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

FOURTH SECTION

CASE OF BAZHENOV AND OTHERS v. RUSSIA AND UKRAINE

*(Applications nos. 20092/18 and 11 others –
see appended list)*

JUDGMENT

Art 37 • Striking out applications • Art 37 § 1 (a) • Absence of intention to pursue parts of the applications with complaints against Ukraine • Lack of special circumstances relating to respect for human rights that required the continued examination of the complaints
Art 35 § 3 a) • *Ratione materiae* • Art 1 P1 • Possessions • Second applicant's complaint in relation to land purchased and registered under Russian law, contrary to Ukrainian law • Application of findings in *Ukraine v. Russia (*re *Crimea)* [GC] • Wholesale application of Russian law in Crimea after its admission to the Russian Federation, in breach of the Convention as interpreted in the light of international humanitarian law ("IHL") • No legal provision or legal act qualifying as "law" on which a legitimate expectation could be established • No basis for protecting the second applicant's interests from the "Namibia exception" • No possessions under Art 1 P1
Art 1 P1 • Deprivation of property • Cancellation by the Russian "courts", applying Russian law, of the remaining applicants' titles to plots of land in Crimea, which had previously been transferred into private ownership by the Ukrainian authorities • Disputed decisions not justified under IHL, as they were in contravention with the prohibition of confiscation in Article 46 of the Hague Regulations of 1907 • Deprivation not in accordance with the law •

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Interference resulted from an invalid legal act, giving rise to a continuing situation of deprivation
Art 6 § 1 (civil) • Tribunal established by law • Application of findings in *Ukraine v. Russia (*re *Crimea)* [GC] • Russian "courts" operating in Crimea in contravention of the Convention, as interpreted in the light of IHL and thus not "established by law"

STRASBOURG

16 July 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Bazhenov and Others v. Russia and Ukraine,

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

Lado Chanturia, *President*,
Lorraine Schembri Orland,
Faris Vehabović,
Ana Maria Guerra Martins,
Mykola Gnatovskyy,
Sebastian Răduleţu,
András Jakab, *judges*,
and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the applications against Russia and Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"), namely no. 20092/18 lodged against Russia and Ukraine by Mr Volodymyr Valeriyovych Bazhenov, a Ukrainian national ("the first applicant"); no. 30408/18 lodged against Russia by Ms Yelena Vasilyevna Melnik, a Russian national ("the second applicant"); no. 42807/18 lodged against Russia and Ukraine by Ms Svitlana Ivanivna Sklyarenko, a Ukrainian national ("the third applicant"); nos. 45907/18, 28518/19, 28521/19, 28525/19, 28528/19, 28530/19, 28532/19 and 28535/19 lodged against Russia and Ukraine by Mr Oleksandr Sergiyovych Bornyakov, a Ukrainian national ("the fourth applicant"); and no. 27314/19 lodged against Russia by Mr. Anatoliy Fedorovych Agafonov, a Ukrainian national ("the fifth applicant"; together – "the applicants"), on the various dates in the appended table;

the decision to give notice of the applications to the respondent Governments ("the Governments");

the applicants' and the Ukrainian Government's observations;

the third-party comments submitted in respect of application no. 27314/19 by the Ukrainian Government, represented by their Agent, Ms M. Sokorenko;

the decision of the President of the Section to appoint one of the elected judges of the Court to sit as an *ad hoc* judge in respect of Russia, applying by analogy Rule 29 § 2 of the Rules of Court (see *Kutayev v. Russia*, no. 17912/15, §§ 5-8, 24 January 2023);

Having deliberated in private on 9 June 2026 and on 23 June 2026,

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

INTRODUCTION

1. The case concerns the cancellation by the Russian authorities of the applicants' titles to plots of land in Sevastopol, Crimea, which had originally been transferred into private ownership by the Ukrainian authorities. They were reclaimed as public property on the basis that they were forest lands and

as such should have never been privatised (see for context *Ukraine v. Russia (*re *Crimea)* [GC], nos. 20958/14 and 38334/18, §§ 162 and 1137-40, 25 June 2024). The applicants relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention, with the exception of the fourth applicant, who relied only on Article 1 of Protocol No. 1. They further complained in substance of a violation of Article 13 of the Convention.

THE FACTS

2. The applicants' details and the names of their representatives are set out in the appended table.

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

I. THE APPLICANTS' TITLES TO LAND

4. In 2009 and 2010 the Sevastopol City Administration ("the SCA") and the Sevastopol City Council ("the SCC") made a number of decisions to transfer various plots of public land into private ownership so that "individual dachas" could be built on that land (for the Ukrainian law on land privatisation see paragraph 15 below). Those decisions concerned either groups of individuals who formed so-called "dacha cooperatives" (for example, the first to fourth applicants with the "Selena", "Blagopoluchnyy" and "Terra-Yug" cooperatives), or one individual (the fifth applicant's case).

5. Between 2010 and 2014 the Ukrainian authorities ran several inquiries into the process of allocating land to the said cooperatives and their members; the Ukrainian administrative courts eventually confirmed that the SCA's decisions had been lawful and the criminal investigation authorities discontinued their inquiries since there appeared to have been no offence.

6. The first and third applicants were the original owners of the land allocated by the SCA; the other applicants purchased their plots from private parties who had either originally had them privatised or had also purchased them from another private party (for a summary of the details concerning the acquisition of the land at issue see appended table).

7. At various times the applicants completed the necessary formalities required to register their titles on the relevant land registers and they obtained title documents to their plots of land. The first and second applicants, who did so after the Russian Federation had asserted jurisdiction over Crimea, had their titles registered in accordance with Russian law. The third, fourth and fifth applicants who had initially had their titles registered under Ukrainian law later chose to also have them registered under Russian law in the corresponding title and cadastral registers.

II. CANCELLATION OF THE FIRST, SECOND, FOURTH AND FIFTH APPLICANTS' TITLES BY THE RUSSIAN AUTHORITIES

8. Between 2015 and 2017 various Russian authorities in Sevastopol (such as the "Government of Sevastopol", the "Sevastopol department of property and land relations", and local prosecutors) brought actions against the first, second, fourth and fifth applicants in the "Balaklava District Court of Sevastopol" ("the Balaklava Court")[1] for the cancellation of their titles in order to reclaim their land as public property. The third applicant was involved as a third party in the proceedings against the second applicant.

9. The authorities argued that the transfer of the disputed plots of land into private hands in 2009 and 2010 had violated the Ukrainian law which then applied as they had been forest lands which could not be privatised (see Article 84 of the Land Code of Ukraine as cited in paragraph 15 below), and that the SCA and SCC had acted *ultra vires*. In their opinion, since the Ukrainian authorities' initial allocation of land had been unlawful, any succeeding titles and title documents would also be void. They therefore sought the cancellation of the applicants' titles and asked for the disputed plots of land to be "returned" into the pool of public property of the Russian Federation, relying on Articles 301 and 302 of the Civil Code of the Russian Federation in that regard (see paragraph 19 below).

10. The first, second, fourth and fifth applicants argued that the initial allocation of land by the Ukrainian authorities and the subsequent transfers of title had been lawful. The first and fifth applicants also asserted that the claims against them were time-barred. In her third-party submissions, the third applicant reiterated that the second applicant had acquired her land in good faith.

11. The "Balaklava Court" allowed the claims, essentially echoing the arguments of the Russian authorities. It cancelled the first, second, fourth and fifth applicants' titles, and ordered the return of their land to the State as public property without compensation. As to the claims being time-barred, it reasoned that since the claimants were not the successors of the Ukrainian authorities they had only become aware of the issues about the titles to the land after the annexation of Crimea. The applicants appealed, including the third applicant who appealed as a third party, but unsuccessfully (for the dates of the final decisions see the appended table).

III. CLAIM BY THE SECOND APPLICANT AGAINST THE THIRD APPLICANT

12. After her title was cancelled, the second applicant brought a claim against the third applicant for the sum she had paid for the land (for the sums

[1] The names of courts and legal actions operating under Russian law in Crimea are indicated in inverted commas.

paid for the land see the appended table). On 4 December 2017 the "Nakhimovskiy District Court of Sevastopol", relying on Article 461 of the Civil Code of the Russian Federation (see paragraph 19 below), allowed her claim in full and ordered the third applicant to pay her 2,250,945.94 Russian roubles (RUB; approximately EUR 32,200 at the material time) including interest and expenses, and a court fee of RUB 302.22 (EUR 4).

