

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

FIFTH SECTION

CASE OF KHOMAN v. UKRAINE

(Application no. 12308/19)

JUDGMENT

STRASBOURG

9 April 2026

This judgment is final but it may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Khoman v. Ukraine,

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

Gilberto Felici*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 12308/19) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 14 February 2019 by a Ukrainian national, Ms Nataliya Vasylivna Khoman ("the applicant"), who was born in 1954 and, at the time of the introduction of the application, lived in Pisochyn, and was represented by Mr G. Tokarev and Ms T. Goncharevska, lawyers practising in Kharkiv;

the decision to give notice of the complaint concerning the allegedly ineffective investigation into the death of the applicant's son in the army to the Ukrainian Government ("the Government"), represented by their Agent, at the relevant time Mr I. Lishchyna, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 19 March 2026,

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

SUBJECT MATTER OF THE CASE

1. The present case concerns the applicant's complaint under Article 2 of the Convention that the authorities had failed to carry out an effective investigation into the death of her son during his military service.

2. In April 2015 the applicant's son, A.K., was called up for military service following the announcement of a special military mobilisation. He was serving in Maryinka, a town in the Donetsk region, in the close vicinity of which a combat zone was located at the material time.

3. On 25 June 2015 A.K. died on the premises occupied by his military unit after sustaining injuries to his head in unclear circumstances (see paragraphs 6 and 7 below). As confirmed by one of the medical specialists of the ambulance which had arrived on the scene following a telephone call, A.K. was immediately pronounced dead. For unknown reasons the body was transferred to a hospital rather than a morgue.

4. A criminal investigation was launched into a charge of murder in the evening of the same day, after the hospital had telephoned the police. A police officer inspected the body in the ambulance vehicle.

5. From 26 June to 10 July 2015 a post-mortem forensic examination was carried out. The expert found that A.K.'s death had been due to a head injury

caused by a blunt object and involving subdural haemorrhage and cerebral oedema. It was observed that no odour of alcohol had been identified during the autopsy on 26 June 2015. It was also noted that, although a blood sample and the stomach and its contents had been extracted and had been prepared to be sent to a laboratory for a forensic toxicological analysis, they had ultimately been disposed of on account of a lack of facilities for their transportation or preservation.

6. On 2 July 2015 an internal inquiry was completed. It concluded, on the basis of witness evidence submitted by two soldiers and their superior, that A.K., while under the influence of alcohol, had tripped over a doorstep on a balcony and fallen, hitting his head on the balcony floor, and had died.

7. At some point the applicant became aware of allegations of bullying in the military unit where A.K. had served. Furthermore, one of her son's fellow soldiers claimed that he had been told that A.K. had been hit in the head before falling. She requested the investigator to examine those matters.

8. From 5 July to 27 October 2017 a forensic medical examination of the material in the case file was carried out by a commission of experts with a view to, in particular, specifying the possible origin of the injuries documented on A.K.'s body. The commission investigated, notably, whether the injuries could have been inflicted by hits or kicks or as a result of a fall from a standing height and, if so, whether there was an indication that the fall had been accelerated as a result of A.K.'s possibly having been pushed or punched. It was concluded that the fatal injuries to A.K.'s head had resulted from at least seven "traumatic impacts" with limited-surface blunt objects. Given the impossibility of identifying those blunt objects and taking into account the nature of the closed craniocerebral trauma and the localisation of the external head injuries, the experts stated that it could not be ruled out that A.K. might have sustained the injuries in question as a result of a fall from a standing height. There was no indication that the fall had been accelerated or that the body had been dragged. Since the blunt objects could not be identified, it was found impossible to establish whether those might have been fists or feet. Furthermore, referring to the absence of any information about the possible way in which the injuries had been inflicted and the inspection report of the scene, the experts also found it impossible to conclude whether A.K.'s injuries could have resulted from his tripping over the balcony doorstep, falling and hitting his head against the balcony's hard surface. Lastly, it was noted that no forensic toxicological analysis for alcohol had been performed.

9. It appears that, when being further questioned as a witness in September 2019, the former superior of A.K. (see paragraph 6 above) changed his version of the events and submitted that A.K. had tripped and had fallen during mortar shelling.

