

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF KRYUK v. UKRAINE

(Applications nos. 50474/20 and 50480/20)

JUDGMENT

Art 3 (substantive) • Degrading treatment • Confinement in a glass dock during criminal trial hearings • Measure not involving in itself an element of humiliation sufficient to reach the minimum level of severity, unlike confinement in metal cages • In overall circumstances of confinement minimum level of severity not reached • Manifestly ill-founded
Art 5 § 3 • Reasonableness of pre-trial detention • Domestic courts' failure to give "relevant" and "sufficient" justifying imposition and extension of the applicants' house arrest
Art 5 § 5 • Right to compensation not ensured

Prepared by the Registry. Does not bind the Court.

STRASBOURG

5 March 2026

FINAL

05/06/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Kryuk v. Ukraine,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Kateřina Šimáčková*, President*,
María Elósegui,
Georgios A. Serghides,
Gilberto Felici,
Diana Sârcu,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,
and Victor Soloveytchik, *Section Registrar,*

Having regard to:

the applications (nos. 50474/20 and 50480/20) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Ukrainian nationals, Mr Pavlo Ivanovych Kryuk and Mr Oleksandr Ivanovych Kryuk ("the applicants"), on 31 October 2020;

the decision to give notice to the Ukrainian Government ("the Government") of the complaints under Articles 3 (placement in a glass dock during hearings) and 5 of the Convention and to declare inadmissible the remainder of the applications;

the parties' observations;

Having deliberated in private on 20 January 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the applicants' complaint under Article 3 of the Convention about their confinement in a glass dock during court hearings, and their complaint under Article 5 §§ 3, 4 and 5 of the Convention about their placement under house arrest.

THE FACTS

2. The applicants were born in 1990 and 1986 respectively and live in Zaporizhzhya. Both applicants, who are brothers, were represented by Mr M. Sosyedko and Mr O. Ignatov, lawyers practising in Kyiv and Dnipro respectively.

3. The Government were represented by their Agent, Ms M. Sokorenko, from the Ministry of Justice.

4. The facts of the case may be summarised as follows.

1. The applicants' arrest and detention

5. The applicants, who were police officers at the time, were suspected of taking part in a violent robbery committed by a group. On 8 June 2017 they were arrested, and the next day the Ordzhonikidzevskyi District Court of Zaporizhzhya ordered their detention on remand, referring to the gravity of the charges against them and the risks that they might abscond or interfere with the investigation, in particular by destroying evidence and influencing witnesses.

6. On 10 January 2018 the Zhovtnevyi District Court of Zaporizhzhya, acting as the trial court, accepted the list of charges against the applicants and four other co-accused and ordered that the criminal case should be examined on the merits. The applicants' detention was extended several times. The Court was not provided with copies of the relevant court decisions extending their detention.

7. On 23 April 2020 the trial court, sitting in a hearing in which the applicants took part, rejected an application by the prosecutor to extend the applicants' detention. The court took into account the time the applicants have already spent in detention and noted that while it seemed that other risks were no longer relevant, there was still a risk that the applicants might influence victims and witnesses, given their previous experience as police officers. The court also examined whether it was possible to apply an alternative preventive measure and ruled that in the circumstances, it would be justified to place the applicants under 24-hour house arrest. The decision of the trial court was not amenable to appeal.

8. On 9 June, 3 July and 31 August 2020, following the examination of an application by the prosecutor to extend the preventive measure and applications by the applicants to lift it, the trial court extended the applicants' 24-hour house arrest by decisions which were not amenable to appeal. Having examined the submissions made, the trial court found, without indicating further explanation, that there was still a risk that the applicants might influence victims and witnesses.

9. On 29 October 2020 the trial court once again examined the circumstances justifying the application of 24-hour house arrest and replaced that preventive measure with house arrest during nighttime hours. The trial court found that the applicants had never breached their obligations, they had had permanent place of residence, families and had required to undergo medical treatment. On 14 April 2021 the trial court mitigated the preventive measure for the applicants and changed it for a personal commitment.

2. Conditions of the applicants' confinement in the courtroom

10. According to the applicants, the hearing room was equipped with a glass dock measuring 3.6 m in length, 1.2 m in width and 2.2 m in height.

