

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

FIFTH SECTION

CASE OF KOVTUN v. UKRAINE

(Application no. 52459/18)

JUDGMENT

STRASBOURG

1 October 2026

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



In the case of Kovtun 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. 52459/18) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 23 October 2018 by a Russian national[1], Ms Marina Anatolyevna Kovtun ("the applicant"), who was born in 1967 and was represented by Mr A. Shadrin, a lawyer practising in Irpin;

the decision to give notice of the complaints under Article 5 § 3 and Article 6 § 2 of the Convention to the Ukrainian Government ("the Government"), represented by their Agent, Ms M. Sokorenko, of the Ministry of Justice, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 10 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The applicant was detained on suspicion of terrorism, following which a security service official made a public statement about her. The applicant complained under Article 5 § 3 of the Convention that her detention had been unjustified and that it had violated her right to the presumption of innocence under Article 6 § 2 of the Convention.

I. THE APPLICANT'S DETENTION

2. On 16 November 2014 the applicant was arrested on suspicion of having joined two Russian clandestine organisations[2] seeking to undermine Ukraine's territorial integrity. After attending briefings and undergoing training in Russia on sabotage activities, she is alleged to have obtained and stored explosive devices and weapons, and orchestrated explosions, including the explosion at the Stena Bar in Kharkiv in November 2014 which resulted in 13 people being injured.

3. The applicant was charged with certain offences under the Criminal Code, such as involvement in unlawful attacks on the territorial integrity of

[1] Nationality as stated in the application form. In the domestic decisions the applicant was identified as a citizen of Ukraine.

[2] Russkiy Vostok and Kharkovskie Partisany meaning "Russian East" and "Kharkiv Partisans" respectively.

Ukraine[3], commission of a terrorist act with serious consequences[4], and unlawful possession of firearms and explosives[5].

4. In their applications for the applicant to be placed in pre-trial detention and, subsequently, to extend that detention, the prosecutors relied, in particular, on her links with pro-Russia individuals and individuals in Russia involved in intelligence and subversive activities against Ukraine.

5. On 18 November 2014 the Kharkiv Kyivskyi District Court ("the District Court") remanded the applicant in custody. The court found that there was reasonable suspicion against her on the basis of, in particular, the results of a search carried out and witness statements[6]. The court also relied on evidence of her links with pro-Russia individuals and Russian nationals suspected of being involved in subversive activities and sabotage. Those links and the "systematic nature" of those activities, which involved several individuals – including individuals from Russia – and the organisation of repeated explosions, showed that there was a risk of the applicant's absconding and reoffending.

6. Subsequently, the District Court extended the applicant's pre-trial detention approximately every two months. The court referred to the continued risk of the applicant's absconding and reoffending and the need to conduct additional investigations. Some of the decisions also contained references to the so-called "Bail Exclusion Clause", a provision which, at the relevant time, precluded the imposition of non-custodial preventive measures on defendants accused of involvement in terrorism and other national security offences (see *Grubnyk v. Ukraine*, no. 58444/15, §§ 40, 50, 53-56, 116-30, 17 September 2020)[7].

7. The detention orders were upheld on appeal.

8. On 7 October 2019 the District Court convicted the applicant of the offences of involvement in terrorist acts and unlawful possession of firearms and explosives, and sentenced her to 11 years' imprisonment.

9. In December 2019 she was transferred to Russia in a prisoner exchange.

II. IMPUGNED STATEMENTS AND THE DEFAMATION CLAIM

10. On 18 February 2015 at a press briefing, Mr P., head of the Security Service of Ukraine ("the SBU")[8] in the Kharkiv Region, said that measures

---

[3] Article 110 of the Criminal Code, punishable by three to five years' imprisonment.

[4] Article 258 of the Criminal Code, punishable by seven to 12 years' imprisonment.

[5] Article 263 of the Criminal Code, punishable by three to seven years' imprisonment.

[6] A search of a garage in Kharkiv revealed what was believed to be the applicant's stash of weapons, including Kalashnikov guns, mines and hand grenades. Statements of three witnesses.

[7] Following a constitutional complaint lodged by the applicant and three other individuals, the "Bail Exclusion Clause" – Article 176 § 5 of the Code of Criminal Procedure – was declared unconstitutional on 25 June 2019.

