

Ukraine

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ *Actions of security forces and effectiveness of investigations*

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

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

Enhanced supervision

Status of execution

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

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

Enhanced supervision

Status of execution

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

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

Enhanced supervision

Status of execution

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

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

Enhanced supervision

Status of execution

➔ *Death during military service*

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

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

Enhanced supervision

Status of execution

➔ *Protection against ill-treatment*

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

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

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

▶ **Lawfulness of detention and related issues**

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

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

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

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

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

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

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

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

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

Lack of adequate medical treatment in detention.

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

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

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

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

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

➔ **Protection against abuse of power**

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

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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

➔ **Organisation of the judiciary**

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

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

Enhanced supervision

Status of execution

➔ **Fairness of criminal proceedings**

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

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

Enhanced supervision

Status of execution

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

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

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ **Length of judicial proceedings**

Excessive length of judicial proceedings and absence of effective remedies:

- In civil proceedings;

- In criminal proceedings.

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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

➔ **Enforcement of judicial decisions**

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

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

and

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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

➔ **Private and family life**

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

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

Enhanced supervision

Status of execution

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

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

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ **Freedom of expression**

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

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

➔ **Freedom of assembly**

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

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

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

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

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

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

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

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

➔ **Cooperation with the European Court**

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

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

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

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

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

*Salakhov and Islyamova
(28005/08)*

Judgment final on 14/06/2013

Enhanced supervision

Status of execution

➤ **Right to property**

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

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

Judgment final on 15/02/2013

Enhanced supervision

Status of execution

➤ **Effective remedy**

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

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

Judgment final on 12/04/2017

Enhanced supervision

Status of execution