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Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Plan (08/10/2024)

Communication from Ukraine concerning the groups of cases of KAVERZIN v. Ukraine (Application No. 23893/03), AFANASYEV v. Ukraine (Application No. 38722/02) and BELOUSOV v. Ukraine (Application No. 4494/07)

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Réunion : 1514^e réunion (décembre 2024) (DH)

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Communication de l'Ukraine concernant les groupes d'affaires KAVERZIN c. Ukraine (requête n° 23893/03), AFANASYEV c. Ukraine (requête n° 38722/02) et BELOUSOV c. Ukraine (requête n° 4494/07) (**anglais uniquement**)

Execution of Judgements of the European Court of Human Rights

DGI

08 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Updated Action Plan

on measures to comply with the European Court's judgements

in the *Kaverzin/Afanasyev/Belousov* groups of cases

(applications nos. 23893/03, 38722/02 and 4494/07)

CASE SUMMARY

These cases concern physical or psychological torture and/or ill-treatment by the police, mostly in order to obtain confessions (substantive violations of Article 3 of the Convention); lack of effective investigations into such complaints (procedural violations of Article 3 of the Convention) and lack of effective remedies thereof (violations of Article 13 of the Convention).

The systemic nature of the violations was confirmed by the Court in the *Kaverzin* judgment of 2012, in which it added, under Article 46 of the Convention, that the problem called “for the prompt implementation of comprehensive and complex measures” (§ 180). It “stress[ed] that Ukraine must urgently put in place specific reforms in its legal system in order to ensure that practices of ill-treatment in custody are eradicated”, that effective investigations are conducted in accordance with Article 3 in all cases where arguable complaints of ill-treatment are raised and that any shortcomings in such investigations are effectively remedied at the domestic level (§ 182). Since then, the Court reiterated on many occasions, that these violations stemmed “from systemic problems at the national level, which allowed agents of the State responsible for such ill-treatment to go unpunished.”

In some of these cases, the Court also found other violations: inhuman and degrading treatment in prison due to the systematic handcuffing of the blind applicant when taken out of his cell (*Kaverzin*); unfairness of proceedings; unlawful searches (*Belousov*); inadequate medical assistance in detention; poor physical conditions of detention in prison or of transport and detention on hearing days; irregularities in detention on remand; excessive length of proceedings and lack of effective remedies; non-enforcement of judicial decisions and lack of effective remedies (Articles 3, 5 §§ 1, 3, 4 and 5, 6 §§ 1 and 3, 8, 13 of the Convention, Article 1 of Protocol No. 1 to the Convention).

Current situation in Ukraine

At the outset, the Government would like to recall that the war has been lasting in Ukraine for more than two and a half years. The Russian Federation's full-scale military invasion of the territory of Ukraine continues to cause severe damage to the state and society. Also, the massive invasion on 24 February 2022 resulted in an unprecedented level of stress on the functioning of national mechanisms.

The overall impact of the horrific crimes committed by the Russians in Ukraine and their effect pose significant challenges on its state authorities. In addition to the daily increase in the number of victims among both Ukrainian civilians and the state institutions officials, the amount of infrastructure damage, including critical infrastructure, is resulting in significant losses to the State Budget.

As of today, the key priorities for the national authorities are the liberation of the entire Ukrainian territory from Russian occupiers, the full restoration of Ukraine's sovereignty within internationally recognised borders without any restrictions on sovereign rights, and the return of all Ukrainian citizens captured by Russia.

Russia continues to shell Ukrainian settlements and infrastructure. Intensification of Russia's air strikes on Ukrainian cities resulted in an increase of casualties among the population.

The Government would also like to inform that Ukrainian law enforcement agencies launched investigations into 141,945 war crimes and crimes of aggression as well as 18,941 crimes against national security. They include the killing of 13,100 (including 574 children) and the wounding of 23,740 civilians (including 1,599 children). Law enforcement officers have already documented 301 confirmed cases of conflict-related sexual violence¹. The Russian occupying forces use sexual violence as a method of warfare on an unprecedented scale - in particular to intimidate, take revenge or “punish” both civilians in the temporarily occupied territories and Ukrainian prisoners of war, regardless of gender or age.

Therefore, the Government would like to note that the priority in the work of the Office of Prosecutor General of Ukraine (the “OPG”) and the State Bureau of Investigations (the “SBI”)² is investigating war crimes, crimes against humanity and threats to national security committed in the context of armed conflict. Given the wartime conditions, which are accompanied by numerous crimes against civilians across many regions of Ukraine, prosecutors and law enforcement officers, are not only engaged in their core activities, but are also involved in documenting war crimes, which has become a priority task for all prosecutor’s offices and law enforcement agencies.

Despite the ongoing Russian armed aggression against Ukraine, the issue of countering torture remains a focal point of the OPG and other state authorities of Ukraine.

The Government also recognise the importance of resolving the problem of conducting effective investigation in accordance with Article 3 of the Convention in every single case where an arguable complaint of ill-treatment is raised and addressing the systematic problems at the national level.

Taking into account the above, as well as considering the Committee of Ministers’ notes and calls given at their 1483th meeting (5-7 December 2023)³ the Government would like to provide up-to-date information on individual and general measures taken and progress made within the execution of the Court’s judgments in the *Kaverzin/Afanasyev/Belousov groups* of cases.

INDIVIDUAL MEASURES

a. Just satisfaction

The updated information on the payment of the **just satisfaction** is provided in *Annex I* attached to this Action Plan.

The Government would like to point out that at present the national authorities take measures in response to the Committee of Ministers’ long-lasting calls to resolve the issue of payment of just satisfaction to a special deposit account by making the sums available to the applicants for a period longer than one year before they are transferred back to the state budget in order to comply with the unconditional obligation under Article 46 § 1 of the Convention to pay the just satisfaction awarded by the European Court.

The draft law of Ukraine “On Amendments to Certain Legislative Acts on Strengthening the Protection of Human and Civil Rights and Freedoms during the Enforcement of Decisions” is pending before the Parliament of Ukraine (No. 10389 of 03 January 2024)⁴. The draft law provides amendments to the Law of Ukraine “On Enforcement Proceedings” in the part of keeping sums awarded by the Court on the Ministry of Justice of Ukraine special deposit account if the applicants have not received such sums within the time limit set for the payment. In particular, the one-year

¹ As of 09 September 2024.

² Since 2018 an independent body that is responsible for investigating criminal offences allegedly committed by high-ranking officials, judges and law enforcement officers.

³ The Committee of Ministers’ decision of 7 December 2023:
[https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2023\)1483/H46-41E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2023)1483/H46-41E).

⁴ <https://itd.rada.gov.ua/billInfo/Bills/Card/43480>

period from the date of transfer of sums from the special deposit account to the State Budget provided by the current legislation will be extended to *five years*.

The Government consider that the adoption of these amendments into national law will ensure the compliance with the Committee's practice to consider "payment" as meaning the "placement (of the sums due) at the disposal" of the beneficiary, by any method whatsoever, provided that it is reasonably efficient. The sums will be at the applicants' disposal for a sufficiently long period (*five years*).

The Government will keep the Committee of Minister informed about further developments as regards the above draft law, including in communications in other cases/groups of cases.

b. Effective investigation

The Government would like to reiterate that individual measures (*restitutio in integrum*) in this group of cases are closely linked to general measures.

The events in the majority of cases within the present group occurred a long time ago, specifically in the late 1990s and early 2000s predating the adoption of a new Code of Criminal Procedure of Ukraine of 2012 (the "CCP")⁵.

The circumstances of these cases revealed significant shortcomings in the effective investigation into complaints of torture by law enforcement officers. The Code of Criminal Procedure of 1960 in force at the material time did not provide all the necessary safeguards to ensure compliance with the procedural aspect of Article 3 of the Convention by the state.

In light of the above, and with the assistance of, *inter alia*, the Council of Europe experts, the CCP of 2012 was adopted, which was positively assessed by the Council of Europe.

Thus, in the Report on an evaluation of the implementation of the Criminal Procedure Code of Ukraine (prepared for the Support to criminal justice reform in Ukraine, in April 2015)⁶ it was noted that "There are no systemic shortcomings or deficiencies in particular provisions of the Code that prevent its successful implementation in general or appropriate application of its specific norms" (paragraph 307 of the Report).

The new CCP introduced significant improvements compared to the previous Code of Criminal Procedure of Ukraine of 1960, namely: abolished the pre-investigation inquiry as a stage of initiation of criminal proceedings; excluded the self-incriminating statements from the evidence; provided access to materials of the pre-trial investigation at the request of a victim, etc. Also, the CCP provides for a number of safeguards against ill-treatment in custody, for example, the possibility to file a complaint about ill-treatment during a court hearing at the pre-trial stage with an investigating judge.

The Government agree with the statement that there are certainly difficulties and shortcomings with respect to the implementation of the Code but they stem in the main from the failure to make the necessary adjustments in institutional and organisational terms that its provisions clearly required (paragraph 311 of the Report).

As the Committee of Ministers repeatedly emphasized on the necessity to create an independent body to conduct effective investigations in these group of cases, since November 2018, an independent body, the SBI, has been operational and responsible for carrying out investigations into crimes committed by high-ranking officials, judges and law enforcement officers. Therefore, creating a new system for combating ill-treatment.

As of today, the SBI is working on every case of ill-treatment by law-enforcement officers, conducting effective investigations into such complaints. The SBI is working closely with prosecutors

⁵ <https://zakon.rada.gov.ua/laws/show/4651-17?lang=en#Text>

⁶ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168044f56a>

and, in particular, with the Department of the OPG that was formed specifically in order to provide procedural guidance in such cases.

The Government would like to recall that at their 1398th meeting (9 – 11 March 2021) the delegates positively assessed the OPG's role of procedural guidance over investigations carried out by the SBI, stating that "...it appears that the General Prosecutor's Office is carefully reviewing the individual cases and is addressing the problem areas identified in the initial investigations in light with the European Court's conclusions. Moreover, it appears that this process also contributes to the development of a new methodology of investigation and practice of reacting to the European Court's judgments, in line with Committee's recommendations and the case-law of the Court on effectiveness of investigations. This is a positive development, as this work is capable of influencing the institutional functioning of both the General Prosecutor's Office and the SBI, as independent institutions involved in fighting ill-treatment in Ukraine". (notes to the meeting: <https://hudoc.exec.coe.int/ENG#%7B%22fulltext%22:%5B%22Kaverzin%22%2C%22execdocumenttypecollection%22:%5B%22CEC%22%2C%22execidentifier%22:%5B%22004-31569%22%5D%7D>).

The SBI and OPG continue working on the execution of Court's judgments in these groups of cases in order to conduct, where it is still possible, an effective investigation of ill-treatment.

During the pre-trial investigations of these cases the competent state bodies may face a number of obstacles while establishing the circumstances of criminal offences and in the process of collecting, examining and evaluating key evidence. Thus, in practice it is often impossible to conduct necessary investigative actions due to the following factors:

- some applicants and other crucial witnesses to the events died; their whereabouts are unknown; the relevant authorities (in particular, the State Migration Service, National Police of Ukraine, the State Border Guard Service of Ukraine) have a lack of information about the border crossing by these persons, their places of residence; some persons left Ukraine and now reside abroad or are located in the temporarily occupied territories of Ukraine;
- in some cases, applicants (victims) refuse to participate in criminal proceedings;
- in some cases, it is impossible to identify potential witnesses to the events and/or perpetrators due to the fact that the storage period of documents that were necessary for the investigation expired and such documents have been destroyed or are located in the territories outside the governmental control;
- in most cases, more than 10-20 years have passed since the events raised in the applicants' complaints, thus witnesses do not remember the details of the incident.

These obstacles are common for the majority of High Contracting Parties to the Convention when conducting investigations after the Court's judgments. As it is specified in the Thematic factsheet on effective investigations into death or ill-treatment caused by security forces⁷, which served as a source of inspiration for the Government of Ukraine when dealing with the general measures in this group of cases.

However, it should be noted that the national authorities face extra complicated challenges when conducting pre-trial investigations of these cases due to Russia's war of aggression and the occupation of territories in eastern part of Ukraine, namely Donetsk and Luhansk Regions, and the annexation of the Crimea peninsula.

As it was found by the Court in its decision of 30 November 2022 in the case of "*Ukraine and the Netherlands v. Russia*" (applications nos. 8019/16, 43800/14 and 28525/20) from 11 May 2014 the territories of Donetsk and Luhansk Regions have been outside the governmental control. Thus, the authorities have lost access to documents, materials and cases remaining in the temporarily occupied

⁷ <https://rm.coe.int/thematic-factsheet-effective-investigations-eng/16809ef841>, <https://rm.coe.int/h-exec-2019-2-thematic-debate-cn/16809837ed>

territories, as well as miss the opportunity to establish the whereabouts of some victims and witnesses of the events and interrogate them (paragraph 694 of the decision).

Furthermore, in its recent judgment in the case of “*Ukraine v. Russia (re Crimea)*” (applications nos. 20958/14 and 388334/18) of 25 June 2024 the Court noted that: “In the admissibility decision, in so far as application no. [20958/14](#) is concerned, the Court established “beyond reasonable doubt” (see *Ukraine v. Russia (re Crimea)*, cited above, § 265) that during the entire period under consideration, namely between 27 February 2014 and 26 August 2015 (*ibid.*, § 238), the respondent State had exercised extraterritorial jurisdiction over Crimea on account of “effective control”. In relation to the first period (between 27 February and 18 March 2014, the date of signature of the “Accession Treaty”), the Court established that the respondent State’s “effective control”, and therefore jurisdiction, was based on the military presence, strength and conduct of the Russian military forces in Crimea (*ibid.*, §§ 315-35). In relation to the second period (from 18 March 2014 onwards) it was, in fact, common ground between the parties that the respondent State had exercised jurisdiction over Crimea after 18 March 2014 (*ibid.*, § 338). Their positions differed solely as to the legal, rather than factual, basis of that jurisdiction. As a consequence, throughout both periods, the respondent State exercised “effective control” over Crimea owing to the technical, tactical, military and qualitative superiority and conduct of the Russian military forces, who had “boots on the ground” without the consent of Ukraine (see paragraph 916 above and §§ 320 and 322 of the admissibility decision)” (paragraph 864”).

As it is known and was reported by the Government, on 24 February 2022, Russian forces launched the full-scale invasion of Ukraine and occupied more territory throughout the country. As of September 2024, in result of the Russia’s military aggression against Ukraine, ongoing since 2014, nearly 26% of Ukraine’s territory is temporarily occupied. The part of the territories of Kherson, Zaporizhzhya, Donetsk and Luhansk Regions remain under Russian control.

This fact should be taken into consideration since war cannot be estimated merely as a minor obstacle in the fulfilment of state’s obligations.

Furthermore, Russia continues attacking critical infrastructure and residential areas with missiles and Iranian-made drones, MLRS, guided aerial bombs on a daily basis resulting in significant casualties and destruction.

In view of such circumstances the Ukrainian authorities are unable to get access to temporarily occupied territories in order to establish the circumstances of criminal offences and obtain evidence in criminal proceedings to ensure effective investigations in the present cases.

The Government note that they have no contact with the Russian authorities in the temporarily occupied territories of Ukraine to gain access to case files of criminal proceedings, other documents and materials which are necessary for conducting effective investigations in these cases.

All the above is compounded by the fact that the Russian authorities have ceased complying with its obligations under Article 46 of the Convention and all communications with the Council of Europe⁸.

In the abovementioned judgment “*Ukraine v. Russia (re Crimea)*” the Court noted that:

“Following the Russian Federation’s armed attack on Ukraine of 24 February 2022, on 25 February 2022 the Committee of Ministers of the Council of Europe (“the CM”) suspended the Russian Federation from its rights of representation in the CM and in the Parliamentary Assembly of the Council of Europe (“PACE”).

⁸ As it was noted by the Committee of Ministers in the 3rd Strategy paper regarding the means to ensure implementation of judgments of the Court with respect to the Russian Federation, CM/Inf/DH(2023)22, of 5 September 2023: https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680ac7760.

On 16 March 2022 the CM, in the context of a procedure launched under Article 8 of the Statute of the Council of Europe, adopted Resolution CM/Res(2022)2, by which it decided that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022.

On 22 March 2022, the Court, sitting in plenary session in accordance with Rule 20 § 1, adopted the “Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights”. It stated that the Russian Federation would cease to be a Party to the Convention on 16 September 2022” (paragraphs 15, 17-18)”.

The Ukrainian authorities are unable to obtain any information related to the cases in the temporarily occupied territories. This fact was also established by the Court in the cases of “*Khlebik v. Ukraine*” (application no. 2945/16) and “*Tsezar and Others v. Ukraine*” (application no. 73590/14).

In particular, in the *Khlebik* case the Court noted that:

“...the key reason why the applicant’s case has so far not been examined by the Court of Appeal is that his case file is no longer available as a result of hostilities in the areas the Government do not control.

...in view of the foregoing considerations and in particular the fact that the authorities duly examined the possibility of restoring the applicant’s case file, the domestic authorities have done all in their power under the circumstances to address the applicant’s situation...” (paragraphs 70 and 79).

Nevertheless, the Government would like to reiterate that the state of pre-trial investigations in criminal proceedings in the *Kaverzin/Afanasyev/Belousov* groups of cases is under the enhanced supervision of the national authorities.

Following the Courts’ judgments in the present groups of cases, the competent authorities take measures to ensure conducting of a new investigations or reopen those already terminated, and to ensure compliance with the specific indications of the Court.

The Office of the Agent of Ukraine before the Court has established constant cooperation with the OPG in the framework of the execution of the Court’s judgments in these groups. They analyse the Court’s judgments in cases of torture and ill-treatment by law enforcement officers, identify the shortcomings in the investigation of such cases found by the Court and take measures to address them.

The Government would like to reiterate that they have established a mechanism in response to the Recommendation No. R (2000)2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights (adopted by the Committee of Ministers on 19 January 2000 at the 694th meeting of the Ministers’ Deputies) and reported to the Committee of Ministers about it in their previous action plans in this group of cases. In particular, it is still a regular practice in Ukraine – each case of such category is being sent to the SBI and OPG in order to reopen proceedings and conduct a new effective investigation, where it is possible.

As of today, this process is properly regulated by the Procedure for Interaction of the Prosecutor’s Office, the State Bureau of Investigation and the Agent before the European Court of Human Rights in the Course of Consideration of Cases and Enforcement of Judgments of the European Court of Human Rights on Effective Investigation of Torture, Inhuman or Degrading Treatment or Punishment, approved by the Order of the OPG, SBI and Ministry of Justice of Ukraine of 21 December 2023 No. 333/628/4354/5⁹. More detailed information will be provided below in the section “General measures”.

⁹ <https://zakon.rada.gov.ua/laws/show/v0333905-23?lang=en#Text>

Following the Courts' judgments in the present groups of cases, the competent authorities take measures to ensure conducting new investigations or reopen those already terminated, and to ensure compliance with the specific indications of the Court.

The OPG, in particular the Department for Combating Human Rights Violations in Law Enforcement and Penitentiary Systems, systematises information on criminal proceedings concerning the Court's judgments in these groups, cooperates with regional prosecutor's offices and investigative authorities in conducting investigations in these proceedings, analyses problematic issues and closely interacts with the Agent of Ukraine before the Court.

On 3 October 2023, 9 November 2023 and 22 November 2023, the OPG's Department held 3 online meetings with the participation of deputy heads of the Kyiv City and prosecutor's offices in regions, heads of divisions of the prosecutor's offices, which provide procedural guidance in criminal proceedings initiated in response to the Court's judgments in the *Kavierzin/Afanasyev/Belousov* groups of cases, senior prosecutors of the prosecutor's groups in the relevant proceedings, representatives of the Agent of Ukraine's Office, the leadership of the Main Investigation Department and territorial departments of the SBI, as well as senior investigators of investigative groups in the relevant proceedings. At the meetings, the state of pre-trial investigation and procedural guidance in 80 criminal proceedings of this group was discussed, and provided practical recommendations for improving the effectiveness of pre-trial investigation. The state of pre-trial investigation of these criminal proceedings is constantly monitored by the OPG.

As regards the information on the **status and/or results of pre-trial investigations in criminal proceedings**, the Government would like to note that the issues related to the adoption of a final decision or continuation of the investigation in each case of these groups are agreed with the OPG. The updated information on the status and/or results of pre-trial investigations in criminal proceedings is provided in the *Annex II* attached to this Action Plan.

The Government would like to pay particular attention to the following cases of *Leonov v. Ukraine* (application no. 10543/03), *Aleksandr Smirnov v. Ukraine* (application no. 38683/06), *Zamferesko v. Ukraine* (application no. 30075/06), *Kirpichenko v. Ukraine* (application no. 38833/03), *Samardak v. Ukraine* (application no. 43109/05), *Dushka v. Ukraine* (application no. 29175/04), *Ismailov v. Ukraine* (application no. 17323/04) and *Spinov v. Ukraine* (application no. 34331/03).

Please be advised with information as regards the closure of the supervision of these cases as follows.

- i. As regards the *Leonov* case (application no. 10543/03)

In the "*Leonov v. Ukraine*" judgment the Court found a violation of the procedural limb of Article 3 of the Convention on account of the applicant's complaint of ill-treatment by police officers of the Kirovskiy District Police Department in Donetsk region on 24 and on 25 August 2001.

On 29 December 2020, the Deputy Prosecutor General quashed the decision on termination of the criminal proceedings No. 42018050000000010 of 09 January 2018 under Article 365.2 ("*Excess of authority or official powers*") of the Criminal Code of Ukraine (the "CCU").

The case was remitted to the Territorial Department of the SBI in Kramatorsk for carrying out the pre-trial investigation.

The pre-trial investigation was based on the Court's findings delivered in the judgment, in particular:

- the investigative authorities did not conduct a full-fledged investigation, only a formal inquiry;
- the prosecutor was confronted with two different accounts of the events when examining the applicant's complaints of ill-treatment, and conflicting medical evidence as regards the possible time when the applicant's injuries were inflicted. However, it is not apparent from the prosecutor's decision that she ever attempted to collect further evidence. Nor is it apparent that a face-to-face confrontation

was held between the applicant and the State officers concerned. Instead, the prosecutor took into account only the statements made by the State officers concerned;

- the prosecutor referred only to the conclusions of the forensic report of 25 August 2001, according to which the applicant's injuries had been caused outside the period under review (which is from 24 to 25 August 2001) and did not even mention the conclusions of the forensic report of 29 August 2001, according to which the injuries could have been caused on 24 August 2001. The remainder of evidence on which the prosecutor relied (namely, the reports of 29 December 2001 and 12 June 2002) had little value, if any, as it concerned periods after 15 September 2001 (the date on which the applicant was officially arrested and detained), that is to say three weeks after the events in question;

- the applicant's version of events was not even summarised in the prosecutor's decision of 20 June 2002 not to institute criminal proceedings. This constitutes a selective approach in the assessment of evidence by the investigative authorities (paragraphs 71-73 of the judgment).

During the reopened investigation the authorities conducted a number of actions in order to establish the events and circumstances of the alleged crime, collect evidence and identify the perpetrators.

In order to establish the whereabouts of the applicant and to interrogate him, on 20 October 2021, a request was sent to the State Border Guard Service of Ukraine to establish his possible stay in the occupied territories of Ukraine. According to the State Border Guard of Ukraine's letter of 26 October 2021, there was no information about the border crossing of the applicant.

On 03 November 2023, a repeated request was forwarded to the State Border Guard Service of Ukraine as regards the applicant's possible crossing the state border of Ukraine. According to the State Border Guard of Ukraine's letter of 03 November 2023, there was no information about his border crossing.

On 20 October 2021, a request was sent to the State Institution "Menska Correctional Colony (No. 91)", where the applicant served a sentence, to obtain a copy of the applicant's case files. According to the response of 08 November 2021, the applicant's case files were not available at the institution as the applicant had been released on parole and left for residence at the following address: 2 Abakumova Street, Donetsk (as of today, in the temporarily occupied territory of Ukraine).

In order to obtain and examine a criminal case against the applicant, on 20 October 2021, a request was sent to the Territorial Department of the State Judiciary Administration in the Donetsk Region. According to the letter dated 28 October 2021, the criminal case remained in the temporarily occupied territory of Ukraine, in Donetsk city.

In order to establish and further interrogate officers who conducted a pre-trial investigation in the criminal case against the applicant in 2001, on 20 October 2021, a request was sent to the Main Department of the National Police of Ukraine in the Donetsk Region. According to the response of 03 November 2021, the officers of the Kirovskyi District Police Department in Donetsk region resigned from the law enforcement bodies, so their whereabouts were unknown. Moreover, such dismissal was carried out from the positions held by officers in the temporarily occupied territories of Ukraine in Donetsk region.

On 03 November 2023, a repeated request was forwarded to the Main Department of the National Police of Ukraine in the Donetsk Region to establish and further interrogate the officers. According to the letter of 29 November 2023, there was no information about the whereabouts and place of work of such officers.

In order to establish the whereabouts and interrogate the applicant's lawyer, Mr. I., on 20 October 2021, a request was sent to the Bar Council in Donetsk region. According to the letter dated 28 October 2021, any information on the lawyer, who carried out his activity in Donetsk city, was not available. Besides, from 2013 to 2021, the lawyer did not pay annual fees to ensure the implementation of the bar self-government to the Bar Council in Donetsk region.

On 03 November 2023, a request was sent to the Main Department of the State Tax Service in Donetsk region to establish information on the applicant's possible receipt of income in the territory of Ukraine. According to the response of 07 November 2023, from the 1st quarter of 2011 to the 3rd quarter of 2014, the applicant received a salary at the ALC "Buran" Machine-Building Plant". Also, there was no information about the applicant's income from the 4th quarter of 2014 to the 4th quarter of 2020. Following the analysis of the information and search system "YouContol", it was established that the ALC "Buran" Machine-Building Plant" was registered in the Donetsk region.

Therefore, the investigation had grounds to believe that the applicant after his release from the penitentiary institution from the 1st quarter of 2011 to the 3rd quarter of 2014 was employed at the ALC "Buran" Machine-Building Plant" in Donetsk city which is a temporarily occupied territory of Ukraine.

According to the Unified State Register of Civil Status Acts as of 1 November 2023, no information about the applicant was recorded.

As it was found by the Court in its decision of 30 November 2022 in the case of "*Ukraine and the Netherlands v. Russia*" (applications nos. 8019/16, 43800/14 and 28525/20)¹⁰, from 11 May 2014 the territories of Donetsk and Luhansk regions have been outside the governmental control. Thus, the authorities have lost access to documents, materials and cases remaining in the temporarily occupied territories, as well as miss the opportunity to establish the whereabouts of some victims and witnesses of the events and interrogate them.

On 24 February 2022, Russian troops launched the full-scale invasion of Ukraine and occupied more territory across the country. As of today, parts of Kherson, Zaporizhzhia, Donetsk and Luhansk regions remained under the control of the Russian army.

In view of the following circumstances, the Ukrainian authorities were unable to get access to these territories to establish the circumstances of criminal offences and obtain evidence in criminal proceedings to ensure effective investigations in this case. Also, the authorities had no contact with the Russian authorities in the temporarily occupied territories of Ukraine to gain access to case files, other documents and materials which were necessary for conducting effective investigation.

Due to the temporarily occupation of Donetsk and the passage of time since the events in question, the investigator was deprived of the opportunity to establish witnesses to the events of 24 and of 25 August 2001 with the participation of the applicant.

For the same reason, the investigator was deprived of any access to the documents of the Kirovskiy District Police Department in Donetsk region, namely the register of visitors, the register of detainees, etc.

Furthermore, due to the impossibility of establishing the whereabouts of the applicants and the police officers concerned, the investigator reasonably did not have the opportunity to interrogate such persons and to conduct face-to-face confrontation between the applicant and the police officers.

In paragraphs 79-81 of the judgment in the *Leonov* case the Court noted that "the case file contains conflicting and insufficient information, making it impossible to determine with sufficient precision whether the applicant suffered any bodily injuries before his encounter with the police (see paragraph 5 above). The material in the case file does not establish that the applicant had been arrested in good health but left the police office having sustained injuries. On the other hand, the findings of the domestic authorities (namely, that the applicant had sustained injuries in the fight with the victim D.) cannot be considered as devoid of substance.

As regards the allegations of psychological pressure and threats on the part of the investigator, the Court can likewise not establish a violation of the Convention on the basis of probabilities and the limited factual evidence before it.

¹⁰ <https://hudoc.echr.coe.int/eng/?i=001-222889>

Given all of the information in its possession, the Court cannot conclude “beyond reasonable doubt” that the applicant’s injuries were attributable to the State officers”.

The applicant stated that during an inquiry into his complaints of alleged ill-treatment in the course of the pre-trial investigation the prosecutor did not examine the conclusions of the forensic report of 29 August 2001, according to which the injuries could have been caused on 24 August 2001.

As of today, for objective reasons, the investigator is deprived of access to any of the applicant’s medical documents for the purpose of using them during the repeated or additional forensic medical examination, and therefore the ordering such examinations.

The Government would also like to highlight that 22 years have passed since the events of August 2001. Furthermore, according to Article 49 of the Criminal Code of Ukraine, a person is exempt from criminal liability if ten years have passed from the date of commission of a serious crime until the day the sentence came into force.

The investigator took all possible measures to establish the circumstance of alleged ill-treatment of the applicant by the police officers of the Kirovskiy District police Department in Donetsk region that took place in August 2001. However, due to the considerable passage of time and location of witnesses and necessary documents on the temporarily occupied territory of Ukraine, conducting a thorough investigation into the events in question proved unfeasible for objective reasons.

On 23 January 2024, the criminal proceedings were terminated due to the absence of elements of a criminal offence in the actions of police officers.

At the result of the comprehensive investigation, it was concluded that the decision on termination of the criminal proceedings is final and comply with the law. This decision was not subject to appeal and is valid.

As noted above, the investigative authorities were unable to establish the applicant’s whereabouts, as he remained in the temporarily occupied territory of Ukraine, Donetsk. Additionally, the national authorities do not contact or cooperate with the occupation authorities. These circumstances made it impossible to notify the applicant of the decision.

The Government would like to underline that the Court found the procedural violation of Article 3 of the Convention as the national authorities refused to initiate criminal proceedings following the applicant’s complaints on ill-treatment by police officers in August 2001 and thus conduct a thorough investigation in the applicant’s case. Given that almost 22 years had elapsed since the events took place, within the framework of new investigation it was impossible to remedy the shortcomings identified by the Court. Also, the applicant and witnesses, as well as necessary documents remained on the temporarily occupied territory of Ukraine (Donetsk).

The just satisfaction was paid to the applicant in full. No additional measures seem to be possible in this case.

ii. As regards the *Aleksandr Smirnov* case (application no. 38683/06)

In this judgment the Court found a violation of the procedural limb of Article 3 of the Convention on account of the applicant’s complaint of ill-treatment by police officer R. of the Yevpatoriya Local Police Precinct on 26 March 2002.

In paragraphs 54-55 of the judgement the Court noted that: “In the present case the only common ground between the parties is the fact that the applicant had sustained some rib fractures, whereas they disagreed on the time and the origin of those injuries and disputed whether they had resulted from the use of force by the police. The medical evidence, which consists of three forensic reports, does not elucidate the matters disputed. The Court further notes that the applicant failed to produce any other strong evidence corroborating his allegations, such as eyewitness statements or

documents showing that he had entered the police premises in good health but left it having sustained injuries. That being so, the Court finds it impossible to establish “beyond reasonable doubt” whether or not the applicant’s injuries were caused by the police as he alleged and concludes that there has been no violation of Article 3 of the Convention under its substantive limb”.

As regards the procedural violation of Article 3, the Court noted that:

- even though the prosecutor seized the relevant documents shortly after the applicant had lodged his complaint, those documents not only remained without any evaluation, but went missing altogether while in the authorities’ possession. This omission makes it more difficult for the Court to determine whether there was a reasonable suspicion underlying the applicant’s allegation which would engage the authorities’ obligation effectively to investigate it. At the same time, the Court is mindful of the fact that the responsibility for the aforementioned difficulty – the missing documents - lies with the State authorities rather than with the applicant. Furthermore, the Court does not lose sight of the findings of subsequent medical forensic reports, none of which contradicted the applicant’s allegations. In sum, there is nothing in the case-file materials to convince the Court that the applicant’s complaint of ill-treatment before the domestic authorities so devoid of any reasonable suspicion that it merited no investigation. It therefore finds that the State was bound in the present case by the positive obligation to investigate the allegation in an efficient and expedient manner;

- the investigation could have relied on the applicant’s medical documentation of April 2002, or alternatively it could have arranged for new X-rays, for which it was still not too late. None of these measures was undertaken. The medical documentation of April 2002 disappeared from the investigation paperwork without trace, whereas the applicant’s new X-ray, taken only in January 2007, was not capable of establishing the exact date of his injuries and, in any event, it too was lost, in unclear circumstances;

- the investigators did not question the applicant himself until four years after his alleged ill-treatment had taken place, despite the repeated instructions of the higher-level prosecution authorities in that regard;

- investigation lasted overall for about five years, having been discontinued and subsequently resumed thirteen times. The reasons for the multiple remittals were unambiguously indicated by the Crimea Prosecutor or the Prosecutor General as largely based on the unlawfulness, prematurity and groundlessness of the investigation findings;

- investigator’s disregard for the instructions of the higher-level prosecutors, which seemed to be a regular practice.

On 29 September 2015, the Prosecutor’s Office of Autonomous Republic of Crimea (located in Kyiv) initiated a pre-trial investigation in criminal proceedings No. 42015010000000134 under Article 367.1 (“*Neglect of official duty*”) of the CCU.

The following investigative measures were taken during the investigation in this case:

- the identity of persons who may be aware of the information about the event of a crime was established. However, it was impossible to conduct procedural actions with their participation due to their stay in the temporarily occupied territory of Crimea;

- official requests were forwarded to the relevant authorities (among them the State Migration Service, the National Police, the Ministry of Interior Affairs and the Security Service) concerning border crossing from the occupied territory;

- requests were forwarded to the National Police on the identification of persons inclined to a crime commitment;

- an order was issued to the Head Office of Security Service of Ukraine in Crimea Republic to establish the location of persons who may be witnesses;

- needless to mention impossibility to take a part of investigative measures due to the significant part of evidence being left in the temporarily occupied territory of Crimea.