13. In her appeal, the third applicant argued that she had not been aware of any third parties having rights to her plot at the time of sale, and that she could not be held responsible for the subsequent cancellation of the second applicant's title. On 19 March 2018 the "Sevastopol City Court" dismissed the appeals of both the second and third applicants and upheld the judgment. Neither of them appealed further.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

14. A number of items of relevant material have been summarised in the Annex to the case of *Ukraine v. Russia (*re *Crimea)*, cited above, and are set out below.

I. LAW AND PRACTICE OF UKRAINE

A. Land Code (2002)

15. The relevant parts of the Land Code of 2002, as in force at the material time, read as follows:

Article 84. State ownership of land

"1. All land in Ukraine is in state ownership, except for land in municipal and private ownership.

...

4. State-owned land that cannot be transferred to private ownership includes:

...

e) forest lands, except as set out in this Code;

..."

Article 118. Free privatisation of land by citizens

"...

6. Citizens interested in obtaining, free of charge and within the relevant privatisation norms, a plot of land that is in state or municipal ownership, in order to ... construct an individual dacha ... shall apply to the relevant local, Kyiv or Sevastopol city state administrations, or to the village, town or city councils where the plot of land is located.

...

9. [An administration or council] that receives an approved planning application for the allocation of a plot of land ... shall make a decision to approve it and to transfer the plot of land into private ownership within two weeks."

Article 125. Emergence of the right to a plot of land

"The right of ownership over a plot of land, as well as the right of permanent use and the right to lease a plot of land, arise from the moment of the State registration of those rights."

Article 140. Grounds for termination of ownership of a plot of land

"Ownership over a plot of land can be terminated on the following grounds:

a) a voluntary waiver by the owner of the right to the plot of land;

b) the death of the owner of the plot of land in the absence of a successor in title;

c) the alienation of the plot of land by a decision of the owner;

d) repossession of a plot of land by a creditor;

e) the alienation of a plot of land for reasons of public necessity or for public purposes;

f) confiscation ordered by a court;

g) where foreigners and stateless persons have failed to dispose of their title within the prescribed period as specified by this Code."

B. Temporarily Occupied Territories Act (2014)

16. Section 11 of the Temporarily Occupied Territories Act, as in force at the material time, read as follows:

"...

4. Individuals, regardless of their refugee or other special legal status ... shall retain the right of ownership and other real rights to property, including land and buildings, particularly plots of land located within the temporarily occupied territory if they were acquired under the laws of Ukraine.

5. Acquisition and termination of the right of ownership to real estate located within temporarily occupied territory shall be carried out outside the temporarily occupied territory in accordance with Ukrainian law. ...

6. Any transaction related to land and buildings, including individual plots, which is carried out within temporarily occupied territory in violation of the requirements of this Law or other laws of Ukraine, shall be void from the moment of its execution and shall have no legal effects, other than those related to its invalidity."

C. Domestic investigations

17. Criminal proceedings on charges of large-scale expropriation and destruction of property in Crimea not justified by imperative military necessity were commenced on 12 March 2014 under no. 42014000000000080 under the supervision of the Prosecutor's Office of the Autonomous Republic

of Crimea and Sevastopol (“the ARC Prosecutor’s Office”). A pre-trial investigation there identified 39 victims who had supposedly been deprived of their property by Russian “courts” in Crimea, including the first and the fourth applicants.

18. On 30 June 2020 the ARC Prosecutor’s Office submitted the investigation file to the Prosecutor of the International Criminal Court for an assessment of whether the Russian authorities’ actions constituted war crimes.

II. LAW AND PRACTICE OF THE RUSSIAN FEDERATION

19. The relevant parts of the Civil Code of 1994, as in force at the material time, read as follows:

Article 301. Reclaiming property from the unlawful possession of another

“The owner has the right to reclaim his or her property from the unlawful possession of another.”

Article 302. Reclaiming property from a *bona fide* acquirer

“1. If the property has been purchased for consideration from a person who had no right to alienate it, and the acquirer is unaware and could not have been aware (the *bona fide* acquirer), the owner shall have the right to reclaim this property from the acquirer, if the said property was lost by the owner or by the person into whose possession the owner has passed the property, or if it was stolen from one or the other, or if it has left their possession in another way, in the absence of intention on their part to divest themselves of it.

2. If the property has been acquired without consideration from a person who had no right to alienate it, the owner shall have the right to reclaim the property in all cases.

3. Money and securities in respect of the property shall not be reclaimed from the *bona fide* acquirer.”

Article 461. Seller’s responsibility when the goods are withdrawn from the buyer

“1. If the goods are withdrawn from the buyer by third parties on the grounds that arose before the sale contract had been executed, the seller shall compensate the buyer’s damages unless he proves that the buyer knew or ought to have known about those grounds. ...”

20. The relevant parts of the Federal Constitutional Law no. 6-FKZ of 21 March 2014 (“the Law no. 6-FKZ”), which admitted the “Republic of Crimea” and the “City of Federal Importance of Sevastopol” to the Russian Federation, provided as follows:

Section 12. Legal effect of the documents issued by the state and other official bodies of Ukraine, the Autonomous Republic of Crimea or the City of Sevastopol

“...documents confirming civil status, education, ownership ... issued by the state and other official bodies of Ukraine, the Autonomous Republic of Crimea or the City of

Sevastopol, shall remain in force without limitations of their validity term or any approval by the state bodies of the Russian Federation ... unless otherwise follows from the documents themselves or the essence of the relationship."

Section 12.1. Regulatory aspects of particular spheres in the Republic of Crimea and the City of Federal Importance of Sevastopol

"1. Until 1 January 2017 the regulatory aspects of property, town-planning, land and forest relations, as well as relations in the sphere of cadastral registration of real estate and state registration of rights and transactions in respect of real estate may be regulated by the normative acts of the Republic of Crimea ... and Sevastopol ..."

Section 23. Legal force of the legislative and other normative acts of the Russian Federation in the Republic of Crimea and the City of Federal Importance of Sevastopol

"1. Legislative and other normative acts of the Russian Federation shall apply in the Republic of Crimea and the City of Federal Importance of Sevastopol from the day of [their] accession to the Russian Federation ..."

21. Article 302 § 1 of the Civil Code, as summarised in *Gladysheva v. Russia* (no. 7097/10, § 73, 6 December 2011), was interpreted by the Plenary of the Supreme Court of the Russian Federation and the Plenary of the High Commercial Court of the Russian Federation in their joint ruling of 29 April 2010, no. 10/22 "On certain questions arising in judicial practice in respect of resolution of disputes connected with the protection of property rights and other real rights" (ibid., § 37). They held, in particular, that for the property to be reclaimed from a *bona fide* acquirer, the original owner had to prove that the property had been alienated without intention to divest on their part. The highest courts explicitly instructed the courts of general jurisdiction to examine the intentions of the owner as a matter separate and distinct from the issue of whether or not the property transfer contract was a valid one.

III. REGULATIONS OF CRIMEAN LOCAL AUTHORITIES ADOPTED AFTER 27 FEBRUARY 2014

A. "Law of the City of Sevastopol no. 46-ZS of 25 July 2014 on the Regulatory Aspects of Land and Property Relations in Sevastopol"

22. Section 2 of this Act of the "Parliament of Sevastopol" implementing the provisions of Law no. 6-FKZ reads as follows:

"2. The right of ownership of natural and legal persons, including foreigners, over plots of land and other objects of real property which had come into being before the Federal Constitutional Law [no. 6-FKZ] came into force on the territory of the City of Sevastopol, shall be preserved."

B. "Resolution of the Government of Sevastopol no. 202 of 7 August 2014 on Documents Confirming Pre-Existing Rights"

23. The Annex to the Resolution listed the types of title documents issued by the Ukrainian authorities before 18 March 2014 which were recognised as proof of the relevant rights:

> "Documents confirming pre-existing rights [to real property] are those that were issued in Sevastopol before 18 March 2014 under the established procedures:
>
> 1) a state act for the right of ownership or permanent use over a plot of land, a state act on the right of collective ownership over a plot of land;
>
> 2) a civil contract concerning an object of real property, the rights to which are subject to compulsory state registration, or concerning rights *in rem*, or a counterpart of such a contract or its archival copy (including contracts of lease, exchange, gift, partition, consolidation of real property);
>
> 3) a certificate of ownership over a plot of land;
>
> ...
>
> 11) state or local government legislation providing a citizen with title to a plot of land;
>
> ..."

