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Date: 25/09/2026

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Meeting: 1577th meeting (December 2026) (DH)

Communication from the applicant's representative (17/09/2026) in the case of Vitkovskyy and Others
v. Ukraine (Application No. 16595/23) (Nevmerzhitsky group)

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of
the execution of judgments and of the terms of friendly settlements.

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politique du Comité des Ministres.

Réunion : 1577^e réunion (décembre 2026) (DH)

Communication du représentant du requérant (17/09/2026) relative à l'affaire Vitkovskyy et autres
c. Ukraine (Requête n° 16595/23) (Groupe Nevmerzhitsky) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la
surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI

17 SEP. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

**To the Committee of Ministers of the Council of
Europe**

via the Department for the Execution of Judgments
of the European Court of Human Rights

Just Satisfaction Division

DGI, Council of Europe

F-67075 Strasbourg Cedex, France

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Case: Vitkovskyy and Others v. Ukraine

Judgment: 26 February 2026, final

Applicant: Mykhaylo Volodymyrovych Voronkin

Application no.: 2213/25

Award: EUR 9,800

Communication: under Rule 9.1 of the Rules of the Committee of Ministers

Representative: [REDACTED]

Correspondence address: [REDACTED]

Telephone and email: [REDACTED]

Applicant's place of detention: [REDACTED]

Communication concerning incomplete execution of the judgment of the European Court of Human Rights

Rule 9.1 concerning individual measures and just satisfaction

I, Advocate Andriy Vitaliyovych Pustyntsev, acting on behalf of the applicant, Mykhaylo Volodymyrovych Voronkin, hereby report the incomplete execution of the judgment of the European Court of Human Rights dated 26 February 2026. Ukraine transferred the equivalent of the EUR 9,800 award not to an account designated by the applicant or to a recipient chosen by him, but to the deposit account of a State penitentiary institution. The applicant has not subsequently obtained a practical opportunity to dispose of the funds. The payment has therefore been completed only formally and has not ensured the applicant's actual receipt of the just satisfaction awarded to him.

Subject matter of the communication

This communication concerns the individual measure of paying just satisfaction to M.V. Voronkin and the applicant's practical access to the award. It does not ask the Committee of Ministers to establish a new violation of the Convention. It asks the Committee to assess whether the State discharged its obligations under Article 46 of the Convention in a manner that actually made the compensation available to the applicant.

The central issue is that neither the applicant nor his representative provided bank account details to the State Enforcement Officer or consented to the funds being credited to the institution's account. The enforcement officer independently selected the method of payment, obtained the details of the institution's deposit account and terminated the enforcement proceedings even though the applicant had not obtained actual control over the funds.

The Court judgment

On 26 February 2026, the Court delivered its final judgment in Vitkovskyy and Others v. Ukraine. Mykhaylo Volodymyrovych Voronkin is listed in the appendix to the judgment as the applicant in application no. 2213/25.

The Court found violations of Articles 3 and 13 of the Convention on account of inadequate conditions of detention and the lack of an effective remedy, as well as violations in respect of the other complaints set out in the appended table. M.V. Voronkin was awarded EUR 9,800 in respect of pecuniary and non-pecuniary damage, payable by the State within three months.

Chronology of execution

On 23 March 2026, the Compulsory Enforcement Division of the State Enforcement Service Department of the Ministry of Justice of Ukraine opened enforcement proceedings no. 80569356.

In those proceedings, the State Enforcement Officer did not request payment account details from M.V. Voronkin or his representative. Neither the applicant nor his representative provided such details to the enforcement officer or consented to the transfer of the funds to the account of a State institution.

On 22 April 2026, by formal demand no. 80569356/10/20.1, the State Enforcement Officer independently contacted State Institution Zhytomyr Penitentiary Institution No. 8 and requested the details of a personal or deposit account to which the funds awarded to the applicant could be transferred.

On 28 April 2026, the institution provided the details of its deposit account with the State Treasury Service of Ukraine: beneficiary - [REDACTED]; institution code - [REDACTED]; [REDACTED]

On 20 May 2026, payment instruction no. 494 was used to transfer UAH 503,818.00 to that account, described as the equivalent of EUR 9,800.

On 27 May 2026, State Enforcement Officer Roman Velychko terminated enforcement proceedings no. 80569356 under point 9 of part one of section 39 of the Law of Ukraine On Enforcement Proceedings, treating the judgment as having been fully executed.

On 20 June 2026, M.V. Voronkin again submitted a request to the institution's administration for the non-cash transfer of UAH 503,818.00 to the bank account of Advocate A.V. Pustyntsev in accordance with the Legal Assistance Agreement.

On 30 June 2026, O.S. Kalko, the presiding judge of the Kyivskyy District Court of Poltava, gave written permission for that transfer, as recorded in letter no. 5/236/311/21/44782/2026.

On 17 July 2026, through Advocate V.O. Kalynova, M.V. Voronkin's request concerning the disposition of the funds was resubmitted to the institution. Receipt of the covering letter is confirmed by the institution's stamp dated 17 July 2026.