Furthermore, on 21 February 2022, pre-trial investigation in criminal proceedings No. 42022010000000038 under Article 365.2 (“*Excess of authority or official powers*”) of the CCU was initiated.

On 11 May 2022, criminal proceedings No. 42015010000000134 and No. 42022010000000038 were consolidated into one under No. 42022010000000038.

On 12 September 2023, the prosecutor of the Prosecutor’s Office of Autonomous Republic of Crimea filed a request with the court to terminate the criminal proceedings due to expiration of the statute of limitations.

Having examined the request, in its decision of 09 November 2023¹¹, the Desnyanskyi District Court of Kyiv noted the following.

According to paragraph 3¹ of part 1 of Article 284 (“Termination of criminal proceedings and proceedings in respect of a legal entity”) of the CCP, criminal proceedings shall be terminated if a person who committed the criminal offence has not been established in case of expiration of the statute of limitations for criminal prosecution, except in cases of committing a special grave crime against the life or health of a person or a crime punishable by life imprisonment.

During the pre-trial investigation, all possible measures were taken to identify the victim, witnesses and other persons involved in the commission of the criminal offence against the applicant.

In particular, it was established that the applicant has resided in the temporarily occupied Autonomous Republic of Crimea since 2014 to the present day and has not crossed the administrative border. Communication with him has not been established, making it impossible to interrogate him as a victim to establish the circumstances of the events in question.

It was also not possible to establish witnesses to the events, police officers, and obtain evidence in the criminal proceedings due to the fact that they remained in the territories where the authorities did not exercise their powers, namely on the Crimean Peninsula.

Furthermore, materials related to the inquiry into the incident involving the applicant, as well as those concerning prosecutors who refused to open a criminal case against the police officer R., were retained in the territories outside the governmental control.

The Autonomous Republic of Crimea and the city of Sevastopol have been temporarily occupied by the Russian Federation since 20 February 2014.

Also, the finding of the Grand Chamber of the Court as outlined in its decision in *Ukraine v. Russia (re Crimea)* (see *Ukraine v. Russia (re Crimea)* [GC] (dec.), nos. 20958/14 and 388334/18, §§ 308-349, 16 December 2020) was that the respondent State has exercised jurisdiction over Crimea after 18 March 2014.

From 20 February 2014 to the present time, any materials concerning the incident involving the applicant have not been received from the temporarily occupied territory of the Crimean Peninsula.

In the course of pre-trial investigation, the perpetrators of the criminal offence were not identified and no one was notified of suspicion.

The facts and evidence obtained in the course of investigation were not sufficient to prove person’s guilt in court, and the possibilities of obtaining them were exhausted.

Given the circumstances of this case that the event in question occurred 20 years ago, the statutory limitation period in the criminal proceedings has expired.

¹¹ <https://reyestr.court.gov.ua/Review/114913900>

In addition, the sums awarded by the Court in respect of non-pecuniary damage and cost and expenses were paid to the applicant in full under the payment order of 23 December 2010.

On 09 November 2023, the Desnynskiy District Court of Kyiv ruled to terminate the criminal proceedings due to expiration of time limits for criminal liability.

The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.

The Government would like to reiterate that at the time of the judgement (paragraph 5), the applicant resided in Yevpatoriya (Autonomous Republic of Crimea), which has been occupied since 2014.

In paragraph 43 of the judgment the Court noted that on 22 November 2008, the applicant was released from prison, having served his sentence in full.

According to the information provided by the State Penitentiary Service of Ukraine, there was no registration (information) on Mr O. Smirnov's stay in the penitentiary institution. As regards the institutions in the Donetsk, Luhansk regions and the Autonomous Republic of Crimea, the state authorities did not exercise their powers in the temporarily occupied territories of Ukraine, and therefore were unable to provide the relevant information.

It is to be noted that the incident at issue happened in 2002 and the Court identified the deficiencies in the initial stage of the investigation at the material time. As the crime has been time-barred and due to objective obstacles, the Government consider that the shortcomings identified by the Court in the investigation of the applicant's ill-treatment are impossible to be remedied at this stage.

The Government would like to highlight the recently adopted legislation aimed at eliminating the statute of limitations for the crime of torture¹². Additionally, it is customary practice in Ukraine, following the Court's judgment finding a violation of Article 3 of the Convention, to notify the SBI and OPG promptly to reopen proceedings and conduct a new effective investigation.

The judgment in the *Aleksand Smirnov* case was delivered by the Court in 2010, thus, almost 14 years have passed since that moment, and over 20 years have elapsed since the events in the case. Since 2014, the territory Autonomous Republic of Crimea has remained temporarily occupied and outside the control of the Ukrainian Government. Since that time, the practice of conducting investigations in response to the Court's judgements has changed. The Government firmly believe that moving forward, situations related to the expiration of the statute of limitations can be avoided, and effective investigations will be consistently conducted.

In addition, as noted by the Court in paragraph 58 of this judgment: "an obligation to investigate "is not an obligation of result, but of means": not every investigation should necessarily be successful or come to a conclusion which coincides with the claimant's account of events; however, it should in principle be capable of leading to the establishment of the facts of the case and, if the allegations prove to be true, to the identification and punishment of those responsible. The authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis for their decisions".

In this case the national authorities took all possible measures in order to establish the circumstances of the events in question. However, due to factual and legal grounds the shortcomings in the initial investigation can no longer be eliminated.

The Government consider that no further measures can be taken in the applicant's case.

¹² In their previous Action Plan the Government provided information on the Law of Ukraine "On Amendments to the Criminal Code of Ukraine Concerning Improvement of Liability for Torture" No. 2812-IX, which came into force on 29 December 2022.

iii. As regards the *Zamferesko* case (application no. 30075/06)

In this judgment the Court found a substantive violation of Article 3 of the Convention on account of ill-treatment at the police station in April 2005.

Furthermore, the Court found a violation of Article 6 §§ 1 and 3 (c) of the Convention on account of the absence of legal assistance as from the first questioning; and a violation of Article 6 § 1 of the Convention on account of the use of evidence obtained through ill-treatment for the applicant's conviction.

As regards the violation of Article 3 of the Convention, following the Court's judgment, on 01 September 2015, pre-trial investigation in criminal proceedings No. 4201514000000182 under Article 365.2 ("*Excess of authority or official powers*") of the CCU was initiated.

The following investigative measures were taken during the pre-trial investigation:

- On 29 September 2015, a request was sent to the Halychkyi District Court of Lviv regarding the permission to examine materials of the criminal case against the applicant. The court informed that the relevant materials were transferred to the investigative unit of the Main Department of the Ministry of Internal Affairs in Lviv Region for psychophysiological examination with the use of a computer polygraph in relation to witness Sh.
- Subsequently, on 01 October 2015, a request was sent to the relevant department to obtain the permission to examine the criminal case against the applicant. The investigator examined the materials and attached them to this criminal proceeding.
- On 05 October 2015, a request was sent to the police department as regards the conducting an internal investigation into the applicant's ill-treatment by the police officers in April 2005. According to the response of 02 November 2015, with an attached copy of the conclusion of the internal investigation dated 27 October 2015, the head of police station Mr L. and the head of criminal investigation unit of the police station Mr B. (according to the applicant's complaints these police officers ill-treated him at the police station and illegally compelled him to confess to the murder) were dismissed on 17 April 2008 and 22 August 2008 respectively.
- Following the analysis of the above conclusion of the internal investigation, it was established that it was not possible to examine the registration documents of the police station where the applicant was taken to determine the time and circumstances of his stay there, as such documents were destroyed either due to the expiry of their storage period or as a result of the riot in February 2014 during the so-called the "Night of Rage".
- On 12 October 2015, the applicant's father was interrogated. He testified that according to his son, on 09 April 2005 at around 09.30 p.m. the latter was arrested and taken to the police station where he was charged with the murder of two people. He further stated that the police officers Mr L. and Mr B., along with a man named V., forced his son into writing a confession by beating and threatening him. They took turns dictating the confession to him. Subsequently, the police officers called an investigator Mr S. and a lawyer Mr. G.
- On 26 October 2015, a request was sent to the temporary detention facility to provide information on the storage of records (registers) on the applicant's admission to the temporary detention facility in 2005, his medical examination and complaints about his health. According to the response of 30 October 2015, the storage period for records and registers used before 2008 had expired and they were subsequently destroyed.
- On 26 October 2015, an order was issued to establish the whereabouts of the former police officers Mr. L., Mr. B. and a man named V. and to summon them for questioning. According to the received information, the former police officers were dismissed in 2008 and it was not possible to identify a man named V.

- On 26 October 2015, a request was sent to the Halytskyi District Court of Lviv for interrogation of the applicant in the temporary detention facility, where he was held at the time, which was granted on 27 October 2015.
- On 28 October 2015, the former head of police station Mr L. was interrogated in the status of a witness. He testified that the murder of two women was committed in April 2005. Shortly after this event, the applicant who also confessed to the murders was arrested on an attempted robbery. The investigator Mr S. was informed of the applicant's confession. He also denied the fact of use of any violence against the applicant by him and other police officers, and did not remember a man named V.
- On 29 October 2015, the applicant's sister was interrogated. She testified that she knew about the detention of her brother from her father, and she did not know anything about the alleged ill-treatment against the applicant.
- On 29 October 2015, the former head of criminal investigation unit of the police station Mr B. was interrogated in the status of a witness. He testified that the murder of two women was committed in April 2005. Shortly after this event, the applicant who also confessed to the murders was arrested for an attempted robbery. He did not remember who took the applicant's confession. The investigator Mr S. was informed of the applicant's confession. He also denied the use of any violence against the applicant by him and other police officers, and stated that he did not remember a man named V.
- On 29 October 2015, the applicant was interrogated in the status of a witness. He testified that on 09 April 2005 at around 09.30 p.m. he was arrested and taken to the police station where he was charged with the murder of two people. He also testified that the police officers Mr L. and Mr B. and a man named V. threatening him with physical violence and using physical force, forced him to write a confession, namely to confess to the murder of two women.
- On 29 October 2015, an investigator Mr Sa. was interrogated in the status of a witness. He testified that he carried out an investigation into the murder of two women. Before the investigation was handed over to him, it was conducted by the investigator Mr S. He also testified that the applicant was interrogated in the presence of a lawyer Mr G., he confirmed that he gave his previous testimony voluntarily, he wrote the confession himself, he did not complain on illegal actions of police officers. Besides, the applicant during his interrogation in the presence of the lawyer testified that he sustained his bodily injuries, which were revealed during the forensic examination, on his own.
- On 30 October 2015, the investigator Mr S. was also interrogated as a witness. He testified that the applicant did not complain about the actions of police officers. Upon the applicant's arrival at the investigative unit, the confession was already written. The applicant confirmed that the confession was written voluntarily. He was then questioned in the presence of his lawyer, during which he confessed to the murders. Additionally, the next day, he confessed again during the reconstruction of the events at the scene of the crime in the presence of his lawyer. It should be noted that the protocol of interrogation of 10 April 2005, contained no comments from the applicant or his lawyer. Furthermore, the investigator stated that the reconstruction of the events at the scene of the crime was recorded by camera; all the investigative actions involving the applicant were conducted in the presence of lawyers. Despite being asked about possible actions of the police officers resulting in bodily injuries, the applicant did not file any complaints regarding such actions.

On 30 October 2015, the criminal proceedings were terminated, however, on 27 August 2020, the Deputy Prosecutor General quashed the decision on termination of the criminal proceedings.

The pre-trial investigation in criminal proceedings was entrusted to the Territorial Department of the SBI in Lviv.

On 29 October 2020, instructions were given on investigative measures to be taken during the pre-trial investigation.

On 26 October 2020, copies of the materials of the criminal case against the applicant were obtained from the Ministry of Justice of Ukraine, along with copies of other documents concerning the Court's judgment.

On 29 October 2020, court decisions in the criminal case against the applicant were requested from the Halytskyi District Court of Lviv and Lviv Court of Appeal and attached to the case files. According to the first instance court decision of 20 April 2016, the applicant was found guilty and sentenced to 15 years' imprisonment with the confiscation of property. On 10 April 2017, the Lviv Court of Appeal upheld this decision. On 24 October 2018, the Supreme Court upheld the previous court decisions. The cassation court decision was not subject to appeal and became final.

On 29 October 2020, a request was sent to the Prosecutor's Office in Lviv Region for materials on the refusal to institute criminal proceedings in connection with the applicant's injuries as documented by the medical expert. In the response of 19 November 2020, it was not possible to provide the relevant materials as documents on crimes for 2004-2012 were destroyed due to the expiry of their storage period.

On the same date, a request was sent to the State Institution "Lvivska Penitentiary Facility (No. 19)" as regards the applicant's stay there, his state of health etc. On 17 November 2020, the relevant materials were received.

On 06 October 2020 and 12 November 2020, the investigators Mr S. and Mr Sa. respectively were additionally interrogated. Their statements did not differ from those provided previously.

Following an order of 29 October 2020 to interrogate the former head of police station Mr L. and the former head of criminal investigation unit of the police station Mr B., on 24 November 2020, it was established that it was not possible to establish their whereabouts and to question them.

On 29 October 2020, an order for additional interrogation of the applicant was issued. According to the response of 09 November 2020, the applicant was released from detention due to serving the sentence on 21 September 2016. Further, on 19 June 2018, the applicant crossed the state border of Ukraine to leave.

On the same date, an order was forwarded for interrogation of lawyers Mr Sh., Mr K. and Mr G., as well as for establishment a man named V. to the local police unit. According to the response of 04 December 2020, the lawyers were not interrogated. In particular, in accordance with a protocol of 05 November 2020, the lawyer Mr Sh. in a telephone conversation informed that he did not represent the applicant and since 2007 he carried out his activity in the Kyiv region. Also, the lawyer Mr K. in a telephone conversation informed that he could not remember the events of 2005, however, he was sure that he did not represent the applicant. The lawyer Mr G. did not answer phone calls. The identity of a man named V. was not established.

On 12 April 2023, a request was sent to the State Border Guard Service of Ukraine as regards crossing the state border by the applicant. In the response of 18 April 2023, it was informed that on 16 November 2017, the applicant left Ukraine, on 10 March 2018, returned to the territory of Ukraine and on 19 June 2018, crossed the state border to leave.

Thus, at the time it was not possible to interrogate the applicant and to conduct simultaneous interrogation of the applicant and police officers.

On 20 June 2023, the investigator held telephone conversations with the applicant's sister and father. They refused to provide information on the whereabouts of the applicant.

On 21 June 2023, a request was sent to the court for obtaining access to items and documents in the criminal case against the applicant that were in the court archive. On 09 August 2023, the access was granted, and the relevant materials were examined and attached to the case files.

On 10 October 2023, a request was sent to the Ministry of Foreign Affairs of Ukraine as regards the applicant's consular registration abroad or renunciation of Ukrainian citizenship. According to the response of 20 October 2023, the applicant was not registered with foreign diplomatic missions.

On the same date, a request was sent to the State Migration Service of Ukraine as regards the applicant's renunciation of citizenship and obtaining foreign passports. In response of 16 October 2023, it was informed that the applicant was a Ukrainian citizen and had one foreign passport, as well as he did not submit any application to the migration authorities.

In response to the investigator's request dated 10 October 2023, on 13 November 2023, the Main Department of the National Police of Ukraine informed that the police station where the applicant was arrested and allegedly was subject of ill-treatment by police officers was liquidated, all documents were destroyed and thus it was not possible to provide information on the employees.

On 19 October 2023, the operative unit of the Territorial Department of the SBI in Lviv informed that it was impossible to establish the identity of a man named V.

On 11 October 2023, a lawyer Ms B. was interrogated as a witness. She testified that as she was informed by the applicant, the latter was delivered to the police station, where he was threatened with the use of physical force and inflicted bodily injuries by the police officers Mr B., Mr L. and a man named V. She did not know anything else, as she was engaged in the case at the stage of applying to the Court.

On 13 October 2023, the applicant's mother, Ms Sh., was interrogated as a witness. She testified the following.

The applicant was her son by her ex-husband Mr Z. After the divorce, she changed her surname.

On 09 April 2005, her son was arrested on suspicion of murder of two women. From the moment her son was detained, her ex-husband started to actively try to prove that the crime was committed by another person, not their son, but they only succeeded in having her son's life sentence cancelled and sentenced to 15 years' imprisonment.

In 2018, the applicant left Ukraine. Initially, he lived in Poland, but he was going to change his place of residence, so she did not know where he currently lived. As far as she knew, the applicant was not going to return to Ukraine under any circumstances. She did not want to provide her son's phone number because she was worried about his safety. She also noted that they were advised to appoint and conduct an author examination by one of the lawyers with whom her husband communicated outside the criminal case against the applicant. They did not enter into any official agreements with him and all this took place within the framework of private communication. After that, she and her husband decided that she would write the application for the examination. They sent the necessary documents to the expert institution and, after some time, received the report. During the interrogation, she attached a copy of the report of 18 December 2009 (paragraph 21 of the judgement).

As regards the circumstances of the infliction of bodily injuries to the applicant by police officers in April 2005 during the investigation of the criminal case of the murders, she informed that her husband was involved in this matter and that he had more information. She only collected documents and sometimes prepared documents on her husband's instructions. She only knew that her son was forced to confess to a crime he did not commit.

On 26 October 2023, the former investigator Mr S. was interrogated as a witness. He testified the following.

Due to the passage of time, he did not remember the circumstances of receiving a confession from the applicant. Moreover, he was repeatedly questioned on this issue both during the trial of the criminal case against the applicant and during the pre-trial investigation in this criminal proceeding.

He could not provide any additional information. He also had no knowledge of illegal action of police officers. The evidence of the applicant's guilt was duly collected during the pre-trial investigation of the criminal case against him and was duly assessed by the court. Regarding the contradictions in his testimony given in court and during the pre-trial investigation, he noted that he did not remember the circumstances of receiving the confession from the applicant due to the passage of a long period of time. However, he did not deny receiving the confession or verifying its legality, asserting that it was obtained without pressure from police officers or unauthorised persons.

Regarding the report of the author examination of 18 December 2009, he noted that in his opinion this report was superficial and did not correspond to the criminal case file, since during the pre-trial investigation the applicant did not show signs of ignorance or obvious illiteracy, vagueness of the details and circumstances of the crime committed by him.

At the same time, he confirmed that during the pre-trial investigation in criminal case against the applicant he found that the latter was previously convicted of murder, suffered from mental disorders and was subjected to compulsory medical treatment by a court decision. He could not recall at what stage of the pre-trial investigation he received this information.

On 13 November 2023, a request was sent to the Territorial Department of the SBI in Kyiv to establish the whereabouts of the lawyer Mr Sh. According to the response of 30 November 2023, it was not possible to interrogate the witness as the lawyer was registered in Kyiv, however, the telephone numbers indicated in the lawyer's profile were not valid, and he did not appear for summons.

On 15 November 2023, an order was sent to the Territorial Department SBI in Lviv to establish the whereabouts of lawyers Mr K. and Mr G., who previously lived in Lviv. In accordance with the response of 13 December 2023, the addresses and telephone numbers of the lawyers were established. The response was accompanied by the investigator's reports, according to which Mr K. was unable to appear for interrogation (he suffered 2 blood-stroke), and the latter said that he did not remember anything and could not give any testimony, and Mr G. did not answer phone calls.

On 04 December 2023, the former head of the prosecutor's office Mr M. was interrogated as a witness. He testified that he signed the applicant's guilty plea and that he did not remember any details of the investigation into the criminal case against the applicant.

The Deputy Head of the Department for Combating Human Rights Violations in Law Enforcement and Penitentiary System of the Prosecutor's Office of Lviv Region filed a request with the court to terminate the criminal proceedings due to expiration of the statute of limitations.

On 05 March 2023¹³, the Halytskyi District Court of Lviv granted the request and ruled to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP due to expiration of the statute of limitations for bringing to criminal liability.

The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.

As regards the violation of Article 6 of the Convention on account of the use of evidence obtained through ill-treatment for the applicant's conviction, the Government would like to note the following.

On 20 April 2016, the Halytskyi District Court of Lviv found the applicant guilty under Article 155 and 187 of the Criminal Code of Ukraine and sentenced to 15 years' imprisonment.

The court found the applicant's confession, the protocols of interrogation and a reconstruction of the events at the scene of the crime on 10 April 2005 to be inadmissible and inadequate evidence (see paragraphs 10, 64-65, 70-72 of the judgment).

¹³ <https://reyestr.court.gov.ua/Review/117486104>

On 10 April 2017, the Court of Appeal of Lviv Region upheld the first instance court decision of 20 April 2016.

On 28 October 2018, the Cassation Criminal Court of the Supreme Court upheld the first instance and court of appeal decision of 20 April 2016 and 10 April 2017 respectively.

The cassation court decision is not subject to appeal and is final.

As regards the review of the contested court decisions under the exceptional circumstances prescribed by the domestic law after the Court's judgments in this case became final, the applicant did not avail himself of such an opportunity.

The Government reiterate that the applicant was released from detention on 21 September 2016. And, on 19 June 2018, the applicant crossed the state border of Ukraine to leave. Also, he did not return to the territory of Ukraine.

It should be underlined that the events (the alleged ill-treatment by police officers) in this case occurred in 2005, almost 20 years passed, and the crime has become time-barred in 2020.

Therefore, there is no legal and factual possibility of redress the applicant's rights by conducting a fresh investigation.

The applicant was paid the just satisfaction awarded by the Court in full.

The Government consider that no further individual measures can be taken in this case.

iv. As regards the *Kirpichenko* case (application no. 38833/03)

In this judgment the Court found a violation of Article 3 of the Convention on account of the purported ill-treatment on 6 and on 16 May 2003.

Also, the Court found a violation of Article 3 of the Convention on account of the lack of effective investigation into the complaints concerning ill-treatment on 29 and 30 January 2003 and on 6 and 16 May 2003. In particular:

- findings of the domestic authorities were based primarily on the explanations provided by the officers accused of ill-treatment; no prompt and thorough effort to collect objective evidence or to verify the probability of the applicant's accounts was taken; the applicant was not provided with an opportunity to put questions to the forensic experts;

- unexplained delays for collecting vital forensic evidence and in communicating the decisions taken to the applicant;

- lack of independence and impartiality of the investigating officers.

On 19 August 2015, pre-trial investigation in criminal proceedings No. 42015050000000429 under Article 365.1 (*"Excess of authority or official powers"*) of the CCU was initiated. Subsequently, the qualification of the criminal offence was changed to Article 365.2 of the CCU.

Due to the fact that the case files of the criminal proceedings were left on the territories outside the governmental control (in the Donetsk region), the applicant and the vast majority of witnesses also resided in the territories outside the governmental control, on 30 October 2015, the criminal proceedings were terminated due to the absence of any evidence of a crime.

Furthermore, on 20 September 2021, the decision on termination of the criminal proceedings was quashed. The case was remitted to the Territorial Department of the SBI in Kramatorsk for carrying out the pre-trial investigation.

On 19 November 2021, a request was sent to the Ministry of Justice of Ukraine for a copy of the Court's judgment and the relevant case materials.

Also, on 19 November 2021, a request was sent to the State Penitentiary Service of Ukraine to provide information on the places where the applicant was serving his sentence. According to the information of 23 December 2021, the applicant was sentenced to life imprisonment by the decision of the Court of Appeal of Donetsk Region dated 09 November 2004. Since 16 March 2007, he was serving his sentence in the State Institution “Ladyzhynska Penal Institution (No. 39)”. On 29 October 2012, the applicant died.

On the same date, a request was sent to the Main Department of the National Police of the Donetsk Region, the Prosecutor’s Office of the Donetsk Region and the Court of Appeal of the Donetsk Region to provide information on the location of the criminal case files against the applicant and the materials of inquiries that were conducted on the basis of statements, complaints and appeals by the applicant regarding the use of unlawful investigative methods against him.

In the response of 15 December 2021, the Main Department of the National Police of the Donetsk Region informed that it was established that the Investigation Department of the Proletarskyi District Police of the Donetsk Main Department of the Ministry of Internal Affairs of Ukraine conducted a pre-trial investigation in criminal case No. 09-23243, initiated on 29 January 2003 on the fact of the murder of a girl, in which the applicant was brought to criminal responsibility. On 23 June 2003, the criminal case on the charges of the applicant was sent to court for consideration on the merits. It was also established that the records of the automated system did not contain information on applications by the applicant. The relevant police department did not have any other information on the matter.

On 15 December 2021, the Prosecutor’s Office of the Donetsk Region informed that it did not have information on the location of the relevant materials.

On 19 January 2022, the Court of Appeal of the Donetsk Region informed that since September 2014, the premises of the court have been occupied by representatives of illegal armed groups. As of 24 December 2021, it was not possible to obtain access to the court’s premises. It was not possible to provide the requested information on the location of the criminal case against the applicant and information on the location of the materials of inquiries on applications and complaints of the applicant.

On 04 November 2023, a request was sent to the Main Department of the National Police in the Donetsk Region to provide copies of the decisions on the dismissal of former police officers Mr V. and Mr N., as well as information on the service of police officers Mr P. and Mr O. In the response of 08 December 2023, it was informed that Mr V. served in the police as an officer in the Criminal Investigation Sector of the Proletarskyi District Police Station in Donetsk and was dismissed for breach of discipline by order of 31 July 2014, his whereabouts was unknown. Mr N. served in the law enforcement agencies as the Head of the Criminal Investigation Sector of the Proletarskyi District Police Station in Donetsk and was dismissed for misconduct by the order of 31 July 2014, his whereabouts was also unknown. Mr P. was dismissed by order of 15 July 2016 due to illness, his whereabouts was also unknown. By the order of 15 January 2021 Mr O. was transferred for further service to the Main Department of the National Police in the Zaporizhzhia Region.

On 21 November 2023, a request was sent to the Ukrainian Bar Association regarding the lawyer, who represented the applicant before the Court. On 04 January 2024, the Ukrainian Bar Association informed that since 10 November 2017 the lawyer suspended his practice.

On 07 December 2023, the materials of the applicant’s case were examined.

On 21 December 2023, a request was sent to the State Border Guard Service of Ukraine regarding the crossing of the state border of Ukraine and the temporarily occupied territory of Ukraine by citizens of Ukraine: Mr P., Mr O. and Mr A. D.

On the same date, a request was sent to the Pension Fund of Ukraine in Donetsk region to provide information on the status of internally displaced persons, pension payments, and identifying data of the following persons: Mr P., Mr O., Mr V.D., Mr A.D. and Mrs S.

On 12 January 2024, a request was sent to the Main Department of the State Tax Service of Ukraine in Donetsk region to provide information on the receipt of payments, payment of taxes in Ukraine, registration as private entrepreneurs in relation to Mr P., Mr O., Mr V.D., Mr A.D. According to the response of 07 January 2024, the requested information could be provided on the basis of a ruling by an investigating judge.

On 26 January 2024, a request was sent to obtain an extract of the applicant's death certificate, to provide all identifying data and the place of residence in Ukraine of Mr V.D. and Mr A.D. On 31 January 2024, a response was received with information from state registers and a copy of the death certificate No. 204 of the applicant. In addition, information was provided on Mr V.D., who was registered in Donetsk (in the temporarily occupied territories of Ukraine) and he, his parents, wife were not registered in Ukraine and as internally displaced persons.

In the course of the pre-trial investigation, measures were taken to establish the whereabouts of the duty officer of the Proletarskiy District Police Station in Donetsk, Mr V. D., who inflicted physical violence on the applicant while escorting the latter to the temporary detention facility (in paragraph 32 of the judgment the Court noted that *on 16 May 2003 the applicant was escorted from the SIZO to the District Police Station for questioning and temporarily detained in the police detention facility. According to him, police officer V.D., who was on duty on that day, insulted him, punched him twice in the face and also kicked his back*).

According to the response of the Main Department of the Pension Fund of Ukraine regarding Mr V. D., the latter was registered as a recipient of pension payments in the Pension Fund of Ukraine, registered as an internally displaced person in the territory of Ukraine (Volnovakha), however, due to the occupation of Volnovakha, the latter's stay in the territory of Ukraine was not known. Contact with Mr V. D. was not established. As Mr V. D. resides in the territory outside the governmental control, it was impossible to establish his exact location and interrogate him, and the contact with him was lost.

Additionally, it was established that Mr O. and the applicant's mother, Mrs Savich, who represented her son in the Court, reside in the territory outside the governmental control. Thus, it was not possible to establish their exact location and interrogate them, as well as contacts with them were lost.

The whereabouts of the former investigator of the prosecutor's office, Mr A.D., was established (in paragraph 30 of the judgment the Court noted that *according to the applicant, on 6 May 2003, while he was studying his criminal case file at the premises of the prosecutor's office, investigator A.D. groundlessly hit him in the face. As a result of his blows, the applicant's nose bled and stained his sweater, the surrounding furniture, and pages of the case file*).

Mr A.D. resided in Ukraine, but was outside Ukraine at the time and was not going to return in the near future. On 07 February 2024, he provided written explanations to the investigator, where he explained that from October 2002 to March 2004 he served as a senior investigator of the Prosecutor's Office of the Proletarskiy District of Donetsk region. In 2003, he conducted a pre-trial investigation in the criminal case concerning the murder of a minor girl. During the investigation, in the course of investigation activities, police officers of the Proletarskiy District Police Station in Donetsk detained the applicant, who confessed to the murder. The applicant, during investigative and procedural actions with him, when he was familiarising himself with the criminal case file in May 2003, at the prosecutor's office, broke (scratched) his nose with his own hands and stained the criminal case file. He did not personally see that the applicant being subjected to physical and psychological violence by law enforcement officers.

Due to the death of the applicant in 2012, it was impossible to refute the version of Mr A.D. and to conduct their simultaneous interrogation.

In addition, it was impossible to establish the circumstances of causing the applicant's injuries without his participation.

Moreover, the originals of the criminal case files against the applicant remained in the territory outside the governmental control in the building of the Court of Appeal of the Donetsk region. It was not possible to obtain documents of this case that could be used as evidence in the criminal proceedings.

More than 15 years have passed since the commission of the criminal offence, namely since 29 January 2003, i.e. the general statute of limitations for bringing to criminal liability for the crime expired on 29 January 2018. Therefore, the prosecutor requested the court to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP.

On 05 March 2024, the Dzerzhynskiy City Court of Donetsk Region sent a notification to the victim's (the applicant Mr Kirpichenko) representative regarding the consideration of the request to terminate the criminal proceedings No. 4201505000000429.

The applicant's representative (his mother Mrs Savich) failed to appear to the court to participate in the trial.

During the trial the court established that in the course of the pre-trial investigation the investigative steps were taken to obtain the materials of the criminal case against the applicant, to establish the whereabouts of law enforcement officer concerned and the applicant's mother, who represented him before the Court, and further to interrogate them.

Furthermore, the applicant died in 2012 and thus it was not possible to conduct investigative actions with him. This fact also prevented the conduct of a forensic medical examination, and determining the origin of the applicant's bodily injuries. The version of Mr A.D. (that the applicant broke (scratched) his nose with his own hands) could also not be refuted for this reason.

On 21 March 2024, the Dzerzhynskiy City Court of Donetsk Region granted the request and ruled to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP due to expiration of the statute of limitations for bringing to criminal liability.

The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.

The Government consider that a new investigation in the applicant's case can no longer be conducted due to legal and factual grounds.

The Government consider that no further individual measures can be taken in this case.

v. As regards the *Samardak* case (application no. 43109/05)

In this judgment the Court found the violation of Article 3 of the Convention on account of the applicant's ill-treatment in April 2002 by police officers of the Lychakivsky District Police Station of Lviv during the questioning and the ineffective investigation of the applicant's complaint of ill-treatment.

As regards the procedural violation of Article 3 of the Convention the Court noted that:

- the investigation, which has lasted more than eight years, has not established the circumstances in which the applicant sustained the injuries and has not held accountable those (if any) responsible for them;

- investigation was discontinued or suspended on a number of occasions, as the prosecution was not able to detect evidence of police misconduct or identify an alternative perpetrator. These decisions were subsequently quashed by the supervising prosecutorial and judicial authorities, which referred to failures on the part of the investigative authorities to employ all the means at their disposal.

In their decisions the prosecutorial and judicial authorities expressly pointed to a number of measures which could have been taken, as well as noting that previous instructions had not been fully complied with;

- on various occasions the inquiries were still discontinued on essentially the same grounds as before without further substantive measures being taken. This situation resulted in the finding by the Lychakivsky district court of Lviv that the investigative authorities were manifesting “stubborn unwillingness” to determine the real circumstances of the case;

- further collection of evidence was impeded on account of the lapse of time. In particular, the witnesses could no longer recall details of the events. Therefore, the Court does not have reason to believe that yet another round of inquiries would redress the earlier shortcomings and render the investigation effective.

On 03 September 2015, the Prosecutor’s Office of the Lviv Region instituted pre-trial investigation in criminal proceedings No. 4201514000000187 under Article 365.2 of the CCU.

During the pre-trial investigation the following investigative steps were taken.

On 25 September 2015, Mr B. Samardak, who was a distant relative of the applicant, was interrogated. He testified that he did not communicate with the applicant since 2009 and that the latter died in 2012. The applicant had no other relatives.

On 22 October 2015, a request was sent to the Civil Registration Department of the Registration Service of the Main Department of Justice in the Lviv Region. On 03 November 2015, the investigator was informed that the applicant died on 18-20 March 2012.

On 28 December 2021, a request was sent to the Bureau of Forensic Examination of the Lviv Region to provide contact information about medical experts Ms H., Mr M., Mr S. and Ms Sm. On 25 January 2022, the medical experts’ contact details were received.

On 28 December 2021, a request was sent to the Main Department of the National Police in the Lviv Region to provide information on the internal investigation into the detention of the applicant on 20 April 2002 and copies of the personal files of former police officers of the Lychakivsky District Police Station of Lviv Mr V.Z. and Mr S.P. In the response of 24 January 2022, copies of the orders on appointment to positions, dismissal from positions and service records of Mr S.P. (dismissed on 31 December 2008) and Mr V.Z. (dismissed on 05 April 2006) were provided, and it was also reported that it was not possible to establish whether an internal investigation into the above fact was conducted, since the documentation of internal investigations for 2002 was destroyed in 2008.

On 28 December 2021, a request was sent to the Ministry of Justice of Ukraine to provide a copy of the Court’s judgment in the case of Samardak v. Ukraine, and a response was received on 10 January 2022 with a copy of the judgment.