During court hearings held between 10 January 2018 and 23 April 2020 the applicants were held in that dock along with four other co-accused. The applicants also submitted photographs showing them sitting all together in the glass dock during the hearings.

11. According to the Government, the glass dock in the hearing room measured 4 m in length, 1.2 m in width and 2.2 m in height. It was designed in accordance with the standards approved by the State Judicial Administration (see paragraph 13 below). The dock had a steel frame with transparent protective glass at the front and a metal sheet at the back. There was a grid on top of the dock which allowed proper ventilation but prevented defendants from escaping.

12. On 18 September 2018 the second applicant's defence lawyer lodged an application with the trial court, seeking leave for his client to sit next to him during the hearing. On 20 September 2018 that application was refused.

RELEVANT LEGAL FRAMEWORK

13. General requirements for glass docks were approved by Order no. 350 of the State Judicial Administration of 20 March 2017. In accordance with the requirements, the construction of a dock should be modular, allowing it to be assembled and disassembled. Each module should measure 1.2 m in length, 1.2 m in width and 2.2 m in height. The number of modules to be assembled and installed depends on the size of a particular hearing room. The dock is made of a steel frame with transparent protective glass at the front and a metal sheet at the back. The top of the dock has a grid and the lower part of it has a frame with slats which allows proper ventilation but prevents defendants from escaping. The dock's construction ensures that sound can pass through it in all directions via openings which do not compromise the rigidity of the dock.

THE LAW

I. JOINDER OF THE APPLICATIONS

14. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

15. The applicants complained that their confinement in the glass dock during the court hearings held between 10 January 2018 and 23 April 2020 had been inhuman and degrading. They referred to Article 3 of the Convention, which reads as follows:

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Admissibility

16. The Government submitted that the applicants had failed to exhaust domestic remedies, as they had not requested that the trial court allow them to sit alongside their defence lawyers during the hearings. Nor had they claimed compensation for the alleged breach of their rights.

17. The Government also argued that the applicants had missed the six-month time-limit for submitting their Article 3 complaints. The last time that they had been held in the glass dock had been on 27 February 2020, but the relevant applications had been lodged with the Court on 31 October 2020.

18. As to the substance of the applicants' complaint, the Government submitted that their confinement in the glass dock had been justified by security reasons and had complied with Article 3. In particular, the dock had been large enough and the applicants had been able to sit without touching each other, and they had been able to communicate with their defence lawyers and follow the proceedings without difficulty. In addition, there had been adequate ventilation in the dock and the temperature in there had been suitable, and access to water and to the toilet had been ensured.

19. In their initial application forms, the applicants submitted that their confinement in the glass dock had been degrading and similar to the conditions in which defendants had been held in a metal cage. In particular, they had experienced difficulties in communicating with their defence lawyers and could not hear the parties to the proceedings. The applicants did not elaborate on their complaints in response to the Government's observations and did not submit explicitly or in substance that the difficulties in communicating with their defence lawyers had restricted their rights under Article 6 of the Convention.

20. As to compliance with the six-month rule, the Court observes that the last time that the applicants were held in the glass dock was on 23 April 2020, when the trial court rejected an application by the prosecutor to extend the applicants' detention and placed them under 24-hour house arrest (see paragraph 7 above). It follows that the six-month time-limit started to run on 23 April 2020 and should therefore have expired on 23 October 2020. However, in connection with the COVID-19 pandemic, during the time frame specified in the decisions of the President of the Court (from 16 March until and including 15 June 2020), the six-month rule under Article 35 § 1 of the Convention was exceptionally considered to have been suspended for three calendar months in total (see *Saakashvili v. Georgia* (dec.), nos. 6232/20 and 22394/20, §§ 46-59, 1 March 2022). Therefore, in the present case the applicant had an additional three months – up to and

including 23 January 2021 – to lodge an application with the Court. Accordingly, seeing that the applicants introduced their applications on 31 October 2020, they should be regarded as having complied with the time-limit for lodging them. The Government's objection is thus dismissed.