On 21 July 2026, Advocate A.V. Pustyntsev sent formal advocate's request no. 14-4-26 to the institution concerning the time frame for executing the applicant's request and asked for a certificate confirming the transfer.

As at 12 September 2026, the funds have not been transferred. Neither the applicant nor his representative has received a payment document, a reasoned refusal, or any other individual decision explaining the legal and factual reasons for blocking the funds.

Why execution remains incomplete

Article 41 of the Convention is intended to afford genuine just satisfaction to the injured party, while Article 46 requires the State to execute the Court's final judgment. A transfer to the account of a State authority that subsequently fails to give the applicant a practical opportunity to dispose of the award does not achieve the purpose of the individual measure.

In this case, the payment route was not based on the applicant's instructions. The applicant did not provide the State Enforcement Officer with the institution's account details or ask for the funds to be transferred to its deposit account. The enforcement officer selected that account independently, after which another State authority obtained actual control over the entire sum.

Crediting an award to a convicted person's deposit or personal account may be an acceptable technical accounting method. It cannot, however, be regarded as final payment where the applicant has no effective procedure for using the funds and the State institution fails for months to act on the owner's written instructions or to issue a reasoned decision.

The applicant submitted written requests, specified the amount and the recipient, referred to the Legal Assistance Agreement, and obtained the presiding judge's written permission. The institution did not apply the relevant procedure within the prescribed three-day time-limit and did not identify any remediable deficiencies in the requests.

The award constitutes the applicant's possession within the meaning of Article 1 of Protocol No. 1 to the Convention. The prolonged retention of the entire amount under the actual control of a State institution, without a decision, a time-limit or an effective access procedure, further supports the conclusion that the just satisfaction has not actually been made available to its intended recipient.

Ukraine has therefore made a budgetary transfer but has not completed the individual measure in practical terms. Termination of the domestic enforcement proceedings does not resolve the issue: the applicant, who suffered the violations found by the Court, is still unable to use the compensation awarded to him.

Requests to the Committee of Ministers

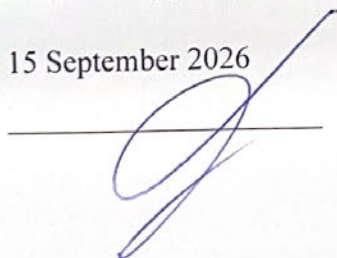
1. Place this communication on the file concerning the supervision of execution of the judgment in Vitkovskyy and Others v. Ukraine in so far as it concerns M.V. Voronkin's application no. 2213/25.
2. Treat the status of the payment to M.V. Voronkin as disputed and refrain from considering the individual measure completed until the applicant obtains a genuine opportunity to dispose of the amount awarded.
3. Invite the Government of Ukraine to explain why account details were not requested from the applicant or his representative; on what basis the enforcement officer independently selected the institution's deposit account; why the enforcement proceedings were terminated before the applicant's actual access to the funds had been confirmed; and why the institution failed to execute the submitted requests.

4. Call upon the State to secure an effective individual measure without delay by making a non-cash transfer to the bank account designated by the applicant in writing, or by using another lawful method that guarantees the applicant practical control over the entire award.
5. Invite the Government to provide proof that UAH 503,818.00 was credited to the applicant's personal account; a complete statement showing all movements and the balance of the funds; copies of the decisions on the requests dated 20 June and 17 July 2026; and, once the transfer has been made, the payment document showing that the funds were transferred in accordance with the applicant's instructions.
6. Call upon the State to introduce a practice under which, before just satisfaction is paid to a person in detention, the competent State authority records that person's informed choice of payment method, and crediting funds to an institution's account is not treated as conclusive proof of execution unless the applicant's actual access to the funds has been confirmed.
7. Inform the applicant's representative of the Government's position and of any further decisions concerning this communication at the correspondence and email addresses given above.

Enclosures

1. Relevant extract from the judgment of the European Court of Human Rights dated 26 February 2026 in Vitkovskyy and Others v. Ukraine, including the entry concerning application no. 2213/25.
2. Copy of the State Enforcement Officer's demand no. 80569356/10/20.1 dated 22 April 2026.
3. Copy of the letter from State Institution Zhytomyr Penitentiary Institution No. 8 dated 28 April 2026 containing the deposit account details.
4. Copy of the decision dated 27 May 2026 terminating enforcement proceedings no. 80569356.
5. Copy of Advocate V.O. Kalynova's covering letter bearing the institution's acknowledgment of receipt dated 17 July 2026.
6. Copy of formal advocate's request no. 14-4-26 of A.V. Pustyntsev dated 21 July 2026.
7. Copy of the Certificate of the Right to Practise as an Advocate, Series DP No. 3795, and copy of the advocate's warrant, Series AE No. 1340618.

15 September 2026



Advocate Andriy Vitaliyovych Pustyntsev