[8] (*Sluzhba bezpeky Ukrayiny* (*Служба безпеки України*) – "the SBU").

were being taken to defend the region and that the SBU was identifying and arresting members of "terrorist groups, saboteurs and separatists". However, he added that some of those individuals were being sent to Russia in prisoner exchanges. He continued as follows:

> "... we are in favour of the President's Peace Plan, which is currently being implemented[9]. We certainly want prisoners of war... to be returned, but we receive the list of prisoners to be exchanged from the other side. Many of the prisoners who actually carried out the bombings here... have already been exchanged and are now free. In other words, they have not been subject to a court ruling, punishment, or been held accountable for their unlawful actions... they are in the Russian Federation...
>
> [Inaudible question from the room] What is the latest news concerning the Stena Bar bomb?[10] Except for Marina Kovtun, who was the orchestrator of the explosion, the regional prosecutors and I contacted the Prosecutor General who gave us his support that although she had been on the [prisoner exchange] list her name was then removed from the list. The Prosecutor General's position was ... that she had real blood on her hands, unlike in respect of the other explosions. This year we arrested another co-conspirator in the Stena Bar explosion, who had supplied her with weapons. You may remember the images from when we searched her garage and found a large number of weapons. We have now arrested an accomplice who is currently under investigation[11]."

11. The applicant lodged a defamation claim, arguing that the statements implying her involvement in the explosion had violated her presumption of innocence.

12. The courts dismissed the claim. The first-instance court stated, in particular, that the relevant passages had related to the applicant's involvement in a possible prisoner exchange, rather than to her committing a specific offence. It added that P. had merely reported on the Prosecutor General's position that there were no grounds for her exchange. The courts also pointed out that no reference had been made in the relevant remarks to the applicant's full name, including her patronymic[12].

---

[9] Referring to the "Protocol on the outcome of consultations of the Trilateral Contact Groupon joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin", commonly known as the "Minsk Protocol" (see *Ukraine and the Netherlands v. Russia*, cited above, § 56). One of the points concerned the "immediate release of all hostages and illegally detained persons".

[10] The bar where the bombing attack took place.

[11] A recording of the relevant press briefing can be found at https://www.youtube.com/watch?v=Wv9h96Hkfh4 (last visited on 23 June 2026). P.'s remarks were published online on a Ukrainian news website (glavnoe.ua) under the title "Terrorists have put the orchestrator of the explosion at Stena Bar in Kharkiv on the prisoner exchange list".

[12] Discussion of this issue arose from the applicant's allegation that the impugned remarks had not only breached her honour, dignity and her right to the presumption of innocence, but had also violated Article 296 § 4 of the Civil Code of Ukraine, which provides that "the name" of an individual who has been arrested, is suspected or accused of committing a criminal offence may be published only once his or her conviction has become legally enforceable, or in other cases prescribed by law. The domestic courts pointed out that another

13. On 4 April 2018 the Supreme Court upheld the lower courts' decisions. It stated, in particular, that the impugned statement had been intended to inform the public about the criminal offences under investigation at the time[13].

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

14. The applicant complained that her detention had been unjustified and excessively long.

15. The Government contested that argument.

16. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other grounds. It must therefore be declared admissible.

17. The applicant's detention lasted from 16 November 2014 to 7 October 2019 – almost four years and 11 months.

18. The relevant case-law principles have been summarised in *Grubnyk* (no. 58444/15, §§ 110-15, 17 September 2020).

19. In that judgment the Court held that, despite references to the so-called "Bail Exclusion Clause", the domestic courts had given relevant and sufficient reasons for Mr Grubnyk's detention. The Court considers that similar considerations apply in the present case, the circumstances of which are very similar to those of *Grubnyk* (cited above, § 123): unavailability of release was sufficiently clear. The applicant was suspected of organising and actively participating in a terrorist act which resulted in numerous casualties. The domestic court had also had regard to the applicant's links with many individuals operating with clandestine support from Russia.

20. The Court therefore considers that the domestic courts gave relevant and sufficient reasons for the applicant's detention which were not "general and abstract" in manner.

21. It remains to be ascertained whether the authorities displayed "special diligence" in the conduct of the proceedings (see *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 87, 5 July 2016). The applicant did not make any specific submissions in that respect (see *Grubnyk*, cited above, § 127).