21. As regards the Government's non-exhaustion plea, the Court notes that the second applicant did request that the trial court allow him to sit with his defence lawyer, and that the trial court examined his application on 19 September 2018 and dismissed it (see paragraph 12 above).

22. However, the Court does not find it necessary to deal with that objection of the Government, as it considers that this part of the application is any event inadmissible for the following reasons.

23. As the Court has repeatedly stated, Article 3 of the Convention enshrines one of the most fundamental values of a democratic society. It prohibits in absolute terms torture or inhuman or degrading treatment or punishment, irrespective of the circumstances and the victim's behaviour (see, among many other authorities, *Labita v. Italy* [GC], no. 26772/95, § 119, ECHR 2000-IV).

24. Ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3 of the Convention. The assessment of this minimum is relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and state of health of the victim (see, for example, *Jalloh v. Germany* [GC], no. 54810/00, § 67, ECHR 2006-IX). The public nature of the treatment may be a relevant or an aggravating factor in assessing whether it is "degrading" within the meaning of Article 3 of the Convention (see, among other authorities, *Tyrer v. the United Kingdom*, 25 April 1978, § 32, Series A no. 26; *Erdoğan Yağız v. Turkey*, no. 27473/02, § 37, 6 March 2007; and *Kummer v. the Czech Republic*, no. 32133/11, § 64, 25 July 2013).

25. In the context of courtroom security arrangements, the Court has stressed that the means chosen for ensuring courtroom order and security must not involve measures of restraint which, by virtue of their level of severity or by their very nature, would bring them within the scope of Article 3 of the Convention, as there can be no justification for torture or inhuman or degrading treatment or punishment (see *Svinarenko and Slyadnev v. Russia* [GC], nos. 32541/08 and 43441/08, § 127, ECHR 2014 (extracts)). It found, in particular, that confinement in a metal cage was contrary to Article 3 of the Convention, having regard to its objectively degrading nature (ibid., §§ 135-38).

26. The Court has already found that the placement of defendants behind glass partitions or in glass docks does not in itself involve an element of humiliation sufficient to reach the minimum level of severity, as is the case with metal cages (see *Yaroslav Belousov v. Russia*, nos. 2653/13 and 60980/14, § 124, 4 October 2016). This level may be attained, however, if the circumstances of their confinement, taken as a whole, would cause them

distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention (see *Kudła v. Poland* [GC], no. 30210/96, §§ 92-94, ECHR 2000-XI).

27. The Court will therefore scrutinise the overall circumstances of the applicants' confinement in the glass dock to determine whether the relevant conditions, on the whole, reached the minimum level of severity required to characterise their treatment as degrading within the meaning of Article 3 of the Convention.

28. First of all, the Court observes that the applicants were on trial on charges concerning violent offences and have not argued that the use of the glass dock during hearings was an arbitrary measure. It further takes note of the design of the dock as described by the Government and observes that the fact that the applicants appeared behind a glass partition during the hearings was not in itself a degrading element bringing Article 3 into play, in contrast to the Court's approach to defendants being held in a metal cage (see *Svinarenko and Slyadnev*, cited above, §§ 136 and 138).

29. While the parties disagreed on the exact length of the glass dock (3.6 m according to the applicants and 4 m according to the Government, the Court observes that the difference is minimal and that the applicants did not contest the Government's submissions about the dock measuring 1.2 m in width and 2.2 m in height. Taking those measurements as the basis for its calculation, the Court finds that the arrangement of the dock allowed each defendant approximately 0.8 sq. m of personal space according to the Government and approximately 0.7 sq. m of personal space according to the applicants.

30. In this connection, the Court also refers to the Government's description of the conditions in which the applicants were held in the dock (see paragraph 11 above). The Court notes that the applicants did not contest that description and did not submit any further evidence to substantiate their Article 3 complaint.

31. The above considerations do not persuade the Court that their confinement in a glass dock attained the minimum level of severity prohibited by Article 3 of the Convention.