10. The criminal investigation into A.K.'s death was discontinued three times for lack of an indication of a criminal offence (on 23 September 2015,

28 February 2018 and 24 December 2019). All those decisions were, however, quashed (on 11 March 2016, 12 March 2019 and 8 April 2020 respectively) as being premature, ungrounded and unlawful. The last-mentioned decision of the Donetsk garrison military prosecutor, of 8 April 2020, contained the following criticism of the investigation:

> "... the pre-trial investigation has been incomplete, it followed the 'accidental death' version [of the events] as the only line of inquiry without verifying any other versions indicated by the witnesses and the [applicant], investigative measures have not been carried out in respect of all those involved in the incident [and] the investigator has not carried out a single investigative measure aimed at solving the crime and establishing the truth."

11. The parties have not provided the Court with any factual update as to developments in the investigation since 2020.

THE COURT'S ASSESSMENT

12. The applicant complained that the State had failed to comply with its procedural obligation under Article 2 of the Convention to carry out an effective investigation into the death of her son.

13. The Government argued that the authorities had made all possible efforts to elucidate the circumstances of A.K.'s death. They drew the Court's attention to the fact that A.K. had died in a village located in an active combat area and that the relevant inherent dangers had made it impossible to ensure the examination of the scene of the incident and the collection of material evidence.

14. The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

15. The relevant general principles have been set out, in particular, in *Mustafa Tunç and Fecire Tunç v. Turkey* ([GC], no. 24014/05, §§ 169-82, 14 April 2015).

16. The Court notes that in the present case the criminal investigation into the death of the applicant's son was undermined by a number of serious omissions from the very outset. Notably, there was no inspection of the scene of the incident, nor were there any efforts to collect and secure the relevant material, forensic or other evidence (see, in particular, paragraphs 3-5 above). The Court cannot accept the Government's argument that the authorities were prevented from carrying out the relevant measures by the security-related dangers, since that argument was never voiced at the domestic level. Moreover, there is nothing in the material in the case file before the Court which can be interpreted as an indication of the authorities' genuine will to ensure all the crucial initial investigative measures. Although it was established that A.K.'s death had occurred on the premises of the military unit, for unknown reasons it was not the military unit but the local hospital

which subsequently reported the incident to the police. It is also unclear why the ambulance team, after pronouncing A.K. dead, decided to transport the body to a hospital rather than a morgue.

17. The Court observes that the criminal investigation was discontinued three times and that all those decisions were eventually quashed as being premature, ungrounded and unlawful (see paragraph 10 above). The Court has held, on many occasions, that the repetition of such remittal orders discloses a serious deficiency in criminal investigation (see, for example, *Oleynikova v. Ukraine,* no. 38765/05, § 81, 15 December 2011, and *Vyacheslavova and Others v. Ukraine*, nos. 39553/16 and 6 others, § 389, 13 March 2025). This is even more so in the circumstances of the present case, given the conclusion by the domestic authorities themselves, reached almost five years after the incident, that the investigator had not "carried out a single investigative measure aimed at solving the crime and establishing the truth" and that no line of inquiry other than the "accidental death version" of the events had ever been pursued (see paragraph 10 above).

18. Although the Court has not been provided with any information as to how the investigation has evolved since 2020 (see paragraph 11 above), it considers that the omissions and deficiencies during the initial five years were so flagrant that they can hardly be rectified.

19. The Court considers the foregoing considerations sufficient to conclude that the authorities failed to carry out an effective investigation into A.K.'s death.

20. There has therefore been a violation of Article 2 under its procedural limb.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

21. The applicant claimed 50,000 euros (EUR) in respect of non-pecuniary damage and EUR 850 in respect of costs and expenses.

22. The Government contested those claims.

23. The Court awards the applicant EUR 15,000 in respect of non-pecuniary damage, plus any tax that may be chargeable. Regard being had to the absence of any documents in support of the applicant's claim in respect of costs and expenses, the Court rejects it.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 2 of the Convention under its procedural limb;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months, EUR 15,000 (fifteen thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 9 April 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller Deputy Registrar	Gilberto Felici President