

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

FIFTH SECTION

CASE OF LETUCHA v. UKRAINE

(Application no. 8973/25)

JUDGMENT

STRASBOURG

28 May 2026

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



In the case of Letucha v. Ukraine,

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

Andreas Zünd*, President*,
Vahe Grigoryan,
Sébastien Biancheri*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 7 May 2026,

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

PROCEDURE

1. The case originated in an application against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 11 March 2025.

2. The applicant was represented by Ms Y.O. Parul, a lawyer practising in Kyiv.

3. The Ukrainian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

THE LAW

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

5. The applicant complained of the denial of access to a court of appeal. She relied on Article 6 § 1 of the Convention.

6. The Court reiterates that Article 6 § 1 secures to everyone the right to have any claim relating to their civil rights or obligations or any criminal charge against them determined by a court or tribunal. That right of access is not absolute and it is subject to limitations, which, however, must not restrict or reduce a person's access in such a way or to such an extent that the very essence of the right is impaired (see *Golder v. the United Kingdom,* 21 February 1975, § 36, Series A no. 18; and *Deweer v. Belgium*, no. 6903/75, §§ 48-49, 27 February 1980). Furthermore, limitations will only be compatible with Article 6 § 1 if they pursue a legitimate aim and there is a reasonable relationship of proportionality between the means employed and the aim pursued (see *Célice v. France*, no. 14166/09, § 33, 8 March 2012). These guarantees of effective access under Article 6 § 1 apply to appellate and cassation courts, where such courts exist (see, among other authorities,

Maresti v. Croatia, no. 55759/07, § 33, 25 June 2009), including in administrative-offence proceedings before appellate courts (see, for instance, *Chernega and Others v. Ukraine*, no. 74768/10, §§ 176-82, 18 June 2019).

7. In the leading cases of *Davran v. Turkey* (no. 18342/03, §§ 31-47, 3 November 2009) and *Maresti* (cited above, §§ 34-43), the Court already found a violation of Article 6 § 1 in respect of the issues similar to those in the present case.

8. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the limitations in question impaired the very essence of the applicant's right of access to a court.

9. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

10. Regard being had to the documents in its possession and to its case-law (see, in particular, *Gavrilov v. Ukraine,* no. 11691/06, § 36, 16 February 2017), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the denial of access to a court of appeal;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, 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 amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 28 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Andreas Zünd President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (denial of access to higher courts)

Application no. Date of introduction	Applicant's name Year of birth	Specific irregularity complained of	Facts and relevant information	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
8973/25 11/03/2025	**Nadiya Oleksandrivna LETUCHA** 1989	Unforeseeable and/or excessively formalistic application of the relevant procedural regulations	On 21/10/2024 a local court found the applicant guilty of the administrative offence of driving under the influence, imposed a fine and suspended her driving licence for one year. At the hearing, where the applicant and her counsel were both present, only the introductory and operative parts of the judgment were pronounced. According to the applicant, she only accessed the full text of the judgment on 04/11/2024. By its decision of 13/11/2024 the Kyiv Court of Appeal dismissed her appeal of 04/11/2024 as lodged out of time, reasoning that the 10-day time-limit started running on the day the judgement was pronounced.	1,500	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.