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

FIFTH SECTION

DECISION

Application no. 31707/18
Dmytro Vyacheslavovych BONDAR
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 28 May 2026 as a Committee composed of:

María Elósegui*, President*,
Andreas Zünd,
Mykola Gnatovskyy*, judges*,
and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 31707/18) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 June 2018 by a Ukrainian national, Mr Dmytro Vyacheslavovych Bondar ("the applicant"), who was born in 1993 and lives in Rivne, and was represented by Ms L. V. Opryshko, a lawyer practising in Kyiv;

the decision to give notice of the complaint under Article 10 of the Convention to the Ukrainian Government ("the Government"), represented by their Agent, Ms M. Sokorenko, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns a prohibition in respect of the applicant, a journalist, on attending and making a video-recording of the assembly of judges of a local court. The applicant relied on Article 10 of the Convention.

2. The applicant is a journalist, who, at the time of the events, worked for a journalistic organisation, Agency for Journalistic Investigations, located in the town of Rivne.

3. On 30 March 2015 an invitation to the press to attend a meeting on 2 April 2015 of the assembly of judges of the Rivne Regional Commercial Court ("the Regional Court") was published on that court's official website. The invitation stated that representatives of the press wishing to attend had to submit their requests by 3 p.m. on 1 April 2015. During the assembly, a head of the court had to be elected. Section 126 of the Law on the Judiciary and the Status of Judges ("the Law on the Judiciary"), as in force at the material time, stated that the assembly of judges was a self-governing body of judges empowered to decide on all internal matters related to the functioning of a court, including electing judges to administrative positions. The public and the press could be invited to the assembly's meetings.

4. On 2 April 2015 the applicant arrived at the court accompanied by his cameraman. They were recording video from the moment they approached the court's premises; the video is available online[1]. It appears that the applicant had not informed the Regional Court about his attendance in advance. The applicant submitted that his task had been to prepare content on how the election of the head of the court would take place and the criteria used to evaluate candidates. The applicant alleged that project had been important in the light of the recent judicial reform, which had been necessitated by a lack of trust in the judiciary following the events of the Revolution of Dignity in 2013-14.

5. It appears that, on his arrival, the applicant informed the court's officials, including its head, Mr T., that he intended to record video. The applicant stated that, in reply, he had been asked to wait until the assembly of judges had decided on that matter. Some time later, he was informed that the judges had decided to invite him to attend on condition that no video would be recorded, only audio and the taking of photographs had been permitted. The applicant disagreed, stating that it violated his rights as a journalist.

6. A heated conversation with Mr T. ensued. The latter emphasised several times that the applicant could be present on condition that no video be recorded. The applicant, after being asked whether he would agree, did not unequivocally confirm that he would comply, saying, "We will see" (minutes 8:25-8:28 in the video; see footnote 1 in paragraph 4 above for the link to the video). Mr T. then returned to the meeting room and locked the door behind him. The applicant remained in the corridor and was unable to attend the meeting.

7. It appears that no other representatives of the press were present at the meeting on that day. The assembly re-elected Mr T. as head of the Regional Court.

8. On the same day the applicant submitted a criminal complaint under Article 171 of the Criminal Code (obstructing the lawful professional activities of journalists). On 23 April 2015 he was informed by the police that

[1] https://www.youtube.com/watch?v=43YPuZ5RlFU

no criminal case had been initiated as there had been no elements of an offence.

9. On 6 April 2015 the applicant submitted a request to the Regional Court, asking it to provide him with a copy of the minutes of the assembly's meeting. It was apparent from the document sent to him in reply that the assembly had voted to allow the presence of the press during its meeting and that only audio-recording and the taking of photographs had been permitted. The minutes did not contain any reference to any legal provisions on that matter.

10. The applicant challenged before an administrative court the refusal to allow him to attend the assembly and record video. He relied mainly on the Law on Access to Public Information ("the Law on Access"), asserting that his access to information which had been of great public interest, that is, the election of a head of a court, had been restricted. He relied on section 3(1)(4) of that Law, which provided that the right of access to public information was ensured by way of granting access to the meetings of collegiate authorities. He also relied on Article 34 of the Constitution, which guaranteed the right to information and on section 25 of the Law on Information, which provided that journalists had a right to make audio and video-recordings, to have unhindered access to the premises of the authorities and to attend any public events held by them, with the exceptions established by law. Lastly, the applicant relied on the Law on the Judiciary in the context of the power of a judges' assembly to limit the means by which journalists could exercise their activities.