On 01 November 2023, a request was sent to the Prosecutor’s Office of the Lviv Region to provide the materials of criminal case on the fact of infliction of bodily injuries to the applicant by police officers (which was terminated on 14 July 2011). On 24 November 2023, the criminal case was attached to the case files.

On 01 November 2023, a request was sent to the Bureau of Forensic Examination of the Lviv Region to summon the medical expert Ms Sm. On 23 November 2023, the investigator was informed that she was dismissed on 14 April 2022.

On 07 November 2023, the medical expert of the Bureau of Forensic Examination of the Lviv Region Ms H. was questioned as a witness. She testified that she examined the applicant and issued the conclusion of the commission forensic examination No. 64. Also, she could not remember anything about communication with the applicant.

On 13 November 2023, the medical expert Mr S. was interrogated as a witness. He testified that he examined the medical records of the applicant's injuries and issued the conclusion of the commission forensic medical examination No. 64. Also, he could not recall anything about communication with the applicant.

On 17 November 2023, the medical expert of the Bureau of Forensic Examination of the Lviv Region Ms Sm. was questioned as a witness. She testified that she examined the applicant and issued the conclusion of the commission forensic examination No. 64. Also, she could not remember anything about communication with the applicant.

On 06 December 2023, the former investigator of the Lychakivsky District Prosecutor's Office of Lviv Mr I. was interrogated as a witness. He testified that conducted a pre-trial investigation in the criminal case in 2002-2004, but he did not remember the details.

On 21 March 2024, the former police officer Mr S.P. was additionally interrogated as a witness. He testified that he did not remember the circumstances of the applicant's detention on 20 April 2002, as a long period of time passed, and that he supported his previous testimony in full. He also noted that he did not cause bodily injuries to the applicant and did not exert psychological pressure on the latter.

On 02 April 2024, the former police officer Mr V.Z. was additionally interrogated as a witness. He testified that he did not remember the circumstances of applicant's detention on 20 April 2002 due to the lapse of time. He also noted that he supported the testimony given earlier in full. He also noted that he did not cause bodily injuries to the applicant, except for the use of physical force necessary to overcome resistance during the arrest, and did not exert psychological pressure on the latter.

On 02 April 2024, the former police officer Mr R.Ya. was interrogated as a witness. He testified that he did not remember the circumstances of applicant's detention on 20 April 2002 due to the lapse of time. He also noted that he did not cause bodily injuries to the applicant, except for the use of physical force necessary to overcome resistance during the arrest, and did not exert psychological pressure on the latter.

On 04 April 2024, the medical expert Ms Sm. was additionally questioned. She testified that she supported her previous testimony in full and also that the examination reports, in particular, reports of 23 April 2002 and 07 June 2002, indicated that the applicant may suffered his injuries on 20 April 2002, however, did not exclude that he could suffered them on 19 April 2002 or 21 April 2002. That was the most likely date based on the nature of the injuries.

In April 2024, the prosecutor of the Prosecutor's Office of the Lviv Region submitted a request to the court to terminate the criminal proceedings under No. 42015140000000187 under paragraph 3¹ of part 1 of Article 284 of the CCP.

The crime committed became time-barred in 2017.

In the court hearing the prosecutor noted that in view of the fact that almost 22 years had passed since the incident (April 2002) and witnesses could not recall the circumstances of the applicant's detention and his stay in the district police station for objective reasons, it was impossible to clarify these circumstances in detail and explain the reasons for modifying the initial explanations by police officers during the pre-trial investigation in the criminal case, as well as the reasons for the absence of registration of the applicant's detention (see paragraph 16 of the judgment).

During the hearing the prosecutor also pointed out the Court's finding that: *"It appears from the materials in the case file (see paragraph 19 above) that further collection of evidence was impeded on account of the lapse of time. In particular, the witnesses could no longer recall details of the events. In these circumstances the Court does not have reason to believe that yet another round of inquiries would redress the earlier shortcomings and render the investigation effective"* (paragraph 46 of the judgment).

In the light of above, the prosecutor noted that during the pre-trial investigation, a set of investigative and procedural actions aimed at a full and objective investigation of the circumstances of the criminal offence was carried out. However, it was not possible to identify the persons involved in the criminal offence.

On 09 April 2024¹⁴, the Lychakivskiy District Court of Lviv granted the request and ruled to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP due to expiration of the statute of limitations for bringing to criminal liability.

The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.

The Government believe that in such circumstances no additional individual measures are possible in the *Samardak* case due to the passage of time and the applicant's death in 2012.

vi. As regards the *Dushka* case (application no. 29175/04)

In this judgment the Court found the violation of Article 3 of the Convention on account of the inhuman and degrading treatment suffered by the applicant at the hands of the police in November 2002 and the ineffective investigation of the applicant's complaint of ill-treatment at the hands of the police.

In particular, as regards the procedural violation of Article 3 of the Convention: investigation was closed on a number of occasions, as the prosecutor's office was not able to detect evidence of ill-treatment; at various times the decisions to close the investigation were set aside by administrative or court orders, as the prosecutor's office had failed to employ all the means available to it to establish the circumstances surrounding the applicant's complaint; prosecuting authorities largely repeated the same conclusions in all of their refusals. In spite of the instructions issued by the courts and supervising prosecutorial authorities, the investigation provided no specific answers to the particular allegations raised by the applicant in his complaints. In particular, it did not find any plausible explanation as to the reason for his injuries, or provide a substantiated response to his arguments concerning the unlawfulness of his arrest and detention or his allegations that he had been questioned about robbery in violation of procedural guarantees enshrined in the CCP.

Furthermore, the Court noted that it did not have reason to believe that yet another appeal by the deceased applicant's heirs would redress the earlier shortcomings and render the investigation effective (paragraph 59 of the judgment).

In paragraph 4 of the judgment the Court noted the applicant died on 4 March 2005, and his mother (also heir) wished to pursue the application.

The pre-trial investigation in criminal proceedings No. 42015160000000566 under Article 365.2 of the CCU was initiated on 27 August 2015.

On 25 December 2015, criminal proceedings were terminated due to the absence of elements of a criminal offence. However, on 11 March 2020, the Deputy Prosecutor of the Prosecutor's Office of the Odesa Region quashed the decision on termination of the criminal proceedings and remitted the case for further investigation to the Territorial Department of the SBI in Mykolaiv.

During the pre-trial investigation, the information was received from the Bureau of Forensic Medical Examination of the Odesa Region that the applicant had not applied on 23 November 2002 for a forensic examination. No records as regards the applicant had been made to the registry book since 27 January 2005.

After the investigative authorities' requests to the prosecutor's office and police department in the Odesa Region, it was established that the necessary documents could not be attached to the case

¹⁴ <https://reyestr.court.gov.ua/Review/118214976>

files and examined, in particular documents on the applicant's arrival to the police station, his stay in the detention centre and the persecution of the applicant due to the expiry of their storage period.

During the investigation, it was not possible to interrogate the applicant since he died in March 2005.

Given the passage of time (the events in this case took place in 2002) and the period of limitation of criminal prosecution for the crime (10 years for a grave offence), on 19 June 2020, the prosecutor of the Prosecutor's Office of the Lviv Region submitted a request to the court to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP.

On 06 August 2020¹⁵, the Zavodskiy District Court of Mykolaiv granted the request and ruled to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP due to expiration of the statute of limitations for bringing to criminal liability.

The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.

Given the circumstances that have occurred to date: the criminal offence in this case took place more than 20 years ago, the applicant died before the Court delivered the judgment, the shortcomings identified by the Court, in particular the repeated closure of the investigation which led to the loss of evidence due to the passage of time, cannot be remedied at present. In the context of a new investigation the competent authorities are unlikely to be able to provide answers to the particular allegations raised by the applicant in his complaints, the reason for his injuries, or provide a substantiated response to his arguments concerning the unlawfulness of his arrest and detention or his allegations that he had been questioned about robbery in violation of procedural guarantees.

The Court's judgment in this case was delivered in 2011 and it was also confirmed by the Court and as was mentioned above, that yet no another appeal by the deceased applicant's heirs would redress the earlier shortcomings and render the investigation effective.

The just satisfaction was paid in due time.

The Government believe that in such circumstances no additional individual measures are possible in the *Dushka* case due to the passage of time and the applicant's death in 2005.

vii. As regards the *Ismailov* case (application no. 17323/04)

In this case the Court found that the domestic authorities failed to provide any plausible explanation as to how the applicant sustained the injuries while in police custody in March 2001 (a violation of substantive limb of Article 3 of the Convention) and the domestic authorities failed to carry out a prompt and thorough investigation into the applicant's allegations about his alleged ill-treatment at the Simferopol District Police Station (a violation of procedural limb of Article 3 of the Convention).

As regards the procedural deficiencies the Court noted that:

- decision not to institute criminal proceedings against the police officers was taken on two occasions. These decisions, however, were quashed by the court, following which the case was remitted for further inquiries;

- excessive delay in commencing criminal proceedings;

- on two occasions the domestic court found serious omissions in the inquiries into the applicant's allegations (*inter alia*, the investigator's version as to the origin of the applicant's injuries had been evidently inconsistent with the medical conclusions in that regard);

¹⁵ <https://reyestr.court.gov.ua/Review/90902192>

- the decision of 20 November 2003, by which the criminal proceedings were terminated, did not provide any explanation of the origin of the injuries;

- the domestic authorities, though faced with hard evidence that the applicant had been the victim of violence in police custody, did not make any serious attempt to investigate the applicant's allegations.

The pre-trial investigation in criminal proceedings No. 42015010000000132 under Articles 367.1 and 365.2 of the CCU was initiated on 29 September 2015.

After the decision to close the criminal proceedings was quashed by the prosecutor's office, the case was remitted to the Territorial Department of the SBI in Melitopol.

In paragraph 5 of the judgment the Court noted that the applicant lived in Simferopol. During the pre-trial investigation, it was established that the applicant resided on the temporarily occupied territory of Crimea, there were no means of communication with him.

The fact that the Crimean peninsula has been outside the Government of Ukraine control since February 2014 was recognised by Court (as mentioned above).

Moreover, the materials on the internal investigation of the applicant's complaints and initial criminal proceedings, other evidence available to the investigative authorities at the time, police officers involved in the events with the applicant and possible witnesses of such events were situated on the temporarily occupied territory of Crimea.

As of today, due to both the passage of time and the occupation of the Crimean peninsula, within the new investigation (which was initiated in 2015) the authorities were deprived of the opportunity to obtain any evidence that the applicant had been the victim of violence in police custody.

Thus, due to the lack of availability of evidence, at present the shortcoming revealed by the Court in this case as regards the failure of domestic authorities to make any serious attempt to investigate the applicant's allegation and provide any explanation of the origin of the injuries cannot be addressed.

At this stage, the investigative authorities are unable to redress the shortcomings concerning excessive delay in commencing criminal proceedings at the time.

Due to the temporary occupation of Crimea and the lack of access to the territory, the investigative body is unable to identify suspects, interrogate witnesses, the victim in the criminal proceedings and obtain evidence and necessary documents.

Furthermore, the criminal offense became time-barred.

On 4 September 2023, the Prosecutor's Office of the Autonomous Republic of Crimea and Sevastopol City filed a request to the court to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP due to expiration of the statute of limitations for bringing to criminal liability.

On 17 April 2024¹⁶, the Solomyanskyi District Court of Kyiv upheld the prosecutor's request and the criminal proceedings No. 42015010000000132 were terminated.

The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.

The Government consider that a new investigation in the applicant's case can no longer be conducted due to legal and factual grounds. Therefore, no further individual measures can be taken in this case.

¹⁶ <https://reyestr.court.gov.ua/Review/118458806>

viii. As regards the *Spinov* case (application no. 34331/03)

In this case the Court found a violation of Article 3 of the Convention under its procedural limb as the domestic authorities failed to carry out a prompt and thorough investigation into the applicant's allegations about his alleged ill-treatment at the police station in November 2001. In particular:

- decisions not to institute criminal proceedings against the police officers had been taken for seven times. All these decisions, however, had been quashed by the higher prosecutors or by the court following which the case was remitted for further inquiries;

- on several occasions the domestic court as well as the higher prosecutors found that there had been serious omissions in the course of the inquiries into the applicant's allegations upon which the investigative authorities were given clear instructions as to the way the inquiry should have been held. In particular, the authorities were ordered to establish and question all the witnesses who saw the applicant before and after his detention in the police station and to inspect the relevant room of the police station with the participation of the applicant and medical expert for the purpose of specifying medical conclusions. It appears that those instructions were not followed diligently.

The pre-trial investigation in criminal proceedings No. 4201505000000158 under Article 365.1 was initiated on 3 April 2015.

During the criminal proceedings the following investigative steps were taken:

- investigative officers analysed all available case files of the criminal proceedings in the applicant's case;

- it was impossible to examine all case files and evidence at the time due to the restricted access and government control on the territory where they stored;

- it is not possible to interrogate the applicant, police officers, prosecutors and other witnesses of the crime event as they resided in Donetsk.

On 27 May 2015, the Prosecutor's Office of the Donetsk Region decided to terminate criminal proceedings due to a lack of evidence of a crime.

After the decision on termination of the criminal proceedings was quashed on 29 December 2020, the case was remitted to the Territorial Department of the SBI in Kramatorsk for conducting the pre-trial investigation.

On 5 February 2021, in order to establish the applicant's whereabouts and interrogate him as a victim, the investigator ordered to the Police Department in Donetsk. By the response of 26 February 2021, the investigator was informed about the lack of any information about the applicant. Also, according to the Cabinet of Ministers of Ukraine Resolution No.1085-r of 07 November 2011, Donetsk was a city where the national authorities did not exercise their powers.

According to the extract from the State Register of Civil Status Acts, the records of Mr Spinov, his wife, his ex-wife and his daughter were made only in the temporarily occupied territory, namely in Donetsk.

The impossibility of conducting further investigation actions in 2022-2023 was related to the full-scale invasion of the territory of Ukraine (see above).

On 2 November 2023, the qualification was changed from part 1 of Article 365 to part 2 of Article 365 of the CCU.

On 19 January 2024, requests were sent to the State Border Guard Service, the Main Department of the State Tax Service of Ukraine in Donetsk Region, and the Pension Fund of Ukraine in Donetsk Region.

According to the response of the Main Department of the Pension Fund of Ukraine in Donetsk Region dated 25 January 2024, the applicant and his wife were not registered with the Main Department as recipients of benefits, housing subsidies, insurance payments and pensions.

According to the response of the State Border Guard Service of Ukraine dated 24 January 2024, no information on the crossing of the state border of Ukraine, the line with the temporarily occupied territory of Ukraine between 08 November 2017 and 24 January 2024 by the applicant was recorded in the database.

According to the response of the Main Department of the State Tax Service in Donetsk Region dated 31 January 2024, the applicant and his wife were not registered as individual entrepreneurs.

During the pre-trial investigation, all possible measures were taken to establish the whereabouts of Mr Spinov and his close relatives in Ukraine. Taking into account the data obtained, it is evident that they are located in the temporarily occupied territory in Donetsk.

In view of the above, the investigative authorities were deprived of the opportunity to question these individuals about the circumstances of the applicant's stay under the control of law enforcement officers in November 2001.

On 17 November 2023 and 16 January 2024, requests were sent to the Ministry of Justice of Ukraine to provide an official translation of the judgment in the case of Spinov v. Ukraine, as well as duly certified copies of the materials available in the case.

According to the response of the Ministry of Justice of Ukraine dated 24 January 2024, in accordance with the act on the removal and destruction of documents not included in the National Archival Fond, documents on the communication with the Court for the period from 2002 to 2008 were removed for destruction as having no cultural value and having lost their practical significance.

On 22 January 2024, in order to obtain information on the location of the materials of inquiries, following the complaints of the applicant, a request was sent to Prosecutor's Office of the Donetsk Region.

According to the response of 25 January 2024, due to the Russian military aggression that led to the occupation of certain parts of the Donetsk region, and as a result of the seizure of some administrative buildings of the Prosecutor's Office of the Donetsk Region, which could contain archival materials on the inquiries conducted on the applicant's complaints, access to them was impossible. It was not possible to provide information on the location of the relevant materials.

Therefore, it was impossible to establish the personal data of police officers, employees of the Prosecutor's Office of the Kalinivskyi District of Donetsk and Prosecutor's Office of Donetsk, who conducted inquiries on the applicant's complaints, from the case file of Spinov v. Ukraine and the materials of such inquiries.

For the same reason, the investigator was deprived of any access to the documents of the Kirovskyi District Police Department in Donetsk region, namely the register of visitors, the register of detainees, etc.

On 13 February 2024, an additional order was issued to the Operational Department of the Territorial Department of the SBI in Kramatorsk to establish the whereabouts of the applicant, his relatives, police officers, employees of the Prosecutor's Office of the Kalinivsky District of Donetsk and the Prosecutor's Office of Donetsk, who conducted inquiries into the circumstances in which the applicant received his injuries.

According to the response dated 6 March 2024, it was not possible to establish the whereabouts of Mr Spinov, his relatives, law enforcement officers, as the territory of Donetsk was temporarily occupied. It was also impossible to establish the personal data of the forensic experts and medical staff who examined the applicant, as well as the location of his medical documents.

In addition, the police department where the applicant was held was located on the temporarily occupied territory in Donetsk. In view of the above, the pre-trial investigation authorities were deprived of the opportunity to inspect the relevant room of the police department.

Despite the measures taken by the investigative authorities to establish the personal data and whereabouts of law enforcement officers, forensic experts and medical professionals who examined the applicant, as well as the location of his medical documents, it was impossible to interrogate them about the circumstances of the examinations and the preparation of forensic reports and to order an additional forensic examination in order to eliminate discrepancies between various records concerning the gravity of the applicant's injuries.

The Government recall that from 11 May 2014 the territories of Donetsk and Luhansk regions have been outside the governmental control¹⁷. Thus, the authorities have lost access to documents, materials and cases remaining in the temporarily occupied territories, as well as miss the opportunity to establish the whereabouts of some victims and witnesses of the events and interrogate them.

In view of the following circumstances, the Ukrainian authorities were unable to get access to these territories to establish the circumstances of criminal offences and obtain evidence in criminal proceedings to ensure effective investigations in this case. Also, the authorities had no contact with the Russian authorities in the temporarily occupied territories of Ukraine to gain access to case files, other documents and materials which were necessary for conducting effective investigation.

Due to the temporarily occupation of Donetsk and the passage of time since the events in question (more than 22 years), the competent authorities was deprived of the opportunity to identify both the police officers and witnesses to the events involving the applicant that took place in November 2001 in Donetsk. For the same reason, the authorities were deprived of the possibility of access to any medical documents of the applicant.

On 1 April 2024, the criminal proceedings were terminated due to the absence of elements of a criminal offence in the actions of police officers.

As the result of the comprehensive investigation, it was concluded that the decision on termination of the criminal proceedings is final and comply with the law. This decision was not subject to appeal and is valid.

As noted above, the investigative authorities were unable to establish the applicant's whereabouts, as he remained in the temporarily occupied territory of Ukraine, Donetsk. Additionally, the national authorities do not contact or cooperate with the occupation authorities. These circumstances made it impossible to notify the applicant of the decision.

The Government would like to underline that the Court found the procedural violation of Article 3 of the Convention given that the national authorities' protraction diminished the prospect of success of the proceedings against police officers following the applicant's complaints and thus conduct a thorough investigation in the applicant's case. Given that almost 22 years had elapsed since the events took place, within the framework of new investigation it was impossible to remedy the shortcomings identified by the Court. Also, the applicant and witnesses, as well as necessary documents remained on the temporarily occupied territory of Ukraine (Donetsk).

Another investigation or continuation of the proceedings is unlikely to remedy the shortcomings identified by the Court in this judgment (that the authorities were ordered to establish and question all the witnesses who saw the applicant before and after his detention in the police station and to inspect the relevant room of the police station with the participation of the applicant and medical expert for the purpose of specifying medical conclusions).

The just satisfaction was paid to the applicant in due time. No additional measures seem to be possible in this case.

¹⁷ As it was found by the Court in its decision of 30 November 2022 in the case of "*Ukraine and the Netherlands v. Russia*" (applications nos. 8019/16, 43800/14 and 28525/20)¹⁷.

In the cases of *Aleksandr Smirnov*, *Zamferesko*, *Kirpichenko*, *Samardak*, *Dushka* and *Ismailov* the reopened investigations were terminated due to expiration of time limits for criminal liability. In this regard, the national authorities take into account the Committee of Ministers' calls on the need for a prompt reaction in cases of torture and ill-treatment to avoid impunity, and introducing an *ex officio* practice of re-examining such investigations at an earlier stage of the Convention proceedings, either when applications are communicated by the Court, or at the latest immediately after the delivery by the Court of a judgment finding a violation.

The Government believe that the competent authorities carried out the diligent work in conducting a new effective investigation, which is in line with the case-law of the Court and national legislation. The Government consider that such investigations show that all possible individual measures have been taken.

In addition, the Government would like to draw the Committee of Minister's attention to the information provided on the results of pre-trial investigation following the judgments in the cases of *Leonov*, *Aleksandr Smirnov*, *Zamferesko*, *Kirpichenko*, *Samardak*, *Dushka*, *Ismailov* and *Spinov* which are mentioned above.

The Government would like to inform that all possible individual measures have been taken in these cases. Particularly, in all cases, new pre-trial investigations were instituted and conducted, however the shortcomings identified by the Court cannot be remedied in a procedural way.

The Government consider that individual measures in these cases depend on the prior general measures taken. No other individual measures are considered to be necessary in these cases. Therefore, the Government ask the Committee of Ministers to close the supervision in these cases.

As regards the *Kovalchuk and Vergelskyy* cases (applications no. 21958/05 and no. 19312/06 respectively) the Government would like to inform the following.

In the Addendum to Action Plan of 20 October 2023¹⁸ the Government provided the Committee of Ministers with information on the investigations conducted in these cases.

All possible investigative steps were taken in these cases, in particular, a new pre-trial investigation was initiated and conducted, however the shortcomings indicated by the Court can no longer be eliminated.

The Government noted that almost 21 and 19 years had passed since the events in the *Kovalchuk* and *Vergelskyy* cases, which took place in 2002 and 2004 respectively. Given the time that has elapsed since the allegations of ill-treatment, authorities were unable to carry out a number of further investigative activities and it was objectively impossible to address all the shortcomings of the initial investigations.

On 3 June 2023 and on 29 December 2021 respectively, the criminal proceedings were terminated due to the absence of elements of a criminal offence in the actions of police officers.

As the result of the comprehensive investigation it was concluded that the decisions on termination of the criminal proceedings are final and comply with the law. These decisions were not subject to appeal and are valid.

The Government believed that no additional individual measures were possible in the *Kovalchuk* and *Vergelskyy* cases due to the passage of time and the applicants' death in 2007 and 2010 respectively. Thus, the Government kindly asked the Committee of Ministers to close the examination of these cases as all possible measure to achieve *restitutio in integrum* were taken.

¹⁸[https://hudoc.exec.coe.int/eng#%7B%22fulltext%22:%5B%22Kaverzin%22%5D,%22display%22:%5B%22%5D,%22execidentifier%22:%5B%22DH-DD\(2023\)1269E%22%5D,%22exccdocumenttypecollection%22:%5B%22CEC%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22fulltext%22:%5B%22Kaverzin%22%5D,%22display%22:%5B%22%5D,%22execidentifier%22:%5B%22DH-DD(2023)1269E%22%5D,%22exccdocumenttypecollection%22:%5B%22CEC%22%5D%7D)

In its decision of 7 December 2023 the Committee of Ministers “*noted the detailed information on the investigative steps taken in the cases of Kovalchuk and Vergelskyy, underlined however that the grounds relied on by the authorities for terminating investigations do not comply with the Court’s findings under Article 3 of the Convention and invited them to provide clarifications on this matter*”.

According to the national legislation, criminal proceedings may be terminated on the grounds specified by the CCP.

Given the complexity of the issue of the application of the CCP criteria and the Court’s case-law, the Government will provide the Committee of Ministers with clarifications on this matter in their further submission.

As regards the *Storozhuk and Kononov case* (applications nos. 13577/16 and 48768/16) the Government would like to provide the Committee of Ministers with the following information.

Particularly in this case the Court noted that: “On 14 November 2022 Khmelnytsky City District Court convicted S.V. of having abused his authority by resorting to the unjustified application of force and unlawfully ordering the detention of the applicant (Articles 365 and 371 of the Criminal Code). The court released S.V. from punishment, applying the statute of limitation, and rejected the applicant’s claim for damages against S.V. and the Ministry of Interior, having found that the claim should be brought directly against the State. Both parties appealed. The available information indicates that the appeal proceedings are still pending”.

The Government would like to provide the Committee of Ministers with up-to-date information on the criminal proceedings.

On 22 May 2023¹⁹, the Court of Appeal of the Khmelnytsk Region upheld the decision of the Khmelnytskyi City District Court of 14 November 2022²⁰.

On 24 January 2024²¹, the Cassation Criminal Court of the Supreme Court upheld the first instance court and court of appeal decisions of November 2022 and 22 May 2023 respectively in the part of S. V. guilt and release from liability due to the statute of limitations.

In its decision of 24 January 2024, the cassation court also ruled to quash the decisions of 14 November 2022 and 22 May 2023 in part of the applicant’s civil claim for compensation for pecuniary and non-pecuniary damage and remitted the case in this part to the court of first instance in civil proceedings.

The cassation court decision is not subject to appeal and is final.

The Government consider that at the present time the shortcomings revealed by the Court as regards Mr Storozhuk complaints on ill-treatment by police and ineffective investigation of such complaints (in particular, delay in opening a full-scale investigation, lack of independence of the initial inquiry, repeated remittals for reinvestigation in view of the shortcomings recognised by the domestic courts, overall length of the proceedings (over twelve years) can no longer be eliminated by conducting a new investigation. Moreover, the final decision of conviction of the police officer S. V. came into legal force. And, in the light of the legal principle *ne bis in idem* under which a person cannot be punished and be subject to several procedures twice for the same facts.

As regards providing redress to the applicant, the Government note that the civil claim submitted by the applicant for damages against S.V. and the Ministry of Internal Affairs is pending before the court of first instance.

¹⁹ <https://reyestr.court.gov.ua/Review/111102964>

²⁰ <https://reyestr.court.gov.ua/Review/107332441>

²¹ <https://reyestr.court.gov.ua/Review/116639435>

The Government will inform the Committee of Ministers of the results of consideration of the applicant's civil claim.

In response to the Committee of Ministers' decision adopted at its 1483rd meeting, 5-7 December 2023 (DH), that the Deputies "invited the authorities to supplement the information provided on the review of the other cases, in order to allow a full assessment of the adequacy of the investigative steps taken in light of the European Court's substantive and procedural findings under Article 3 of the Convention (paragraph 6), the Government have already provided updated information on investigations in the applicants' cases in their Action Plan of 02/05/2024.

As regards the cases of these groups in the *Annex II*, the Government would like to note that final decisions in criminal proceedings have not been adopted and the criminal proceedings are under the enhanced supervision of the OPG. The Government will inform the Committee of Ministers about further progress in this regard.

c. Other individual measures

Information on other individual measures regarding the conditions of detention, reopening of the criminal proceedings, finalisation of the criminal proceedings, enforcement of the domestic court decision is provided in the *Annex III* attached to this Action Plan.

GENERAL MEASURES

The Government would like to underline their commitments to European values, and the Ukraine's European Union path, in particular in the light of Ukraine's official EU candidate status since June 2022. Therefore, implementation of measures aimed at establishing a "zero tolerance" policy for torture by law enforcement officers remains one of the main priorities of the state authorities, including prosecutor's office and law enforcement agencies.

Furthermore, the issues raised by the Court in these groups of cases were the subject of close attention from the European community during the bilateral meeting between Ukraine and the European Commission on the official screening of Ukraine's legislation for compliance with EU law under negotiation chapter 23 "Judiciary and Fundamental Rights," which took place on 17-19 September 2024. In particular, one of the areas that were assessed was the area 3.2 Prevention of torture and ill-treatment and prison system.

I. Legislative developments

In its last decision of 7 December 2023 the Committee of Minister "*welcomed the adoption of the Strategy on Combating Torture, its implementing Action Plan, and of the amendments aimed at bringing the definition of torture, under Article 127 of the Criminal Code, in line with international standards; encouraged the authorities to ensure the Convention-compliant application of the aforementioned provision of the Criminal Code and invited them to keep the Committee updated on developments in the relevant judicial practice*".

Strategy on Combating Torture in the Criminal Justice System

On 30 August 2024²², the Cabinet of Ministers of Ukraine by its Resolution No. 820-r approved amendments to the Strategy on Combating Torture in the Criminal Justice System (the "Strategy") and Action Plan of its Realisation, approved by the Cabinet of Ministers of Ukraine Resolution No. 1344-p of 28 October 2021²³.

The deadline for achieving strategic goals and tasks was extended to 2026.

²² <https://www.kmu.gov.ua/npas/pro-vnesennia-zmin-do-rozporiadzhennia-kabinetu-ministriv-ukrainy-vid-28-zh-a820r>

²³ <https://zakon.rada.gov.ua/laws/show/1344-2021-%D1%80?lang=en#Text>

The Action Plan of Realisation of the Strategy was approved in a new version considering new challenges related to the war and introduction of martial law, as well as revealed deficiencies in the previous version of the Action Plan.

The new version of the Action Plan includes all possible and necessary measures to fully address the problem of ill-treatment by law enforcement officers and effective investigation cases of torture.

The Government would like to describe the key tasks envisaged by the recently adopted Action Plan of Realisation of the Strategy. Some of the tasks include several measures aimed at achieving the specific results and the relevant executors. In particular, the tasks read as follows:

i. Development of standards for the collection, storage, accounting, analysis, publication and exchange of statistical data on torture.

ii. Legal regulation of the procedure of actions of law enforcement and other state bodies in case of receipt of allegations of torture.

iii. Establishment of units within regional prosecutor's offices, the central office and territorial departments of the SBI that specialise exclusively in investigating ill-treatment of detainees and persons in custody/serving sentences and providing procedural guidance in proceedings of this category.

iv. Unification of standards for recording bodily injuries caused by law enforcement and other state bodies.

v. Establishing effective cooperation between prosecutors and investigators of the SBI in the course of investigation into cases of torture.

vi. Ensuring awareness of state officials and judges of the specifics of the investigation and trial of criminal proceedings on torture.

vii. Introducing an algorithm for reporting possible cases of torture by members of the Military Law Enforcement Service in the Armed Forces.

viii. Introducing a stable practice of conducting forensic medical and forensic psychiatric examinations during investigation of the facts of torture.

ix. Development and approval of a roadmap for the formation of uniform requirements for procedures for the detention of person by an authorised official.

x. Development and approval of a roadmap for the introduction of a whistleblower institution of torture and other types of ill-treatment treatment and guarantees of their protection.

xi. Application of the Principles of Effective Interviewing in Investigations and Information Gathering (Mendez Principles) to improve the effectiveness of law enforcement, criminal investigations, court proceedings and other forms of information gathering.

xii. Supplementing the codes (rules) of professional ethics of law enforcement agencies and prosecutors with provisions on the inadmissibility of torture and other ill-treatment of persons.

xiii. Increasing the level of professional capacity of employees of operational units of pre-trial investigation bodies, prosecutors and courts.

The national authorities responsible for combating torture in the law enforcement system, including the OPG, the SBI, the Ministry of Internal Affairs and the National Police, are the key executors of the above tasks.

Furthermore, annual reporting of the relevant authorities to the Cabinet of Ministers of Ukraine on the implementation of the Action Plan was introduced.

The Government consider that the extension of period for the implementation of the Strategy and the adoption of comprehensive measures and tasks in the Action Plan of Realisation of the Strategy until 2026 will contribute to preventing inappropriate treatment by the law enforcement agencies and, if such cases arise, ensuring effective investigations of allegations. And thus, resolve the long-standing problem at the national level.

In addition, it should be noted that the Action Plan contains measures which have a deadline of the third and fourth quarters of 2024. Therefore, although the new Action Plan was recently adopted, measures are already being taken to implement it and fully address the issues of ill-treatment and effective investigation of torture cases.

They will inform the Committee of Ministers about the progress made in implementing the Strategy by the state authorities.

Strategic Plan for Reforming Law Enforcement Agencies

The Decree of the President of Ukraine No. 273/2023 of 11 May 2023 approved the Comprehensive Strategic Plan for Law Enforcement Reform as a Part of the Security and Defense Sector of Ukraine for 2023-2027²⁴ (the “Comprehensive Strategic Plan”). The Action Plan for Implementation of the Comprehensive Strategic Plan was approved by the Cabinet of Ministers of Ukraine Resolution No. 792-r of 23 August 2024²⁵.

The Action Plan for Implementation of the Comprehensive Strategic Plan includes, *inter alia*, envisages extensive measures aimed at strengthening the institutional capacity of the OPG and SBI, improving the interaction of law enforcement agencies during criminal proceedings, implementing best practices in the investigation of crimes, including torture.

Among other things, it provides for the introduction of annual public reporting to the Parliament of Ukraine (Verkhovna Rada of Ukraine) on the work of the OPG and SBI in investigating cases of torture and protecting victims.

The annual public reporting on the work of prosecutor’s office and investigative authorities will facilitate the collection of comprehensive data on investigations of torture, including statistics and progress achieved.

Officials responsible for the stay and ensuring the observance of the rights of detainees

On 21 March 2024, the Law of Ukraine “On Amendments to the Code of Criminal Procedure of Ukraine to Enhance the Effectiveness of the Institution of Officials Responsible for the Stay and Ensuring the Rights of Detainees”²⁶ No. 3623-IX was adopted and came into legal force on 19 April 2024.

This Law of Ukraine provides amendments to Article 212 (“*The person responsible for the stay and ensuring the observance of the rights of detainees*”) of the CCP.

Article 212 of the CCP reads as follows:

The body, which includes a subdivision of the pre-trial investigation body, shall appoint one or more officials responsible for the stay and ensuring the observance of the rights of detainees.

Investigators, inquirers, heads of pre-trial investigation bodies, heads of inquiry bodies, and other employees of the pre-trial investigation body and operational units cannot be responsible for the stay and observance of the rights of detainees.