32. It follows that this part of the application is manifestly ill-founded. It must therefore be declared inadmissible, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

III. ALLEGED VIOLATIONS OF ARTICLE 5 OF THE CONVENTION

33. The applicants complained that their placement under house arrest from 23 April to 29 October 2020 had not been justified, that they had not had an effective procedure by which to challenge the lawfulness of their house arrest, that they could not appeal against the court decisions ordering and extending their house arrest because those decisions had not been

amenable to appeal, and that they had not had an effective and enforceable right to compensation for the alleged violations. The applicants referred to Article 3 and Article 5 §§ 3, 4 and 5 of the Convention, which read as follows:

Article 5

"3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation."

A. Admissibility

34. The Government submitted that the applicants had failed to exhaust domestic remedies, as they had not appealed against the trial court's decisions imposing and then extending their 24-hour house arrest. They also invited the Court to declare the above complaint manifestly ill-founded on the basis that all the guarantees under Article 5 had been complied with.

35. The applicants disagreed.

36. The Court notes that the trial court's decisions referred to by the Government were not amenable to appeal, as was indicated in the relevant decisions issued between 23 April and 31 August 2020. Moreover, the Court notes that it examined a similar objection by the Government (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, §§ 220-26, ECHR 2014 (extracts); and *Olekseychuk v. Ukraine* ([Committee], no. 5765/20, §§ 15-20, 15 December 2022) and found that between June 2019 and January 2021 it had not been certain that there was an available and effective remedy to satisfy the requirements of Article 35 of the Convention. The Government's non-exhaustion objection is therefore dismissed.

37. As to the applicants' complaint that they could not appeal against the court decisions ordering and extending their house arrest because those decisions had not been amenable to appeal, the Court reiterates that Article 5 § 4 does not compel the Contracting Parties to set up more than one level of jurisdiction for the examination of the lawfulness of detention and for hearing applications for release (see *Ilnseher v. Germany* [GC], nos. 10211/12 and 27505/14, § 254, 4 December 2018). It follows that the above-mentioned part of the applicants' complaint is incompatible *ratione materiae* with the provisions of the Convention and must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

38. The Court furthermore notes that the remaining complaints are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

B. Merits

1. Alleged violation of Article 5 § 3 of the Convention

39. In relation to the applicants' complaint under Article 5 § 3 of the Convention that their placement under house arrest had not been justified, the Court notes that the Government did not dispute that Article 5 of the Convention was applicable to house arrest, which is considered, in view of its degree and intensity, to amount to deprivation of liberty within the meaning of this provision (see *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 104, 5 July 2016, with further references).

40. Having regard to the general principles outlined in *Korban v. Ukraine* (no. 26744/16, §§ 154-57, 4 July 2019), which are equally pertinent to the present case, the Court notes that the applicants were held under 24-hour house arrest from 23 April to 29 October 2020. The period under consideration, for the purposes of Article 5 § 3, is therefore some six months.

41. The Court observes that the applicants' complaint under Article 5 § 3 concerned solely the period during which they were under 24-hour house arrest. They did not raise any issue under the Convention with respect to their detention on remand from 8 June 2017 to 23 April 2020, and did not provide relevant court decisions extending their detention during the above period which lasted some two years and ten months. The Court nevertheless may take note of the above-mentioned period when analysing the justification for the applicants' house arrest.

42. The Court notes that, when rejecting the prosecutor's application to extend the applicants' detention after 23 April 2020, the trial court had regard to the fact that the previously indicated reasons for their detention were no longer relevant but decided to place them under house arrest considering that there remained a risk that the applicants might influence victims and witnesses (see paragraph 7 above). However, the trial court did not elaborate on the reasons why that risk persisted despite the applicants having been deprived of their liberty for almost three years.

43. Furthermore, the Court observes that although the trial court took into account the time the applicants have already spent in detention (*ibid*), it failed to have regard to the fact that by placing them under house arrest it effectively extended the period of their deprivation of liberty which had already been significantly lengthy.

44. Moreover, no further reasoning was provided in the trial court's decisions of 9 June, 3 July and 31 August 2020 extending the applicants' house arrest. It appears that the trial court limited itself to repeating a number of grounds for house arrest in an abstract and formulaic way, without referring

to any factual elements or reasons why it considered that those grounds were still relevant to the applicants' case (see paragraph 8 above).