IV. INTERNATIONAL LAW AND PRACTICE

A. Treaty obligations and customary international law

1. Regulations Concerning the Laws and Customs of War on Land, annexed to the Hague Convention (IV) of 1907 ("The Hague Regulations")

24. The relevant parts of the Hague Regulations read as follows:

Article 43

> "The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

Article 46

> "Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.
>
> Private property cannot be confiscated."

2. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 ("GC IV")

25. Article 64 (2) GC IV provides:

"The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them."

3. *Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001) by the International Law Commission ("ARSIWA")*

26. Article 41 ARSIWA provides in the relevant parts:

Article 41. Particular consequences of a serious breach of an obligation under this chapter

"1. States shall cooperate to bring to an end through lawful means any serious breach within the meaning of article 40.

2. No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40, nor render aid or assistance in maintaining that situation.

..."

B. International Court of Justice (ICJ)

27. On 21 June 1971 the ICJ adopted the Advisory Opinion in *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa), notwithstanding Security Council Resolution 276 (1970)* (Advisory Opinion, *ICJ Reports* 1971, § 125), formulating the so-called "Namibia exception". It goes that while official acts performed by the government of South Africa on behalf of or concerning Namibia after the termination of the mandate were illegal and invalid, this invalidity could not be extended to those acts such as, for instance, the registration of births, deaths or marriages, the effects of which could be ignored only to the detriment of the inhabitants of that territory.

28. The Court also considers noteworthy the following passages from the ICJ's Advisory Opinion of 19 July 2024 in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion, *ICJ Reports* 2024, p. 753):

"122. According to Article 46 of the Hague Regulations, private property must be respected and cannot be confiscated. The Court observes that this prohibition of confiscation of private property is unqualified: it does not allow for exceptions, whether for military exigencies or on any other ground.

...

134. Under Article 43 of the Hague Regulations, the occupying Power must in principle respect the law in force in the occupied territory unless absolutely prevented from doing so. This rule is complemented by the second paragraph of Article 64 of the Fourth Geneva Convention, which exceptionally allows the occupying Power to:

"subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the [Fourth Geneva] Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them". ..."

V. OTHER INTERNATIONAL MATERIAL

A. United Nations (UN)

29. The Office of the United Nations High Commissioner for Human Rights ("the OHCHR") issued a report on 25 September 2017 on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) between 22 February 2014 and 12 September 2017. The relevant parts of that report read as follows:

"170. Following Crimea's occupation, the Russian Federation authorities proceeded with a large-scale nationalization of public and sometimes private property. Expropriation was done in disregard of ownership rights and without compensation ...

...

174. ... As of 12 September 2017, the Annex with the list of nationalized property had been amended 56 times and now contains 4,618 'nationalized' public and private real estate assets.

175. Similar processes have taken place in the city of Sevastopol. With the purpose of 'restoring social fairness and maintaining public order', the city authorities nationalized 13 companies and 30 real estate assets between February 2015 and July 2016. ..."

B. Organisation for Security and Co-operation in Europe (OSCE)

30. The Organisation for Security and Co-operation in Europe ("OSCE") issued a report on 17 September 2015, which was drafted after a joint Human Rights Assessment Mission in Crimea. The relevant parts of that report read as follows:

"...

70. Crimean *de facto* authorities in February 2015 reportedly identified 250 public enterprises that had been nationalized; while the Ministry of Justice of Ukraine estimated the actual number to include approximately 4,000 such enterprises, valued by Ukrainian authorities at over US$1 trillion. Additional to the list of 141 public properties Crimean *de facto* authorities designated in March 2014 for nationalization, countless other public and private properties have also reportedly been seized under

> recently enacted legislation – including a large portion of the tourism and industrial sectors. The Ukrainian Government claims that there have been thousands of cases of expropriations of private properties and enterprises from Crimean residents or IDPs who were the legal owners prior to annexation ...”

C. Crimea Platform

31. A material published on 16 August 2021[2] by the Crimea Platform, a diplomatic consultation and coordination format initiated by the Ukrainian Government, stated as follows:

> **Illegal expropriation of property of Ukraine and its citizens in Crimea**
>
> “...
>
> The expropriation also affected the private property of individuals and legal entities. During 2014-2017, at least 3,800 land plots were confiscated in the territory of the Autonomous Republic of Crimea and the city of Sevastopol due to the fact that the occupation authorities reconsidered the decisions of the state authorities of Ukraine to grant them ownership, including under the pretext of building infrastructure facilities on them by the occupying power. ...”

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. PRELIMINARY REMARKS

A. Jurisdiction

33. The Court notes that the facts giving rise to the claimed violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a Party to the Convention. The Court therefore decides that it has jurisdiction to examine the present applications in so far as they concern Russia (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, § 73, 17 January 2023, and *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, § 389, 30 November 2022).

34. The Court has previously established that the Russian Federation has exercised extraterritorial jurisdiction over Crimea, within the meaning of Article 1 of the Convention, in the form of “effective control of an area” as from 27 February 2014 (see *Ukraine v. Russia (*re *Crimea)*, cited above,

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[2] The relevant material can be consulted at https://crimea-platform.org/en/news/illegal-expropriation-property-ukraine-and-its-citizens-crimea (last accessed on 27 March 2026).

§§ 864 and 873, and *Ukraine v. Russia (*re *Crimea)* (dec.), cited above, §§ 315-35).

35. The applicants' complaints therefore fell within the jurisdiction of the Russian Federation within the meaning of Article 1 of the Convention.

36. In view of its decision to strike the parts of applications relating to complaints against Ukraine out of the list of cases (see paragraphs 38-43 below), the Court does not need to determine whether the first, third and fourth applicants' complaints also fell within the jurisdiction of Ukraine.

B. Russia's abstention from participation in the proceedings

37. The Russian Government did not comment on the admissibility or merits of the applications. However, their abstention from further participation in the proceedings does not release them from their duty to cooperate with the Court, which is not prevented from continuing with the examination of applications over which it retains jurisdiction. The Court may draw such inferences as it deems appropriate from a party's failure or refusal to participate effectively in proceedings (Rule 44C of the Rules of Court; see also *Georgia v. Russia (II)* (just satisfaction) [GC], no. 38263/08, §§ 25-27, 28 April 2023; *Svetova and Others v. Russia*, no. 54714/17, §§ 29-31, 24 January 2023; and *Glukhin v. Russia*, no. 11519/20, §§ 42-43, 4 July 2023).

C. Continued examination of complaints against Ukraine

38. The first, third and fourth applicants complained that the Ukrainian Government had not fulfilled their positive obligations under Article 1 of Protocol No. 1 as they had failed to preserve the land allocation documentation in the Crimean archives or to protect their property by diplomatic, economic, judicial or other means; they referred in this regard to the case of *Mozer v. the Republic of Moldova and Russia* ([GC], no. 11138/10, § 99, 23 February 2016).

39. Having communicated these complaints to the Ukrainian Government and received their observations, on 13 February 2023 the Court invited the applicants to provide their own observations together with any claims for just satisfaction. In their submissions to the Court of 24 and 30 April 2023, the first, third and fourth applicants stated that they had decided to "waive all claims against Ukraine".

40. In view of the foregoing, the Court considers that the first, third and fourth applicants may be regarded as no longer wishing to pursue those parts of their applications with complaints which are directed against Ukraine. The relevant parts of Article 37 § 1 (a) of the Convention provide:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

(a) the applicant does not intend to pursue his application; ...

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires.”

41. Before striking out a case, the Court must however consider whether there are any circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case (Article 37 § 1 *in fine*). In this respect, the Court considers that the subject matter of the complaints under scrutiny concerns a well-developed body of the Court’s case-law pertaining to rather similar issues (see *Mamasakhlisi and Others v. Georgia and Russia*, nos. 29999/04 and 41424/04, §§ 318-19, 7 March 2023, and *Ioannides v. Cyprus*, no. 32879/18, §§ 78-79, 16 January 2025, with further references). Accordingly, the Court considers that respect for human rights does not require it to continue the examination of the respective parts of these applications.

42. It is clear from the Court’s case-law that the power to strike out under Article 37 § 1 can be exercised with respect to parts of an application as well (see *Sisojeva and Others v. Latvia* (striking out) [GC], no. 60654/00, § 104, ECHR 2007-I).

43. In view of the above considerations, the Court finds it appropriate to strike the parts of applications nos. 20092/18, 42807/18, 45907/18, 28518/19, 28521/19, 28525/19, 28528/19, 28530/19, 28532/19 and 28535/19 which include complaints against Ukraine out of its list of cases.

III. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1

44. The applicants complained that the cancellation of their titles, the reclaiming of land they had owned up to that point, and the deprivation of the proceeds from the sale of the land (application no. 42807/18) had been unlawful and disproportionate, thereby breaching their rights under Article 1 of Protocol No. 1 to the Convention, which reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Admissibility

1. Exhaustion of domestic remedies

45. Given that the Russian Government did not raise any objections as to the admissibility of the complaints, the Court need not consider the matter of

exhaustion of domestic remedies of its own motion (see *Zarema Musayeva and Others v. Russia*, no. 4573/22, § 57, 28 May 2024).

2. Lack of "victim" status of the third applicant

46. Application no. 42807/18 concerns the sale of a plot of land by the third applicant to the second applicant in a transaction governed by Russian law in 2015, and the third applicant's subsequent claim that she has retained her title to the land under Ukrainian law, as any property transactions concluded in temporarily occupied territories in violation of Ukrainian law would be void (see paragraph 16 above). She therefore claimed to have been affected when the land was reclaimed by the Russian authorities.

47. The issue of whether an applicant has victim status is a matter which goes to the Court's jurisdiction and the Court can examine it of its own motion (see, among many other authorities, *Milashina and Others v. Russia*, no. 75000/17, § 43, 4 March 2025). Accordingly, the Court must first determine whether the third applicant can claim to be a victim of the alleged violation of Article 1 of Protocol No. 1 to the Convention.

48. In this respect, the Court reiterates that Article 34 requires a person, non-governmental organisation or group of individuals to be able to claim to be the victim of a violation of the rights set forth in the Convention in order to be able to lodge an application. A person may claim to be a victim of a violation by showing that he or she was "directly affected" by the measure complained about. The Court interprets the concept of "victim" autonomously, even though it will have regard to the fact that an applicant was a party to any domestic proceedings (see, among many other authorities, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, §§ 462, 465-66, 9 April 2024).

49. In light of the above principles, the Court notes at the outset that the third applicant had participated in two sets of proceedings (see paragraphs 8-13 above). In the first set of proceedings she was a third party who essentially supported the second applicant to whom she had sold the land (see paragraph 10 above). However, only the second applicant's rights were determined in those proceedings.

50. In the second set of proceedings, it was the third applicant who was directly affected as she was ordered to compensate the second applicant for her losses by returning the amount she had received for the land, with interest and expenses (see paragraph 12 above). The Court observes that, unlike the first set of proceedings, the second was conducted between two private parties without State involvement. Nevertheless, since the second applicant's claim was based on the earlier finding that the land had not been validly privatised, the Court finds that significant elements of public law were involved in the second set of proceedings as well, thus involving the State in its regulatory role (see *Gladysheva*, cited above, §§ 52-59 and 70).

51. Regarding the third applicant's argument that she has remained a titleholder under Ukrainian law despite having voluntarily sold the land and having confirmed in the domestic proceedings that she had transferred the title to the second applicant, the Court, without pronouncing on the legitimacy of the transaction at issue, reiterates its previous finding that remaining a registered owner of land cannot be considered as bestowing a property right (see, *mutatis mutandis*, *Kosmatska v. Ukraine*, no. 9953/16, § 35, 4 December 2025). The Court also notes in this regard the contradictory nature of the third applicant's claims in light of the principle of *nemo auditur propriam turpitudinem allegans* (no one can be heard whose claim is based on his own wrongdoing, see *Atasagün v. Türkiye* (dec.), no. 24621/21, § 65, 9 January 2024).

52. In conclusion, the Court finds that the third applicant lacks victim status in relation to the alleged violation of Article 1 of Protocol No. 1 to the Convention concerning the first set of proceedings, as those proceedings did not directly determine her rights or obligations**.** However, she can claim to have victim status in relation to the second set of proceedings, in which she was directly affected by a judicial decision obliging her to compensate the second applicant, a measure taken within the framework of the State's regulatory role**.**

It follows that the third applicant's complaint under Article 1 of Protocol No. 1 to the Convention, in so far as it concerns the first set of proceedings, is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

3. *Incompatibility* ratione materiae *of the first, second and third applicants' complaints*

53. The first and second applicants had registered their titles only under Russian law (see paragraph 7 above). They argued that the plots constituted possessions protected under Article 1 of Protocol No. 1. The first applicant claimed that he had acquired his rights to the land through the SCA's 2010 decision to allocate it. The second applicant argued that she had been a *bona fide* acquirer of the land and that her rights to it had been registered in accordance with Russian law. The third applicant argued that she had been deprived of the proceeds of sale of the land.

54. The Court notes that the Russian Government did not assert a lack of jurisdiction *ratione materiae*. Nevertheless, it reiterates that incompatibility *ratione materiae* is a matter that falls within the Court's jurisdiction, and it points out that the Court is obliged to examine whether it has jurisdiction at every stage of the proceedings (see, *Tănase v. Moldova* [GC], no. 7/08, § 131, ECHR 2010 and *Béláné Nagy v. Hungary* [GC], no. 53080/13, § 71, ECHR 2016). The Court will therefore consider the issue of its own motion.

55. The Court reiterates that the concept of "possessions" in the first paragraph of Article 1 of Protocol No. 1 has an autonomous meaning which is not limited to the ownership of material goods and is independent from the formal classification in domestic law. In the same way as material goods, certain other rights and interests constituting assets can also be regarded as "property rights", and thus as "possessions" for the purposes of this provision. In each case the issue that needs to be examined is whether the circumstances of the case, considered as a whole, conferred on the applicant title to a substantive interest protected by Article 1 of Protocol No. 1 (see, among many others, *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 171, ECHR 2012).

56. The Court reiterates that an applicant can complain of a violation of Article 1 of Protocol No. 1 only in so far as the impugned decisions related to his or her "possessions" within the meaning of this provision. "Possessions" can be either "existing possessions" or claims that are sufficiently established to be regarded as "assets", in respect of which the applicant can argue that he or she has at least a "legitimate expectation" of obtaining effective enjoyment of a property right (see *Kopecký v. Slovakia* [GC], no. 44912/98, § 35, ECHR 2004-IX, and *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 142 and 143, 20 March 2018). For an expectation to be legitimate, it must be more than a mere hope and must be based on a legal provision or a legal act such as a judicial decision that has a bearing on the property interest in question (see *Centro Europa 7 S.r.l. and Di Stefano*, cited above, § 173). No "legitimate expectation" can be said to arise where there is a dispute as to the correct interpretation and application of domestic law and the applicant's submissions are subsequently rejected by the national courts (see *Béláné Nagy v. Hungary* [GC], no. 53080/13, §§ 74 and 75, 13 December 2016).

57. The Court notes at the outset that neither the first nor the second applicant fulfilled the requirement of Ukrainian law of duly registering their titles, as outlined below.

58. The first applicant, to whom the land had been allocated under Article 118 of the Land Code of Ukraine, did not register his title to it under Article 125 (see paragraph 15 above).

59. The Court has previously accepted an applicant's interests in a plot of land to constitute possessions even where no decision on the allocation of the land had been made (see, *mutatis mutandis*, *Religious Community of Jehovah's Witnesses of Kryvyi Rih's Ternivsky District v. Ukraine*, no. 21477/10, § 67, 3 September 2019). It finds the SCA's decision allocating the plot of land to the first applicant to have been capable of creating at least a legitimate expectation of obtaining that plot. The Court considers that, when the Russian authorities brought proceedings against the first applicant, they treated him as the landowner at the relevant time (see, *mutatis mutandis*, *The former King of Greece and Others v. Greece* [GC], no. 25701/94, § 62,

ECHR 2000-XII). It follows that the first applicant's complaints under Article 1 of Protocol No. 1 to the Convention are compatible *ratione materiae* with that provision.

60. The second applicant purchased and registered the land under Russian law, contrary to the requirements of Ukrainian law (see paragraph 15 above), and also against the prohibition set out in the Temporarily Occupied Territories Act (see, similarly, *Taganova and Others v. Georgia and Russia*, nos. 18102/04 and 4 others, § 185, 17 December 2024, and paragraph 16 above).

61. The Court must therefore determine whether a transaction that was in breach of Ukrainian law from the outset could create any proprietary interest falling within the scope of protection afforded by Article 1 of Protocol No. 1. In this regard, the Court notes that the relevant provisions of international humanitarian law ("IHL", see paragraphs 24-25 above) do not explicitly mention property transactions made between private parties in occupied territory, while generally requiring the laws of the occupied country to be respected as far as possible. At the same time, the duty of non-recognition under general international law on responsibility of states for internationally wrongful acts as reflected in Article 41 ARSIWA (see paragraph 26 above) precludes the recognition of legal consequences resulting from serious breaches of international law.