The official responsible for the stay and ensuring the observance of the rights of detainees shall:

²⁴ <https://zakon.rada.gov.ua/laws/show/273/2023?lang=en#Text>

²⁵ <https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80?lang=en#Text>

²⁶ <https://zakon.rada.gov.ua/laws/show/3623-20?lang=en#Text>

1) immediately register a detainee;

2) to explain to the detainee the grounds for his/her detention, rights and obligations, to question him/her about the circumstances of the detention, the use of coercive measures by the authorised official, conduct a personal search and seizure of property, notify the detainee of the grounds for detention and his/her rights, notify third parties of the fact of detention, and the detainee's health status;

3) release the detainee immediately after the grounds for detention cease or the period of detention expires;

4) ensure proper treatment of the detainee and observance of his/her rights under the Constitution of Ukraine, the CCP and other laws of Ukraine;

5) to ensure recording of all actions performed with the involvement of the detainee, including the time of their beginning and end, as well as the persons who performed such actions or were present during such actions;

6) to ensure immediate provision of proper medical care and recording by a medical professional of any bodily injuries or deterioration of the detainee's health. At the request of the detainee, a specific person who has the right to practice medicine may be admitted to the list of persons providing medical care;

7) in case of detection of violations of the rights of the detainee, facts of torture, cruel or inhuman treatment, immediately take measures to terminate them and report such facts to the head of the body that includes a unit of the pre-trial investigation body and notify the prosecutor in writing.

The status of officials responsible for the stay and observance of the rights of detainees was improved and the effectiveness of the mechanism for ensuring the observance of the rights of detainees and persons taken into custody was strengthened. Such officials are included in the staff of the body in which the pre-trial investigation unit operates, which will enable them to be subordinated to the head of the body itself rather than to the heads of investigative units.

In addition, it is prohibited to appoint the officials from among the investigators of pre-trial investigation units.

In order to implement the above Law of Ukraine in practice, the Ministry of Internal Affairs of Ukraine adopted a number of regulatory acts on the activities of the National Police of Ukraine, namely the relevant amendments were introduced to the: Instruction on measures to comply with the requirements of the law when detaining persons suspected of committing a crime without a decision of an investigating judge or court and choosing a preventive measure against the suspect - detention in custody during the pre-trial investigation (approved by the Order of the Ministry of Internal Affairs of Ukraine, Ministry of Justice of Ukraine No. 806/3105/5 dated 01 October 2018)²⁷; Regulation on Investigative Units of the National Police of Ukraine (approved by the Order of the Ministry of Internal Affairs of Ukraine No. 570 dated 06 July 2017)²⁸; Instruction on the Organisation of the Duty Service of the National Police of Ukraine (approved by Order of the Ministry of Internal Affairs of Ukraine No. 440 of 23 May 2017)²⁹; Instruction on the formation and maintenance of the information subsystem "Custody Records" of the information and communication system "Information Portal of the National Police of Ukraine" (approved by the Order of the Ministry of Internal Affairs of Ukraine dated 24 May 2022)³⁰; Instruction on ensuring the regime of detention and protection of persons held in temporary detention centers of the National Police of Ukraine and Rules of Internal Regulations in

²⁷ <https://zakon.rada.gov.ua/laws/show/z1190-18?lang=en#Text>

²⁸ <https://zakon.rada.gov.ua/laws/show/z0918-17?lang=en>

²⁹ <https://zakon.rada.gov.ua/laws/show/z0750-17?lang=en#Text>

³⁰ <https://zakon.rada.gov.ua/laws/show/z0629-22?lang=en#Text>

Temporary Detention Facilities of the National Police of Ukraine (approved by the Order of the Ministry of Internal Affairs of Ukraine No. 777 of 25 September 2023)³¹.

As of today, the Ministry of Internal Affairs of Ukraine also drafts an Instruction on the organisation of work of authorised police officers responsible for the stay and ensuring the observance of the rights of detainees. The purpose of this draft instruction is to specify and clarify the scope of responsibilities assigned to the person responsible for the stay and ensuring the rights of detainees, taking into account the provisions of other regulatory legal acts of Ukraine relating to procedural guarantees for detainees.

The Government will keep the Committee of Ministers informed of further developments in this respect.

As regards cooperation between the OPG, the SBI and the Office of the Agent of Ukraine

The Procedure for Interaction of the Prosecutor's Office, the State Bureau of Investigation and the Agent before the European Court of Human Rights in the Course of Consideration of Cases and Enforcement of Judgments of the European Court of Human Rights on Effective Investigation of Torture, Inhuman or Degrading Treatment or Punishment was approved by the Order of the OPG, SBI and Ministry of Justice of Ukraine No. 333/628/4354/5 of 21 December 2023³².

The Procedure was brought to the attention of prosecutors, SBI investigators and heads of pre-trial investigation bodies for proper implementation.

In the context of ensuring the execution of the Court's judgments finding a violation of Article 3 of the Convention the Procedure provides as follows.

After the Court's judgment, the Agent shall, within 10 days of receiving notification of the judgment became final, send a translation of the relevant judgment to the OPG and the SBI and inform them of the need to take additional individual and general measures, as well as the procedure and timeframe for their implementation.

If a pre-trial investigation into the facts set out in the Court's judgment was not initiated before, the SBI investigator or prosecutor shall enter the relevant information into the Unified Register of Pre-trial Investigations (the "URPTI") and initiate the pre-trial investigation in accordance with Article 214 ("*Initiation of pre-trial investigation*") of the CCP.

If, following the Court's judgment, a new investigation is initiated or previous procedural decisions are cancelled, the new investigation shall be aimed at eliminating the shortcomings identified by the Court. If the shortcomings identified by the Court cannot be eliminated for objective reasons (lapse of time, death of the victim or witnesses, etc.), the investigator or prosecutor shall specify such reasons in detail in a reasoned decision based on the results of the investigation and attach supporting documents to the criminal proceedings.

To ensure effective investigation of criminal offences of this category, the investigator shall draft a written plan of the pre-trial investigation, which shall be approved by the procedural supervisor and is not a procedural decision. The pre-trial investigation plan shall include:

- a list of violations established in the Court;
- a list of investigative versions of events and a separate version of events of the victim(s);
- a list of circumstances to be proved;
- a description of the factual data to be obtained to confirm the existence or absence of circumstances to be proved for each of the versions separately;
- procedural method of searching, verifying or recording information;
- responsible executors, planned activities and deadlines for their implementation, etc.

Before adopting a final procedural decision, the investigator or prosecutor shall verify:

³¹ <https://zakon.rada.gov.ua/laws/show/z2034-23?lang=en#Text>

³² <https://zakon.rada.gov.ua/laws/show/v0333905-23?lang=en#Text>

- whether all the circumstances of the event (case) have been clarified;
- whether all versions, including those put forward by the victim (his/her representative), have been taken into account and verified;
- whether the victim was duly informed about the course of the pre-trial investigation, whether he/she participated in it and whether he/she had the opportunity to do so.

In exceptional cases, if the factual circumstances ascertained contradict the circumstances established by the Court, the reasons for such contradictions shall be indicated in detail and thoroughly in the relevant procedural decision with reference to the evidence.

In the decision on termination of criminal proceedings shall clearly and unambiguously set out the established factual circumstances of the criminal offence, references to the investigative actions taken, indicating their dates and the evidence collected. In addition, the decision shall indicate which factual circumstances could not be established or which evidence could not be obtained, for what reasons and what measures were taken to do so, and whether they are exhaustive.

A copy of the investigator's decision to terminate the criminal proceedings shall be sent to the prosecutor immediately, but not later than 5 working days.

The head of the regional prosecutor's office shall agree the decision on termination of criminal proceedings and send the materials of the criminal proceedings together with the conclusion on the legality of the final decision to the OPG for further informing the Agent.

Despite the fact that law enforcement officers are guided by the CCP and CCU in their activities, this is a significant step towards strengthening the cooperation procedure between the Agent of Ukraine before the Court and the prosecutor's office and investigative authorities. This procedure has been implemented in practice and the authorities continue to follow it in respect of individual measures to implement the Court's judgments.

As regards the methodologies on investigating allegations of torture and ill-treatment

The OPG developed the Methodological recommendations for procedural guidance during pre-trial investigation of criminal offences of torture, which on 9 November 2023 were approved by the Methodological Council and on 19 December 2023 – by the Prosecutor General³³.

The Methodological recommendations were sent to regional prosecutor's offices, the SBI investigators and heads of pre-trial investigation bodies for practical use in their work.

The publication includes international legal materials on the prohibition of torture, standards of effectiveness of investigation in accordance with the Court's case-law with relevant references to the Court's judgments. Particular attention is paid to the specifics of legal qualification of the criminal offence under Article 127 ("*Torture*") of the CCU, the peculiarities of procedural guidance in criminal proceedings on criminal offences of torture and other ill-treatment of individuals committed by state agents.

The Methodological recommendations serve an important tool in prosecutorial activity as to procedural guidance to ensure effective criminal proceedings on torture, which is crucial both for the objective, full and comprehensive investigation, effective completion of the pre-trial investigation, drafting the indictment, and for the formation of the prosecutor's position in court.

As regards cooperation of law enforcement agencies and other authorities in criminal proceedings

On 20 December 2023, a joint meeting of heads of law enforcement and other state authorities was held under the chairmanship of the OPG. As a result of the meeting, a Resolution was adopted that provides for additional measures aimed at improving the efficiency of powers in the field of

³³ https://old.gp.gov.ua/ua/file_downloader.html? m=fslib& t=fsfile& c=download&file_id=241613

international cooperation in criminal proceedings, ensuring proper international cooperation and communication on these issues.

The Resolution envisages the implementation of ten measures by 15 July 2024, including, *inter alia*: ensuring finalisation and approval of amendments to the Strategy on non-coercive methods of interrogation and procedural guarantees; strengthening the coordination of state agencies to implement the Court's judgments finding a violation of the Convention concerning torture or other ill-treatment; strengthening cooperation between state agencies and representatives of civil society to prevent human rights violations in places of deprivation of liberty and implement the recommendations of the national preventive mechanism; ensuring the processing of reports of the Committee for the Prevention of Torture and taking measures to respond to identified violations.

On 27 March 2024, in the course of implementing the Resolution, a meeting was held with the participation of representatives of the Office of the Agent of Ukraine, the OPG, the SBI, the National Police, the Ministry of Internal Affairs and the State Security Service. During the meeting, proposals were discussed to ensure strengthening of coordination of the activities of state bodies in the execution of the judgments of the Court and prevention further violations of the Convention regarding torture, inhuman or degrading treatment or punishment.

Following the meeting, the relevant national authorities decided to join their efforts to address the issue of conducting an effective investigation of complaints of ill-treatment by law enforcement officers; to initiate the issue of determining the grounds for the termination of criminal proceedings in this category of cases; to strengthen cooperation between law enforcement agencies and the Agent of Ukraine's Office to restore lost materials of criminal proceedings, etc.

Strengthening the coordination and cooperation of the authorities concerned within the execution of the Court's judgments will promote their prompt and full implementation.

The Government consider that the above legislative and regulatory acts will significantly improve the practice of conducting effective investigations of criminal offences of torture and other ill-treatment by law enforcement officers.

II. Judicial practice

Following the amendments to Article 127 of the CCU³⁴, the Government would like to note the following.

Pursuant to Article 58 of the Constitution of Ukraine, laws and other regulatory legal acts do not have retroactive effect, except when they mitigate or cancel the liability of a person.

According to Article 5.2 of the CCU, a law on criminal liability that establishes criminal unlawfulness of an act, increases criminal liability or otherwise worsens the situation of a person does not have retroactive effect.

In view of the above, Article 127 of the CCU (as amended on 1 December 2022) qualifies crimes of the relevant category committed after the entry into force of the said provision, i.e. from 29 December 2022.

As of September 2024, following the analysis of the court decision database, there is no relevant judicial practice on the application of the above provisions of the CCU, as insufficient time has elapsed since the entering into force the above provisions.

³⁴ On 1 December 2022, the Law of Ukraine "On Amendments to the Criminal Code of Ukraine Concerning Improvement of Liability for Torture" No. 2812-IX (the "Law No. 2812-IX") was adopted, which came into force on 29 December 2022. This Law is aimed at bringing the provisions of the CCU in line with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

For the above reasons, the court practice in this category of cases by has not been established to date, and most cases are still at the stage of pre-trial investigation or pending trial.

Statistical information on criminal offenses (proceedings) registered in the relevant periods under Article 127 of the CCU, the results of pre-trial investigations and law enforcement officers who were notified of suspicion is provided below.

At the same time, the analysis of the court decision database revealed examples of court decisions on the extension of the pre-trial investigation, imposition of preventive measures and resolution of other procedural issues in cases involving persons (law enforcement officials, military personnel) suspected (accused) of committing criminal offenses under Article 127.3 of the CCU.

The Government will keep the Committee of Ministers informed about the application of new version of Article 127 of the CCU in the domestic court practice.

III. Measures taken for prevention, combating of torture and ill-treatment and ensuring effective investigations of such cases

Institutional developments

In 2023, the process of establishing of specialised units within regional prosecutor's offices to provide procedural guidance in pre-trial investigations into torture and other ill-treatment was completed. The specialised units shall organise and carry out procedural guidance and support public prosecution in criminal proceedings:

- on criminal offences under Articles 127, 146-1, 365, 371, 373, 374 of the CCU committed by law enforcement officers, on the facts of human rights violations related to torture, abuse of power or official authority, if they were accompanied by violence or threat of violence, the use of weapons or special means, or painful and offensive to the personal dignity of the victim, actions, deliberately illegal detentions, escorts, house arrests or detention, coercion to give evidence, violations of the right to defence;
- criminal offences committed in penitentiary system;
- pre-trial investigations conducted in the light of the Court's judgements on violations of Articles 3 and 5 of the Convention.

As of September 2024, 150 prosecutors and officers of the OPG and prosecutor's offices in regions ensure procedural guidance in pre-trial investigations into torture by law enforcement officers.

At the same time, given the workload of prosecutors in war crimes and torture proceedings, prosecutors from related units of prosecutor's offices are involved in the groups of prosecutors. Thus, the above number of prosecutors is not constant.

The SBI prepared proposals for creating specialised units on the investigation of torture and other ill-treatment with detained persons, individuals in custody and persons serving a sentence in both the SBI's territorial departments and central office. This issue has been postponed due to the need to increase the staffing of the SBI in accordance with the draft law which is currently pending before the Parliament of Ukraine.

At the same time, in order to ensure effective investigations of torture and other ill-treatment the SBI established specialisation of investigators. In particular, 157 investigators are responsible for pre-trial investigation of this category of cases.

Fixation of bodily injuries caused by law enforcement officers

In their previous Action Plans³⁵ the Government informed about the adoption of the Procedure for Informing Territorial Departments of the State Bureau of Investigation of Facts of Applying and/or

³⁵ See Action Plans of 13 October 2023 and 2 May 2024.

Delivery to Health Care Facilities of Persons in Connection with Infliction of Bodily Injuries by Law Enforcement Officers and Keeping Records of Facts of Such Application”³⁶ by the Ministry of Health of Ukraine and the SBI joint Order No. 570/181 of 28 March 2023, which entered into legal force on 19 June 2023.

This Procedure defines the mechanism for officials of healthcare facilities to notify the territorial departments of the SBI of the facts of applying and/or delivery of persons to a healthcare facility in connection with the infliction of bodily harm by law enforcement officers.

The Government would like also to provide the relevant statistical data.

In their most recent Action Plan³⁷, the Government informed that in accordance with the Procedure, from the date of its entry into force to March 2024, the territorial departments of the SBI received 219 notifications from healthcare facilities. Based on the results of their examination, 1 criminal proceeding was initiated, 3 notifications were forwarded to the National Police, and in the remaining cases the investigator verified the information and refused to register criminal proceedings due to the lack of confirmation of the facts of bodily injuries caused by law enforcement officers.

In 2024³⁸, the territorial departments of the SBI received 512 notifications from healthcare facilities. Based on the results of their examination, 8 criminal proceedings were initiated, in the remaining cases the notifications were forwarded to the National Police and/or the investigator verified the information and refused to register criminal proceedings due to the lack of confirmation of the facts of bodily injuries caused by law enforcement officers.

Furthermore, based on the Ministry of Health of Ukraine proposals, the National Police of Ukraine developed a draft Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Health of Ukraine “On Amendments to the Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Health of Ukraine No. 612/679 dated 6 July 2016”³⁹, which regulates the procedure for the initial recording of bodily injuries of a criminal nature caused to a person.

In particular, the draft Order approves a card of initial fixation of bodily injuries of a criminal nature and instructions for its completion, which allows medical professionals to act according to a uniform algorithm when identifying bodily injuries of a criminal nature.

On 18 August 2023, the Ministry of Healthcare of Ukraine held a meeting with representatives of the law enforcement bodies regarding the development of a medical standard for documenting torture and other cruel, inhuman or degrading treatment or punishment. As a result of the meeting it was decided to finalise a “Card of primary fixation of bodily injuries”, and to amend the Ministry of Health of Ukraine Order No. 110 of 14 February 2012 “On Approval of Forms of Primary Accounting Documentation and Instructions for Their Completion Used in Healthcare Institutions Regardless of Ownership and Subordination”⁴⁰ in order to approve this Card.

On 2 February 2024, the relevant Order of the Ministry of Health of Ukraine No.186⁴¹ was approved. The Card of primary fixation of bodily injuries No. 511/o and the Instruction for its completion were introduced.

The Order is aimed at ensuring the implementation of a unified form of recording bodily injuries that may indicate the unlawful nature of their infliction and international standards for

³⁶ <https://zakon.rada.gov.ua/laws/show/en/z0867-23?lang=en#Text>

³⁷ [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)492E](https://hudoc.exec.coe.int/?i=DH-DD(2024)492E)

³⁸ As of 1 August.

³⁹ The procedure for recording the facts of applying and delivering persons to healthcare institutions in connection with the infliction of bodily injuries of a criminal nature and informing police bodies and units about such cases:

<https://zakon.rada.gov.ua/laws/show/z1051-16?lang=en#Text>.

⁴⁰ <https://zakon.rada.gov.ua/laws/show/z0661-12?lang=en#Text>

⁴¹ <https://zakon.rada.gov.ua/laws/show/z0243-24?lang=en#Text>

documenting torture and other cruel, inhuman or degrading treatment or punishment, which will help to improve the efficiency of forensic examinations.

The Card of primary fixation of bodily injuries shall include detailed description of bodily injuries (colour, number, shape, size, etc.) and scheme of localisation of bodily injuries on the person's body. It also may include any additional information that is important for recording bodily injuries. If necessary, the psychological state of the person examined shall be indicated, in particular the presence of such signs as: withdrawal; fear, aggressiveness, rage attacks, anxiety, signs of alcohol, drugs, psychotropic substances, neurotic, stress-related and somatoform disorders, reports of suicide or self-harm attempts or intent to commit them, fear of physical contact, continuous crying, apathy.

It is filled in by the doctor who examined the person with his/her consent in a healthcare facility, regardless of the form of ownership or subordination, immediately after the examination of the person and after all additional tests and examinations (if prescribed by the doctor) in the following cases:

- in case of detection of any bodily injuries, regardless of the nature of their origin, if such injuries are detected in persons delivered from or before delivery to places of deprivation of liberty;
- in psychiatric care institutions and social protection institutions in case of detection of any bodily injuries, regardless of the nature of their origin;
- in other cases, if a person has bodily injuries that may indicate the unlawful nature of their infliction, including torture and other forms of cruel, inhuman or degrading treatment or punishment.

If possible in a healthcare facility, the doctor who conducted the examination should be of the same sex as the person to be examined, unless the person requests the involvement of a doctor of the other sex.

The Card of primary fixation of bodily injuries shall indicate the date and time of its issuance. The date and time of issuance of the form shall coincide with the time of the examination of the person.

The adoption of this act is in fact the implementation of the provisions of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), which is one of the tasks of the National Human Rights Strategy approved by the Decree of the President of Ukraine of No. 119/2021 dated 24 March 2021.

In connection with the entry into legal force of the Order of the Ministry of Health of Ukraine No.186, on 26 March 2024, the OPG forwarded an explanatory letter to the heads of regional prosecutor's offices.

According to the Ministry of Health of Ukraine, on the basis of information provided by the health care units of the regional and Kyiv city military administrations, the number of individuals who applied to medical institutions in connection with bodily injuries caused by law enforcement officers in 2023 was 485, and in 2024 (as of August 1, 2024) - 387.

In their previous Action Plans the Government provided information on the Card of primary fixation of external injuries, approved by the Order of the Healthcare Centre of the State Penitentiary Service of Ukraine of 29 October 2021 "On Approval of the Card of Primary Fixation of External Injuries, Instructions for its Completion and the Form of the Register of Identified Injuries".

This Card is valid from 2022 and shall be filled in cases of applying and transporting a patient to a health care facility of the Healthcare Centre of the State Penitentiary Service of Ukraine due to the cause of bodily injuries of a criminal nature or the detection of signs of such injuries by medical workers of the healthcare facility of the healthcare centre.

Following the above Order, in six months of 2024, medical staff of the healthcare facilities of the Healthcare Centre of the State Penitentiary Service of Ukraine recorded 2,362 cases of bodily

injuries upon arrival at penal institutions and pre-trial detention centres and 784 cases of bodily injuries during the stay in the institutions.

In 3,033 cases bodily injuries were photographed. 113 convicts and detainees were not photographed due to their refusal to take photos of the detected bodily injuries.

The relevant prosecutor's offices were informed about each bodily injury (3,146 cases) and in 95 cases the SBI was informed⁴².

The medical workers of the penitentiary system follow the abovementioned procedure and ensure proper recording of bodily injuries in the penitentiary institutions both upon arrival and during the stay, as well as further informing the relevant authorities.

In addition, the Bogomolets National Medical University of the Ministry of Healthcare of Ukraine developed Methodological recommendations for medical professionals on recording bodily injuries in patients⁴³.

The Methodological recommendations include the following sections: 1) Patient safety as the main aspect of recording and documenting injuries in victims by medical professionals; 2) Algorithm of actions for healthcare professionals in cases of recording and documenting bodily injuries in patients (interview of victims of violent acts, collecting anamnesis, examination of victims, recording bodily injuries caused by different means, preparation of medical documentation); 3) Patient rights and responsibilities; 4) Rights and obligations of healthcare professionals; 5) Liability of healthcare professionals for offences in the field of healthcare.

Monitoring of complaints of torture

The Government would like to reiterate that the Action Plan of Realisation of the Strategy on Combating Torture in the Criminal Justice System provides, inter alia, *developing a methodology for collecting, storing, recording, analysis, publication and exchange of information on torture, forms of statistics and quarterly reporting on the facts of torture committed by law enforcement officers of torture*. The term of implementation of these measures is 2024. The Government will inform the Committee of Ministers about the results achieved in this regard in further communications.

The official website of the OPG includes a section allowing anonymous reporting of torture by law enforcement officers⁴⁴. Persons who have become victims or witnesses of torture or other ill-treatment by law enforcement officers may anonymously report these cases by sending a message to the OPG's e-mail: katuvanniam.ni@gp.gov.ua. The Department for Combating Human Rights Violations in Law Enforcement and Penitentiary Systems of the OPG will ensure timely consideration and proper response to reports of this category.

An employee of the Department is responsible for daily monitoring of reports received at the relevant e-mail address and timely response to violations.

In the period from October 2023 (*started functioning*) to August 2024, the OPG received 11 reports to the above e-mail address, 3 of which concerned torture and other ill-treatment by law enforcement officers, which were subsequently forwarded to the regional prosecutor's offices. Following the consideration of 3 complaints, one criminal proceedings were initiated under Article 371

⁴² According to the Procedure for organising the provision of medical care to persons sentenced to imprisonment (approved by the Order of the Ministry of Justice of Ukraine, Ministry of Health of Ukraine of Health of Ukraine No. 1348/5/572 of 15/08/2014; <https://zakon.rada.gov.ua/laws/show/z0990-14?lang=en#Text>), the medical officer shall immediately, but no later than 24 hours after the detection of such injuries, inform the prosecutor and the prison administration by telephone, e-mail and written notice, and in cases where the convict reports that the injuries were caused by the prison personnel or law enforcement officers, also the SBI.

⁴³ <http://ir.librarynmu.com/handle/123456789/9098>

⁴⁴ <https://www.gp.gov.ua/ua/posts/pro-fakti-katuvannya-ta-inshogo-nenalezhnogo-povodzhennya-z-boku-pracivnikov-pravoohoronnih-organiv>

of the CCU (ill-treatment at the police station in Kyiv Region); 2 complaints were responded without the initiation of criminal proceedings (inadequate conditions of detention in SIZO in Kyiv).

At the same time, there were no anonymous reports of torture and other ill-treatment by law enforcement officers during the period of operation of the e-mail system.

Effective investigations

The Strategy on Combating Torture in the Criminal Justice System set a goal: Ensuring that about 90 percent of criminal proceedings on torture are investigated within one year or less by specialised units of the SBI and prosecutor's offices and considered by courts within two years.

The Government would like to provide an explanation of achieving this goal.

It is worth recalling that the Strategy was adopted in 2021, i.e. before the full-scale Russian invasion of Ukraine. In view of the war and the imposed martial law, changes in priorities in the activities of state bodies, the implementation of tasks to achieve this goal has become complicated due to the objective reasons.

The SBI informed that at present, it is impossible to determine the average length of pre-trial investigation by investigators in criminal proceedings on torture and other ill-treatment, which is primarily due to the ongoing hostilities in Donetsk, Luhansk, Zaporizhzhia, Kherson and Kharkiv regions, the temporary occupation of the territories and the Autonomous Republic of Crimea. It is also due to the heavy workload of investigators in various categories of criminal proceedings. In this regard, the irrelevant indicator of the length of pre-trial investigation in criminal proceedings of this category ranges from 1 to 2 years.

According to the information provided by the OPG, the analysis found that more than 60 percent of criminal proceedings of this category, which are pending in courts of all instances, have been considered for more than 3 years.

The main reasons for the length trial of these criminal proceedings are: postponement of court hearings at the request of lawyer due to participation in other court hearings, investigative actions, due to illness or vacation, at the request of the accused due to illness, scheduling hearings after a long period of time due to the employment of judges, the stay of judges in the deliberation room, vacation, sick leave, failure of witnesses and victims to appear, including due to mobilization and participation in hostilities, replacement of judges due to expiration of their terms of office, dismissal or death, repeated changes of jurisdiction, return of indictments, length consideration of appeals and cassation appeals, etc.

Also, due to the armed aggression of the Russian Federation against Ukraine, there are frequent cases of participants in the proceedings leaving the territory of the region for other regions of Ukraine or abroad.

In addition, Article 335 ("*Suspension of court proceedings*") of the CCP, among other things, provides that if the accused was called up for military service during mobilization, for a special period, the court suspends the trial of such an accused until his or her discharge from military service and continues the trial of other accused if it is conducted in respect of several persons.

The Government reiterated that the deadline for the implementation of strategic goals was extended to 2026, therefore, the authorities continue to take measures aimed at prompt completion of criminal proceedings and bringing perpetrators to justice. They will keep the Committee of Ministers informed about the achieving this goal.

Statistics

Statistical data on the OPG's and SBI's activities in the investigation into allegations of torture and ill-treatment by law enforcement officers is provided below.

In 2023⁴⁵, the SBI conducted a pre-trial investigation in 2,466 criminal proceedings of this category of cases, among them in 768 criminal proceedings a pre-trial investigation was initiated.

Based on the results of the pre-trial investigation, 125 individuals were served with notices of suspicion; indictments in 73 criminal proceedings against 113 law enforcement officer were forwarded to the court. In particular, under Article 127 of the CCU – in 9 criminal proceedings against 23 law enforcement officer, and under Article 365 of the CCU – in 55 criminal proceedings against 77 law enforcement officer. The majority of the accused (91%) were officers of the National Police (103 out of 113 individuals).

The above statistical data was published on the official website of the SBI in its annual reports⁴⁶ and demonstrates a positive trend in the number of cases of initiating investigations and forwarding indictments to the court.

The relevant statistics for 2024 will be provided by the Government in their further communications as it will be published in the SBI's report in 2025.

Furthermore, the Government would like to provide statistics by the SBI on the relevant criminal proceedings for seven months of 2024.

As it was provided in the most recent Action Plan⁴⁷, in January – February 2024, the SBI forwarded 7 indictments against 12 law enforcement officers. In particular, under Article 127 of the CCU – in 1 criminal proceedings against 2 officers, and under Article 365 of the CCU – in 4 criminal proceedings against 8 officers (and the rest under other Articles of the CCU). The majority of the accused (66%) were officers of the National Police (8 out of 12 individuals).

In seven months of 2024, the SBI completed a pre-trial investigation in 29 criminal proceedings of this category and forwarded indictments against 41 law enforcement officers. In particular, under Article 127 of the CCU – in 1 criminal proceedings against 2 officers, and under Article 365 of the CCU – in 22 criminal proceedings against 31 officers (and the rest under other Articles of the CCU).

The OPG's statistic data on criminal offences (proceedings) registered in January-December 2023 and January-July 2024 under Article 127.3 ("*Torture committed by a state representative*") of the CCU is provided in the table below.

⁴⁵For example, in 2018, the SBI conducted a pre-trial investigation in 464 criminal proceedings of this category (22 criminal proceedings under Article 127 of the CCU and in 442 criminal proceedings under Article 365.2,3 of the CCU). One indictment (Article 365.2 of the CCU) was forwarded to the court.

In 2020, 83 indictments against 117 law enforcement officers were forwarded to the court, including 6 indictments against 15 individuals under Article 127 of the CCU, and the rest were under Articles 365.2, 371, 374 of the CCU.

In 2021, 1,647 criminal proceedings were initiated on torture and ill-treatment by law enforcement officials.

Compared to 2020, the efficiency of completing pre-trial investigations increased by 30%. Thus, based on the results of the investigation, 108 indictments against 152 officers were forwarded to the court, of which 6 indictments against 10 individuals under Article 127 of the CCU and the rest were under Articles 365.2, 371, 374 of the CCU.

In 2022, pre-trial investigations were conducted in 2,547 criminal proceedings; pre-trial investigations were launched in 856 such criminal proceedings. Based on the results of the investigations, 87 officers were notified of suspicion, and indictments were sent to court in 79 criminal proceedings against 118 officers.

⁴⁶ <https://dbr.gov.ua/reports>

⁴⁷ Dated 2 May 2024.

	Registered criminal offences	Criminal offences where the proceedings were terminated	Criminal offences recorded in the reporting period	Criminal offences where the proceedings were sent to court (Article 283.2,3 of the CCP ⁴⁸)	Criminal offences where at the end of the reporting period no decision was adopted (on termination or suspension)
January - December 2023	12	2	10	2	8
January - July 2024	33	5	28	0	28

The statistics on criminal offences (proceedings) registered in January-December 2023 and January-July 2024 under Articles 127 and 365.2,3 of the CCU are provided in the table below.

Qualification of a criminal offence	January – December 2023									January – July 2024							
	Registered criminal offences	Criminal offences where the proceedings were terminated	Criminal offences recorded in the reporting period	Criminal offences where individuals were served with a notice of suspicion, including offences recorded in previous reporting periods	Number of law enforcement officers notified of suspicion, taking into account offences recorded in previous reporting periods	Criminal offences in proceedings where the pre-trial investigation was suspended in accordance with Articles 280 and 61.5 of the CCP	Criminal offences where proceedings were sent to court, including offences recorded in previous reporting periods	of which	Registered criminal offences	Criminal offences where the proceedings were terminated	Criminal offences recorded in the reporting period	Criminal offences where individuals were served with a notice of suspicion, including offences recorded in previous reporting periods	Number of law enforcement officers notified of suspicion, taking into account offences recorded in previous reporting periods	Criminal offences in proceedings where the pre-trial investigation was suspended in accordance with Articles 280 and 61.5 of the CCP	Criminal offences where proceedings were sent to court, including offences recorded in previous reporting periods	of which	
								with an indictment								with an indictment	
Torture (Article 127)	118	24	94	61	18	8	49	48	112	9	103	55	6	3	53	52	
of which	Article 127.3	12	2	10	4	5	0	2	2	33	5	28	1	1	0	2	2
Abuse of power or official authority by a law enforcement officer (Article 365)	1 761	505	1 256	132	128	1	141	141	925	91	834	59	39	1	32	32	
	Article 365.2	915	261	654	63	83	0	62	62	481	47	434	13	26	0	13	13

⁴⁸ An indictment, a petition for the application of compulsory medical or educational measures, a petition to release the person from criminal liability.

of which																	
Article 365.3	151	15	136	35	40	0	46	46	56	2	54	46	13	1	15	15	

Effective investigation cases

Following their previous submission where the Government provided examples of recent criminal proceedings that demonstrate the positive practice of effective pre-trial investigation of allegations of torture in law enforcement and penitentiary systems, the Government would like to inform the Committee of Ministers as follows.

a. The pre-trial investigation was completed in the case against the former head and first deputy head of the Berdyansk Correctional Colony No. 77. They are charged with creating and leading a criminal organisation, torturing prisoners of the correctional facility and extortion (Articles 255, 127, 189 of the CCU). After fulfilling the requirements of Article 290 (“*Disclosure of materials to the other party*”) of the CCP, the indictment will be sent to the court.

b. In another case, under the procedural supervision of the Prosecutor’s Office of the Dnipro Region the territorial department of the SBI conducted a pre-trial investigation in criminal proceedings on charges of abuse of power, i.e. intentional commission by a law enforcement officer of actions that exceed the limits of the rights granted to him, if they were accompanied by the use of weapons, in the absence of signs of torture, which caused grave consequences to the rights of individuals protected by law and murder, i.e. intentional unlawful infliction of death on another person (criminal offences under Articles 365.3 and 115.1 of the CCU). On 19 March 2024, the indictment in the criminal proceedings was sent to the court. The trial is ongoing.

c. In other case, on 13 December 2023, an indictment in criminal proceedings against a police officer on the fact of abuse of office, which was accompanied by violence, the use of special means and painful and degrading actions, in the absence of signs of torture (under Article 365.2 of the CCU) was sent to the court. According to the investigation, on 16 March 2023, the police officer, who was notified of a crime, acting intentionally, without the grounds provided for by law, inflicted numerous blows to the victim’s face and torso with his hands, after which, acting contrary to Article 45 of the Law of Ukraine “On the National Police”, wishing to assert himself as a representative of the authorities, inflicted about 20 blows to the victim with a rubber baton, causing him numerous bodily injuries, mental and physical suffering. The court proceedings are pending.

d. In other case, on 24 October 2024, an indictment against two law enforcement officers under Article 127.3 of the CCU was forwarded to the court. During the investigation, it was established that in the summer of 2023, two policemen forced a confession from a citizen for a crime that was not been proven. They illegally detained a citizen, questioned him in the forest and tortured him. The accused were imposed a preventive measure in the form of detention. The court proceedings are ongoing.

e. In other case, under the procedural supervision of the OPG’s prosecutors, four officials of one of the penal colonies in Poltava region were served a notice of suspicion of torture (under Article 127.2 of the CCU). According to the investigation, the deputy head of the department, the head of the department, the senior inspector and the colony’s duty officer ill-treated the convicts. The investigation into this fact was launched in January 2023. In order to identify the persons involved, ten forensic examinations and a significant number of procedural actions were carried out. Evidence is also being collected on other facts of torture, including those that led to the victim’s death. The circumstances of the involvement of the colony management and other persons in the crime are being investigated. The

preventive measure in the form of detention has been imposed on four suspects, three of whom are being held without bail. The pre-trial investigation is ongoing.