45. As they were couched in general terms and contained repetitive phrases, the trial court's decisions concerning the applicants' house arrest did not suggest that the continued justification of their deprivation of liberty had been appropriately assessed, despite the passage of time.

46. The considerations in the preceding paragraphs are sufficient to conclude that, by using a standard formula merely listing the grounds for applying preventive measure without addressing the specific facts of the applicants' case, the domestic courts failed to give "relevant" and "sufficient" reasons to justify the need to impose and extend their house arrest.

47. There has accordingly been a violation of Article 5 § 3 of the Convention.

2. Alleged violation of Article 5 § 4 of the Convention

48. The applicants complained that they had not had an effective procedure by which to challenge the lawfulness of their house arrest given, in particular, the formalistic approach taken.

49. The Court observes that the applicants applied to the trial court to lift the measure of house arrest and that the trial court examined their applications along with the prosecutor's applications to extend the preventive measure. However, as the Court found under Article 5 § 3, in its decisions the domestic court used a standard formula merely listing the grounds for applying a preventive measure without addressing the specific facts of the applicants' case (see paragraphs 39-47 above).

50. Noting that the applicants' complaint under Article 5 § 4 concerns essentially the same defect, in the circumstances of the case the Court considers that no separate issue arises under the latter provision.

3. Alleged violation of Article 5 § 5 of the Convention

51. The Court reiterates that Article 5 § 5 has been complied with where it is possible to apply for compensation in respect of deprivation of liberty effected in conditions contrary to paragraphs 1, 3 or 4 (see *Stoichkov v. Bulgaria*, no. 9808/02, § 72, 24 March 2005). The right to compensation set forth in paragraph 5 presupposes therefore that a violation of one of the preceding paragraphs of Article 5 has been established, either by a domestic authority or by the Court.

52. In the present case the Court has found a violation of Article 5 § 3 of the Convention. It follows that Article 5 § 5 is applicable. The Court observes that there is no indication that the national law conferred on the applicants a right to compensation in their situation (see *Korneykova v. Ukraine*, no. 39884/05, § 80, 19 January 2012, *Strogan v. Ukraine*, no. 30198/11,

§§ 107-10, 6 October 2016, and *Rytikov v. Ukraine*, no. 52855/19, §§ 32-37, 23 May 2024, and further references therein). The Court finds no reason to reach a different conclusion in the present case.

53. It follows that there has been a violation of Article 5 § 5 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

54. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

55. The applicants claimed 10,000 euros (EUR) each in respect of non-pecuniary damage.

56. The Government contested those claims, saying they were unsubstantiated.

57. Ruling on an equitable basis, the Court considers it reasonable to award each of the applicants EUR 2000 in respect of non-pecuniary damage.

B. Costs and expenses

58. The applicants also claimed EUR 1,200 each for the costs and expenses incurred before the Court. They provided copies of legal service contracts signed with Mr M. Sosyedko who represented both applicants after the case was notified to the Government, and time sheets in respect of work done indicating that the lawyer had spent 22 hours for the work on each of the applicants' case for an hourly rate of EUR 100.

59. The Government contested that claim, arguing that the amount sought was excessive and unsubstantiated.

60. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the global sum of EUR 1,000 for the proceedings before it, plus any tax that may be chargeable to the applicants, to be paid directly to their representative Mr M. Sosyedko, as requested by the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Declares* admissible the complaints under Article 5 §§ 3, 4 and 5 of the Convention concerning the applicants' unjustified placement under house arrest, the lack of an effective procedure by which to challenge the lawfulness of their house arrest and the absence of an effective and enforceable right to compensation for the alleged violation of Article 5 § 3 of the Convention and the remainder of the application inadmissible;

3. *Holds* that there has been a violation of Article 5 § 3 of the Convention;

4. *Holds* that no separate issue arises under Article 5 § 4 of the Convention;

5. *Holds* that there has been a violation of Article 5 § 5 of the Convention;

6. *Holds*
   (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 2,000 (two thousand euros) to each applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses, to be paid directly to their representative Mr M. Sosyedko's bank account;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 5 March 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik Registrar	Kateřina Šimáčková President