

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

FIFTH SECTION

CASE OF RUBLEV v. UKRAINE

(Application no. 17368/10)

JUDGMENT

STRASBOURG

11 December 2025

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



In the case of Rublev v. Ukraine,

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

Andreas Zünd*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 20 November 2025,

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 25 March 2010.

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

THE FACTS

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

4. The applicant complained of the excessive length of his pre-trial detention. He also raised other complaints under the provisions of the Convention.

THE LAW

I. THE *LOCUS STANDI* OF MR YEVGENIY VLADIMIROVICH RUBLEV

5. The Court notes that the applicant died on 10 November 2016, while the case was pending before the Court. The applicant's father, Mr Yevgeniy Vladimirovich Rublev, has requested to pursue the application on his late son's behalf. The Court points out that in various cases, where applicants have died in the course of the proceedings, it has taken into account the wishes of their heirs or close members of their families to pursue the proceedings before the Court (see, for example, *Jama v. Slovenia*, no. 48163/08, § 28, 19 July 2012 and *Ghavalyan v. Armenia*, no. 50423/08, §§ 59-60, 22 October 2020). It sees no reason to reach a different conclusion in the present case and, therefore, accepts that the applicant's father, Mr Yevgeniy Vladimirovich Rublev, can pursue the application initially brought by his son. However, reference will still be made to the applicant throughout the present judgment.

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

6. The applicant complained principally that his pre-trial detention had been unreasonably long. He relied on Article 5 § 3 of the Convention.

7. The Court observes that the general principles regarding the right to trial within a reasonable time or to release pending trial, as guaranteed by Article 5 § 3 of the Convention, have been stated in a number of its previous judgments (see, among many other authorities, *Kudła v. Poland* [GC], no. 30210/96, § 110, ECHR 2000-XI, and *McKay v. the United Kingdom* [GC], no. 543/03, §§ 41-44, ECHR 2006-X, with further references).

8. In the leading cases of *Kharchenko v. Ukraine* (no. 40107/02, 10 February 2011) and *Ignatov v. Ukraine* (no. 40583/15, 15 December 2016), the Court already found a violation in respect of issues similar to those in the present case.

9. 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 (see, for instance, *mutatis mutandis*, *Kobernik v. Ukraine*, no. 45947/06, § 50-52, 25 July 2013), the Court considers that in the instant case the length of the applicant's pre-trial detention was excessive even after deducting the period during which the applicant was serving a custodial sentence imposed by the first-instance court, which was subsequently quashed (see, for instance, *Svershov v. Ukraine*, no. 35231/02, § 60 27 November 2008).

10. These complaints are therefore admissible and disclose a breach of Article 5 § 3 of the Convention.

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. The applicant submitted other complaints which also raised issues under the Convention, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in the case set out in the appended table.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ignatov,* cited above), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* that Mr Yevgeniy Vladimirovich Rublev, the father of the applicant, has *locus standi* in the proceedings;

2. *Declares* the application admissible;

3. *Holds* that this application discloses a breach of Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention;

4. *Holds* that there has been a violation of the Convention as regards the other complaints raised under the well-established case-law of the Court (see appended table);

5. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount 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 amount 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 11 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Andreas Zünd
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 5 § 3 of the Convention (excessive length of pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Period of detention	Length of detention	Specific defects	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]
17368/10 25/03/2010	**Dmitriy Yevgenyevich RUBLEV** 1981 Died in 2016	19/09/2002 to 10/06/2003 14/09/2004 to 06/03/2006 17/05/2007 to 27/04/2009 07/07/2009 to 02/10/2009	8 month(s) and 23 day(s) 1 year(s) and 5 month(s) and 21 day(s) 1 year(s) and 11 month(s) and 11 day(s) 2 month(s) and 26 day(s)	failure to conduct the proceedings diligently leading to excessive length of detention on remand	Art. 5 (5) - lack of, or inadequate compensation, for the violation of Article 5 § 3 of the Convention - no effective right to compensation in domestic legal system for the violations of Article 5 § 3 (see *Tymoshenko v. Ukraine*, no. 49872/11, §§ 286-87, 30 April 2013 and *Kotiy v. Ukraine*, no. 28718/09, § 55, 5 March 2015), Art. 6 (1) - excessive length of criminal proceedings - 19/09/2002 - 24/11/2011, 3 levels of jurisdiction (see *Nechay v. Ukraine*, no. 15360/10, §§ 67-79, 1 July 2021), Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings (see *Nechay v. Ukraine*, no. 15360/10, §§ 67-79, 1 July 2021)	3,500

Heir in application no. 17368/10

Decedent	Heir
Dmitriy Yevgenyevich RUBLEV Died in 2016	Yevgeniy Vladimirovich RUBLEV Born in 1952

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