The OPG and SBI within the scope of competence on a regular basis take measures to promote a “zero tolerance” policy and to eradicate impunity for ill-treatment by law enforcement officers.

Measures taken by the police in response to cases of torture and ill-treatment

As part of implementation of the Action Plan of the National Police of Ukraine to execute the Action Plan of the Strategy Realisation (approved by the order of the National Police of Ukraine No. 1090 of 30 December 2021), the National Police developed an algorithm of actions (memos) for a police officer for reporting facts of torture committed by colleagues in the unit or police officers from other police units and an algorithm of actions (memo) for a person who witnessed or was a victim of torture. On the basis of these algorithms, layouts of relevant information posters for placement in the premises of police bodies (units), in places publicly accessible to citizens and each police officer of such bod) (unit) were introduced.

Also, the Government would like to provide statistics on the police activities to prevent torture and other ill-treatment by the officers.

For seven months of 2024, the National police of Ukraine received 1,796 applications (complaints) on torture, ill-treatment and unlawful use of physical force by police officers.

Based on the results of their consideration, in 1,590 such applications (complaints), information on torture, ill-treatment and unlawful use of physical force was not confirmed; in 17 cases, the information was confirmed; and in another 17 cases, the information was partially confirmed. 172 such applications (complaints) are under consideration and a final decision is not adopted.

Besides, in seven months of 2024, the pre-trial investigation bodies initiated 15 criminal proceedings, including 3 under Article 127 of the CCU (*on the fact of torture by former police officers in the temporarily occupied territories*) and 12 under Article 365 of the CCU. On the fact of abuse of power, 12 individuals were notified of suspicion.

During this period, internal security units also conducted more than 1,869 operational and preventive measures, during which among other things, took measures to detect and prevent illegal detention of individuals, causing them bodily harm and storage of foreign objects that could be used as instruments of torture in the office premises.

Furthermore, in 2024 (as of August), 511 internal investigations were conducted into applications, complaints, and reports of torture and other ill-treatment by law enforcement officers.

The above internal investigations were conducted into the following cases: torture - 2, illegal deprivation of liberty - 2, illegal detention - 92, rape - 1, use of special means - 66, use of physical violence - 233, psychological violence - 21, abuse of power - 46, and other - 48.

Based on the results of 511 internal investigations, the information was confirmed in 85 cases and disciplinary action was taken against 128 police officers, including: dismissal from police service - 5, dismissal from office - 1, warnings of incomplete official compliance - 4, strict reprimand - 14, reprimand - 54, warning - 50 and other disciplinary action - 35.

In addition, 1,621 police officers were brought to disciplinary liability, 178 of whom were dismissed from the National Police.

22,578 individual conversations were held with police officers on prevention of torture, ill-treatment and other human rights violations; 4,226 - lectures, seminars, classes were conducted for the police units' personnel; 4, 741 - raids (unannounced inspections) were carried out; 1,199 - thematic or comprehensive inspections compliance with discipline and the rule of law were conducted; and 3,472 - other preventive measures were carried out.

IV. Custody Records

The National Police of Ukraine together with international partners and civil society organisations continue to implement the “Custody Records” system⁴⁹, which is designed to protect detainees against torture and other forms of ill-treatment, prevent infliction of such treatment by police and ensure timely identification and fixation of such actions by police officers.

For the effective functioning of the “Custody Records” system, independent sectors or separate positions of human rights inspectors are established within the structure of district police departments and district police units.

As of August 2024, there were 98 temporary detention facilities (the “ITTs”) managed by the National Police of Ukraine, of which the functioning of 30 ITTs is temporarily suspended (14 - due to reconstruction or repair works, 5 - due to hostilities, 2 - destroyed (partially destroyed) during the armed aggression of the Russian Federation in Ukraine, 4 - located in the temporarily occupied territories of Ukraine, 3 - the issue of their liquidation is being decided, 1 - suspended for more than 1 year and 1 - lack of personnel).

The “Custody Records” system has been integrated in all ITTs of the National Police of Ukraine.

As of August 2024, 255 positions of human rights inspectors were introduced in 73 ITTs.

The Government’s Priority Action Plan for 2024, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 137-p of 16 February 2024, envisages implementing the “Custody Records” system in at least 50 territorial police units.

Since the beginning of 2024 to August 2024, the “Custody Records” has been implemented in 27 territorial police units.

At the same time, as of August 2024, the “Custody Records” system successfully operated in 106 territorial units of the National Police of Ukraine, namely: in Vinnytsia region - 25; in Khmelnytskyi region - 10; in Volyn region – 9; in Odesa, Rivne and Chernivtsi regions – 7 in each; in Zakarpattia region – 6; Ternopil and Sumy regions – 5 in each; in Zhytomyr, Kirovohrad, Lviv and in Chernihiv region – 4 in each; in Ivano-Frankivsk region – 3; in Poltava and Cherkasy regions – 2 in each; Kyiv and Dnipro regions – 1 in each.

As of August 2024, 184 positions of heads of sectors, senior inspectors and human rights inspectors were established in territorial police units.

Furthermore, following the amendments to Article 212 (“The person responsible for the stay and ensuring the observance of the rights of detainees”) of the CCP⁵⁰, in territorial police units in the regions and the city of Kyiv, which have not implemented the “Custody Record” system, as of August 2024, 43 human rights inspectors were appointed.

Basic trainings were provided to human rights inspectors and other police officers involved in recording information into the “Custody Records” system.

Prior to the implementation of the “Custody Records” system in a territorial police unit, the officers of the National Police responsible for observance of human rights conduct training for police officers of the relevant unit in order to provide practical assistance, during which they inform about judgments of the Court and emphasise the prevention of human rights violations (including torture) in police activities.

⁴⁹ More detailed information was provided by the Government in their previous submissions.

<https://custodyrecords.com/#about-project>

⁵⁰ By the Law of Ukraine “On Amendments to the Code of Criminal Procedure of Ukraine to Enhance the Effectiveness of the Institution of Officials Responsible for the Stay and Ensuring the Rights of Detainees” No. 3623-IX (see above).

Despite the fact that one of the main and urgent problem that complicate the implementation of the “Custody Records” system is the inadequate provision of infrastructure conditions for police units, their equipment with modern technical equipment, caused by a lack of funding, as well as the destruction/damage of a certain number of police premises in the regions of the state where military operations took place and/or are still taking place, the national authorities continue to expand the system, making every effort, despite the ongoing war.

The “Custody Records” system is being implemented with the support of international partners and particular the Council of Europe.

On 14 March 2024, in the city of Lutsk, Volyn region, the Head of the Council of Europe Office in Ukraine, Mr. Maciej Janczak, and the Deputy Head of the National Police of Ukraine, Mr. Henadiy Fedoriuk, visited the police unit where Custody Records system was just set-up with the Council of Europe support. This was the 95th out of 446 police units all around Ukraine that need to be covered by the system.

The Custody Records system opening was followed by a round table, where representatives of the National Police, Ombudsperson’s Office, Office of the Agent of Ukraine, free legal aid, judiciary, prosecution, public authorities and local self-governance bodies discussed human rights standards in police activity in the context of system functioning, including its achievements, challenges and prospects⁵¹.

In addition, in cooperation with the Council of Europe in Ukraine, 3 trainings were organised and conducted for 82 human rights inspectors, in particular:

- On 10-11 October 2023, the National Police jointly with the Council of Europe Office in Ukraine within the framework of the Council of Europe Project “Strengthening Ukrainian Law Enforcement Agencies during the War and Post-War Period” organised a training on the topic: “Standards of the European Convention on Human Rights in the context of the implementation of the “Custody Records” system in police bodies” for 24 human rights inspectors of departments of the National Police in the regions;
- On 1-2 November 2023, the National Police together with the Council of Europe Office in Ukraine, within the framework of the Council of Europe Project “Support for implementing European standards relating to anti-discrimination and rights of national minorities in Ukraine” organised a training on the topic: “Ensuring human rights and fundamental freedoms. Development of the “Custody Records” system” for 29 human rights inspectors of departments of the National Police in the regions;
- On 11-12 December 2023, the National Police together with the Council of Europe Office in Ukraine, within the framework of the Council of Europe Project “Support for implementing European standards relating to anti-discrimination and rights of national minorities in Ukraine” organised a training on the topic: “Ensuring human rights and fundamental freedoms. Development of the “Custody Records” system” for 29 human rights inspectors of departments of the National Police in the regions.

The introduction of the “Custody Records” system in the police units and ITTs was positively assessed by the Ombudsman+ representatives during their monitoring visits.

For example, in August 2024, the National Preventive Mechanism group visited the Police Station No. 2 of the Chernivtsi District Police Unit of the Main Department of the National Police of Ukraine in Chernivtsi Region and noted that “a positive practice is the functioning of the “Front-office” for the prompt provision of police services (pass control, consultations, background information and acceptance of applications and reports) and the “Custody Records” system, which provides records of all actions in relation to detainees. In addition, the police station has rooms for

⁵¹ <https://www.coe.int/en/web/kyiv/-/first-council-supported-custody-records-system-opened-in-lutsk-police-unit>

conducting investigations, establishing the circumstances of detention and delivery of persons, confidential visits with children, and receiving citizens”⁵².

In August 2024, the National Preventive Mechanism group also visited the ITT No. 3 in Ternopil Region and noted that the “Custody Records” video surveillance system installed in the ITT provides control over the process of placing, staying and actions of all persons in the facility. The engineering arrangement of the rooms where the detainees are held has also undergone positive changes”⁵³.

The Government would like to emphasise the significant progress made in the implementation of the “Custody Records” system in the recent times and that the authorities do not rest on their laurels and continue their work in this direction.

The Government will keep the Committee of Ministers informed about further steps taken within the implementation of the “Custody Records” system, including in the framework of *Ignatov v. Ukraine* group of cases.

V. Ukrainian Parliament Commissioner for Human Rights

The Ombudsman of Ukraine pays an important role in the prevention of torture in places of detention.

One of the areas of the Ombudsman’s work is the implementation of the National Preventive Mechanism functions in accordance with the provisions of the Optional Protocol to the Convention against Torture, preventive activities to prevent torture and other cruel, inhuman or degrading treatment or punishment in places where persons deprived of their liberty are or may be held.

Based on the results of this activity, the Ombudsman published a Special report “On the state of affairs with regard to the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Ukraine in 2023”⁵⁴.

In this regard, the Deputy Prosecutor General forwarded a letter to the heads of regional prosecutor’s offices. The letter emphasizes the need to organise the processing of the special report and take additional measures to ensure the observance of the rule of law in places of detention, effective response to identified human rights violations, and counteract abuses and illegal actions by law enforcement officials.

For the period from 01 January 2024 to 22 August 2024 the Ukrainian Parliament Commissioner for Human Rights received 118 applications on violations of the right to protection from torture, cruel, inhuman or degrading treatment or punishment by employees of the State Penitentiary Service of Ukraine and law enforcement agencies. Based on the results of consideration of the above applications: explanations were provided in 37 cases; information was provided in 1 case; measures to be taken by the applicant were provided in 6 cases; measures were taken (inquiries were sent, an inspection was conducted, etc.) in 34 cases; the right was restored in 1 case; the right was partially restored in 1 cases; 1 application was denied; 17 applications were forwarded to the body in charge of consideration of the case, and the consideration of the application was taken under control; 2 applications were forwarded as appropriate in accordance with Article 7 of the Law of Ukraine “On Citizens’ Appeals; 5 applications were attached to the case file; 6 applications are under consideration; no result of consideration was indicated in 7 cases.

⁵²https://ombudsman.gov.ua/news_details/vidviduvannya-viddileniya-policiyi-2-cherniveckogo-rajonogo-upravlinnya-policiyi

⁵³https://ombudsman.gov.ua/news_details/vidviduvannya-izolyatora-timchasovogo-trimannya-3-gunp-u-ternopilskej-oblasti

⁵⁴ <https://ombudsman.gov.ua/storage/app/media/uploaded-files/%D0%B4%D0%BE%D0%B4%D0%B0%D1%82%D0%BE%D0%BA.pdf>

VI. Free Legal Aid

Following their previous submissions, the Government would like to inform the Committee of Ministers about the introduction of a mechanism to ensure early access to a lawyer.

In particular, as regards an automated exchange of information by the Coordination Centre for Free Legal Aid in cooperation with the National Police of Ukraine as part of the implementation by the National Police of Ukraine of the “Custody Records” system.

On 24 June 2023, by the Cabinet of Ministers of Ukraine Resolution No. 630 “On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine regarding the functioning of the free legal aid system” the Procedure for informing the centres for the provision of free legal aid about cases of detention, administrative arrest or application of a preventive measure in the form of detention⁵⁵ was amended. These amendments provide that, in case of introduction of automated exchange of information using information and communication systems on detained persons between the law enforcement authorities and centres, the centre shall receive information on the date and time of arrival of the lawyer to the detained person and his/her departure (if any).

As of today, the Coordination Centre takes measures in accordance with organisational and technical documentation required to obtain the status of a member of the unified information system of the Ministry of Internal Affairs of Ukraine in accordance with the established procedure.

The work on automatisation of information exchange process between the National Police of Ukraine bodies (officials), free legal aid system and lawyers appointed to provide free secondary legal aid to such persons is ongoing.

The Procedure for electronic information interaction between the Ministry of Justice of Ukraine, the Coordination Center for Legal Aid Provision, the Ministry of Internal Affairs of Ukraine and central executive authorities whose activities are managed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine was approved by the joint Order of the Ministry of Justice of Ukraine and the Ministry of Internal Affairs of Ukraine No. 2012/5/464 dated 5 July 2024⁵⁶. At present, work on the preparation of a protocol that will define the practical aspects of automated information exchange is ongoing.

The implementation of the above Procedures will automate the processes of information exchange between the bodies (officials) authorised to perform administrative detention, pre-trial investigation bodies, investigators, inquirers, officials responsible for the stay of detainees, other authorised officials of the National Police of Ukraine on cases of detention, administrative arrest or application of a preventive measure in the form of detention and regional/interregional centres for the provision of free legal aid about lawyers appointed to provide free secondary legal aid to such persons, which will allow **timely provision of free secondary legal aid services to detainees**.

Technical and organisational work continues to implement the functioning of the Procedures in practice, which will improve the provision of free legal aid to detainees.

Furthermore, for the period from January to August 2024, the free secondary legal aid centres did not receive any notifications/complaints of torture, inhuman or degrading treatment by law enforcement officers.

VII. Compensation to victims for violent criminal offences

The Ministry of Justice of Ukraine has developed draft laws of Ukraine “On Compensation for Victims of Violent Criminal Offences” and “On Amendments to the Code of Administrative Offences

⁵⁵ <https://zakon.rada.gov.ua/laws/show/630-2023-%D0%BF?lang=en#Text>

⁵⁶ <https://zakon.rada.gov.ua/laws/show/z1031-24?lang=en#Text>

and the Criminal Procedure Code of Ukraine on Ensuring the Mechanism of Compensation to Victims of Violent Criminal Offences” (the “**Draft Laws**”).

As of September 2024, the Draft Laws are at revision stage before the chief executor after their consideration by the Cabinet of Ministers of Ukraine.

The Government will keep the Committee of Ministers informed of further steps in this regard.

VIII. Awareness-raising and capacity-building activities

In November 2023⁵⁷, the SBI investigators and prosecutors took part in a three-day intensive training on the topic: “Investigative interview as a tool for effective investigation and prevention of torture”, which was organised within the framework of the Council of Europe project “Strengthening Ukrainian Law Enforcement Agencies during War and Post-War Period”.

On 15 December 2023, the Council of Europe Office in Ukraine organised a discussion with key national authorities on the topic: “Countering torture at the time of war: is it the right time?”. The discussion focused on the implementation of the Strategy, new challenges and specific of the war in the field of combating torture, recent and well-established Court’s case-law on Article 3 of the Convention with regard to Ukraine, execution of the Court’s judgment in the present group of cases.

On 23 April 2024, an official opening and first meeting of the Steering Committee of the “DECOPRIS” project of the Council of Europe was held in Kyiv. The event was attended, *inter alia*, by the OPG’s representative, penitentiary authorities. During the presentation of the “DECOPRIS” project, the main expected results of the project were outlined, in particular: focus on preventing ill-treatment and torture in prisons.

On 16-18 July 2024⁵⁸, the workshop was held within the framework of the Council of Europe projects “Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period” and “Fostering Human Rights in the Criminal Justice System in Ukraine” in cooperation with the SBI, the OPG, the Department of Main Inspection and Human Rights Compliance of the National Police of Ukraine, and the Training Centre of Prosecutors of Ukraine. 30 representatives from these bodies participated in the Workshop on Effective Investigation of Ill-Treatment Cases.

On 25 July 2024, an international forum “Transforming the Penitentiary System: Finding Solutions to End Torture in Prisons” was organised by the Ministry of Justice of Ukraine with the support of the UNODC project “Penitentiary Assistance in Response to the Armed Conflict and Emergency Needs in Ukraine” (PACE.UA Program) with the participation of leading experts from international organisations, MPs of Ukraine, government agencies of Ukraine, partner countries and human rights defenders. The forum covered the discussion on possible solutions to eradicate unacceptable practices of torture in the Ukrainian prison system, identified in the case-law of the European Court of Human Rights and in critical cases covered by the media. Initiatives to prevent torture implemented by the State Penitentiary Service of Ukraine were also presented.

- **As to prosecutors**

On 13 November 2023, 26 prosecutors took part in the launch of the HELP course “Prohibition of Ill-treatment”, which was organised by the Council of Europe Project “HELP (Human Rights Education for Legal Professionals) for Ukraine including during wartime” in partnership with the National School of Judges of Ukraine and the Training Centre of Prosecutors Ukraine.

⁵⁷ <https://www.coe.int/en/web/kyiv/-/investigative-interview-as-a-tool-for-effective-investigation-and-prevention-of-torture-training-for-investigators-and-prosecutors>

⁵⁸ <https://www.coe.int/en/web/kyiv/-/workshop-on-effective-investigation-of-torture-for-the-investigators-of-sbi-specialised-prosecutors-and-the-police-officers-of-npu-internal-inspection>

On 21-22 November 2023, the Training Centre of Prosecutors of Ukraine organised training on the topic: “Organisation of the Prosecutor’s Activity to Counteract Human Rights Violations in Law Enforcement and Penitentiary Systems”.

In order to improve the professional competence of prosecutors in supervising the observance of laws in places of detention and to improve their knowledge of the current national and international standards for the treatment of detainees, the OPG and Training Centre of Prosecutors of Ukraine held trainings on “National and International Standards for the Treatment of Prisoners. Practical aspects of supervision over the observance of laws in places of detention and probation bodies” (on 25-26 October 2023) and “Supervision over the observance of laws in the execution of court decisions in criminal cases, as well as in application of other coercive measures” (on 7 - 8 December 2023).

On 10 April 2024, an online training for prosecutors on the topic “Ensuring the rights of prisoners, convicts in places of detention, current national and international standards for the treatment of prisoners” was held on “Zoom” video conferencing platform at the Training Centre of Prosecutors of Ukraine.

The OPG in the cooperation with the Training Centre of Prosecutors of Ukraine and representatives of national civil society institutions has developed a distance learning course for prosecutors on the organisation and implementation of prosecutorial supervision over the observance of laws in the execution of court decisions in criminal cases, as well as in the application of other coercive measures. The course will be implemented in the prosecutor’s training.

• **As to police officers:**

On 2 November 2023, training for human rights inspectors on the topic: “Ensuring human rights and fundamental freedoms. Development of the “Custody records” system was organised jointly by the European Union, the Council of Europe, the OPG and the National Police of Ukraine.

On the initiative of the National Police of Ukraine, in April-May 2024, training seminars on “Observance of human rights in places of detention of the National Police” were held with the management of the departments (sectors) of organisational support for the activities of the ITTs in the regions and the city of Kyiv at the State Institution of Vocational Education “Zhytomyr Police Academy”.

In June-July 2024, similar training seminars were conducted by representatives of the National Police of Ukraine at the State Institution of Vocational Education “Patrol Police Academy” in Kyiv.

On 25 July 2024, a representative of the Prosecutor’s Office of Zaporizhzhia Region conducted an online training on preventing cases of torture and ill-treatment for 108 heads of sectors, senior inspectors and human rights inspectors of territorial police units where the “Custody Records” system has been implemented.

Taking into account the requirements the Law of Ukraine “On the National Police”, on the basis of higher education institutions with specific training conditions that provide police training, advanced training is organised annually for all categories of police officers according to standard curricula. The programmes provide for the study of the following topics: “Human rights. Rule of law. Constitutionalism. International standards in the field of human rights. Freedom from torture, cruel, inhuman or degrading treatment or punishment. Case law of the European Court of Human Rights. Liberty and security of person. The right to privacy. Gender equality. Formation of gender competence in accordance with UN and NATO standards”.

For seven months of 2024, 13,491 police officers completed the advanced training.

Also, curricula for initial professional training of police officers who are newly recruited to the police in the relevant specialisations and qualifications were developed. The programmes for initial professional training of police officers include the study of the subject “Fundamentals of

Constitutional Law. Ensuring human rights and freedoms. Case law of the European Court of Human Rights”.

For seven months of 2024, 2,964 individuals completed initial professional training of police officers.

In 2024 (as of August), the National Academy of Internal Affairs organised and conducted trainings, lectures, seminars on topics related to the prevention of torture and ill-treatment for 6,692 acting and future police officers.

According to the Ministry of Internal Affairs of Ukraine, during 2024 (as of August) 18,719 police officers learned topics related to the prevention of torture and ill-treatment in higher education institutions with specific training conditions.

- **As to medical employees**

The Shupyk National University of Health of Ukraine organised trainings on the topic “Bodily injuries as manifestations of torture and ways to document them in the format of the Istanbul Protocol” for forensic experts of the Bureau of Forensic Medical Examination of the Kherson Regional Council (2-16 January 2024), Bureau of Forensic Medical Examination in Odesa Region (30 January – 13 February 2024), Main Bureau of Forensic Medical Examination of the Ministry of Health of Ukraine (27 March – 10 April 2024) and Bureau of Forensic Medical Examination of Chernihiv Region (3-17 June 2024). Also, on 16 – 30 October 2024, the training is planned for forensic experts of the Bureau of Forensic Medical Examination in Ivano-Frankivsk.

IX. CPT visit to Ukraine

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) following its visit to Ukraine from 16 to 27 October 2023 adopted a report on 8 March 2024. This was the first visit to Ukraine by the CPT since the beginning of the full-scale military aggression by the Russian Federation in February 2022.

In its report, the CPT noted that: “the great majority of the interviewed persons who were, or had recently been, in police custody indicated that the police had treated them in a correct manner. The Committee takes note of this positive finding, illustrating the results of efforts deployed by the Ukrainian authorities in recent years to improve the treatment of persons detained by the police.

On a positive note, unlike on previous CPT visits, no allegations were received concerning physical ill-treatment in the context of questioning (with the aim of extracting confessions or obtaining other information). This could *inter alia* be connected with the now quasi-systematic presence of (usually *ex officio*) lawyers during police questioning.

Further, as had been the case in the past, no allegations were heard of ill-treatment of detained persons by custodial staff employed in the ITTs or police stations visited” (paragraphs 15-16).

As regards safeguards against ill-treatment notification of custody, access to a lawyer and to a doctor), the CPT noted that: “the delegation’s findings suggested that the situation had generally improved as compared to the 2017 periodic visit.

The delegation also found that, as a rule, the police swiftly informed the relevant Centre for Free Legal Aid (CFLA). Indeed, one of the tasks of the Human Rights Inspectors working in ITTs (see paragraph 30 below) was to verify that the CFLA had been informed prior to the detained person’s placement in a cell. Notification of the CFLA was recorded in a dedicated log (see also paragraph 27 below) and, in addition, police officers who brought detained persons to an ITT carried with them certificates attesting that the CFLA had been informed; these certificates were then handed over to the Human Rights Inspector and placed in the detained person’s file.

Further, persons in police custody were quasi systematically questioned in the presence of (usually *ex officio*) lawyers. In a few cases, detained persons said that the interview had started before the arrival of the lawyer; however, none alleged having been obliged to sign a confession or any other official statement without the lawyer's presence and without having had the prior opportunity to speak with the lawyer.

It is also noteworthy that most of the detained persons confirmed that they had been enabled to speak with their lawyer in private prior to the interview. These are positive developments as compared with the situation observed during the 2017 periodic visit" (paragraphs 21-22).

As regards ill-treatment in prison establishments, the CPT noted that "the delegation received no allegations of recent ill-treatment by staff in any of the prison establishments visited. The vast majority of the prisoners interviewed stated that staff members treated them correctly" (paragraph 40).

On 6 May 2024, the Deputy Prosecutor General V.V. Litvinova forwarded an order to the heads of regional prosecutor's offices and instructed to implement the recommendations set out in the CPT report and to respond to the violations identified.

The Government would like to emphasise that following the visit in 2023, the CPT delegation underlined the significant progress made by Ukraine since its previous visit in 2017 and the scope of implementation of previous recommendations, as well as the efforts of the Ukrainian authorities to ensure rights of persons deprived of their liberty during martial law.

PUBLICATION AND DISSEMINATION

The Government assure that the judgments in the present groups of cases were translated into Ukrainian, properly published and widely disseminated among all state authorities concerned.

STATE OF EXECUTION

The Government would like to underline significant positive achievements (the new Action Plan of Realisation of the Strategy on Combating Torture in the Criminal Justice System and a number of regulatory acts, the work of prosecutor's office and the SBI) in combating any forms of ill-treatment of detained persons. In the light of the CPT's conclusions, the Government would like to note that the problem of ill-treatment by state agents in Ukraine is now not of a systematic nature.

Despite the daily challenges the Government faces in connection with Russia's military aggression the Government assure the Committee of Ministers that the national authorities will continue to take steps to prevent any forms of ill-treatment in the criminal justice system and to improve the state police against torture and its effective investigation.

As regards individual measures, the Government kindly ask the Committee of Ministers to close the supervision of the *Leonov* (application no. 10543/03), *Aleksandr Smirnov* (application no. 38683/06), *Zamferesko* (application no. 30075/06), *Kirpichenko* (application no. 38833/03), *Samardak* (application no. 43109/05) *Dushka* (application no. 29175/04), *Ismailov* (application no. 17323/04) and *Spinov* (application no. 34331/03) cases as they consider that all necessary and possible measures were taken by competent authorities and no additional individual measure are required and possible in these cases.

The Government will keep the Committee of Ministers informed about further developments and measures taken.

ANNEX I
Updated information on the payment of the just satisfaction
in the *Kaverzin/Afanasyev/Belousov* groups of cases

No	Case Title and Application no.	Date of Final Judgment	Payment Deadline	Information on Payments
1.	Mytsyk and Kravchuk v. Ukraine (application no. 51984/17)	16/05/2024	16/08/2024	As to Mr Mytsyk, on 19/06/2024 the just satisfaction in the amount of EUR 1,800 (UAH 78 207.48) was transferred to the applicant's bank account. As to Mr Kravchuk, on 19/06/2024 the just satisfaction in the amount of EUR 1,800 (UAH 78 207.48) was transferred to the applicant's bank account. On 19/06/2024 the sum in the amount of EUR 800 (UAH 34 758.88) was transferred to the applicant's representative's bank account.
2.	Petrakovskyy and Leontyev v. Ukraine (application no. 26815/16)	21/03/2024	21/06/2024	As to Mr Petrakovskyy, on 11/06/2024 the just satisfaction in the amount of EUR 5,000 (UAH 219 354.50) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details. <i>The enforcement proceedings are pending.</i> As to Mr Leontyev, on 16/05/2024 the just satisfaction in the amount of EUR 8,000 (UAH 342 800.80) was transferred to the applicant's representative's bank account. Also, on 02/05/2024, the sum in the amount of EUR 1,000 (UAH 42 298.60) was transferred to Mr A.V. Pustyntsev bank account.
3.	Storozhuk and Kononov v. Ukraine (applications nos. 13577/16 and 48768/16)	08/02/2024	08/05/2024	As to Mr Kononov, on 20/04/2024 the just satisfaction in the amount of EUR 15,000 (UAH 634 183.50) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide her bank account details. <i>The enforcement proceedings are pending.</i>
4.	Trachuk v. Ukraine (application no. 24413/13)	02/03/2023	02/06/2023	On 17/05/2023 the just satisfaction in the amount of EUR 15,000 (UAH 597 430.50) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide her bank account details. <i>The enforcement proceedings are pending.</i>
5.	Khrus and Others v. Ukraine (application no.38328/14)	02/03/2023	02/06/2023	As to Mr Gryshchuk, on 23/05/2023 the just satisfaction in the amount of EUR 15,000 (UAH 592 699.50) was transferred to the special deposit account of the Ministry of Justice of Ukraine and on 21/11/2023 the sum was transferred to the applicant's bank account.
6.	Klimov and	02/03/2023	02/06/2023	As to Mr Klimov, on 17/05/2023 the just

	Slyvotskyy v. Ukraine (application no. 51100/17)			<p>satisfaction in the amount of EUR 7,500 (UAH 298 715.25) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details.</p> <p>The state bailiff repeatedly sent requests to the applicant to provide his bank account details for the transfer of the sum due to him.</p> <p>In the course of the enforcement proceedings, the state bailiff established that Mr Klimov died on 15/05/2019, as evidenced by the death certificate No. 00139589390 dated 17/05/2019.</p> <p>At the state bailiff's request, the First Bilhorod-Dnistrovsk State Notary Office informed that there was no inheritance case after the deceased Mr Klimov.</p> <p>Thus, on 01/11/2023 the sum was returned to the State Budget and on 02/11/2023 the enforcement proceedings were terminated.</p>
7.	Meliksetyan v. Ukraine (application no. 40057/11)	22/09/2022	22/12/2022	<p>On 27/12/2022 the just satisfaction in the amount of EUR 8,000 (UAH 311 100.60) was transferred to the special deposit account of the Ministry of Justice of Ukraine and on 09/01/2024 the sum was transferred to the applicant's representative's bank account.</p> <p>On 14/11/2022, the sum in the amount of EUR 1,500 (UAH 56 553.30) was transferred to the applicant's representative's bank account.</p>
8.	Kulayev and Others v. Ukraine (application no. 16495/13)	22/09/2022	22/12/2022	<p>As to Mr Alborov, on 08/12/2022 the just satisfaction in the amount of EUR 15,000 (UAH 577 299.00) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details.</p> <p><i>The enforcement proceedings are pending.</i></p> <p>As to Mr Pliyev, on 08/12/2022 the just satisfaction in the amount of EUR 15,000 (UAH 577 299.00) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details.</p> <p><i>The enforcement proceedings are pending.</i></p>
9.	Polishchuk and Others v. Ukraine (application no.6648/14)	16/09/2021	16/12/2021	<p>As to Mr Levchenko, on 22/12/2021 the just satisfaction in the amount of EUR 4,453 (UAH 137 076.11) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details.</p> <p><i>The enforcement proceedings are pending.</i></p> <p>As to Mr Melnychenko, on 22/12/2021 and 23/12/2023 the just satisfaction in the total amount</p>

				<p>of EUR 5,006 (UAH 137 076.11) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details.</p> <p>On 12/03/2024 the sum was returned to the State Budget after the expiry of a one-year limitation period.</p> <p>On 14/03/2024 the enforcement proceedings were terminated.</p>
10.	<p>Zabolotnyy and Others v. Ukraine (application no. 19574/09)</p>	03/09/2020	03/12/2020	<p>As to Mr. Drobotenko, on 14/12/2020 the just satisfaction in the amount of EUR 15,000 (UAH 513 235.50) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details. On 20/04/2022 the sum was returned to the State Budget after the expiry of a one-year limitation period.</p> <p>On 26/04/2024 the enforcement proceedings were terminated.</p>
11.	<p>Sokolovskyy and Others v. Ukraine (application no.44047/09)</p>	03/09/2020	03/12/2020	<p>As to Mr. Rotar, on 15/12/2020 the just satisfaction in the amount of EUR 10,000 (UAH 342 157.00) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details. On 20/04/2022 the sum was returned to the State Budget after the expiry of a one-year limitation period.</p> <p>On 26/03/2022 the enforcement proceedings were terminated.</p>
12.	<p>Ivanko v. Ukraine (application no. 46850/13)</p>	05/03/2020	05/06/2020	<p>On 27/05/2020 the just satisfaction in the amount of EUR 7,500 (UAH 219 867.75) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the applicant's failure to provide his bank account details.</p> <p><i>The enforcement proceedings are pending.</i></p>

ANNEX II
Updated information on other individual measures
in the *Kaverzin/Afanasyev/Belousov* groups of cases