62. The Court notes in this connection that the second applicant bought her land from the third applicant in a transaction governed by Russian law. In *Ukraine v. Russia (*re *Crimea)* (cited above, §§ 931-46) the Court found the wholesale application of Russian law in Crimea to be contrary to the Convention, as interpreted in the light of IHL, and held that it could not be regarded as "law" within the meaning of the Convention. Accordingly, there was no legal provision or legal act qualified as "law" on which the second applicant could have relied in order to establish a legitimate expectation in respect of the land in question.

63. Furthermore, the Court cannot derive any basis for protecting the second applicant's interests from the "Namibia exception" which has to be narrowly read (see *Loizidou*, cited above, §§ 44-45, and paragraph 27 above). The present case is therefore distinguishable from the situation in northern Cyprus, where the Court previously recognised the validity of certain civil, administrative or criminal-law measures adopted by the authorities of "TRNC", an internationally unrecognised entity, while concluding that its courts reflected a judicial tradition compatible with the Convention (see *Mozer*, cited above, §§ 137-141). The case at hand presents a distinct legal reality. This is because the Court previously found that a wholesale application of Russian law in Crimea after the annexation was not "lawful", in the light of the rules of IHL (see *Ukraine v. Russia (*re *Crimea)*, cited above, § 946). Furthermore, the Grand Chamber also distinguished that case from the cited cases (ibid., § 931-33). This divergence is also compounded

by the fact that the Russian Federation ceased to be a member of the Council of Europe in 2022, thereby excluding the territories under its effective control from the legal space (“*espace juridique*”) of the Convention, which was not the case for the territories under the effective control of Türkiye.

64. In these circumstances, the Court finds that the second applicant’s proprietary interests in the plot did not constitute possessions within the meaning of Article 1 of Protocol No. 1. This conclusion is without prejudice to any claim the second applicant may wish to lodge under Ukrainian law, whether currently or before any relevant authorities that may subsequently be established to decide on similar issues.

65. Finally, as regards the third applicant, the Court notes that, after disposing of the land which was subsequently claimed by the Russian authorities, she was also ordered to return the sum she had received for it (see paragraphs 12-13 above). This resulted in an imbalanced situation, leaving the third applicant with neither the land nor the money. Having already decided that the third applicant did not have victim status as regards the land (see paragraphs 49-52 above), the Court finds that the money received for the land constituted possessions belonging to the third applicant and protected under Article 1 of Protocol No. 1.

66. In view of the above, the Court concludes that the first (see paragraph 59 above) and the third applicants (see paragraph 65 above) had possessions within the meaning of Article 1 of Protocol No. 1 to the Convention, and that their complaints are therefore compatible *ratione materiae* with that provision. As regards the second applicant (see paragraph 64 above), her complaint under Article 1 of Protocol No. 1 is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4.

4. Compliance with the six-month time-limit by the fourth applicant

67. The fourth applicant lodged all eight of his applications more than six months after the final decisions were made by the Supreme Court of the Russian Federation in his cases (see the appended table). He claimed that his complaints related to a continuing situation, meaning the six-month rule set out in Article 35 § 1 of the Convention did not apply. He stated, in particular, that he remained the legal owner of the land in question and had retained his title under Ukrainian law, as all decisions taken by the Russian authorities in that respect were invalid.

68. According to the Court’s case-law, the deprivation of an individual’s home or property is in principle an instantaneous act and does not produce a continuing situation of “deprivation” in respect of the rights concerned. However, deprivation of property is not considered an instantaneous act if it results from a formal act that is invalid. An applicant can still be regarded as the legal owner of the property or other right at issue (see *Sargsyan*

v. Azerbaijan (dec.) [GC], no. 40167/06, §§ 83-87, 14 December 2011, with further references).

69. To determine whether the fourth applicant complied with the six month rule the Court needs to decide whether the disputed decisions of the Russian "courts" were instantaneous acts depriving him of the land or created a continuing situation of "deprivation". The Court must therefore decide whether those decisions were valid.

70. The issue of the validity of the Russian "courts'" decisions is closely linked to their "lawfulness" under Article 1 of Protocol No. 1. The Court therefore joins that issue to the merits of the case (see, *mutatis mutandis*, *Avendi OOD v. Bulgaria*, no. 48786/09, § 54, 4 June 2020).

5. *Conclusion on the admissibility*

71. Taking into account its findings under paragraphs 52, 66 and 70 above, the Court concludes that the remaining complaints under Article 1 of Protocol No. 1 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. *The parties' submissions*

(a) The applicants

72. The first and fourth applicants argued that the deprivation of their land had had no basis in law as it had been ordered by Russian "courts" in Crimea that were not recognised under international law. The first applicant also argued that the disputed decisions had been unlawful as they had violated Article 46 of the Hague Regulations and disregarded the principles of limitation and *res judicata*. Both claimed that in any case the deprivation had been disproportionate because no compensation had been given.

73. The fifth applicant argued that the deprivation of his land without compensation had been unlawful and disproportionate because the Russian "courts" could not review the Ukrainian authorities' privatisation decisions. He also argued that, as buyer, he had acted in good faith and so had the seller who had originally privatised his land.

74. The third applicant argued that the disputed decision ordering her to compensate the second applicant for her losses had been unlawful because it had been based on Russian law. She also argued that it had been disproportionate as it had not taken into consideration her *bona fide* conduct and had made her bear all the consequences of any mistakes made by the authorities. Lastly, she argued that she had been ordered to give more in compensation than she had received for the land, since the Russian "courts" had ordered additional payments for interest, expenses and a court fee.

(b) The third-party intervenor

75. The Ukrainian Government, in their third-party comments, argued that the disputed decisions had been contrary to IHL, in particular, to Article 46 of the Hague Regulations which prohibits the confiscation of private property, and had not been based on "imperative military necessity". They also observed that there had been a domestic investigation into the acts which had been claimed to constitute war crimes (see paragraphs 17-18 above).

2. *The Court's assessment*

(a) General principles

76. The Court reiterates that Article 1 of Protocol No. 1 comprises three distinct rules. The first rule, which is set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of peaceful enjoyment of property. The second rule, contained in the second sentence of the first paragraph, covers the deprivation of possessions and subjects it to certain conditions. The third rule, stated in the second paragraph, recognises that Contracting States are entitled, amongst other things, to control the use of property in accordance with the general interest, by enforcing such laws as they deem necessary for the purpose. However, the rules are not "distinct" in the sense of being unconnected. The second and third rules are concerned with particular instances of interference with the right to peaceful enjoyment of property and should therefore be construed in the light of the general principle enunciated in the first rule (see *Sargsyan v. Azerbaijan* [GC], no. 40167/06, § 217, ECHR 2015).

77. The first condition for any interference to be deemed compatible with Article 1 of Protocol No. 1 is that it should be lawful: the second sentence of the first paragraph authorises a deprivation of possessions only "subject to the conditions provided for by law". The rule of law, one of the fundamental principles of a democratic society, is inherent in all the Articles of the Convention (see, among many other authorities, *Lekić v. Slovenia* [GC], no. 36480/07, § 94, 11 December 2018; *G.I.E.M. S.r.l. and Others v. Italy* [GC], nos. 1828/06 and 2 others, § 292, 28 June 2018; and *Iatridis v. Greece* [GC], no. 31107/96, § 58, ECHR 1999-II). Any interference by a public authority with the rights protected under Article 1 of Protocol No. 1 must also pursue a legitimate aim in the general interest and be reasonably proportionate to the aim sought to be realised (*Ukraine v. Russia (*re *Crimea)*, cited above, § 1147).

78. The Court reiterates that in *Ukraine v. Russia (*re *Crimea)* it found the wholesale application of Russian law in Crimea to be contrary to the Convention, as interpreted in the light of IHL. Consequently, the Court held that Russian law could not be regarded as "law" within the meaning of the

Convention and that any administrative practice based on that law could not be considered as "lawful" or "in accordance with the law" (ibid., §§ 931-46).

79. Applying that logic to the property matters, the Court has found that a systematic campaign of large-scale expropriation/nationalisation of civilian and private enterprise property in Crimea, based on a package of the local *de facto* authorities resolutions/laws and the Russian Federation's laws, did not have a legal basis. It was not justified by "imperative military necessity" or "for the needs of the army of occupation". As such, it constituted the administrative practice of expropriation without compensation, in violation of Article 1 of Protocol No. 1 (ibid., §§ 1134-51).

