group (13448/07+)**  
*Judgment final on 14/01/2011*  
 Enhanced supervision  
**Status of execution**

**Torture inflicted by special prison forces on detainees in minimum-security prison to crush a protest movement** and to punish the prisoners for their peaceful hunger strike engaged to protest against the detention conditions and to prevent them from raising complaints; lack of effective

**Karabet group (38906/07)**  
*Judgment final on 17/04/2013*  
 Enhanced supervision  
**Status of execution**

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

investigations into the events; also non return of personal belongings seized.

➔ **Protection against abuse of power**

**Detention on remand** used, in the course of criminal proceedings engaged in a political context, for other reasons than those permissible by the Convention (to punish one accused for having publicly claimed his innocence (*Lutsenko*) and the other for having shown disrespect for the trial court (*Tymoshenko*)) notably, due to the insufficient independence of the prosecution service.

**Lutsenko (6492/11)**  
*Judgment final on 19/11/2012*

Enhanced supervision

Status of execution

**Tymoshenko (49872/11)**  
*Judgment final on 30/07/2013*

Enhanced supervision

Status of execution

➔ **Organisation of the judiciary**

**Violations related to the independence and impartiality of the judiciary:** interference of the executive and legislature with pending cases; deficient system of judicial discipline.

**Oleksandr Volkov group (21722/11+)**  
*Judgment final on 27/05/2013*

Enhanced supervision

Status of execution

➔ **Fairness of criminal proceedings**

**Violation of the right to silence and not to incriminate oneself;** abusive practices, notably of administrative arrest, to avoid the requirement that legal counsel be present during pre-trial interrogations.

**Balitskiy group (12793/03+)**  
*Judgment final on 03/02/2012*

Enhanced supervision

Status of execution

**Torture in police custody and use of confessions obtained under duress** at trial; ineffective investigations.

**Yaremenko group (32092/02+)**  
*Judgment final on 12/09/2008*

Enhanced supervision

Status of execution

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

### ➤ *Length of judicial proceedings*

**Excessive length of judicial proceedings and absence of effective remedies:**

- In civil proceedings;
  
- In criminal proceedings.

***Svetlana Naumenko group (41984/98+)***  
*Judgment final on 30/03/2005*

Enhanced supervision

**Status of execution**

***Merit group (66561/01+)***  
*Judgment final on 30/06/2004*

Enhanced supervision

**Status of execution**

### ➤ *Enforcement of judicial decisions*

**Major structural problem of non-enforcement or delayed enforcement of domestic judicial decisions**, mostly delivered against the state and against state enterprises, and to the lack of effective remedies in this respect.

***Zhovner group (56848/00+)***  
*Judgment final on 29/09/2004*

and

***Yuriy Nikolayevich Ivanov (40450/04) pilot judgment***  
*Judgment final on 15/01/2010*

Enhanced supervision

**Status of execution**

***Burmych and Others (46852/13)***  
*Judgment final on 12/10/2017*

Enhanced supervision

**Status of execution**

### ➤ *Private and family life*

State's positive obligation to ensure the applicant's effective **protection from domestic violence**.

***Levchuk (17496/19)***  
*Judgment final on 03/12/2020*

Enhanced supervision

**Status of execution**

**Dismissal as civil servants** under the Government Cleansing (Lustration) Act of 2014 and the effect it has had on the applicants.

***Polyakh and Others (58812/15)***  
*Judgment final on 24/02/2020*

Enhanced supervision

**Status of execution**

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ **Freedom of expression**

**Disproportionate use of administrative arrests** for acts of freedom of expression; non-suspensive effects of appeals against administrative offences.

**Shvydka (17888/12)**  
*Judgment final on 30/01/2015*  
 Enhanced supervision  
**Status of execution**

➔ **Freedom of assembly**

**Absence of clear and foreseeable legislation concerning the organisation of peaceful assemblies** – participants sanctioned without legal basis.

**Vyerentsov (20372/11)**  
*Judgment final on 11/07/2013*  
 Enhanced supervision  
**Status of execution**

**Unlawful ban of a strike as a result of the absence of clear and foreseeable legislation.**

**Veniamin Tymoshenko and Others (48408/12)**  
*Judgment final on 02/01/2015*  
 Enhanced supervision  
**Status of execution**

**Disproportionate sanctions (prison sentences up to four years) imposed on organisers of mass protests** in Kyiv which subsequently turned violent and obstructive.

**Karpyuk and Others (30582/04 and 32152/04)**  
*Judgment final on 06/01/2016*  
 Standard supervision  
**Status of execution**

Multiple violations of Articles 11, 3, 5, also 2 and 8 within the **deliberate strategy of the authorities to stop Maidan protests in 2013-2014** and lack of effective and independent investigations.

**Shmorgunov and Others group (15367/14)**  
*Judgment final on 21/04/2021*  
 Enhanced supervision  
**Status of execution**

➔ **Cooperation with the European Court**

**Authorities' refusal to provide detainees with copies of documents** from case-files making it impossible to have a proper and effective examination of their application by the Court.

**Naydyon group (16474/03+)**  
*Judgment final on 14/01/2011*  
 Enhanced supervision  
**Status of execution**

**Vasiliy Ivashchenko (760/03)**  
*Judgment final on 26/10/2012*  
 Enhanced supervision  
**Status of execution**

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

**Authorities' failure to comply with interim measures** indicated under Rule 39 by the Court to provide medical care.

*Salakhov and Islyamova  
(28005/08)*

*Judgment final on 14/06/2013*

Enhanced supervision

Status of execution

### ➤ **Right to property**

**Various irregularities in searches and seizure of property by law enforcement** authorities and lack of effective remedies to challenge those actions.

*Koval and Others group  
(22429/05+)*

*Judgment final on 15/02/2013*

Enhanced supervision

Status of execution

### ➤ **Effective remedy**

**Various deficiencies in the procedures related to asylum**, including lack of risk assessment before return to the country of origin, detention, absence of effective remedy with automatic suspensive effect to contest a decision of refusal to allow the entrance of a stowaway asylum seeker on the territory (even where risks of treatment contrary to Article 3 of the Convention exist in the country of origin).

*Kebe and Others group  
(12552/12+)*

*Judgment final on 12/04/2017*

Enhanced supervision

Status of execution