

Resolution CM/ResDH(2024)328

Execution of the judgments of the European Court of Human Rights

Six cases against Ukraine

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
23595/21+	MALAKHOV AND KRAYNYUCHENKO	16/11/2023	16/11/2023
61073/21+	TITARCHUK	16/11/2023	16/11/2023
56163/21+	NEZDYMOVSKYY	05/10/2023	05/10/2023
87/21+	FILONENKO AND OTHERS	25/05/2023	25/05/2023
42010/18	YAKOVLYEV	08/12/2022	08/03/2023
23537/20+	DERKACH	09/02/2023	09/02/2023

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”),

Having regard to the final judgments transmitted by the Court to the Committee in these cases and to the violations established on account of poor material conditions of detention and the lack of effective remedies thereof, force-feeding of prisoners (violations of Articles 3 and 13), as well as unlawful and unjustified detention, excessive length of pre-trial detention, lack of or insufficient compensation for unlawful arrest or detention and for excessive length of pre-trial detention, (violations of Article 5, paragraphs 1, 3 and 5), excessive length of criminal proceedings and the lack of effective remedies thereof (violations of Article 6, paragraph 1, and Article 13);

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the information provided by the government indicating the individual measures adopted to execute the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents DH-DD(2024)392 and DH-DD(2024)438);

Considering that the question of individual measures was resolved, given that the just satisfaction, where awarded by the Court was paid, the applicants are no longer held in detention on remand and the domestic proceedings have been terminated;

Recalling that the question of general measures required in response to the shortcomings found by the Court in these judgments, continues to be examined within the framework of the *Nevmerzhiysky*, *Ignatov* and *Merit* groups of cases, also in the light of the Court's findings in these cases, and that the closure of these cases therefore in no way prejudices the Committee's evaluation of the general measures required;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures concerning poor material conditions of detention and the lack of effective remedies thereof, as well as force-feeding of prisoners in the *Nevmerzhitsky* group of cases; unlawful and unjustified detention, excessive length of pre-trial detention, the lack of or insufficient compensation for unlawful arrest or detention and for excessive length of pre-trial detention in the *Ignatov* group of cases; excessive length of criminal proceedings and the lack of effective domestic remedies thereof in the *Merit* group of cases;

DECIDES to close the examination of these cases.