(b) Application of these principles in the present case

80. In the circumstances of the present case, the Court considers that the first, third, fourth and fifth applicants' complaints should be examined under the second sentence of the first paragraph of Article 1 of Protocol No. 1 which covers the deprivation of possessions (see *Tverdokhlebova v. Ukraine*, no. 15830/16, § 38, 16 January 2025).

81. The Court will next decide whether the disputed decisions of the Russian "courts" in the present case were lawful, as they were primarily based on the laws of the Russian Federation, as well as Ukrainian law.

82. In this regard, the Court notes that, when questioning the legal validity of the initial allocation of land in the present case, the Russian "courts" referred to certain provisions of Ukrainian law governing the privatisation of land. However, they based the disputed decisions on provisions of Russian law, such as Articles 301 and 302 of the Russian Civil Code, and practice. The Russian "courts" also overlooked the regulations made by the Crimean local authorities to preserve existing property titles under Ukrainian law (see paragraphs 22-23 above). It appears that the Russian "courts" invoked alleged breaches of Ukrainian land privatisation law by the SCA and SCC solely as a pretext to justify the subsequent annulment of the titles under the provisions, and in accordance with the conditions, of Russian law (see paragraphs 19-21 above). The Court also notes that the applicants in the present case were not alone in this situation. International material shows that a large number of landowners were in a similar position (see paragraphs 29-31 above).

83. As regards the third applicant, the Court notes that, in granting the second applicant's claim against her, the Russian "courts" held the third applicant responsible under Article 461 of the Russian Civil Code for the alleged unlawful actions of the Ukrainian authorities who had previously allocated the land (see paragraphs 12-13 above).

84. The Court further notes that the Ukrainian authorities had previously considered whether the initial allocation of land by the SCA had been lawful under Ukrainian law and that they had eventually confirmed its lawfulness (see paragraph 5 above), but that they had not addressed the allocation of the plot of land by the SCC that was eventually bought by the fifth applicant.

Furthermore, the Court has repeatedly held in cases concerning the annulment of land titles that the grounds for termination of a property right over land are exhaustively listed in Article 140 of the Land Code of Ukraine. Where the authorities terminated property rights on other grounds, doubts as to the lawfulness of the interference were raised (see *Drozdyk and Mikula v. Ukraine*, nos. 27849/15 and 33358/15, §§ 44 and 47, 24 October 2024, and *Kosmatska*, cited above, § 39). Considering that the titles in the present case were cancelled under the provisions of Russian law applied by the Russian "courts", such measure could not be lawful under Article 1 of Protocol No. 1.

85. Lastly, the Court finds that the disputed decisions could not be justified under IHL. Regardless of whether or not they complied with Ukrainian law, they were in contravention with the prohibition of confiscation set out in Article 46 of the Hague Regulations, which does not allow for exceptions, whether for military considerations or on any other ground (see paragraphs 24 and 28 above). In the absence of any derogation by Russia under Article 15 of the Convention, or any submissions by their Government on this issue, the Court is satisfied that the decisions were not justified under IHL (see, *mutatis mutandis*, *Ukraine v. Russia (*re *Crimea)*, cited above, §§ 1134-35 and 1150; and *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 747, 9 July 2025).

86. It follows that the disputed decisions of the Russian "courts" were not in accordance with the law within the meaning of Article 1 of Protocol No. 1 to the Convention (see, *mutatis mutandis*, *Ukraine v. Russia (*re *Crimea)*, cited above, § 1145). This conclusion renders it unnecessary to consider whether the decisions complied with the other requirements of this Article, or to address the parties' other arguments.

(c) Continuing situation of "deprivation"

87. The Court reserved the question of whether the fourth applicant had complied with the six-month rule under Article 35 of the Convention (see paragraph 70 above). It will now examine that question.

88. The Court has found above that the disputed decisions were not in accordance with the law (see paragraph 86 above). Deprivation of property is not considered an instantaneous act if it results from an invalid legal act (see *Sargsyan* (dec.), cited above, §§ 83-87). The Court therefore finds that the fourth applicant, who never voluntarily disposed of his land, remains its legal owner, just like the first and fifth applicants, and that the interference with their rights constituted a continuing situation of deprivation.

89. The Court is therefore satisfied that the fourth applicant's eight applications (see the appended table) were lodged within the six-month time-limit under Article 35 of the Convention.

(d) Conclusion

90. The foregoing considerations are sufficient for the Court to conclude that the decisions of the Russian "courts" to cancel the titles and claim the plots of land belonging to the first, fourth and fifth applicants had no basis in law, were not lawful, and created a continuing situation of "deprivation". As regards the decisions of the Russian "courts" granting the second applicant's claim against the third applicant, those had equally no basis in law.

91. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention by the Russian Federation.

IV. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

92. The first, second, third and fifth applicants complained that they were denied a fair hearing by an independent and impartial tribunal established by law, in breach of Article 6 § 1 of the Convention, which reads in its relevant parts as follows:

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law."

93. The first and third applicants complained that the Russian "courts" were not "tribunals established by law" within the meaning of Article 6 § 1 of the Convention, read in the light of IHL. The second and fifth applicants essentially complained that the Russian "courts" had based their decisions on the assumption that the plots of land in question had previously belonged to the Russian Federation, thus ignoring Ukraine's sovereignty over Crimea and misapplying its law. The second applicant also stated that the "courts" had disregarded her evidence that, prior to its privatisation, her land had belonged to a Ukrainian state-owned enterprise. The first and fifth applicants additionally argued that the disputed decisions had been time-barred.

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

95. The Court has already held that the courts in Crimea which function in contravention of the Convention, as interpreted in the light of IHL, are not considered to have been "established by law" within the meaning of Article 6 § 1 of the Convention (see *Ukraine v. Russia (*re *Crimea)*, cited above, §§ 946 and 1016-22). The Court therefore finds that, in the absence of any new fact or argument capable of persuading it to reach a different conclusion, these findings still stand and that they are relevant to the first and third applicants' complaints.

96. With particular regard to the second applicant, the Court notes that it has already dismissed her property claims raised under Article 1 of Protocol No. 1 as being incompatible *ratione materiae* with the provisions of the Convention, in so far as she was not found to have entertained any legitimate

expectation to have her title protected so long as that title was unlawful (see paragraphs 62-64 above). With reference to the second applicant's complaint under Article 6, it concerns a set of proceedings initiated by the Russian authorities against her and finalised with the cancellation of the Ukrainian authorities' initial allocation of land and of all succeeding formal acts thereto (see paragraphs 8-11 above). In that connection, the Court reiterates that for Article 6 § 1 in its "civil" limb to be applicable, there must be a dispute ("contestation" in the French text) over a "right" which can be said, at least on arguable grounds, to be recognised under domestic law, irrespective of whether that right is protected under the Convention. The dispute must be genuine and serious; it may relate not only to the actual existence of a right but also to its scope and the manner of its exercise; and finally, the result of the proceedings must be directly decisive for the right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play (see *Z and Others v. the United Kingdom* [GC], no. 29392/95, §§ 87-89, ECHR 2001-V; and *Markovic and Others v. Italy* [GC], no. 1398/03, §§ 100-101, ECHR 2006-XIV). Article 6 has been found to be applicable to cases which might not initially appear to concern a civil right but which may have direct and significant repercussions on a private right belonging to an individual (see *De Tommaso v. Italy* [GC], no. 43395/09, § 151, ECHR 2017 (extracts); and *Mirovni Inštitut v. Slovenia*, no. 32303/13, § 29, 13 March 2018). In the light of the above-indicated principles and noting that the second applicant was a defendant party in civil proceedings lodged against her and which may be regarded as having had significant repercussions on her rights, the Court considers that the civil limb of Article 6 applies to the proceedings complained of by her.

97. That being said, regarding the second and fifth applicants' complaints, the Court observes that they essentially concern the issue of the Russian "courts'" lack of jurisdiction to decide on matters of Ukrainian law that had been determined prior to the occupation of Crimea. The question of the limits of their jurisdiction forms part of the question whether they comply with the requirement of a "tribunal established by law" (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 211-17, 1 December 2020). The Court is therefore satisfied that the aforementioned conclusion also applies to these complaints (see paragraph 95 above).

98. Lastly, given its findings that the tribunals were not established by law, the Court considers that it is not necessary to examine the complaints about specific procedural deficiencies, such as the assessment of evidence or limitation (see, *mutatis mutandis*, *Taganova and Others*, cited above, § 380).

99. The foregoing considerations are sufficient for the Court to conclude that the first, second, third and fifth applicants were not heard by a tribunal established by law, since the Russian "courts" were operating in Crimea in contravention of the Convention, as interpreted in the light of IHL.