11. His claim was refused by the courts at three levels of jurisdiction with the final judgment adopted by the Supreme Court on 7 February 2018. The courts found that the Law on Access defined public information as previously existing information, that is, information that had been documented in any form. It guaranteed access to public information by way of systematic publication of certain types of information by the authorities and by way of the submission of requests for access to public information. Furthermore, section 24 of the Law on Access established liability for breaches of that Law in a number of situations (for example, non-provision of a reply to a request for access to public information and provision of incomplete or misleading information), neither of which concerned the situation under consideration, even though section 3(1)(4) of the Law on Access, referenced by the applicant, indeed provided that access to public information was ensured by the possibility of accessing the meetings of collegiate authorities.

12. After analysing the case in the light of other legislative provisions, particularly the Law on the Judiciary, the domestic courts found that decisions to invite the public to the meetings of the judges' assemblies and on all related matters was at the discretion of the assembly as a self-governing body of judges. In general, the courts concluded that there had been no violation of the applicant's rights.

THE COURT'S ASSESSMENT

13. The applicant complained under Article 10 of the Convention that his right to obtain and disseminate information had not been respected and that he had been denied access to publicly important information.

14. The Government raised several arguments as to admissibility of the application.

15. Firstly, they argued that the applicant had failed to exhaust available domestic remedies. In particular, in so far as he complained about the physical obstruction to accessing the assembly's meeting, he could have lodged a criminal complaint; the administrative proceedings initiated by him had clearly not been a proper remedy for that complaint. They also asserted that the applicant could have initiated civil proceedings under Articles 23 and 299 of the Civil Code, seeking protection of his personal and professional rights (protection of honour and dignity) and an award in respect of non-pecuniary damage.

16. The Government further argued that the applicant had not been a victim of the alleged violation, as, after being offered attendance at the meeting on condition of not recording video, he had – of his own volition – decided not to attend the meeting at all. He thus could not claim to have suffered any adverse consequences.

17. Lastly, the Government contended that no interference with the applicant's freedom of expression had occurred, as his right to gather information had been ensured by him being allowed to attend the meeting and take written notes, make audio-recordings and take photographs. The applicant had failed to explain why those methods of information gathering had been impractical or ineffective or why recording video had been so crucial in the circumstances. They asserted that the "threshold for the interference" had not been attained. In any event, in the Government's view, the decision not to allow the recording of video had been taken by the self-governing body of judges, which had been empowered to decide on all internal matters by way of a democratic vote and therefore that decision could not be said to be unlawful. It had been aimed at ensuring the orderly functioning of the assembly's meeting and protecting the rights of the persons participating in it. Lastly, it had been proportionate, as the applicant had not been completely precluded from attending the meeting – only one means of information-gathering had not been allowed. In that respect, the Government submitted that the case differed from *Magyar Helsinki Bizottság v. Hungary* ([GC], no. 18030/11, 8 November 2016) and *Timur Sharipov v. Russia* (no. 15758/13, 13 September 2022). They concluded that the application was inadmissible as manifestly ill-founded.

18. As regards the Government's arguments relating to non-exhaustion of domestic remedies, the applicant disagreed on all points. As to the criminal remedy, he asserted that he had tried to initiate relevant criminal proceedings

(see paragraph 8 above), but no case had been opened. He argued in that regard that, in any event, that remedy had been ineffective and that not a single case had ever been decided in the journalists' favour. In that connection, he submitted that the Government had failed to show, with relevant examples, that that remedy had been effective. As regards the civil remedy proposed by the Government, the applicant submitted that a claim in respect of protection of dignity and honour had had nothing to do with the issue of access to public information and information gathering as part of journalistic activities. In general, he submitted that, by lodging his claim with the administrative court, he had made use of the only available and effective remedy.

19. The applicant also disagreed with the Government's other arguments. Referring to *Magyar Helsinki Bizottság* (cited above, §§ 149-80), in which the Court had established the criteria as regards access to public information, he argued that all of them had been complied with in his case. In particular, as a journalist he had the role of "public watchdog"; he had intended to gather information on an important topic relating to the activities of the judiciary and that information had been "ready and available", as the assembly of judges had been held on a particular day and the press had been invited. On the basis of the facts above, the applicant argued that Article 10 had been applicable and that he had been a victim of a violation of that provision.