22. The applicant's case is particularly complex, involving an investigation into the cross-border terrorist activities of several organisations, with multiple alleged co-conspirators, witnesses and victims. The Court has already accepted that proceedings concerning terrorism with an international dimension raise particular challenges (see, for example, *Chraidi v. Germany*,

---

provision of the Civil Code defines "the name" of a Ukrainian citizen as including his or her first name, surname and patronymic (*по батькові*).

[13] That decision was served on the applicant's lawyer on 23 April 2018.

no. 65655/01, §§ 33, 44-48, ECHR 2006-XII, and *Ereren v. Germany*, no. 67522/09, §§ 53-66, 6 November 2014).

23. However, the length of applicant's detention is a matter of serious concern and required the domestic authorities to put forward very weighty reasons to justify it (see *Velečka and Others v. Lithuania*, nos. 56998/16 and 3 others, § 98 and 99, 26 March 2019, with further references; and compare, for illustrative purposes, *Kraynyak v. Ukraine* [Committee], no. 68353/17, § 16, 16 February 2023). There is nothing in the case file to show that such weighty reasons existed. The respondent State's obligation to show that proceedings complied with the "requisite diligence" requirement throughout such a long period of detention has not therefore been met.

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

II. ALLEGED VIOLATION OF ARTICLE 6 § 2 OF THE CONVENTION

25. The applicant complained that the statement given by the SBU official had breached her right to the presumption of innocence.

26. The Government contested that argument, arguing that the impugned statement had been intended to inform the public about prisoner exchanges. The applicant had not been identified in full, and the words "terrorist act" had not been used in the statement.

27. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other grounds. It must therefore be declared admissible.

28. The relevant general principles are summarised in *Daktaras v. Lithuania* (no. 42095/98, §§ 41-43, ECHR 2000-X) and *Peša v. Croatia* (no. 40523/08, § 138, 8 April 2010).

29. The Court observes that there was indeed a public interest in informing the public about the decisions taken as part of a prisoner exchange process.

30. However, the context of the statements makes it clear that the statements concerned not only the prisoner exchange process, but also the measures taken by the law-enforcement authorities against separatism and terrorism and the criminal investigation into the terrorist act of which the applicant was suspected. This was also acknowledged by the Supreme Court. Accordingly, it cannot be said that the statements were entirely detached from the criminal proceedings. At the same time, the statements were far from discreet or circumspect, and were devoid of any reservations. The applicant's identity was made known to the public, she was identified by name, labelled as the orchestrator of the explosion who was in possession of numerous weapons and had blood on her hands. The statements thus unreservedly encouraged the public to believe that she was guilty of the offences of which

she was eventually convicted, but before any conviction had been entered against her.

31. These considerations are sufficient to find that the impugned statement was in breach of the principle of presumption of innocence.

32. This conclusion is not changed by the fact that there is no indication in the file that the impugned statement had influenced the judges and thus prejudiced the outcome of the proceedings against the applicant (compare *Paulikas v. Lithuania*, no. 57435/09, §§ 60-64, 24 January 2017).

33. There has accordingly been a violation of Article 6 § 2 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

34. The applicant claimed 30,000 euros (EUR) in respect of non-pecuniary damage, EUR 1,253.76 in respect of costs and expenses incurred before the domestic courts, and EUR 3,000 for those incurred before the Court.

35. The Government contested those claims, considering them to be unfounded and unsubstantiated.

36. The Court considers that the finding of violations constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant (see *Grubnyk*, cited above, § 151; and compare, for example, *Kraynyak*, cited above, § 35).

37. 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 *Yasak v. Türkiye* [GC], no. 17389/20, § 258, 27 August 2024). No document has been provided that would indicate that the applicant has actually paid the amount claimed for the proceedings before the Court or that she undertook and was bound to pay it. As for the claim in respect of domestic proceedings, there is no document in the case file to show that those expenses were incurred in connection with matters which led to the finding of violations of the Convention in the present case.

38. Accordingly, regard being had to the documents in its possession and to its case-law, the Court rejects the claim for costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

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

3. *Holds* that there has been a violation of Article 6 § 2 of the Convention;

4. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant;

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

Done in English, and notified in writing on 1 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller Deputy Registrar	Gilberto Felici President