100. There has accordingly been a violation of Article 6 § 1 of the Convention by the Russian Federation.

V. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION TAKEN IN CONJUNCTION WITH ARTICLE 1 OF PROTOCOL No. 1

101. Relying in substance on Article 13 of the Convention, the applicants complained that no effective remedies had been available to them in respect of their complaints under Article 1 of Protocol No. 1 to the Convention. Article 13 of the Convention provides:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

102. In light of its findings regarding the applicants' complaints under the relevant provision, the Court finds it unnecessary to examine the admissibility and merits of the applicants' complaint under Article 13 of the Convention (see, for example, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

103. 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

1. The parties' submissions

104. The first applicant claimed 78,000 euros (EUR) for his plot of land, relying on a property valuation report of 3 November 2022. That report showed that an average price per square metre for similar plots of land from the "Selena" dacha cooperative was 8,694 Russian roubles (RUB; approximately EUR 156 at the material time). He also sought EUR 8,000 for non-pecuniary damage.

105. The third applicant claimed the amount she had been ordered to return to the second applicant in addition to the price she had sold the land for (see paragraph 12 above). She also sought EUR 8,000 for non-pecuniary damage.

106. The fourth applicant claimed 870,900 Ukrainian hryvnias (UAH; approximately EUR 79,800 at the material time) for his ten plots of land (see the appended table for details). He also sought EUR 160,000 for non-pecuniary damage – EUR 20,000 for each of his eight applications.

107. Lastly, the fifth applicant claimed RUB 2,516,136 (approximately EUR 38,710 at the material time) as the 2017 cadastral value of his plot of land according to the Russian Land Cadastre, and invited the Court to apply an "inflation rate" to that sum. He also sought EUR 12,000 for non-pecuniary damage.

108. In his submissions the fifth applicant also claimed that it would not be possible to reopen the domestic proceedings because Russia had ceased to be a Party to the Convention, and that applying *restitutio in integrum* would equally not be possible because of a blanket restriction of land ownership in Crimea to Russian nationals only.

109. The Russian Government, which abstained from participation in the proceedings (see paragraph 37 above), did not comment on any of the claims.

2. *The Court's assessment*

(a) General principles

110. The Court reiterates that a judgment in which it finds a breach imposes on the respondent State a legal obligation to put an end to the breach and make reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach. If the nature of the breach allows of *restitutio in integrum*, it is for the respondent State to effect it. If, on the other hand, national law does not allow – or allows only partial – reparation to be made for the consequences of the breach, Article 41 empowers the Court to afford the injured party such satisfaction as appears to it to be appropriate (see, among many authorities, *Brumărescu v. Romania* (just satisfaction) [GC], no. 28342/95, §§ 19-20, ECHR 2001-I). The Court enjoys a certain discretion in the exercise of that power, as the adjective "just" and the phrase "if necessary" attest. To that end, it may have recourse to equitable considerations (see *Molla Sali v. Greece* (just satisfaction) [GC], no. 20452/14, § 32, 18 June 2020, with further references). Nevertheless, the Court is mindful of the fact that some situations – especially those involving long-standing conflicts – are not, in reality, amenable to full reparation (see *Chiragov and Others v. Armenia* (just satisfaction) [GC], no. 13216/05, § 53, 12 December 2017).

111. The Court further reiterates that there is no express provision for non-pecuniary or moral damage. In *Varnava and Others v. Turkey* ([GC], nos. 16064/90 and 8 others, § 224, ECHR 2009) and *Cyprus v. Turkey* ((just satisfaction) [GC], no. 25781/94, § 56, ECHR 2014), the Court confirmed the following principles, which it has gradually developed in its case-law. Situations where the applicant has suffered evident trauma, whether physical or psychological, pain and suffering, distress, anxiety, frustration, feelings of injustice or humiliation, prolonged uncertainty, disruption to life, or real loss of opportunity can be distinguished from those situations where the public vindication of the wrong suffered by the applicant, in a judgment binding on

the Contracting State, is an appropriate form of redress in itself. In some situations, where a law, procedure or practice has been found to fall short of Convention standards this is enough to put matters right. In other situations, however, the impact of the violation may be regarded as being of a nature and degree as to have impinged so significantly on the moral well-being of the applicant as to require something further. Such elements do not lend themselves to a process of calculation or precise quantification. Nor is it the Court's role to function akin to a domestic tort mechanism court in apportioning fault and compensatory damages between civil parties. Its guiding principle is equity, which above all involves flexibility and an objective consideration of what is just, fair and reasonable in all the circumstances of the case, including not only the position of the applicant but the overall context in which the breach occurred. Its non-pecuniary awards serve to give recognition to the fact that moral damage occurred as a result of a breach of a fundamental human right and reflect in the broadest of terms the severity of the damage (see *Sargsyan v. Azerbaijan* (just satisfaction) [GC], no. 40167/06, § 39, 12 December 2017).

112. Lastly, the Court observes that, depending on the circumstances of the case, it may be appropriate to make an aggregate award for pecuniary and non-pecuniary damage (see *Centro Europa 7 S.r.l. and Di Stefano*, cited above, § 222).

(b) Application of those principles in the present case

(i) As to the first, fourth and fifth applicants

113. The Court notes that the violations it has found in the present case regarding Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 have caused pecuniary losses to the first, fourth (a violation of Article 1 of Protocol No. 1) and fifth applicants, who have been unable to enjoy their property. It also has no doubt that these applicants suffered distress and frustration as a result of the respective violations.

114. In line with the submissions made by the fifth applicant (see paragraph 108 above), the Court considers that neither reopening of the domestic proceedings nor *restitutio in integrum* would be practically possible in the present case. The Court also refers to the information in its possession regarding the restrictions imposed by Russia that prevent Ukrainian nationals from owning land in Crimea (see *Ukraine v. Russia (*re *Crimea)*, cited above, § 159).

115. It follows that in awarding just satisfaction corresponding to the breaches found, the Court must determine the amount of compensation to be paid to the applicants concerned whose rights under Article 6 § 1 of the Convention (except for the fourth applicant) and Article 1 of Protocol No. 1 were violated by the Russian Federation.

116. There was a stark difference in the valuations provided by the various applicants concerning presumably similar plots of land, in terms of size and location (see paragraphs 104-107 above). This difference was evident in the prices originally paid by the applicants for their land, and the valuation of those plots at the relevant time (see the appended table for details). The Court also notes that these figures had been collected over a ten-year period, from 2012 to 2022, against the backdrop of the dramatic events in Crimea.

117. Against this background involving a large number of imponderables and given the impossibility of quantifying the applicants' losses in exact terms having mainly regard to the continuous nature of the violation of their rights, the Court finds it appropriate to award an aggregate sum for pecuniary and non-pecuniary damage. Making its assessment on an equitable basis and taking into consideration the size and quantity of the plots of land concerned, the Court awards the following sums, covering all heads of damage, plus any tax that may be chargeable to the applicants: EUR 30,000 to the fourth applicant, EUR 10,000 to the fifth applicant, and EUR 8,000 to the first applicant.

(ii) As to the second and third applicants

118. The second and third applicants claimed compensation for the plot of land which the latter had sold to the former. The Court has already found the relevant complaints inadmissible (see paragraphs 52 and 64 above) and therefore rejects these claims.

119. As regards the third applicant's claim for the money that she had been ordered to return to the second applicant (see paragraphs 12-13 above), the Court reiterates that where an applicant has been ordered by a domestic court to make a payment in proceedings which have subsequently been found to be in breach of the Convention, that applicant cannot be reimbursed or compensated under Article 41 of the Convention if the payment has not yet been made (see *Agapov v. Russia*, no. 52464/15, § 67, 6 October 2020).

120. The third applicant did not provide the Court with any documentation to show that she had actually paid the amount she was ordered to pay, nor did she claim to have done so. Accordingly, the Court rejects her remaining claim for compensation for pecuniary damage.

121. Lastly, with regard to the distress and frustration suffered by the second applicant, on account of the violation of her rights under Article 6 § 1 of the Convention, and by the third applicant, on account of the violations of her rights under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, the Court, ruling in equity, awards them, respectively, EUR 3,000 and EUR 4,000 in respect of non-pecuniary damage.

B. Costs and expenses

122. The applicants claimed the amounts set out in the appended table for the costs and expenses incurred before the Russian "courts" and before the Court. In that regard, the Court also notes that the fifth applicant was granted legal aid.

123. 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 (see *Sargsyan v. Azerbaijan* (just satisfaction), cited above, §§ 62-63).