20. The Court notes at the outset that both at the domestic level and before it the applicant relied predominantly on the legal regime pertaining to the right of access to public information. Indeed, the applicant's arguments as to admissibility of his complaint contained an analysis of the criteria developed in *Magyar Helsinki Bizottság* (cited above) only. The Court observes in that connection that while the situation complained of may be seen as pertaining to the right of access to public information, there are doubts whether the fourth criteria as established in *Magyar Helsinki Bizottság*, that is, in particular, that the information requested must be "ready and available", has been complied with. At the same time, being the master of characterisation to be given in law to the facts of the case, the Court is not bound by the characterisation given by the applicant or a Government (see *Guerra and Others v. Italy*, 19 February 1998, § 44, *Reports of Judgments and Decisions* 1998-I, and *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018). In view of the observations above, it considers that the applicant's complaint must be examined in the light of broader guarantees of Article 10 of the Convention in respect of journalists.

21. The Court reiterates in that connection that the gathering of information is an essential preparatory step in journalism and a protected part of press freedom. A restriction on a journalist's research and investigative activities always calls for the closest scrutiny by the Court on account of the great danger inherent in attempts to restrict preparatory journalistic steps. Indeed, obstacles created in order to hinder access to information which is of

public interest may discourage those working in the media or related fields from pursuing such matters. As a result, they may no longer be able to play their vital role as "public watchdogs," and their ability to provide accurate and reliable information may be adversely affected (see *Timur Sharipov*, cited above, § 25, with further references, and *Amaghlobeli and Others v. Georgia*, no. 41192/11, § 36, 20 May 2021). The concept of responsible journalism, as a professional activity which enjoys the protection of Article 10 of the Convention, is not confined to the contents of information which is collected and/or disseminated by journalistic means. This concept also encompasses, amongst other things, the lawfulness of the conduct of a journalist, including his or her public interaction with the authorities when exercising journalistic functions (see, *Timur Sharipov,* § 35, and *Amaghlobeli and Others,* § 37, both cited above*)*.

22. The applicant in the present case intended to gather information by attending the meeting of the assembly of judges in his capacity as a journalist. This activity formed a part of his duties which served the important public interest regarding the functioning, and in particular the transparency, of the judiciary. Given the fundamental role of the judiciary in any democratic society, the Court considers that the applicant exercised his freedom of expression as a "public watchdog" and that the protection of Article 10 of the Convention therefore applies to his activity. His complaint is therefore compatible *ratione materiae* and *ratione personae* with the provisions of the Convention.

23. The Court further observes that the applicant sought to have the situation remedied at the domestic level by submitting an administrative claim under the provisions of the Law on Access, and notes that it was examined on the merits by the courts at three levels of jurisdiction. The Court does not overlook that the applicant also sought to initiate criminal proceedings for obstruction to the lawful professional activities of journalists, but no case was opened. It is true that the applicant did not, apparently, challenge that decision, but the Court does not consider that that can be held against the applicant, considering that he pursued the proceedings before the administrative courts, thus making use of a remedy reasonably related to the subject matter of his complaint before the Court. That conclusion is likewise applicable to Government's other arguments as they pertain to non-exhaustion of domestic remedies. In any event, the Court does not need to rule on those matters, as the application is inadmissible for the following reasons.

24. In the present case, the applicant was not allowed to conduct video recording of the assembly of judges on the basis of a decision of the assembly itself, which was a self-governing body of judges. According to the domestic courts, the assembly, owing to its status, was empowered to decide on such matters (see paragraph 12 above). Having received that refusal, the applicant decided not to attend at all. The Court notes that in certain situations, video

recording of certain events may be necessary or highly desirable, particularly to ensure accuracy of reporting, but the applicant failed to explain why it was strictly necessary in the circumstances and why his personal presence during the assembly, which had been offered to him with the possibility of taking notes, audio-recordings and photographs, was not sufficient to effectively fulfil his intention or task of reporting on the matter (see, *mutatis mutandis*, *P4 Radio Hele Norge Asa v. Norway* (dec.), no. 76682/01, 6 May 2003, and *Shapovalov v. Ukraine*, no. 45835/05, § 74, 31 July 2012; contrast *Timur Sharipov*, cited above, § 38).

25. The Court further considers that the domestic courts conducted a full and detailed examination in relation to the applicant's right to freedom of expression (even if it was in the context of the right of access to public information, as framed by the applicant himself), and gave reasons for their decisions, which cannot be said to have been inadequate or manifestly arbitrary. Considering the adequacy of the domestic judicial review, the Court does not see any strong reason to substitute its own assessment for that of the domestic courts (see *Amaghlobeli and Others*, cited above, §§ 38 and 41).

26. It follows that the application is inadmissible and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 18 June 2026.

Martina Keller Deputy Registrar	María Elósegui President