No	Case Title, Application no. Final judgment	Applicant's name	Status of Pre-Trial Investigation
1.	Mytsyk and Kravchuk v. Ukraine (application no. 51984/17, 16/05/2024)	Oleg Volodymyrovych Mytsyk and Mr Petro Ivanovych Kravchuk	<p>The pre-trial investigation in criminal proceedings of 28/05/2015 under Articles 365.2¹, 374.1², 397.2³ and 398.2⁴ of the Criminal Code of Ukraine (the “CCU”) is pending.</p> <p>The pre-trial investigation is conducted by the Territorial Department of the SBI in Lviv.</p> <p>On 11/06/2024, the status of the pre-trial investigation was discussed at an operational meeting at the Specialized Prosecutor’s Office in the Field of Defense of the Western Region, the specific investigative measures aimed at intensifying the investigation were defined and instructions were given to the investigator.</p> <p>The criminal proceedings are pending.</p>
2.	Petrakovskyy and Leontyev v. Ukraine (application no. 26815/16, 21/03/2024)	Dmytro Igorovych Petrakovskyy	<p>Following the Court’s judgment on 29/04/2024, the Prosecutor’s Office of Zaporizhzhia Region quashed the decision on termination of criminal proceedings dated 21/12/2012 under Article 365.1 of the CCU.</p> <p>The case was remitted to the Territorial Department of the SBI in Melitopol for conducting further investigation.</p> <p>The criminal proceedings are pending.</p>
		Dmytro Ivanovych Leontyev	<p>Following the Court’s judgment on 29/04/2024, the Prosecutor’s Office of Zaporizhzhia Region quashed the decision on termination of criminal proceedings dated 18/04/2014 under Article 365.2 of the CCU.</p> <p>The case was remitted to the Territorial Department of the SBI in Melitopol for conducting further investigation.</p> <p>The criminal proceedings are pending.</p>
3.	Storozhuk and Kononov v. Ukraine (application no. 13577/16, 08/02/2024)	Kostyantyn Sergiyovych Kononov	<p>On 16/02/2024, the Prosecutor’s Office of the Dnipropetrovsk Region initiated criminal proceedings under Article 365.2 of the CCU.</p> <p>The pre-trial investigation is conducted by the Territorial Department of the SBI in Poltava.</p> <p>The criminal proceedings are pending.</p>

¹ “Abuse of authority or official powers by a law enforcement officer”

² “Violation of the right to defense”

³ “Interference with the activities of a lawyer or a person’s representative”

⁴ “Threats or violence against a lawyer or a person’s representative”

4.	<p>Pulnyev and Gvaliya v. Ukraine (application no. 67158/13, 30/11/2023)</p>	<p>Igor Valentynovych Pulnye</p>	<p>The pre-trial investigation in criminal proceedings of 25/12/2023 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Melitopol.</p> <p>In 2024, the following investigative actions were taken.</p> <p>On 12/06/2024, the operational unit was instructed to establish the whereabouts of Mr Pulnyev in order to summon him and interrogate him about the circumstances of the events.</p> <p>On 14/06/2024, the response of the State Border Guard Service to the investigator's request for information on the crossing of the state border of Ukraine by Mr Pulnyev was received.</p> <p>On 19/08/2024, a request was sent to the Department of State Registration of Civil Status Acts in Kherson Region to provide information on the state registration of certain civil status acts of Mr Pulnyev, namely: state registration of marriage, state registration of divorce, state registration of name change, state registration of death.</p> <p>At present, law enforcement officers who directly detained the applicant and conducted the investigation against him are being identified.</p> <p>According to available information, Mr Pulnyev is probably in the occupied territory of Kherson Region.</p> <p>The criminal proceedings are pending.</p>
5.	<p>Kozlovska v. Ukraine (application no. 52212/13, 05/10/2023)</p>	<p>Nina Ivanivna Kozlovska</p>	<p>The pre-trial investigation in criminal proceedings of 24/10/2023 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>In 2024, the following investigative actions were taken:</p> <ul style="list-style-type: none"> - an instruction was given to the operational unit to establish whether the prosecutor's office had previously investigated criminal cases into the circumstances of the applicant's ill-treatment; - a request was sent to the Main Department of the National Police in Dnipropetrovsk Region to attach copies of the materials of the initial criminal proceedings; - an order was given to the operational unit to identify and interrogate as witnesses senior investigator for major crimes of the Investigation Department of the Main Department of the Ministry of Internal Affairs of Ukraine in Dnipropetrovsk Region Mr V. Ts., head of the Investigation Department of the Main Department of the Ministry of Internal Affairs of Ukraine in Dnipropetrovsk Region Mr O. S., senior investigator of the Investigation Department of the Main

			<p>Department of the Ministry of Internal Affairs of Ukraine in Dnipro Mr O. Ya. and other persons;</p> <ul style="list-style-type: none"> - information on the measures taken and the investigation conducted in criminal proceedings No. 42013040230000043 under Article 365.2 of the CCU against senior investigator for major crimes Mr V. Ts., head of the Investigation Department of the Main Department of the Ministry of Internal Affairs of Ukraine in Dnipropetrovsk Region Mr O. S., senior investigator Mr O. Ya. was requested. <p>The criminal proceedings are pending.</p>
6.	<p>Trachuk v. Ukraine (application no. 24413/13, 02/03/2023)</p>	<p>Zinaida Viktorovna Trachuk</p>	<p>The pre-trial investigation in criminal proceedings of 17/03/2023 under Article 365.2 of the CCU regarding the ill-treatment of the applicant by police officers of the Kramatorskyi Police Department and failure to adequately address the applicant's complaints during pre-trial investigation is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>In 2024, an updated plan for necessary investigative actions was drafted; translation of the Court's judgment and materials on the case were requested and attached to the case files.</p> <p>The criminal proceedings are pending.</p>
7.	<p>Khrus and Others v. Ukraine (application no.38328/14, 02/03/2023)</p>	<p>Oleksandr Viktorovych Khrus</p>	<p>The pre-trial investigation in criminal proceedings of 31/05/2023 under Article 372.1⁵ of the CCU is conducted by the Territorial Department of the SBI in Khmelnytsk.</p> <p>In 2024, the operational units were instructed to establish the whereabouts of the applicant and interrogate him, as well as to interrogate the former investigator of the Prosecutor's Office of the Zhytomyr Region.</p> <p>Also, requests were forwarded to the Prosecutor's Office of the Zhytomyr Region, the Forensic Expert Bureau of the Zhytomyr Region, the Department of the Security Service of Ukraine in Zhytomyr Region, and summons was sent to Security Service of Ukraine officers Mr V. and Mr S.</p> <p>The applicant is expected to appear before the pre-trial investigation body for interrogation as a victim.</p> <p>Additionally, the whereabouts of the employees of the Department of the Security Service of Ukraine in Zhytomyr Region is being established in order to interrogate them as witnesses, as the latter were transferred to structural units of other regions.</p> <p>The criminal proceedings are pending.</p>
		<p>Mykhaylo</p>	<p>The pre-trial investigation in criminal proceedings</p>

⁵ "Prosecution of a knowingly innocent person"

		<p>Mykhaylovysh Gryshchuk</p>	<p>of 05/04/2023 under Article 365.2 of the CCU regarding the ill-treatment of the applicant by law enforcement officers is conducted by the Territorial Department of the SBI in Khmelnytsk.</p> <p>During 2024, the following investigative measures were taken.</p> <p>Summonses were repeatedly sent to the applicant for interrogation as a witness at his place of registration, but the latter did not appear at the said summonses and according to the postal operator, the summonses were not delivered due to the absence of an address. In the course of measures taken, it was established that after serving a sentence for a crime the applicant was re-sentenced for new crimes and served his sentence in the Stryzhavska Correctional Colony (No. 81), where an order was sent to interrogate him about the circumstances of the bodily injuries inflicted on him on the night of 26-27/09/2013 by police officers and the persons who caused them and other issues.</p> <p>On 14/06/2024, a written application for involvement in criminal proceedings as a victim was taken from the applicant and on the same day he was interrogated as a victim.</p> <p>In order to interrogate forensic expert Mr A., the latter was repeatedly summoned to his place of registration, but he did not appear at the summons and did not inform about the reasons for his absence. The investigator's visit to the address did not reveal any of the residents, but the residents of the house stated that the witness Mr A. had not been seen for a long time and probably did not live in the house, his whereabouts and contacts were unknown.</p> <p>Information from the State Border Guard Service of Ukraine was requested, according to which Mr A. repeatedly crossed the state border, and the last time on 12/21/2021, he left the country. For these reasons, it was not possible to interrogate Mr A.</p> <p>In order to interrogate the doctors who arrived at the call to the applicant, information was requested from the Khmelnytskyi Regional Centre for Emergency Medical Care and Disaster Medicine. According to the information received, dr. N. continued to work at the institution as a psychiatrist, and dr. B. worked as a paramedic of the psychiatric team and was dismissed from the institution on 02/06/2014.</p> <p>After verifying the information about dr. B. in the Civil Status Registry, it was established that the latter died on 07/06/2019, and therefore it was not possible to interrogate him.</p> <p>On 26/01/2024, dr. N. was interrogated.</p>
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		<p>Roman Sergiyovych Zatolokin</p>	<p>On 28/03/2023, the Deputy Prosecutor of the Kharkiv Region quashed the decision of 21/12/2016 on termination of the criminal proceedings dated 12/02/2015 under Article 365.2 of the CCU.</p> <p>The case was remitted to the Territorial Department of the SBI in Poltava for further investigation.</p> <p>In 2024, the following investigative actions were conducted.</p> <p>On 14/04/2024, a request was submitted to the Shevchenkivskyi District Prosecutor's Office in Kharkiv, the Kharkiv Regional Police Department No. 3, to obtain information on criminal proceedings against the applicant.</p> <p>A request was also submitted to the Kharkiv Regional Police Department No. 3 to ensure the attendance of police officers of the Shevchenkivskyi District Police Department of the Ministry of Internal Affairs of Ukraine in Kharkiv Region to participate in interrogation as witnesses.</p> <p>On 15/05/2024, an order was sent to the Kharkiv Unit of the Internal Security Department of the National Police of Ukraine in Kharkiv Region to receive electronic photographs of the police officers involved in the events.</p> <p>On 12/02/2024, witnesses Mr D., Mr R. and Mr V., officers of the Shevchenkivskyi District Police Station in Kharkiv Region, were interrogated.</p> <p>On 01/08/2024, summons was sent to interrogate Mr A. B. and Mr V. D. as a witness (<i>A.B. and V.D., the applicant's acquaintances, who were also questioned by the police on the same floor,</i></p>

			<p><i>indicating that they had heard him cry and that he was feeling unwell immediately after their joint release).</i></p> <p>Also, on the same date, a summons was sent to the applicant for interrogation as a witness.</p> <p>On 10/08/2024, the operational unit was instructed to establish the whereabouts and invite for interrogation as witnesses: the applicant, Mr A. B. and Mr V. D., former police officers of the Shevchenkivskiy District Police Station in Kharkiv Region Mr T. and Mr K.</p> <p>On 10/08/2024, a request was submitted to the State Border Guard Service of Ukraine to establish information on the crossing of the state border of Ukraine by the above-mentioned persons.</p> <p>On the same date, a request was submitted to the Civil Status Registry Department in Kharkiv regarding the availability of a record of marriage, divorce, and birth of children, change of surname, name, patronymic, and death of the above-mentioned persons.</p> <p>Also, a request was submitted to the Main Department of the National Police in Kharkiv Region to provide information on bringing the above persons to administrative responsibility.</p> <p>In the criminal proceedings the applicant was duly informed about the course of the pre-trial investigation and was interrogated as a victim.</p> <p>The criminal proceedings are pending.</p>
		<p>Oleksandr Pavlovyh Striletskyy</p>	<p>The pre-trial investigation in criminal proceedings of 03/02/2016 under Articles 365.2 and 366.1 of the CCU was conducted by the Territorial Department of the SBI in Melitopol.</p> <p>Due to the Russian armed aggression against Ukraine and the rapid invasion and movement of the Russian armed forces, on 24/02/2022, the personnel of the Territorial Department of the SBI in Melitopol was evacuated to the territory controlled by Ukraine. At the same time, the materials of the criminal proceedings remained in the archive of the building.</p> <p>During the further pre-trial investigation the following measures were taken.</p> <p>In order to restore the lost materials of the criminal proceedings the supervisory proceedings of the prosecutor in the Prosecutor's Office of the Zaporizhzhia Region were requested and the relevant documents were examined for the purpose of their further restoration;</p> <p>A request for the restoration of lost materials of criminal proceedings was forwarded to the Kommunarskyi District Court of Zaporizhzhia and the relevant court decision was issued.</p>

			<p>Also, <u>the applicant was additionally interrogated as a victim</u> at the pre-trial detention centre.</p> <p>Based on the available materials of the criminal proceedings, it is impossible to refute or to confirm that from 28 to 31/10/2008, in the premises of the Nikopolskyi District Department of the Ministry of Internal Affairs of Ukraine in the Dnipropetrovsk Region, the applicant was inflicted with bodily injuries.</p> <p>According to the conclusion of the forensic medical examination, the applicant was diagnosed with minor and moderate severity bodily injuries, the duration of which was only approximately corresponds to the time of his detention, but the exact date and time, including the presence of the applicant's injuries before his detention could not be established due to the passage of time.</p> <p>At present, considering the repeated requests from the victim (the applicant) regarding the violation of the principle of territorial jurisdiction during the pre-trial investigation in criminal proceedings, on 07/06/2024, the jurisdiction in the criminal proceedings was changed for the Territorial Department of the SBI in Poltava, and the materials of the criminal proceedings were sent to the Prosecutor's Office of the Zaporizhzhia Region.</p> <p>The criminal proceedings are pending.</p>
		<p>Oleksandr Volodymyrovych Popuriy</p>	<p>The pre-trial investigation in criminal proceedings of 27/01/2016 under Articles 365.2, 373.1⁶ and 127.1⁷ of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>On 21/12/2023, the applicant was additionally interrogated as a victim.</p> <p>Also, an investigative experiment was conducted with the participation of the applicant, during which the recreation of the circumstances of the events that took place with his participation in the premises of the Main Department of the State Security Service in Donetsk and Luhansk regions was carried out.</p> <p>On 11/01/2024, a forensic medical examination of the applicant was scheduled. And on 29/01/2024, the expert opinion of 15/01/2024 was received.</p> <p>Conclusions: according to the medical documentation provided, Mr Popuriy was treated in hospital and outpatient clinics with a clinically established diagnosis of closed head injury. Concussion of the brain.</p> <p>It was impossible to provide answers to the questions about the nature, localisation, mechanism,</p>

⁶ "Compulsion to testify"

⁷ "Torture"

			<p>severity and duration of the applicant's bodily injuries due to the lack of expert data, since it was necessary to provide the original medical documentation with records both before and after the injury.</p> <p>On 29/01/2024, the officer of the Main Department of the Security Service of Ukraine in Donetsk and Luhansk regions Mr Ch., who in 2016 (until October 2016) held the position of the Head of the Kramatorsk Department of the Security Service of Ukraine in Donetsk Region, was interrogated as a witness.</p> <p>On 27/04/2024, a request was sent regarding the communication of subscribers of mobile phone numbers for the period from 19/01/2016 to 22/01/2016. On 07/05/2024, a response was received about the impossibility of providing information upon request due to the fact that the records were stored for 3 years.</p> <p>On 27/04/2024, a request was sent to the Dnipropetrovski District Court of the Dnipropetrovsk Region for temporary access to the materials of criminal proceedings against the applicant. On 11/05/2024, temporary access to items and documents was granted, and a corresponding protocol was drawn up.</p> <p>On 30/04/2024, an order was issued to the Main Department of Internal Security of the Security Service of Ukraine to identify and interrogate as witnesses the officers who were on duty on the night of 20-21/01/2016 and provided security for the premises of the Kramatorsk Department of the Security Service of Ukraine in Donetsk Region. To date, the response has not been received.</p> <p>On 01/05/2024, witness Mr S. was interrogated.</p> <p>On 02/05/2024, a request was sent to the Main Department of the Security Service of Ukraine in Donetsk and Luhansk Regions to provide information regarding Mr K. On 13/05/2024, a response was received that Mr K. was transferred to the Main Department of the Security Service of Ukraine in the Autonomous Republic of Crimea.</p> <p>On 02/05/2024, a request was sent to the Main Department of the Security Service of Ukraine in Donetsk and Luhansk Regions to provide information on the officers of the Kramatorsk Department of the Security Service of Ukraine in Donetsk Region who were on duty on the night of 20-21/01/ 2016. The response is awaited.</p> <p>The plan of investigative actions in the criminal proceedings was updated.</p> <p>The criminal proceedings are pending.</p>
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8.	<p>Klimov and Slyvotskyy v. Ukraine (application no. 51100/17, 02/03/2023)</p>	<p>Pavlo Volodymyrovych Klimov</p>	<p>On 28/03/2023, the Territorial Department of the SBI in Melitopol initiated pre-trial investigation in criminal proceedings under Article 365.2 of the CCU regarding the ill-treatment of the applicant by the police on 19-20/12/2006 and failure to carry out effective investigation of the relevant complaints. In the course of execution of the Court’s judgment in the applicant’s case, the authorities established that Mr Klimov died on 15/05/2019, as evidenced by the death certificate No. 00139589390 dated 17/05/2019. Also, the First Bilhorod-Dnistrovsk State Notary Office informed that there was no inheritance case after the deceased Mr Klimov. Neither the applicant (as he passed away before the Court’s judgment) nor his heirs applied for the payment of the just satisfaction awarded by the Court. More than 16 years passed since the event of the crime against the applicant and the crime became time-barred. The applicant died in 2019, i.e. before the Court’s judgment. Therefore, in the course of new pre-trial investigation was not possible to carry out any investigative or procedural actions, including with the participation of the applicant, and otherwise establish the circumstances of the event in question. On 12/12/2023, the prosecutor applied to the court with a request to terminate the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP (expiration of the statute of limitations). On 09/04/2024⁸, the Komunarskyi District Court of Zaporizhzhia granted the request and ruled to terminate the criminal proceedings due to expiration of the statute of limitations for bringing to criminal liability. The court decision on termination of the criminal proceedings can be subject to appeal within 7 days. This decision was not challenged by any interested person and became final.</p>
		<p>Mykola Volodymyrovych Slyvotskyy</p>	<p>On 07/04/2023, the Prosecutor’s Office of the Mykolaiv Region initiated pre-trial investigation in criminal proceedings under Article 127.1 of the CCU regarding the alleged torture of the applicant by the police officers. The case was remitted to the Territorial Department of the SBI in Mykolaiv. The criminal proceedings are pending.</p>
9.	<p>Bogomol v. Ukraine (application</p>	<p>Andriy Volodymyrovych Bogomol</p>	<p>The pre-trial investigation in criminal proceedings of 29/07/2014 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI</p>

⁸ <https://reyestr.court.gov.ua/Review/118214473>

	<p>no.15528/11, 10/11/2022)</p>		<p>in Poltava. During 2024, the following investigative steps were taken. On 02/02/2024, an order was issued to the operational unit to identify all possible witnesses to the incident and additional circumstances. On 19/07/2024, an order was issued to the operational unit to establish the whereabouts of witnesses, their contact phone numbers, places of work, service, residence, registration, death information, travel abroad, etc. and to arrange for their arrival at the pre-trial investigation body. On 19/07/2024, a request was sent to the Novgorod-Siverska Penitentiary Institution (No. 31) to obtain information (copies of documents regarding the applicant's bodily injuries in July 2003). On 19/07/2024, a request was sent to the Ministry of Internal Affairs of Ukraine to obtain copies of documents on the service in the law enforcement bodies of Mr K., Mr P., Mr L., Mr T. and Mr K. On 14/08/2024, witness Mr L. was interrogated. The applicant was duly informed of the progress of the pre-trial investigation and was interrogated as a victim. The criminal proceedings are pending.</p>
<p>10.</p>	<p>Demidetskiy v. Ukraine (application no. 50829/09, 06/10/2022)</p>	<p>Leonid Vladimirovich Demidetskiy</p>	<p>The pre-trial investigation in criminal proceedings of 21/11/2022 under Article 365.2 of the CCU regarding the ill-treatment of the applicant by police officers is conducted by the Territorial Department of the SBI in Kramatorsk. In 2024, the following investigative measures were taken. On 21/01/2024, an order was given to the operative unit to identify and interrogate former officers of the Volnovakha District Unit of the Main Department of the Ministry of Internal Affairs of Ukraine in Donetsk Region who carried out operational support to the criminal case against the applicant and Mr Z., employees who recorded the applicant's bodily injuries, and investigators who carried out the pre-trial investigation in the criminal case. The investigator's order has been fulfilled. On 21/01/2024, a request was sent to the Department of State Registration of Civil Status Acts in Dnipro Region to provide information on the records of Mr Z. On the same date, a request was sent to the State Penitentiary Service regarding the whereabouts of Mr Z. It was established that Mr Z. passed away in 2012. A forensic expert opinion of 29/01/2024 was obtained, according to which the period of infliction of bodily injuries to the applicant was about 3-5</p>

			<p>days before the examination, i.e. they could have been caused on 29/07/2005, as indicated by the investigator in the case. The injuries found were in anatomical areas accessible to infliction by one's own hand.</p> <p>The plan of investigative actions in the criminal proceedings was updated.</p> <p>The criminal proceedings are pending.</p>
11.	<p>Meliksetyan v. Ukraine (application no. 40057/11, 22/09/2022)</p>	<p>Edgar Samvelovich Meliksetyan</p>	<p>The pre-trial investigation in criminal proceedings of 27/10/2022 under Articles 127.2 and 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>As of today, the investigative authorities take measures to implement the investigating judge's decision on temporary access to items and documents in the premises of the Nemyshlyanskyi District Prosecutor's Office and to take explanations from the applicant by means of Internet communication.</p> <p>The criminal proceedings are pending.</p>
12.	<p>Kulayev and Others v. Ukraine (application no.16495/13, 22/09/2022)</p>	<p>Vasil Dudarovich Kulayev</p> <p>Aslan Nikolayevich Alborov</p> <p>James Tamerlanovich Bestayev</p> <p>Anatoliy Ruslanovich Pliyev</p>	<p>The pre-trial investigation in criminal proceedings of 27/10/2022 under Articles 365.2 and 127.1 of the CCU concerning the torture and ill-treatment of the applicants by police officers is conducted by the Territorial Department of the SBI in Poltava.</p> <p>During 2024, the following investigative steps were taken.</p> <p>On 30/07/2024, a request was sent to the police detention centre in Kharkiv Region and the Forensic Medical Bureau in Kharkiv Region.</p> <p>On the same date, an order was given to the operational unit to identify all possible witnesses to the incident and additional circumstances.</p> <p>On 06/08/2024, witnesses Mr L., Mr N. officers of the Police Department in Kharkiv Region, Mr V. and Mr Ch., law enforcement officers, were interrogated.</p> <p>The applicants in the criminal proceedings were duly informed about the course of the pre-trial investigation.</p> <p>The criminal proceedings are pending.</p>
13.	<p>Sevastyanov v. Ukraine (application no. 37650/13, 25/11/2021)</p>	<p>Yuriy Mykolayovych Sevastyanov</p>	<p>On 01/06/2022, the decision on termination of the criminal proceedings of 25/03/2016 was quashed by the Leninskyi District Court of the Kirovohrad Region. Thus, on 17/06/2022 the criminal proceedings were resumed.</p> <p>Furthermore, on 28/01/2022 the Territorial Department of the SBI in Mykolaiv initiated pre-trial investigation in criminal proceeding under Article 365.2 of the CCU following the Court's judgment.</p> <p>On 01/08/2022, the criminal proceedings were consolidated into one.</p>

			<p>On 07/09/2022, the prosecutor gave instructions on the investigative activities to be taken during the pre-trial investigation.</p> <p>During the pre-trial investigation, the following investigative activities were taken: three persons were interrogated as witnesses; requests were forwarded to the courts and forensic medical examination bureaus, and their responses were received and attached to the criminal proceedings.</p> <p>The incident with the applicant took place in September 2009, thus, more than 15 years has passed since the crime was committed.</p> <p>As of today, the criminal offence became time-barred and the prosecutor applied to the court with a request to terminate the criminal proceedings due to expiration of time limits for bringing to liability.</p> <p>The court proceedings are still pending.</p>
14.	<p>Makarenko and Others v. Ukraine (application no. 53747/09, 16/09/2021)</p>	<p>Oleksandr Anatoliyovych Makarenko</p>	<p>The pre-trial investigation in criminal proceedings of 10/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		<p>Stanislav Fedorovych Oliynyk</p>	<p>The pre-trial investigation in criminal proceedings of 10/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		<p>Dmitriy Valeryevich Baloyan</p>	<p>The pre-trial investigation in criminal proceedings of 11/11/2014 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		<p>Viktor Oleksiyovych Udaltsov</p>	<p>The pre-trial investigation in criminal proceedings of 17/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		<p>Oleg Sergeyeovich Gidulyan</p>	<p>The pre-trial investigation in criminal proceedings of 10/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
15.	<p>Alizada and Others v. Ukraine (application no. 1100/14, 16/09/2021)</p>	<p>Ayaddin Izzat Ogly Alizada</p>	<p>The pre-trial investigation in criminal proceedings of 24/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>

		Sergiy Anatoliyovych Vronskyy	<p>The pre-trial investigation in criminal proceedings of 23/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytsk.</p> <p>During 2024, the following investigative measures were taken.</p> <p>On 05/06/2024, the investigative unit was instructed to take measures to interrogate two witnesses.</p> <p>Five former officers of “Sokil” special organised crime police unit and a former officer of the Department for Combating Organized Crime of the Ministry of Internal Affairs of Ukraine were interrogated as witnesses.</p> <p>The criminal proceedings are pending.</p>
		Gennadiy Borisovich Kononov	<p>The pre-trial investigation in criminal proceedings of 24/11/2021 under Article 371.1 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytsk.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
16.	Lutayenko and Others v. Ukraine (application no. 1781/14, 16/09/2021)	Yuriy Oleksiyovych Lutayenko	<p>The pre-trial investigation in criminal proceedings of 10/02/2014 under Article 365.1,2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		Galyna Mykolayivna Lysak	<p>The pre-trial investigation in criminal proceeding of 11/02/2013 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		Roman Borysovych Fedoryshyn	<p>The pre-trial investigation in criminal proceedings of 26/11/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		Oleksiy Igorovych Diryavskyy	<p>The pre-trial investigation in criminal proceedings of 29/11/2021 under Article 367.1 of the CCU is conducted by the Territorial Department of the SBI in Zaporizhzhya.</p> <p>During 2024, the following investigative measures were taken.</p> <p>On 20/06/2024, the operational unit was instructed to: establish the whereabouts of the applicant and officer S. Ch. (who punched the applicant in the chest and in the chin forcing him to confess that he had stolen Y.Sh.’s mobile telephone). And if these persons are located in the occupied territory, to identify and interrogate witnesses, both from among law enforcement officers and other persons who are aware of this, or to provide other confirming data</p>

			<p>on their location in the occupied territories; if the applicant and officer S. Ch. are on the territory of Ukraine, to interrogate them on the circumstances of the infliction of bodily injuries in the Tokmak police station in Zaporizhzhia Region, which took place on 19/04/2012; if the officer is on the occupied territory in Tokmak, to identify and interrogate the current employees of the police department in Zaporizhzhya Region who served with the officer on the issue of the officer's whereabouts, the circumstances of the infliction of bodily injuries on the applicant and whether the officer told them about the events in question.</p> <p>On 22/07/2024, according to the report provided by the operational unit, it was not possible to interrogate the above individuals.</p> <p>At present, the territory of Tokmak, Zaporizhzhia Region, is temporarily not controlled by Ukraine, and therefore it is not possible to identify and interrogate potential witnesses, as well as to additionally interrogate the applicant.</p> <p>After the de-occupation of Tokmak, Zaporizhzhia Region, the issue of the prospect of further pre-trial investigation will be resolved.</p> <p>The criminal proceedings are pending.</p>
		<p>Sergey Anatolyevich Patsev</p>	<p>The pre-trial investigation in criminal proceedings of 05/11/2021 under Articles 365.1 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
<p>17.</p>	<p>Polishchuk and Others v. Ukraine (application no. 6648/14, 16/09/2021)</p>	<p>Vadym Oleksandrovych Polishchuk</p>	<p>The pre-trial investigation in criminal proceedings of 04/01/2013 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>On 25/11/2021, the prosecutor gave instructions on the investigative activities to be taken during the pre-trial investigation.</p> <p>During the pre-trial investigation the following investigative steps have been taken:</p> <ul style="list-style-type: none"> - the case files of the initial pre-trial investigation were examined; - a final court decision in the criminal case against the applicant was attached to the case files; - the applicant's lawyer was interrogated; - the former investigator of the prosecutor's office was questioned; - it was established that the materials of internal investigation of the applicant's complaints were destroyed due to the expiry of the storage period; - the applicant's whereabouts was not established as he was declared internationally wanted; - the applicant's mother was summoned for

			<p>questioning but she failed to appear to the investigator.</p> <p>More than 17 years have passed since the event in this case took place in June 2007. The criminal offence became time-barred.</p> <p>On 14/06/2024, the prosecutor applied to the court with a request to terminate the criminal proceedings due to expiration of time limits for bringing to liability.</p> <p>The court proceedings are still ongoing.</p>
		<p>Vitaliy Volodymyrovych Levchenko</p>	<p>The pre-trial investigation in criminal proceedings of 28/11/2012 under Article 365.2 of the CCU in conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>The criminal proceedings are pending.</p>
		<p>Andriy Petrovych Melnychenko</p>	
		<p>Oleksandr Mykolayovych Klymenko</p>	<p>The pre-trial investigation in criminal proceedings of 10/02/2014 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		<p>Igor Genadiyevych Kitsenko</p>	<p>The pre-trial investigation in criminal proceedings of 16/12/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>During 2024, a number of investigative measures were taken as follows.</p> <p>A death certificate of the applicant, courts decision in the criminal cases against the applicant, an extract from the State Register of Real Property Rights were attached to the case files.</p> <p>Requests were sent to the Main Department of the National Police of Ukraine in Kyiv to obtain orders on the appointment of four police officers as of 04/03/2012; to the Kyiv Forensic Medical Expert Bureau in order to obtain a duly certified copy of the forensic medical report of 11/03/2010 on the injuries suffered by the applicant; to the Dniprovskiy District Prosecutor’s Office in Kyiv to obtain the materials of the inquires following the infliction of bodily injuries by officers of the “Berkut” special police unit on 04/03/2010; to the Dniprovskiy Police Station of the Main Department of the National Police of Ukraine in Kyiv in order to obtain the materials of the inquires in pursuance of the decision of the Dniprovskiy District Court of Kyiv of 22/03/2012 in connection with the injuries inflicted on the applicant by the “Berkut” officers.</p> <p>Also, a request was sent to the temporary detention centre of the National Police of Ukraine in Kyiv to provide information on detention of the applicant.</p> <p>The relevant responses are awaited.</p> <p>The criminal proceedings are pending.</p>

18.	Boyko and Others v. Ukraine (application no. 24753/13, 17/06/2021)	Valeriy Valeriyovych Boyko	The pre-trial investigation in criminal proceedings of 20/08/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Lviv. The criminal proceedings are pending.
		Natalya Olegivna Panchenko	The pre-trial investigation in criminal proceedings of 19/08/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk. In 2024, the following investigative activities were taken. On 11/01/2024, the information of the Head of the Investigation Department of the Main Department of the National Police of Ukraine in Kyiv that criminal case against the applicant was sent with an indictment to the Shevchenkivskyi District Court of Kyiv was attached to the case file. An extract from the Order of the Main Department of the Ministry of Internal Affairs of Ukraine in Kyiv dated 15/07/2008 on the appointment of Mr H. to the position of an operative of the Shevchenkivskyi District Police Department was attached to the criminal proceedings. On 31/01/2024, information from the Forensic Medical Bureau of Kyiv was attached to the criminal proceedings stating that as of 30/01/2024, no examinations were ordered in the criminal cases against the applicant. The plan of investigative actions in the criminal proceedings was updated. The criminal proceedings are pending.
		Mykhaylo Mykolayovych Klyuy	On 19/04/2024, the decision on termination of criminal proceedings of 29/11/2017 (that was initiated on 04/12/2012 under Article 365.2 of the CCU) was quashed by the Prosecutor's Office of the Dnipropetrovsk Region. The case was remitted to the Territorial Department of the SBI in Poltava for further investigation. The criminal proceedings are pending.
		Dmitriy Aleksandrovich Goncharenko	The pre-trial investigation in criminal proceedings of 20/08/2021 under Article 367.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv. During 2024, a number of investigative and procedural steps were taken as follows. The applicant was summoned for interrogation on the circumstances of the criminal offense, but the latter did not appear for questioning without a valid reason. Requests were sent to obtain information, and an order was given to the operational unit to identify witnesses to the events in question. The plan of investigative actions in the criminal

			proceedings was updated. The criminal proceedings are pending.
19.	Debelyy and Others v. Ukraine (application no.7174/11, 27/05/2021)	Andrey Nikolayevich Debelyy	Following the Court’s judgment, on 11/03/2023, the Prosecutor’s Office of the Kharkiv Region initiated pre-trial investigation in criminal proceedings under Article 365.2 of the CCU. The case was remitted to the Territorial Department of the SBI in Poltava for conducting investigation. The applicant was duly informed about the progress of the pre-trial investigation, and the issue of involving him in the criminal proceedings as a victim is currently being decided. The criminal proceedings are pending.
		Roman Anatoliyevich Korolev	The pre-trial investigation in criminal proceedings of 14/07/2021 under Articles 365.2 and 371.1 of the CCU is conducted by the Territorial Department of the SBI in Melitopol. In 2024, the following measures were taken. A response to the investigator’s order to interrogate five police officers was received. Due to the fact that the officers were at their place of residence in the temporarily occupied territory of Melitopol, Zaporizhzhia Region it was impossible to interrogate them. A response was received from the State Border Guard Service of Ukraine to provide information on the crossing of the state border of Ukraine by five police officers and the applicant. The Forensic Medical Bureau in Zaporizhzhia Region in its response to the investigator’s order informed about the impossibility of providing a duly certified copy of the forensic medical examination report of 24/05/2012 on the presence of bodily injuries. Responses were received to the investigator’s order from the State Administration of the Zaporizhzhia Region, the State Tax Service in Zaporizhzhia Region, the Department of Social Protection of the Zaporizhzhia City Council, the Main Department of the National Police of Ukraine in Zaporizhzhia Region, the Department of State Registration of Civil Status Acts in Zaporizhzhia Region as regards the transfer from the territories where hostilities are taking place (crossing the line with the temporarily occupied territories of Zaporizhzhia Region) of the applicant and five police officers, as regards their taxpayer’s identification number and on the amounts of income accrued (paid) to these persons for the period from 01/01/2022 to the date, as regards their registration as an internally displaced person, information on their civil status and family ties. The criminal proceedings are pending.