124. In the present case, regard being had to the documents in its possession, the above criteria and, where relevant, to the *ne ultra petita* principle, the Court considers it reasonable to award the amounts specified in the appended table covering costs under all heads, plus any tax that may be chargeable to the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that it has jurisdiction to deal with the applicants' complaints against the Russian Federation in so far as they relate to facts arising before 16 September 2022;

2. *Decides* to join the applications;

3. *Decides* to strike the first, third and fourth applicants' complaints against Ukraine out of its list of cases;

4. *Decides* to join to the merits of the fourth applicant's complaint under Article 1 of Protocol No. 1 to the Convention the preliminary issue concerning the legality of the Russian "courts" decisions cancelling his titles to land and *dismisses* it;

5. *Declares* the complaints against the Russian Federation under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention admissible, and *declares* the second and the third applicants' complaints under Article 1 of Protocol No. 1 to the Convention concerning the deprivation of a plot of land inadmissible;

6. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention by the Russian Federation in relation to the first, fourth and fifth applicants on account of the deprivation of their land, and in relation to the third applicant – on account of the deprivation of the proceeds from the sale of her land;

7. *Holds* that there has been a violation of Article 6 § 1 of the Convention by the Russian Federation in relation to the first, second, third and fifth applicants;

8. *Holds*
   (a) that the Russian Federation 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:
      (i) EUR 30,000 (thirty thousand euros) to the fourth applicant, plus any tax that may be chargeable, in respect of both pecuniary and non-pecuniary damage;
      (ii) EUR 10,000 (ten thousand euros) to the fifth applicant, plus any tax that may be chargeable, in respect of both pecuniary and non-pecuniary damage;
      (iii) EUR 8,000 (eight thousand euros) to the first applicant, plus any tax that may be chargeable, in respect of both pecuniary and non-pecuniary damage;
      (iv) EUR 4,000 (four thousand euros) to the third applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (v) EUR 3,000 (three thousand euros) to the second applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (vi) the amounts indicated in the appended table, plus any tax that may be chargeable, in respect of costs and expenses;
   (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;

9. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Lado Chanturia President

APPENDIX

List of cases:

<table>
<tr><th>No.</th><th>Application no.
Case name
Lodged on</th><th>Applicant's name
Year of Birth
Place of Residence
Nationality</th><th>Represented by</th><th>Type of property</th><th>Acquisition details</th><th>Final decision</th><th>Claims for costs and expenses</th><th>Awards made by the Court under Article 41 of the Convention in respect of costs and expenses</th></tr>
<tr><td>1.</td><td>20092/18
Bazhenov v. Russia and Ukraine
16/04/2018</td><td>Volodymyr Valeriyovych BAZHENOV
1972
Sevastopol
Ukrainian</td><td>Sergiy Anatoliyovych ZAYETS</td><td>Land plot no. 14-Б/115 (500 sq. m), Sevastopol Zone of the Southern Coast of Crimea</td><td>Allocated to Mr Bazhenov by the SCA decision no. 680-р dated 18/03/2010 (re "Selena" cooperative); title registered in 2015</td><td>Supreme Court of the Russian Federation, 16/10/2017</td><td>RUB 40,000 – before the domestic "courts";

EUR 2,965.50 – before the Court</td><td>EUR 2,000 to be paid directly into the bank account of the applicant's representative Mr Zayets</td></tr>
<tr><td>2.</td><td>30408/18
Melnik v. Russia
15/06/2018</td><td>Yelena Vasilyevna MELNIK
1965
Sevastopol
Russian</td><td>Natalya Yuryevna MOROZOVA</td><td rowspan="2">Land plot no. 61/99 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea</td><td rowspan="2">Allocated to Ms Sklyarenko by the SCA decision no. 678-р dated 18/03/2010 (re "Blagopoluchnyy" cooperative) who registered her title in 2013; purchased by Ms Melnik from Ms Sklyarenko in 2015 for RUB 2,156,000 (EUR 28,750)</td><td>Supreme Court of the Russian Federation, 22/12/2017</td><td>EUR 5,500</td><td>EUR 2,000 to be paid directly into the bank account of the applicant's representative Ms Morozova</td></tr>
<tr><td>3.</td><td>42807/18
Sklyarenko v. Russia and Ukraine
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1965
Sevastopol
Ukrainian</td><td>Sergiy Anatoliyovych ZAYETS</td><td>Supreme Court of the Russian Federation, 28/02/2018

"Sevastopol City Court", 19/03/2018</td><td>RUB 60,000 – before the domestic "courts";

EUR 4,390.50 – before the Court</td><td>EUR 2,000 to be paid directly into the bank account of the applicant's representative Mr Zayets</td></tr>
</table>

No.	Application no. Case name Lodged on	Applicant's name Year of Birth Place of Residence Nationality	Represented by	Type of property	Acquisition details	Final decision	Claims for costs and expenses	Awards made by the Court under Article 41 of the Convention in respect of costs and expenses
4.	45907/18 Bornyakov v. Russia and Ukraine 24/09/2018	**Oleksandr Sergiyovych BORNYAKOV** 1982 Odesa Ukrainian	Andriy Viktorovych LESHCHENKO	Land plot no. 57/46 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea	Ten plots of land allocated to different individuals by the SCA decision no. 1072-p dated 06/04/2010 (re "Terra-Yug" cooperative); all purchased by Mr Bornyakov in 2014 for UAH 870,9000 (EUR 79,800) in total – UAH 86,400 to UAH 96,300 per a plot (EUR 8,000 to 8,800), in line with their expert valuation at the time	Supreme Court of the Russian Federation, 26/10/2017	UAH 64,000 (EUR 1,609) plus 15% from the Court's award to the applicant	EUR 1,609 to be paid directly into the bank account of the applicant's representative Mr Leshchenko
	28518/19 Bornyakov v. Russia and Ukraine 26/04/2019			Land plot no. 57/48 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea		Supreme Court of the Russian Federation, 03/03/2017		
	28521/19 Bornyakov v. Russia and Ukraine 26/04/2019			Three plots of land located in Sevastopol Zone of the Southern Coast of Crimea: 1) no. 57/47 (1,000 sq. m) 2) no. 57/58 (1,000 sq. m) 3) no. 57/45 (1,000 sq. m)		Supreme Court of the Russian Federation, 03/03/2017		
	28525/19 Bornyakov v. Russia and Ukraine 26/04/2019			Land plot no. 57/56 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea		Supreme Court of the Russian Federation, 20/02/2017		

No.	Application no. Case name Lodged on	Applicant's name Year of Birth Place of Residence Nationality	Represented by	Type of property	Acquisition details	Final decision	Claims for costs and expenses	Awards made by the Court under Article 41 of the Convention in respect of costs and expenses
	28528/19 Bornyakov v. Russia and Ukraine 26/04/2019			Land plot no. 57/57 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea		Supreme Court of the Russian Federation, 28/02/2017		
	28530/19 Bornyakov v. Russia and Ukraine 26/04/2019			Land plot no. 57/49 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea		Supreme Court of the Russian Federation, 28/02/2017		
	28532/19 Bornyakov v. Russia and Ukraine 26/04/2019			Land plot no. 57/59 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea		Supreme Court of the Russian Federation, 03/03/2017		
	28535/19 Bornyakov v. Russia and Ukraine 26/04/2019			Land plot no. 57/60 (1,000 sq. m), Sevastopol Zone of the Southern Coast of Crimea		"Balaklava District Court of Sevastopol", 27/01/2016		
5.	27314/19 Agafonov v. Russia 13/05/2019	**Anatoliy Fedorovych AGAFONOV** 1941	Yegor Leonidovych BOYCHENKO	Land plot no. 53/104 (700 sq. m), Sevastopol Zone of the	Allocated to a certain Ms P by the SCC decision no. 9004 dated 15/12/2009; purchased by	Supreme Court of the Russian Federation, 16/01/2019	EUR 1,200 after excluding legal aid	EUR 1,150 to be paid directly into the bank account of the applicant's representative Mr Boychenko

No.	Application no. Case name Lodged on	Applicant's name Year of Birth Place of Residence Nationality	Represented by	Type of property	Acquisition details	Final decision	Claims for costs and expenses	Awards made by the Court under Article 41 of the Convention in respect of costs and expenses
		Mykolaiv Ukrainian		Southern Coast of Crimea	Mr Agafonov from Ms P in 2012 for UAH 224,000 (EUR 20,550) with expert valuation of UAH 120,847 (EUR 11,100)			