		Oleksandr Anatoliyovych Rafalskyy	<p>The pre-trial investigation in criminal proceedings of 08/07/2013 under Articles 127.2, 365.5 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>At present, the applicant cannot be questioned or other procedural action cannot be carried out with his participation as he deceased in 2016.</p> <p>The plan of investigative actions in the criminal proceedings was updated.</p> <p>The criminal proceedings are pending.</p>
20.	Shumanskyy v. Ukraine (application no.70579/12, 08/10/2020)	Vasyl Myroslavovych Shumanskyy	<p>The pre-trial investigation in criminal proceedings of 05/01/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
21.	Minyaylo and Others v. Ukraine (application no. 59356/10, 24/09/2020)	Anatoliy Anatolyevich Minyaylo	<p>The pre-trial investigation in criminal proceedings of 29/10/2020 under Article 367.1 of the CCU is conducted by the Territorial Department of the SBI in Lviv.</p> <p>As of today, the criminal proceedings are pending.</p>
		Leonid Oleksiyovych Kharchenko	<p>The pre-trial investigation in criminal proceedings of 25/11/2020 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		Igor Aleksandrovich Kindra	<p>The pre-trial investigation in criminal proceedings of 05/11/2020 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>During 2024, the following investigative steps were taken.</p> <p>On 13/02/2024, the personal and contact details of three former employees of the Krasnoarmiysk City Police Station in Donetsk Region were received to the investigator's request. At the same time, no information on other four offices was available.</p> <p>On 16/03/2024, the investigator issued an instruction to the operative unit to question of four law enforcement officers, who as of 23/08/2008 served in the Krasnoarmeyskiy City Police Station in Donetsk Region and the Main Department of the National Police of Ukraine in Donetsk Region.</p> <p>For the period 18-19/03/2024, interrogations of four law enforcement officers as witnesses were conducted.</p> <p>On 30/04/2024, an order was sent to the Izyum Police Station in Kharkiv Region to establish the whereabouts of the applicant relative Ms K.L. The response has not yet been received.</p> <p>On 10/06//2024, the plan of investigative actions in</p>

			criminal proceedings was updated. The criminal proceedings are pending.
22.	Zabolotnyy and Others v. Ukraine (application no. 19574/09, 03/09/2020)	Yuriy Mykolayovych Zabolotnyy	The pre-trial investigation in criminal proceedings of 30/11/2020 under Article 365.2 is conducted by the Territorial Department of the SBI in Khmelnytskyi. The criminal proceedings are currently pending.
		Andrey Borisovich Drobotenko	The Territorial Department of the SBI in Melitopol conducts the pre-trial investigation in criminal proceedings of 27/11/2020 under Article 365.2 of the CCU. In 2024, the following investigative steps were taken. Former officers of the Skadovsk District Police Department of the Ministry of Internal Affairs of Ukraine in Kherson Region, Mr B. and Mr S., who arrested the applicant on 05/03/2009 in Skadovsk, as well as who currently reside in the territory controlled by Ukraine, were identified. Information and documents on the police officers who arrested the applicant, including orders for appointment/dismissal, service profiles, and copies of personal files, were requested from the Police Department in Kherson Region and attached to the case files. The operational unit was instructed to establish the applicant's whereabouts for the purpose of his repeated summons and interrogation, since, according to the received operational information, the latter was in the territory outside the governmental control, namely in Skadovsk, Kherson Region. A request was sent to the State Border Guard Service of Ukraine to provide information on the crossing of the state border of Ukraine by the applicant. A request was also sent to the Department of Social Protection of the Kherson City Council to provide information on the registration of the applicant as an internally displaced person. A request was also sent to the Department of State Registration of Civil Status Acts in Kherson Region to provide information on the state registration of certain civil status acts of the applicant, namely: state registration of marriage, state registration of divorce, state registration of name change, state registration of death. At present, according to the available information, the applicant is probably in the occupied territory of the Kherson region. The criminal proceedings are pending.
		Valentin Vladimirovich	The pre-trial investigation in criminal proceedings of 20/09/2022 under Article 365.2 of the CCU is

		Koliychuk	<p>conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>During 2024, a number of investigative actions were taken as follows.</p> <p>On 03/01/2024, a request was sent to the Vinnytskyi City Court of Vinnytsia Region to obtain copies of court decisions based on the results of consideration of the appeal of the applicant against the decision to close criminal case. On 24/01/2024, a response was received from the court with the relevant copies.</p> <p>On 13/03/2024, an order was issued to the operational unit to establish the whereabouts of the applicant and to interrogate him as a witness.</p> <p>On 29/03/2024, <u>the applicant was interrogated</u> as a witness.</p> <p>On 05/04/2024, necessary materials were received based on the results of the investigator's order.</p> <p>The criminal proceedings are currently pending.</p>
23.	Sokolovskyy and Others v. Ukraine (application no. 44047/09, 03/09/2020)	Andrey Grigoryevich Sokolovskyy, Ruslan Aslanovich Kokov, Oleg Ilyich Koval	<p>The pre-trial investigation in the criminal proceedings of 17/11/2020 under Articles 365.2 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		Aleksandr Nikolayevich Lipovchenko	<p>The pre-trial investigation in criminal proceedings of 18/11/2020 under Article 365.2 is conducted by the Territorial Department of the SBI in Mykolaiv.</p> <p>During 2024, the following investigative measures were taken.</p> <p>On 29/02/2024 and 12/08/2024, orders were issued to the operational unit to establish the whereabouts and interrogate as a witness the former officer of the Kyivskyi district police station in Odesa, Mr D.</p> <p>An order was also sent to the operational unit in Poltava to interrogate Mr A., who was a witness to the event in question.</p> <p>The above orders are being executed.</p> <p>The criminal proceedings are pending.</p>
		Sergey Vasilyevich Peknich	<p>The pre-trial investigation in the criminal proceedings of 17/12/2012 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
		Leonid Sergiyovych Lymanets	<p>The pre-trial investigation in criminal proceedings of 25/12/2013 under Articles 365.2 and 371.1 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>

		Mircha Stepanovich Rotar	<p>The pre-trial investigation in criminal proceedings of 18/11/2020 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>In 2024, the following procedural actions were taken.</p> <p>An order was sent to the operative unit in Kharkiv to identify the police agents referred to by the applicant.</p> <p>On 02/07/2024, an order was issued to the operational unit in Poltava to establish the whereabouts of witnesses to the unlawful actions, including their contact phone numbers, places of work, service, residence, registration, death information, travel abroad, etc. and to organise the arrival of these individuals to the pre-trial investigation body.</p> <p>At present, the above orders are being executed.</p> <p>The criminal proceedings are pending.</p>
24.	Antonyuk v. Ukraine (application no. 48040/09, 07/05/2020)	Roman Grigoryeich Antonyuk	<p>The pre-trial investigation in criminal proceedings of 09/06/2022 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
25.	Ivanko v. Ukraine (application no. 46850/13, 05/03/2020)	Volodymyr Anatoliyovych Ivanko	<p>The pre-trial investigation in criminal proceedings of 16/02/2021 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>The criminal proceedings are pending.</p>
26.	Golovko v. Ukraine (application no. 2053/09, 23/01/2020)	Oleg Ivanovych Golovko	<p>The Territorial Department of the SBI in Poltava conducts the pre-trial investigation in criminal proceedings of 17/06/2020 under Article 365.2 of the CCU.</p> <p>During 2024, the following investigative steps were taken.</p> <p>On 19/01/2024, a request was sent to the Poltava Territorial centre for recruitment and social support to provide information on the former officer of the Kremenchuk Unit of the Poltava Regional Department for Combatting Organised Crime Mr T.</p> <p>On 23/01/2024, a response was received that Mr T. was registered in the Solomianskyi Territorial centre for recruitment and social support in Kyiv but was wanted for evading military service during mobilization.</p> <p>Also, on 24/01/2024, at the known place of residence the summons was sent to Mr T. for interrogation as a witness in criminal proceedings. The latter failed to appeal.</p> <p>On 12/03/2024, a request was sent to the Department of the Security Service of Ukraine in Poltava Region as regards the service of Mr T. According to the</p>

			<p>response of 21/03/2024, it was established that Mr T. was not listed as an officer or former employee.</p> <p>On the same date, a request was sent to the Main Department of the National Police of Ukraine in Poltava Region to provide copies of the passport of a citizen of Ukraine, service record, job description, extracts from the order of appointment and dismissal (as of 2003 and separately at the time of dismissal), concerning the former officers of the Kremenchuk Unit of the Poltava Regional Department for Combatting Organised Crime. On 26/03/2024, a response was received with the relevant documents.</p> <p>On 12/03/2024, a request was sent to the Main Department of the National Police of Ukraine in Poltava Region to provide materials of investigations (if any) into the alleged fact of unlawful actions by former officers of the Kremenchuk Unit of the Poltava Regional Department for Combatting Organised Crime against the victim (the applicant) or information about their destruction. According to the response of 26/03/2024, no relevant documents were established, and the retention period for investigation case files was 5 years after a final decision.</p> <p>Furthermore, an order was issued to the operational unit to establish the whereabouts and interrogate as a witness Mr P., who in the summer of 2003 was held in a pre-trial detention centre together with the applicant. On 04/04/2024, a response was received, according to which it was not possible to establish the place of stay or residence and mobile phone number of Mr P.</p> <p>On 12/03/2024, an order was issued to the operational unit to establish the whereabouts and interrogation as a witness of Ms R. who in February 2003 was held in the same temporary detention facility with the applicant. Ms R. was interrogated and a report was attached to the case files.</p> <p>In the response dated 06/05/2024 to the investigator's request the Medical Centre of the National Guard of Ukraine "Novi Sanzhary", where, according to available information, in February-March 2004, the applicant received medical care, informed about the destruction of medical records and registers for 2004.</p> <p>On 16/05/2024, one of the former officers of the Kremenchuk Unit of the Poltava Regional Department for Combatting Organised Crime was verified in the State Register of Civil Status Acts. According to the death certificate of 24/11/2008, the officer passed away.</p> <p>On 16/05/2024, the former senior investigator of the prosecutor's office, who investigated the case against the applicant, was verified in the State Register of</p>
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			Civil Status Acts of Citizens. According to the death certificate 26/01/2018, the latter passed away. The criminal proceedings are pending.
27.	Sargsyan and Others v. Ukraine (application no. 54012/07, 09/01/2020)	Vartan Dzhanibekovich Sargsyan	The pre-trial investigation in criminal proceedings of 15/03/2021 under Articles 365.2,3 of the CCU is conducted by the Territorial Department of the SBI in Poltava. Final decision in the criminal proceedings has not been adopted.
		Igor Viktorovich Gordus	The pre-trial investigation in criminal proceedings of 10/02/2021 under Articles 365.2 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk. Final decision in the criminal proceedings has not been adopted.
		Konstantin Vladimirovich Kravets	The Territorial Department of the SBI in Poltava conducts pre-trial investigation in criminal proceedings of 06/08/2021 under Article 365.2 of the CCU. Final decision in the criminal proceedings has not been adopted.
28.	Burlakov and Lysenko v. Ukraine (application no.19103/11, 17/12/19)	Yevgeniy Aleksandrovich Burlakov	The Territorial Department of the SBI in Poltava conducts pre-trial investigation in criminal proceedings of 22/08/2017 under Articles 365.1,2 of the CCU. In 2024, the following investigative measures were taken. On 18/01/2024, a response was received from the Kharkiv Pre-trial Detention Centre stating that the personal file of Mr Burlakov, who was detained in the said institution in 2010, had been destroyed. On 28/03/2024, a response was received from the Kharkiv Regional Council's Centre for Emergency Medical Care and Disaster Medicine stating that it was impossible to provide requested information. Therefore, it was established that it was impossible to obtain information about the call for an ambulance to Mr Burlakov and to obtain temporary access to the personal file of the applicant in the Kharkiv Pre-trial Detention Centre, as the storage period had expired. The applicant in the criminal proceedings was duly informed about the course of the pre-trial investigation and was interrogated as a victim. Also, the applicant, through his lawyer, periodically sends motions and receives reasoned responses to them. The criminal proceedings are pending.
		Ilya Vladimirovich Lysenko	
29.	Pikhun v. Ukraine (application no. 63754/09, 12/12/2019)	Denis Aleksandrovich Pikhun	The pre-trial investigation in criminal proceedings of 29/07/2019 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava. Final decision in the criminal proceedings has

			not been adopted.
30.	Melnik v. Ukraine (application no. 28412/10, 21/11/2019)	Mykola Anatoliyovych Melnik	<p>The pre-trial investigation in criminal proceedings of 28/02/2020 under Article 127.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>During 2024, the following investigative steps were taken.</p> <p>On 03/01/2024, a witness was interrogated.</p> <p>On 28/03/2024, information was received from the Desnianskyi Department of the Main Department of the National Police of Ukraine in Kyiv, which established the fact that the record books of the Desnianskyi police station for 2007, the protocol on administrative liability against the applicant and the materials of the disciplinary proceedings were destroyed.</p> <p>On 10/04/2024, information was received from the Desnianskyi District Prosecutor's Office, which established the fact of destruction of the materials of inquires following the applicant's complaints on the alleged ill-treatment.</p> <p>On 11/07/2024, a request was sent to the Ministry of Social Policy regarding the registration of the applicant as a person who suffered damage and harm.</p> <p>On 12/07/2024, a request was sent to the State Penitentiary Service for information on applications, complaints and reports of the applicant. The response is awaited.</p> <p>On 15/07/2024, an investigative experiment was conducted with the participation of the victim (the applicant).</p> <p>The criminal proceedings are pending.</p>
31.	Mazur v. Ukraine (application no. 59550/11, 31/10/19)	Andriy Igorovych Mazur	<p>The Territorial Department of the SBI in Lviv conducts pre-trial investigation in criminal proceedings of 28/11/2019 under Article 367.1 of the CCU.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
32.	Skomorokhov v. Ukraine (application no. 58662/11, 26/09/19)	Sergey Valentinovich Skomorokhov	<p>The pre-trial investigation in criminal proceedings of 12/11/2019 under Articles 365.1,2 and 127.1 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>During 2024, the following investigative actions were taken.</p> <p>On 16/01/2024, a response was received from the National Police of Ukraine in Donetsk to the investigator's request. It was established that Mr K. served in the law enforcement bodies from 01/10/1991 to 17/07/2007. By the order of the Main Department of the Ministry of Internal Affairs of Ukraine in Donetsk Region of 10/07/2007, he was dismissed from the service. During the conversation</p>

			<p>the latter explained that he was currently outside the Donetsk Region and refused to inform his whereabouts, as well as to give any evidence. Mr M. served in the Department of the Ministry of Internal Affairs of Ukraine in Donetsk Region as a law enforcement officer from 01/10/1989 to 31/08/2006. By the Order of the Main Department of the Ministry of Internal Affairs of Ukraine in Donetsk Region of 11/09/2006, he was transferred for further service to other departments in the regions until 31/08/2023. He explained that he currently resides in Kyiv and could provide testimony. In 2002, Mr A. served at the Mariupol Main Department of the Ministry of Internal Affairs in Donetsk region. It was not possible to establish his phone number and place of residence. Also, it was not possible to identify Mr B., who served in the Mariupol police in 2002.</p> <p>In February 2024, requests were sent to the Main Department of the State Tax Service of Ukraine in Donetsk Region, the State Border Guard Service of Ukraine and the Pension Fund of Ukraine in Donetsk Region to provide available information on the applicant. The relevant responses were received. On 22/02/2024, the Main Department of the National Police of Ukraine in Donetsk Region informed that the death of the applicant was registered.</p> <p>On 13/06/2024, a death certificate of the applicant on 26/03/2021 was obtained.</p> <p>Furthermore, measures were taken to establish the whereabouts of witness Mr B., who lived in Donetsk Region, Mariupol. The available records were checked; however, they did not provide any information about his current location.</p> <p>On 25/01/2024, a response was received from the Ivano-Frankivsk Department of the Main Department of the National Police of Ukraine in Ivano-Frankivsk Region to the investigator's instructions. It was established that witnesses Mr D. died in 2021 in the territory of the Republic of Poland, and Mr R. died on 03/04/2017 in Lysychansk, Luhansk Region.</p> <p>On 14/06/2024, an order was sent to the Main Department of the National Police of Ukraine in Kyiv to establish the whereabouts and interrogate as witnesses former officers Mr M. and Mr G.</p> <p>On the same date, an order was sent to the Main Department of the National Police of Ukraine in Ivano-Frankivsk Region to establish the whereabouts and interrogate as witnesses of four former officers of the Prosecutor's Office of the Ivano-Frankivsk Region, as well as the applicant's</p>
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			<p>lawyer at the material time. The above orders are being executed. The criminal proceedings are currently pending.</p>
33.	<p>Chenchevik v. Ukraine (application no. 56920/10, 18/07/19)</p>	<p>Vitaliy Andreyevich Chenchevik</p>	<p>The pre-trial investigation in criminal proceedings of 18/09/2019 under Articles 365.2 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava. During 2024, a number of investigative steps were taken as follows. On 02/07/2024, an order was issued to the operational unit to establish the whereabouts of witnesses to the event in question, their contact phone numbers, place of work, service, residence, registration, death information, travel abroad, etc. and to arrange for their arrival to the pre-trial investigation body. The applicant in criminal proceedings was duly informed about the course of the pre-trial investigation. During the pre-trial investigation, the applicant was repeatedly summoned for interrogation as a victim, but the latter did not appear. The operational unit was repeatedly instructed to establish the whereabouts of witnesses; however, it was not possible to establish their whereabouts. At the same time, it was found that the databases included information about the death of the applicant in 2024. The criminal proceedings are pending.</p>
34.	<p>Beley v. Ukraine (application no. 34199/09, 20/06/2019)</p>	<p>Vitaliy Nikolayevich Beley</p>	<p>The pre-trial investigation in criminal proceedings of 05/08/2019 under Articles 127.1 and 365.1,2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk. In 2024, the following investigative measures were taken. The forensic expert opinion of 25/01/2024 was attached to the case files, according to which the location and nature of the established injuries, the mechanism of their cause, established during the forensic examination, did not contradict the mechanism, location and nature indicated by the applicant during interrogation as a suspect on 29/05/2008 and during interrogation as a victim on 03/08/2021. On 22/01/2024, a request was sent to the Main Department of the National Police of Ukraine in Donetsk Region for the personal data of the Volnovakha temporary detention centre officers who recorded the injuries of the applicant, the availability of medical documents, and information about cellmates. According to the response, it was impossible to provide the requested information due to the temporary occupation of Volnovakha, Donetsk Region.</p>

			<p>On 23/01/2024, a request was sent to the Main Department of the State Tax Service in Donetsk Region regarding the registration as business entities and the availability of sources of income of the police officers G. and S. According to the response, it was not possible to provide the requested information.</p> <p>In March 2024, the Prosecutor’s Office of the Donetsk Region requested the case files from the pre-trial investigation body to consider the further prospects of the investigation.</p> <p>The criminal proceedings are pending.</p>
35.	<p>Pankiv v. Ukraine (application no. 37882/08, 28/02/19)</p>	<p>Roman Sergiyovych Pankiv</p>	<p>The pre-trial investigation in criminal proceedings initiated on 16/04/2019 under Articles 127.2 and 365.2 of the CCU is conducted by the Territorial Department of the SBI in Lviv.</p> <p>During 2024, the following investigative measures were taken.</p> <p>On 12/02/2024, an officer who held the position of senior investigator of the Drohobych Prosecutor’s Office was interrogated as a witness, who reported that during the pre-trial investigation there were discrepancies in the testimony of witnesses and the victim, and there were two forensic expert opinions.</p> <p>On 13/02/2024, the applicant’s lawyer Ms I. was interrogated as a witness. She testified that in 2008 she represented the interests of the applicant in the case of alleged bodily injuries caused to him by officers of the Drohobych and Sambir police station. Subsequently, the applicant signed an agreement with another lawyer and she did not know the course of pre-trial investigation. Due to the passage of time, she cannot recall all the circumstances of the crime against the applicant.</p> <p>On the same date, the former prosecutor’s assistant who refused to initiate criminal proceedings in response to the applicant’s complaints was questioned. During the interrogation, the latter testified that due to the passage of time, he did not remember all the circumstances.</p> <p>On 15/02/2024, <u>the applicant was interrogated as a victim.</u> He testified that due to the passage of time, he repeated his previous testimony and could not mention any new circumstances.</p> <p>Also, during a telephone conversation the latter informed that his father died, and his mother was living abroad.</p> <p>In order to establish personal data and mobile phone number of the former head of the Sambir Department of the Ministry of Internal Affairs of Ukraine in Lviv Region, Mr K., an order was sent to the operational unit. Following the execution of this order it is planned to interrogate the latter as a</p>

			witness regarding the delivery of the applicant to the police station and the circumstances of his detention on 07/02/2008. The criminal proceedings are pending.
36.	Beketov v. Ukraine (application no. 44436/09, 19/02/2019)	Yuriy Oleksiyovych Beketov	The pre-trial investigation in criminal proceedings of 20/09/2019 under Articles 365.2 and 367.1 of the CCU is conducted by the Territorial Department of the SBI in Kyiv. During 2024, the following investigative steps were taken. Requests were sent to the Shevchenkivskyi District Prosecutor's Office of Kyiv and the Prosecutor's Office of Kyiv to obtain copies of the complaints of applicant's lawyer and responses to these complaints; to the Kyiv Emergency Hospital in order to obtain medical documentation concerning the applicant for the period of his stay in the hospital from 20/02/2008 to 25/02/2008; to the Main Department of the National Police of Ukraine in Kyiv regarding the conclusion of the internal investigation into the fact of alleged unlawful actions by police officers against the applicant. An investigator, officer S., who in 2008 conducted a pre-trial investigation in the criminal proceedings on suspicion of the applicant, was interrogated. A response from the temporary detention centre in Kyiv regarding the absence of records of the applicant due to their destruction was received. Mr L., who in 2008 held the position of an operative officer of the Shevchenkivskyi District Department of the Ministry of Internal Affairs in Kyiv and took explanations from the applicant, was interrogated. It was established that the applicant passed away on 28/05/2024. The refusal of the applicant's relative to participate in the investigation was recorded. A former ambulance worker was interrogated. The criminal proceedings are pending.
37.	Kin v. Ukraine (application no. 46990/07, 10/12/18)	Vira Maksymivna Kin	The pre-trial investigation in criminal proceedings of 20/02/2019 under Article 365.2 is conducted by the Territorial Department of the SBI in Khmelnytskyi. Final decision in the criminal proceedings has not been adopted.
38.	Dudka v. Ukraine (application no. 55912/09, 04/12/18)	Valentyna Oleksandrivna Dudka	The pre-trial investigation in criminal proceedings of 08/02/2019 under Article 365.2 is conducted by the Territorial Department of the SBI in Poltava. The criminal proceedings are pending.
39.	Gorkovlyuk Kaganovskiy v. Ukraine (application no.	Irina Valeryevna Gorkovlyuk	The pre-trial investigation in criminal proceedings of 26/11/2018 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv.

	49785/06, 04/10/2018)		<p>In 2024, a number of investigative measures were taken as follows.</p> <p>On 29/02/2024, the operational unit was instructed to establish the whereabouts and interrogate as witnesses three former officers of the Prymorskyi District Department of the Ministry of Internal Affairs of Ukraine and a former assistant prosecutor of the Prymorskyi District of Odesa and former employees of the company Y.</p> <p>On 08/03/2024, examination of the databases was carried out, namely of the Unified State Register of Declarations of Persons Authorised to Perform State or Local Government Functions, the Unified State Register of Court Decisions, the Integrated Interagency Automated Information Exchange System for the Control of Persons, Vehicles and Cargo Crossing the State Border, the State Migration Service of Ukraine, the State Register of Civil Status Acts of Citizens.</p> <p>On 12/08/2024, the operational unit was repeatedly instructed to conduct the above procedural and investigative actions.</p> <p>At the same time, the applicants were duly notified about of the course of pre-trial investigation and were interrogated as victims.</p> <p>The criminal proceedings are pending.</p>
40.	Shcherbakov v. Ukraine (application no. 39708/13, 20/09/2018)	Oleg Yevgeniyovych Shcherbakov	<p>On 15/11/2018, the Territorial Department of the SBI in Kramatorsk initiated pre-trial investigation in criminal proceedings under Articles 365.2 and 373.2⁹ of the CCU.</p> <p>According to the decision the Kramatorskyi City Court dated 22/03/2021, the terms of pre-trial investigation were not extended.</p> <p>Thus, on 29/03/2021 the criminal proceedings were terminated due to the expiry of time limits of the pre-trial investigation.</p> <p>The decision on termination of criminal proceedings was not subject to appeal and is valid.</p>
41.	Sadkov v. Ukraine (application no. 21987/05, 11/11/2017)	Vitaliy Anatolyevich Sadkov	<p>The pre-trial investigation in criminal proceedings of 15/03/2018 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv.</p> <p>In 2024, the following investigative measures were taken.</p> <p>On 08/01/2024, a witness was interrogated.</p> <p>On the same date, a review of the databases was conducted, namely the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions, the Unified State Register of Court Decisions, the Integrated Interagency Automated System for the Exchange of</p>

⁹ “Coercion to testify”

			<p>Information on Control of Persons, Vehicles and Cargo Crossing the State Border, the database of the State Migration Service of Ukraine and the State Register of Civil Status Acts of Citizens.</p> <p>On 15/07/2024, an order was issued to the operational unit of the Menska Correctional Colony (No. 91) to provide a memo on the procedural rights and obligations of the victim, as well as to interrogate the applicant as a victim.</p> <p>On 12/08/2024, an order was issued to the operational unit to establish the personal data, place of residence and whereabouts of the former senior investigator of the Prosecutor's Office of the Odesa Region, Mr P., former officers of the Department for Combating Organised Crime of the Ministry of Internal Affairs of Ukraine in Odesa Region Mr U. and Mr Pa., former officers of the Kotovskyi District Police Department of the Ministry of Internal Affairs of Ukraine in Odesa Region Mr K. and Mr L. and interrogate them as witnesses.</p> <p>The criminal proceedings are pending.</p>
42.	<p>Barysheva v. Ukraine (application no. 9505/12, 14/06/2017)</p>	<p>Marina Vladimirovna Barysheva</p>	<p>The pre-trial investigation of criminal proceedings of 25/07/2017 under Article 127.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>During 2024, the following investigative steps were carried out.</p> <p>On 02/07/2024, an order was issued to the operational unit to establish the whereabouts of witnesses to the alleged police ill-treatment, their contact phone numbers, places of work, service, residence, registration, death information, travel abroad, etc. and to organize their arrival to the pre-trial investigation body.</p> <p>The applicant in criminal proceedings was duly informed about the course of the pre-trial investigation. During the pre-trial investigation, she was interrogated as a victim and repeatedly familiarized with the criminal proceedings in the presence of her lawyer.</p> <p>After the identification of witnesses, it is planned to interrogate them.</p> <p>During 2017-2024, the investigative authorities took measures to establish the witnesses, however, the available databases did not reveal the whereabouts of these persons, and they did not live at their place of registration.</p> <p>The criminal proceedings are pending.</p>
43.	<p>Dolganin v. Ukraine (application no. 18404/07, 16/02/2017)</p>	<p>Valeriy Nikolayevich Dolganin</p>	<p>The pre-trial investigation in criminal proceedings under Articles 365.2 and 371.1 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>According to the certificate of death attached to the</p>

			<p>case files of the criminal proceedings the applicant (the victim) died on 21/06/2021.</p> <p>The mother of the applicant refused to be granted the status of a victim and to cooperate with the investigative bodies.</p> <p>The event in this case took place in 2005. The criminal offense became time-barred.</p> <p>On 15/08/2024, the prosecutor filed a request to the court to terminate the criminal proceedings due to the expiration of the statute of limitations for bringing to criminal liability. The court hearing to consider this motion has not yet been scheduled.</p> <p>The criminal proceedings are currently pending.</p>
44.	Kulyk v. Ukraine (application no. 30760/06, 30/01/2017)	Anatoliy Vasilyevich Kulyk	<p>The pre-trial investigation in criminal proceedings of 13/04/2020 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
45.	Strogan v. Ukraine (application no. 30198/11, 06/01/2017)	Yakov Ilkovich Strogan	<p>The pre-trial investigation in criminal proceedings of 02/07/2014 under Articles 127.2 and 371.1 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>In 2024, the investigative authorities has taken measures to establish the applicant's whereabouts, namely on 14/08/2024, a request was sent to the State Border Guard Service of Ukraine about the latter's crossing of the state border. The response is awaited.</p> <p>The criminal proceedings are pending.</p>
46.	Tymchenko v. Ukraine (application no. 47351/06, 13/10/2016)	Yevgen Oleksandrovych Tymchenko	<p>The pre-trial investigation in criminal proceedings of 03/03/2017 under Articles 365.1 and 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
47.	Kleutin v. Ukraine (application no. 5911/05, 23/09/2016)	Denis Vasilyevich Kleutin	<p>The pre-trial investigation in criminal proceedings of 14/03/2017 under Article 365.1 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv.</p> <p>During 2024, the following investigative measures were taken.</p> <p>On 29/07/2024, a review of the databases was conducted, namely the Unified State Register of Declarations of Persons Authorized to Perform State or Local Government Functions, the Unified State Register of Court Decisions, the Integrated Interagency Automated Information Exchange System for the Control of Persons, Vehicles and Cargo Crossing the State Border, the database of the State Migration Service of Ukraine and the State Register of Civil Status Acts.</p> <p>On 12/08/2024, an order was issued to the</p>

			<p>operational unit to establish the whereabouts and interrogate the applicant and former officials of the Primorskyi police station.</p> <p>At present, it is not possible to establish the whereabouts of the applicant.</p> <p>The applicant's sister was interrogated.</p> <p>The criminal proceedings are pending.</p>
48.	<p>Savchenko v. Ukraine (application no. 1574/06, 22/09/2016)</p>	<p>Vyacheslav Vladimirovich Savchenko</p>	<p>The pre-trial investigation in criminal proceedings of 12/01/2018 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Melitopol.</p> <p>During 2024, the following investigative steps were taken.</p> <p>On 16/01/2024, an order was sent to operational unit: to establish the place of storage of the criminal case file on the charges of the applicant; to examine the criminal case file to identify information about police officers who provided operational support to the criminal case on the charges of the applicant at the initial stage of the investigation; to interrogate police officers in the procedural status of witnesses regarding the circumstances of the crime; to establish profile data, locations, and personal means of communication of police officers of the Suvorivskyi district police station in Kherson Region, who were on duty on 17-21/09/2001; to establish profile data, locations and personal means of communication of other persons who were detained, delivered or invited to the premises of the police station at the material time; to establish medical facilities where the applicant received medical care after detention (including medical units at pre-trial detention centre and penal institution); to establish the place of storage of medical documentation on the applicant's injuries.</p> <p>On 17/01/2024, a request was sent to the State Border Guard Service of Ukraine regarding the crossing of the state border from 01/01/2022 to the present by former police officers and the applicant. According to the response dated 17/10/2023, one of the former police officer returned to Ukraine, there was no information about other persons.</p> <p>On the same date, a request was forwarded to obtain information on records of death, marriage or divorce for the period from 24/02/2022 to the present of the former police officers and the applicant.</p> <p>On 22/01/2024, an additional questioning of the former police officer who on 18/09/2001 detained the applicant was conducted. The witness gave detailed testimony regarding the circumstances of the applicant's detention (including regarding the application of physical pressure on the latter).</p>

			The criminal proceedings are pending.
49.	Kapustyak v. Ukraine (application no.26230/11, 03/06/2016)	Petr Petrovich Kapustyak	On 22/07/2020, the Deputy Prosecutor General quashed the decision on termination of the criminal proceedings under Article 365.1 of the CCU. Subsequently, the legal assessment of a crime was changed to Article 365.2 of the CCU. The case was remitted to the Territorial Department of the SBI in Lviv for further investigation. Information on the status of the pre-trial investigation will be provided in further communication.
50.	Zyakun v. Ukraine (application no. 34006/06, 25/05/2016)	Vladimir Aleksandrovich Zyakun	The pre-trial investigation in criminal proceedings of 22/08/2016 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv. During 2024, the following investigative steps were taken. On 29/07/2024, a forensic medical examination to establish the bodily injuries sustained by the applicant in 2003 was ordered. On 13/08/2024, the operation unit was ordered to identify police officers who arrested the applicant at the material time. The forensic medical examination and the above order are being executed. The criminal proceedings are pending.
51.	Karpylenko v. Ukraine (application no. 15509/12, 11/05/16)	Zoya Mykolayivna Karpylenko	The pre-trial investigation in criminal proceedings of 21/04/2017 under Article 140.1 of the CCU as regards the improper performance of professional duties by medical workers of the Kyiv pre-trial detention centre when providing medical care to the applicant's son during his detention, which led to the death of the latter is conducted by the Shevchenkivskyi Department of the National Police in Kyiv. In 2024, the measures have been taken to establish the location and to obtain necessary medical documentations for conducting a commission forensic medical examination. In this regard, the authorities have faced difficulties due to the transfer of the relevant documents within a medical institute, prosecutor's office and court. The criminal proceedings are pending.
52.	Pomilyayko v. Ukraine (application no. 60426/11, 11/05/2016)	Svitlana Mykolayivna Pomilyayko	The pre-trial investigation in criminal proceedings of 14/07/2015 under Articles 127.2 and 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava. During the pre-trial investigation it was established that the applicant left Ukraine for Russia in 2019, and she refused to cooperate with the investigative bodies. In June 2021 requests were sent to foreign authorities for international legal assistance in

			<p>conducting investigative activities with victims and witnesses. No responses were received. The applicant's relatives and acquaintances, police officers and investigators were questioned. The materials of initial forensic medical examinations of the applicant were examined. An additional forensic medical examination was conducted and confirmed the previous conclusions. The investigators, who summoned the victims for questioning in 2008, were interrogated by a polygraph examiner and a forensic-psychological expertise of the results of these interrogations was carried out. Almost 16 years passed since the event in this case took place. The criminal offense in this case became time-barred. On 08/08/2024, the prosecutor filed a request to the court to terminate the criminal proceedings due to expiration of time limits for bringing to criminal liability. The relevant request is awaited consideration by the court. The criminal proceedings are pending.</p>
53.	<p>Yaroshovets v. Ukraine (application no. 74820/10, 03/03/2016)</p>	<p>Danylo Mykolayovych Yaroshovets</p>	<p>The pre-trial investigation in criminal proceedings under Articles 365.2 and 367.1,2 of the CCU of 15/05/2016 is conducted by the Territorial Department of the SBI in Kyiv. During 2024, the following investigative steps were taken. In January-February, requests were sent to the Kyiv pre-trial detention centre, the Prosecutor's Office of Kyiv, the Desnynskiy District Court of Kyiv and the military unit, as well as a letter to the applicant's registration address. On 21/02/2024, the investigative unit was ordered to interrogate the applicant and police officers of the special police unit "Sokil" who arrested the applicant. On 21/06/2024, a request was forwarded to the court to examine case files in the criminal proceedings against the applicant. On 17/07/2024, the request was granted by the court, and on 06/08/2024, the relevant investigative actions were carried out. On 10/07/2024, a telephone conversation was held with a representative of the military unit. During conversation, the latter stated that the applicant was in the combat zone according to a combat order. On 16/07/2024, one of the investigators in the criminal case against the applicant was identified and summoned. On 17/07/2024, the prosecutor of the prosecutor's group in criminal case against the applicant was summoned for questioning, who stated by phone</p>

			<p>that no one had inflicted bodily injuries on the applicant during the investigation, there was a denial of the materials on this fact, and also noted that there was an interrogation expert who stated that the applicant could have caused the specified bodily harm himself.</p> <p>On the same date, the summonses were sent to the police officers of the special police unit “Sokil”.</p> <p>Furthermore, a letter was sent to the Prosecutor’s Office in Kyiv to conduct an internal investigation on the fact of infliction of bodily injuries on the applicant.</p> <p>On 12/08/2024, a forensic medical examination to establish the severity of bodily injuries inflicted on the applicant was ordered.</p> <p>On 16/08/2024, an order was issued to interrogate the police officer who arrested the applicant.</p> <p>The criminal proceedings are pending.</p>
54.	Chmil v. Ukraine (application no. 20806/10, 29/01/2016)	Anatoliy Vasylyovych Chmil	<p>The pre-trial investigation in criminal proceedings of 08/11/2017 under Article 365.1 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv.</p> <p>During 2024, the measures have been taken to establish the law enforcement officers who investigated initial criminal proceedings against the police officers.</p> <p>At present, during the pre-trial investigation, sufficient evidence has not been collected to confirm the circumstances of the alleged criminal offense.</p> <p>The criminal proceedings are pending.</p>
55.	Serikov v. Ukraine (application no. 42164/09, 23/10/15)	Sergey Sergeevich Serikov	<p>The pre-trial investigation in criminal proceedings of 04/12/2015 under Article 365.1 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>The applicant was duly informed about the course of the pre-trial investigation and was interrogated as a victim. Also, Mr Serikov and his lawyer got acquainted with the materials of the criminal proceedings, but later informed that he did not consider himself a victim and refused to cooperate with the investigation.</p> <p>The criminal proceedings are pending.</p>
56.	Ushakov and Ushakova v. Ukraine (application no. 10705/12, 18/09/2015)	Sergey Viktorovich Ushakov	<p>The pre-trial investigation in criminal proceedings of 02/11/2015 under Articles 365.2 and 384.2¹⁰ of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>During 2024, the following investigative measures were taken.</p> <p>On 07/05/2024, a request for temporary access to items and documents was sent to the court. On</p>

¹⁰ “Misleading a court or other authorised body”

			<p>03/07/2024, temporary access to the criminal case against the applicant was granted.</p> <p>On 15/05/2024, a request was sent to the temporary detention centre in Kharkiv, the Main Department of the National Police of Ukraine in Kharkiv Region and the Ministry of Internal Affairs of Ukraine to establish the whereabouts of the witness.</p> <p>On 17/05/2024, summonses were issued to interrogate Ms Ushakova and two witnesses.</p> <p>The applicant was duly notified about the course of criminal proceeding, as well as he was repeatedly interrogated as a victim.</p> <p>The criminal proceedings are pending.</p>
57.	Kulik v. Ukraine (application no.10397/10, 19/06/2015)	Vitaliy Vladimirovich Kulik	<p>The pre-trial investigation in criminal proceedings of 22/07/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>The applicant was duly informed about the course of the pre-trial investigation and was interrogated as a victim.</p> <p>During 2024, measures have been taken to identify the whereabouts of witnesses.</p> <p>The criminal proceedings are pending.</p>
58.	Zhyzitsky v. Ukraine (application no. 57980/11, 19/05/2015)	Valentyn Tsezarovych Zhyzitsky	<p>The pre-trial investigation in criminal proceedings of 17/01/2015 under Articles 365.2 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytskyi.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
59.	Ogorodnik v. Ukraine (application no. 29644/10, 05/15/2015)	Maksym Anatoliyevych Ogorodnik	<p>The pre-trial investigation in criminal proceedings of 15/06/2015 under Articles 365.1,2 and 374.1 of the CCU is conducted by the Territorial Department of the SBI in Khmelnytsky.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
60.	Yevgeniy Petrenko v. Ukraine (application no. 55749/08, 29/04/2015)	Yevgeniy Vitaliyovych Petrenko	<p>On 31/10/2016, the criminal proceedings (initiated on 03/06/2015 under Articles 365.1 and 374.1 of the CCU) were terminated due to the lack of elements of a crime.</p> <p>The decision on termination of the criminal proceedings was sent to the applicant in due course.</p> <p>This decision was not appeal or quashed and is still valid.</p>
61.	A.N. v. Ukraine (application no. 13837/09, 29/04/2015)	Mr A.N.	<p>The pre-trial investigation in criminal proceedings of 12/06/2015 under Articles 365.2 and 367.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>In 2024, the following investigative measures were taken.</p> <p>On 12/02/2024, in order to establish the whereabouts of the applicant, requests were sent to the Main Department of the State Tax Service of</p>

			<p>Ukraine in Donetsk Region, the State Border Guard Service of Ukraine and the Pension Fund of Ukraine in Donetsk Region.</p> <p>According to the responses, it was established that there was no information regarding the applicant. In particular, according to the response of the Pension Fund of Ukraine in Donetsk Region dated 15/02/2024, the applicant was not registered as a recipient of pension and/or recourse payments, housing subsidies, benefits, or other social payments. According to the information provided by the State Border Guard Service of Ukraine of 19/02/2024, no information on the crossing of the state border of Ukraine, the line with the temporarily occupied territory of Ukraine by the applicant for the period from 2017 to 2024 was found in the database.</p> <p>On 19/02/2024, the applicant's mother was interrogated.</p> <p>On 04/03/2024, the applicant was interrogated as a witness.</p> <p>In February 2024, three witnesses were interrogated.</p> <p>An instruction was given to the operational unit to identify and interrogate Mr P., a former officer of the Dymytriv Prosecutor's Office in Donetsk Region.</p> <p>The pre-trial investigation plan was updated.</p> <p>The criminal proceedings are currently pending.</p>
62.	Adnaralov v. Ukraine (application no. 10493/12, 27/02/2015)	Oleksiy Ivanovych Adnaralov	<p>On 26/12/2016, the indictment in the criminal proceedings against 5 former police officers was sent to the Dzerzhynskiy District Court of Kharkiv.</p> <p>On 13/03/2023¹¹, the court ruled that the 5 former police officers were not guilty of criminal offences under Articles 127.2 and 365.2 of the CCU and acquitted them due to the lack of elements of a crime.</p> <p>On 10/08/2023¹², the Kharkiv Court of Appeal upheld the first instance court decision.</p> <p>On 06/02/2024¹³, the Supreme Court quashed the decision of the Kharkiv Court of Appeal of 10/08/2023 and remitted the case for a re-trial in the court of appeal.</p> <p>The court proceedings are pending.</p>
63.	Buglov v. Ukraine (application no. 28825/02, 15/12/2014)	Aleksandr Sergeyevich Buglov	<p>The pre-trial investigation in criminal proceedings of 05/02/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>During 2024, the following investigative actions</p>

¹¹ <https://reyestr.court.gov.ua/Review/109506582>

¹² <https://reyestr.court.gov.ua/Review/112838151>

¹³ <https://reyestr.court.gov.ua/Review/116862907>

			<p>were taken.</p> <p>On 09/01/2024, a request was sent to the Pension Fund of Ukraine to provide the data of persons as recipients of pensions, social payments who have the status of internally displaced persons (the applicant's co-accused and other witnesses).</p> <p>On the same date, a request was sent to the Main Department of the Ministry of Internal Affairs of Ukraine in Donetsk Region regarding the police officers, in particular to provide decisions on their dismissal, as well as a request regarding the service of a number of police officers.</p> <p>Also, a request was sent to the State Border Guard Service of Ukraine regarding the crossing of the state border of Ukraine/line with the temporarily occupied territory of Ukraine by the above persons.</p> <p>Furthermore, a request was sent to the Department of State Registration of Civil Status Acts in Donetsk Region for information on the death of the above individuals.</p> <p>Based on the responses received, one former police officer was identified as an internally displaced person and, on 15/02/2024, the latter and interrogated as a witness.</p> <p>The plan of pre-trial investigation was updated.</p> <p>The criminal proceedings are pending.</p>
64.	Rudyak v. Ukraine (application no. 40514/06, 04/12/2014)	Igor Mikhaylovich Rudyak	<p>The pre-trial investigation in criminal proceedings of 17/01/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>On 26/12/2014, the applicant died as a result of toxic encephalopathy. This fact makes it impossible to conduct an investigative experiment and simultaneous interrogations.</p> <p>As of today, the criminal proceedings are pending.</p>
65.	Osakovskiy v. Ukraine (application no. 13406/06, 17/10/2014)	Sergey Valeryevich Osakovskiy	<p>The pre-trial investigation in criminal proceedings of 08/09/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>The applicant as a victim was summoned for interrogation; however, he refused to testify in accordance with Article 63 of the Constitution of Ukraine.</p> <p>On 02/07/2024, an order was issued to the operational unit to establish the whereabouts of the witnesses, their contact phone numbers, place of work, service, residence, registration, death information, travel abroad, etc. and to organise their arrival to the pre-trial investigation body.</p> <p>As of today, the criminal proceedings are pending.</p>
66.	Dzhulay v.	Yevgeniy	The pre-trial investigation in criminal proceedings

	Ukraine (application no.24439/06, 03/07/2014)	Valentinovich Dzhulay	of 26/08/2014 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava. Final decision in the criminal proceedings has not been adopted.
67.	Danilov v. Ukraine (application no.2585/06, 13/06/2014)	Igor Vladimirovich Danilov	The pre-trial investigation in criminal proceedings of 20/08/2014 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv. Final decision in the criminal proceedings has not been adopted.
68.	Belousov v. Ukraine (application no. 4494/07, 07/02/14)	Vyacheslav Nikolayevich Belousov	The criminal proceedings against four former police officers are pending before the Kominternivskyi District Court of Kharkiv. By the court decision of 03/12/2021 two accused former police officers were released from criminal liability due to expiration of the time limits for bringing to liability. Due to the imposition of martial law in Ukraine, on 14/03/2022, the territorial jurisdiction of the Kominternivskyi District Court of Kharkiv was changed to the Leninskyi District Court of Poltava. The trial has not been started by the new court. No preparatory hearing was scheduled. No trial has been commenced by the new court. Furthermore, on 27/01/2023, the Supreme Court granted the prosecutor's application and changed the territorial jurisdiction of the case to the Kominternivskyi District Court of Kharkiv. On 25/07/2023, the Kominternivskyi District Court of Kharkiv declared one of the two accused wanted and suspended consideration of the indictment in the criminal proceedings until the accused was found. The court proceedings are pending.
69.	Gerashchenko v. Ukraine (application no. 20602/05, 07/02/2014)	Anatoliy Sergeyeovich Gerashchenko	The pre-trial investigation in criminal proceedings of 02/09/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Mykolaiv. It was established the applicant died in 2017. During the pre-trial investigation the applicant's son, his heir, was granted the status of a victim and was interrogated. In 2024, the following investigative steps were taken. Review of the databases was carried out, namely of the Unified State Register of Declarations of Persons Authorised to Perform State or Local Government Functions, the Unified State Register of Court Decisions, the Integrated Interagency Automated Information Exchange System for the Control of Persons, Vehicles and Cargo Crossing the State Border, the State Migration Service of

			<p>Ukraine and the State Register of Civil Status Acts of Citizens.</p> <p>The materials of the executed order were received and it was established that a witness Mr D. left abroad, and therefore it was not possible to interrogate him.</p> <p>The operational unit was instructed to establish the whereabouts of the former assistant prosecutor of the Suvorivskiy District Prosecutor's Office, as well as Mr V. and Mr Ch., who were witnesses. The relevant measures are being taken.</p> <p>The criminal proceedings are currently pending.</p>
70.	Vitkovskiy v. Ukraine (application no. 24938/06, 20/01/2014)	Vikentiy Bronislavovich Vitkovskiy	<p>The pre-trial investigation in criminal proceedings of 28/01/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
71.	Grinenko v. Ukraine (application no.33627/06, 15/02/2013)	Vladislav Leonidovich Grinenko	<p>The pre-trial investigation in criminal proceedings under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>As of today, the criminal offence became time-barred, and on 27/06/2024, the prosecutor applied to the court with a request to terminate the criminal proceedings due to expiration of time limits for bringing to liability. The relevant request has not yet been considered by the court.</p> <p>The criminal proceedings are currently pending.</p>
72.	Kulish v. Ukraine (application no. 35093/07, 21/09/12)	Sergey Nikolayevich Kulish	<p>The pre-trial investigation in criminal proceedings of 21/06/2012 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>The applicant was duly informed about the course of the pre-trial investigation and was interrogated as a witness. The latter refused of the status of a victim in a statement dated 13/11/2020. In addition, during the interrogation of 13/11/2020, he requested not to be involved in further procedural actions in the criminal proceedings.</p> <p>On 12/08/2024, an order was issued to the operational unit to establish the whereabouts of witnesses, their contact phone numbers, place of work, service, residence, registration, death information, travel abroad, etc. and to organize their arrival to the pre-trial investigation body. The order is being executed.</p> <p>As of today, the criminal proceedings are pending.</p>
73.	Grigoryev v. Ukraine (application no. 51671/07, 15/08/12)	Andrey Grigoryevich Grigoryev	<p>The pre-trial investigation in criminal proceedings of 24/09/2014 under Article 365.2 is conducted by the Territorial Department of the SBI in Mykolaiv.</p> <p>In 2024, the following investigative measures were taken.</p>

			<p>Review of the databases was carried out, namely of the Unified State Register of Declarations of Persons Authorised to Perform State or Local Government Functions, the Unified State Register of Court Decisions, the Integrated Interagency Automated Information Exchange System for the Control of Persons, Vehicles and Cargo Crossing the State Border, the State Migration Service of Ukraine and the State Register of Civil Status Acts of Citizens.</p> <p>An order was issued to the operational unit to establish the whereabouts of two officials who carried out investigation in criminal case against the applicant.</p> <p>The investigative authorities have faced difficulties in identifying witnesses to the events, due to the fact that more than 20 years have passed and the criminal proceedings do not contain full personal data of the witnesses, which prevents them from being identified.</p> <p>As of today, the criminal proceedings are pending.</p>
74.	<p>Kaverzin v. Ukraine (application no. 23893/03, 15/08/2012)</p>	<p>Aleksandr Valeryevich Kaverzin</p>	<p>The pre-trial investigation in criminal proceedings of 08/09/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>During 2024, a number of investigative measures were taken as follows.</p> <p>In the course of executing the investigator's order of 02/07/2024, the operative unit established that after the applicant's marriage on 25/08/2021 to Ms S., Mr Kaverzin took her surname and in all official documents is referred to as Mr S.</p> <p>During a telephone conversation with Ms S, the latter refused to provide any information about herself and the applicant and informed that her husband did not use a mobile phone.</p> <p>It was not possible to establish the whereabouts of the applicant. Measures taken in July 2024 indicated that the applicant deliberately changed his personal data and place of residence in order to prevent any form of communication with law enforcement officials. In view of this, the applicant was not involved in procedural and investigative actions during the criminal proceedings.</p> <p>In the light of above actions of the applicant, it was not possible to identify the officers of the Kharkivskyi Department for Combating Organised Crime of the Ministry of Internal Affairs of Ukraine, who, in January 2001, allegedly caused bodily injuries on the applicant.</p> <p>As of today, the criminal proceedings are pending.</p>

75.	Klishyn v. Ukraine (application no. 30671/04, 23/05/2012)	Sergey Gennadyevich Klishyn	On 14/05/2021, the criminal proceedings were terminated due to the absence of elements of a criminal offence. This decision was not quashed and is still valid.
76.	Yatsenko v. Ukraine (application no. 75345/01, 16/02/2012)	Sergey Viktorovich Yatsenko	The pre-trial investigation in criminal proceedings of 08/09/2015 under Article 367.1 of the CCU is conducted by the Territorial Department of the SBI in Poltava. At present, it is not possible to establish the whereabouts and interrogate as witnesses the police officers referred to by the applicant, due to their dismissal from the police and change of residence. As of today, the criminal proceedings are pending.
77.	Teslenko v. Ukraine (application no. 55528/08, 20/03/2012)	Anatoliy Grigoryevich Teslenko	The pre-trial investigation in criminal proceedings of 07/09/2015 under Article 365.1 of the CCU is conducted by the Territorial Department of the SBI in Kyiv. During 2024, the following investigative measures to establish the applicant's whereabouts were taken. A request was sent to the Ministry of Internal Affairs and the State Border Guard Service of Ukraine regarding the border crossing. Three summonses were sent to the applicant for interrogation as a victim, but the latter did not appear before the pre-trial investigation body. Requests were sent to the Kyiv City Military Commissariat, as well as to the State Tax Service of Ukraine in Kyiv to establish the income of the applicant. As of today, the applicant's whereabouts has not been established. The criminal proceedings are currently pending.
78.	Korobov v. Ukraine (application no. 39598/03, 21/10/11)	Igor Viktorovich Korobov	The pre-trial investigation in criminal proceedings of 03/04/2015 under Article 365.1 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk. At present, it is not possible to obtain documents and establish the circumstances of the above events and illegal actions allegedly committed by law enforcement officers against the applicant for objective reasons, as both documents and witnesses are located on the temporary occupied territory of Ukraine. In addition, the events in this case occurred in 2000 and the status of limitation for criminal liability has expired. On 05/03/2024, the case files were forwarded to the Prosecutor's Office of the Donetsk Region to decide on the issue of terminating the criminal proceedings under paragraph 3 ¹ of part 1 of Article 284 of the CCP.

			As of today, the criminal proceedings are pending.
79.	Bocharov v. Ukraine (application no. 21037/05, 17/06/2011)	Yevgeniy Yuryevich Bocharov	<p>The pre-trial investigation in criminal proceedings of 08/09/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>During 2024, the following investigative steps were taken.</p> <p>On 02/07/2024, an order was issued to the operational unit to establish the whereabouts of the witnesses, their contact phone numbers, place of work, service, residence, registration, death information, travel abroad, etc. and to organise their arrival to the pre-trial investigation body</p> <p>The applicant was duly informed about the course of the pre-trial investigation. During the pre-trial investigation, Mr Bocharov was summoned to the investigator, but the latter provided a statement about his desire to terminate the criminal proceedings on this fact, as he had no claims against the police officers and refused to give testimony in accordance with Article 63 of the Constitution of Ukraine.</p> <p>The operational unit was repeatedly instructed to establish the witnesses, but it was not possible to establish their whereabouts, and the applicant himself did not appear when summoned.</p> <p>The criminal proceedings are currently pending.</p>
80.	Sylenok and Tekhnoservice Plus v. Ukraine (application no. 20988/02, 09/03/11)	Oleksandr Mykolayovych Sylenok and a Ukrainian company Tekhnoservis-Plus	<p>The pre-trial investigation in criminal proceedings of 13/11/2020 under Articles 365.2 and 373.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
81.	Bilyy v. Ukraine (application no. 14475/03, 21/01/2011)	Valentyn Valentynovych Bilyy	<p>On 15/05/2013, the criminal proceedings were terminated due to the absence of elements of a criminal offence.</p> <p>This decision was not quashed and is still valid.</p>
82.	Lopatin and Medvedskiy v. Ukraine (application no.2278/03, 04/10/2010)	Sergey Yuryevich Lopatin, Aleksandr Georgiyevich Medvedskiy	<p>The pre-trial investigation in criminal proceedings of 03/04/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kramatorsk.</p> <p>On 19/02/2024, the prosecutor's request to terminate the criminal proceedings due to the expiration of time limits for bringing to criminal liability was forwarded to the Zhovtnevyi District Court of Zaporizhzhia.</p> <p>On 13/06/2024¹⁴, the court dismissed the prosecutor's request.</p> <p>On 04/07/2024, the Court of Appeal of</p>

¹⁴ <https://reyestr.court.gov.ua/Review/119833887>

			<p>Zaporizhzhia refused to open proceedings on the prosecutor's appeal against the decision of the Zhovtnevyi District Court of Zaporizhzhia of 13/06/2024.</p> <p>On 19/08/2024¹⁵, the Supreme Court refused to open the cassation proceedings. This decision is final.</p> <p>The criminal proceedings are currently pending.</p>
83.	Drozd v. Ukraine (application no. 12174/03, 30/10/2009)	Nikolay Pavlovich Drozd	<p>The pre-trial investigation in criminal proceedings under 365.2 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>Final decision in the criminal proceedings has not been adopted.</p>
84.	Suptel v. Ukraine (application no. 39188/04, 19/05/09)	Aleksandr Leonardovich Suptel	<p>On 11/08/2021, the criminal proceedings were terminated by the decision of the Desnyanskyi District Court of Kyiv due to the expiration of the time limits for bringing to criminal liability.</p> <p>This decision was not appealed and is valid.</p>
85.	Kobets v. Ukraine (application no.16437/04, 14/05/2008)	Aleksey Viktorovich Kobets	<p>The pre-trial investigation in criminal proceedings of 07/09/2015 under Article 367.1 of the CCU is conducted by the Territorial Department of the SBI in Kyiv.</p> <p>During the pre-trial investigation, it was impossible to comply with the prosecutor's instructions to identify the police officers who detained and brought the applicant to the police station, as the materials of the criminal proceedings on the latter's charges were destroyed due to the expiry of their storage period.</p> <p>The applicant was repeatedly summoned for questioning as a witness, but he did not appear before the investigating authorities and did not provide any valid reasons for his absence.</p> <p>According to the report of the senior operative officer of the National Police of Ukraine, the applicant's mother explained that she was not interested in the events concerning the infliction of bodily injuries on her son and asked not to be disturbed on this issue. According to the latter, the applicant systematically used drugs, led an immoral lifestyle, and did not communicate with her.</p> <p>The criminal offence in this case became time-barred. On 19/07/2024, the prosecutor applied to the court with a request to terminate the criminal proceedings due to the expiration of time limits for bringing to criminal liability.</p> <p>As of today, the court proceedings are pending.</p>
86.	Kozinets v. Ukraine (application no. 75520/01,	Valeriy Yuryevich Kozinets	<p>The pre-trial investigation in criminal proceedings of 08/09/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p>

¹⁵ <https://reyestr.court.gov.ua/Review/121130913>

	06/03/2008)		<p>During the pre-trial investigation, it was established that the applicant died in 2007.</p> <p>In 2024, the following investigative measures were taken.</p> <p>On 22/01/2024, a request was sent to the Kharkiv City Council to obtain information about the place of residence of the applicant's relatives.</p> <p>On 22/01/2024, a summons was sent to the last known address of residence of witness Mr Sh.</p> <p>On 01/02/2024, the former officer of the Kharkiv State Tax Police Inspectorate was interrogated.</p> <p>On 02/02/2024, an order was issued to the operational unit to identify all possible witnesses to the incident and additional circumstances.</p> <p>On 09/08/2024, an order was issued to the operational unit to establish the whereabouts of witnesses, their contact phone numbers, places of work, service, residence, registration, death information, travel abroad, etc. and to organise the arrival of the latter to the pre-trial investigation body.</p> <p>On 09/08/2024, a request was sent to the State Tax Service of Ukraine to obtain up-to-date information on holding positions in state bodies, including as of April 1998, appointment to positions in the tax police department, transfer, and dismissal from law enforcement agencies, and service characteristics of three officers.</p> <p>On 14/08/2024, witness Ms Kozinets (daughter of the applicant) was interrogated.</p> <p>At the same time, it was established that it was impossible to conduct investigative and other procedural actions with witness Mr H., who died on 26/04/2017, and witness Mr P., who died on 29/12/2018.</p> <p>The applicant's relatives were duly informed about the course of the pre-trial investigation. They refused to be granted a victim status.</p> <p>The criminal proceedings are pending.</p>
87.	<p>Afanasyev v. Ukraine (application no. 38722/02, 05/07/2005)</p>	<p>Aleksey Vladimirovich Afanasyev</p>	<p>The pre-trial investigation in criminal proceedings of 08/09/2015 under Article 365.2 of the CCU is conducted by the Territorial Department of the SBI in Poltava.</p> <p>Given that the events in this case occurred in 2000 and the status of limitation for criminal liability has expired, the prosecutor initiated the proceedings on the termination of the criminal proceedings under paragraph 3¹ of part 1 of Article 284 of the CCP.</p> <p>On 28/12/2023¹⁶, the Kyivskyi District Court of Kharkiv ruled to terminate the criminal proceedings due to the expiration of the statute of</p>

¹⁶ <https://reyestr.court.gov.ua/Review/116007658>

DH-DD(2024)1134: Communication from Ukraine.
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

			limitations for bringing to criminal liability.
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ANNEX III

Updated information on other individual measures

	Case Title and Application no.	Information on the conditions of detention/reopening of the criminal proceedings/finalisation of the criminal proceedings/enforcement of the domestic court decision
1.	Ushakov and Ushakova v. Ukraine (application no.10705/12)	The first applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
2.	Osakovskiy v. Ukraine (application no. 13406/06)	On 24 December 2014, the criminal proceedings against the applicant were terminated under paragraph 3 of part 1 of Article 284 of the CCP. As of today, no one has been notified of suspicion in the criminal proceedings, as well as the applicant has not been granted any status in the proceedings.
3.	Melnyk v. Ukraine (application no. 28412/10)	On 29 April 2020 ¹ , the Grand Chamber of the Supreme Court considered the applicant's request for the review of the contested court decisions, quashed the decision of the Desnianskyi District Court of Kyiv of 16 July 2009, the decision of the Kyiv Court of Appeal of 11 November 2009 and the decision of the Supreme Court of Ukraine of 21 April 2010 and remitted the criminal case for a new trial to the court of first instance. The criminal proceedings are still pending before the Desnyanskyi District Court of Kyiv.
4.	Dudka v. Ukraine (application no. 55912/09)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
5.	Beketov v. Ukraine (application no. 44436/09)	On 24 April 2013, the applicant was released from detention.
6.	Zyakun v. Ukraine (application no. 34006/06)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
7.	Grinenko v. Ukraine (application no. 33627/06)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
8.	Buglov v. Ukraine (application no. 28825/02)	The applicant serves the sentence in the State Institution "Novhorod-Siverska Penitentiary Institution (No. 31)". He is accommodated in a cell that is 9.9 sq. m and designed for two inmates. The cell is equipped with furniture and household items in accordance with the requirements of national legislation. The WC of the cell is separated from the main area of the cell by a partition. The bath and laundry services for the convicts are organised in accordance with the order of the Ministry of Justice of Ukraine no. 849/5 dated 08/06/2012.

¹ <https://reyestr.court.gov.ua/Review/89180571>

		The applicant is provided with bed linen at 100%. The applicant has unimpeded access to the Wi-Fi network.
9.	Korobov v. Ukraine (application no. 39598/03)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
10.	Grigoryev v. Ukraine (application no. 51671/07)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
11.	Sylenok and Tekhnoservice Plus v. Ukraine (application no. 20988/02)	As regards the execution of the final decision of 9 June 2004 in favour of the applicant's company, on 14 April 2011 the enforcement proceedings were initiated. On 18 November 2011, the sum in the amount of UAH 14 501.10 was transferred to the Ministry of Justice of Ukraine special bank account due to the failure to provide banking details. The state bailiff repeatedly requested the banking details however the latter were not submitted. On 22 November 2012, the sum was returned to the State Budget after expiration of a one-year period. The enforcement proceedings were terminated.
12.	Ogorodnik v. Ukraine (application no. 29644/10)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
13.	Savchenko v. Ukraine (application no. 1574/06)	On 05 October 2011, the applicant was released from detention.
14.	Golovko v. Ukraine (application no. 2053/09)	On 27 May 2020 ² , the Grand Chamber of the Supreme Court considered the applicant's request for the review of the contested court decisions, quashed the decision of the Court of Appeal of Poltava Region of 14 December 2007 and the decision of the Supreme Court of Ukraine of 10 July 2008 and remitted the criminal case for a new trial to the court of first instance. The criminal proceedings are still pending before the Avtozavodskyi District Court of Kremenchuk.
15.	Pankiv v. Ukraine (application no. 37882/08)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
16.	Boyko and Others v. Ukraine (application no. 24753/13)	As to Mr Klyuy, on 14 July 2022 ³ , the Saksahanskyi District Court of Kryvyi Rih of Dnipropetrovsk Region ruled to terminate the criminal proceedings against the applicant due to his death.
17.	Debelyy and Others v. Ukraine (application no. 7174/11)	As to Mr Debelyy, the applicant is no longer in detention.

² <https://reyestr.court.gov.ua/Review/89819870>

³ <https://reyestr.court.gov.ua/Review/105298391>

18.	Sokolovskyy and Others v. Ukraine (application no. 44047/09)	As to Mr Rotar, on 25 February 2022, the applicant was released from detention.
19.	Sargsyan and Others v. Ukraine (application no. 54012/07)	As to Mr Kravets, on 19 October 2011, the criminal proceedings against the applicant were terminated due to the lack of evidence of the applicant's participation in the crime. This decision was not subject to appeal or cancellation.
20.	Zhyzitskyy v. Ukraine (application no.57980/11)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
21.	Yevgeniy Petrenko v. Ukraine (application no. 55749/08)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
22.	Suptel v. Ukraine (application no. 39188/04)	The pre-trial investigation in criminal case against the applicant on the fact of murder of O.S. is still pending under the procedural supervision of the Prosecutor's Office of Kyiv.
23.	Tymchenko v. Ukraine (application no. 47351/06)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
24.	Shumanskyy v. Ukraine (application no. 70579/12)	On 06 July 2021 ⁴ , the Grand Chamber of the Supreme Court considered the applicant's request for the review of the contested court decisions and ruled to amend the decision of the Chernivtsi Regional Court of Appeal of 06 December 2010 and the decision of the High Specialised Court of Ukraine for Civil and Criminal Cases of 24 April 2012 by excluding the reference to the data from the protocol of the applicant's confession as evidence of his guilt in committing the offences. In all other respects, the above decisions were upheld.
25.	Mazur v. Ukraine (application no. 59550/11)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
26.	Shcherbakov v. Ukraine (application no. 39708/13)	On 05 November 2019 ⁵ , the Grand Chamber of the Supreme Court considered the applicant's request for the review of the contested court decisions and rejected the application for renewal of the deadline for filing an application for the review of the decision of the Slovianskyi City District Court of Donetsk Region of 23 February 2012 and the decision of the Court of Appeal of Donetsk Region of 12 July 2012, as well as ruled to return the application with all the materials attached thereto to the

⁴ <https://reyestr.court.gov.ua/Review/98327550>

⁵ <https://reyestr.court.gov.ua/Review/85468776>

		applicant.
27.	Skomorokhov v. Ukraine (application no. 58662/11)	On 01 June 2021, the Grand Chamber of the Supreme Court considered the applicant's request for the review of the contested court decisions, partially upheld the request and ruled to amend the decision of the Court of Appeal of Odesa Region of 14 June 2007 and the decision of the Supreme Court of 21 June 2011 by excluding the reference to the data of the applicant's confessions of 04 April 2002 and of the protocol of his interrogation as a witness from 09 April 2002. The Supreme Court quashed the decision in the part of the applicant's conviction for the premeditated murder of U. and ruled to terminate the criminal proceedings in this part due to the failure to prove the applicant's participation in the commission of the offence. In all other respects, the above decisions were upheld.
28.	Petrakovskyy and Leontyev v. Ukraine (application no. 26815/16)	As to Mr Leontyev, on 18 December 2019, the applicant was released from detention on parole.
29.	Khrus and Others v. Ukraine (application no. 38328/14)	As to Mr Khrus, the criminal proceedings against the applicant are still pending before the Korolovskiyi District Court of Zhytomyr.
30.	Trachuk v. Ukraine (application no. 24413/13)	The applicant did not file an application for the review of the contested court decisions in the criminal proceedings.
31.	Bogomol v. Ukraine (application no. 15528/11)	Based on the results of a retrial, on 19 August 2021, the Derhachivskiyi District Court of Kharkiv Region rejected the application submitted by the applicant for review under newly discovered circumstances. On 01 November 2021, the Court of Appeal of Kharkiv upheld the decision of 19 August 2021. On 03 November 2022 ⁶ , the Cassation Criminal Court of the Supreme Court upheld the decisions of the previous courts. This decision is final and not subject to appeal. Also, on 27 September 2023 ⁷ , the Grand Chamber of the Supreme Court rejected the applicant's claim for review of the decision of the Court of Appeal of Kharkiv Region of 09 March 2010 and the decision of the Supreme Court of Ukraine of 07 September 2010 due to the establishment by an international judicial institution whose jurisdiction is recognised by Ukraine of a violation by the state of international obligations. This decision is final and not subject to appeal.
32.	Sevastyanov v. Ukraine (application no. 37650/13)	By the decision of the Kyiv-Svyatoshynskiyi District Court of Kyiv dated 31 August 2015, which was upheld by the Court of Appeal of Kyiv Region dated 12 November 2015 ⁸ , the criminal case against the applicant was returned to pre-trial investigation to the Prosecutor's Office in Kyiv Region. The Government will inform the Committee of Ministers about the status of criminal proceedings.
33.	Lutayenko and Others	As to Mr Patsev, the criminal proceedings against the applicant are still

⁶ <https://reyestr.court.gov.ua/Review/107219773>

⁷ <https://reyestr.court.gov.ua/Review/114021134>

⁸ <https://reyestr.court.gov.ua/Review/53500979>

	v. Ukraine (application no. 1781/14)	pending before the Druzhkivskyi City Court of the Donetsk Region. The next court hearing is scheduled for 23 October 2024.
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