

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

FIFTH SECTION

# CASE OF STADNYK v. UKRAINE

*(Application no. 32761/17)*

JUDGMENT

STRASBOURG

15 October 2026

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



**In the case of Stadnyk 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. 32761/17) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 26 April 2017 by a Ukrainian national, Ms Nataliya Sergiyivna Stadnyk ("the applicant"), who was born in 1955, lives in Lviv and was represented by Mr O. Mytsyk, a lawyer practising in the same city;

the decision to give notice of the application to the Ukrainian Government ("the Government"), represented by their Agent, Ms M. Sokorenko, from the Ministry of Justice;

the parties' observations;

Having deliberated in private on 24 September 2026,

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

# SUBJECT MATTER OF THE CASE

1. The present case concerns the death of the applicant's son following his arrest by police officers and overnight detention in police custody, and the ensuing investigation. The applicant relied on Articles 2, 3 and 13 of the Convention.

## I. EVENTS OF 25 AND 26 JULY 2010

2. At around 5 p.m. on 25 July 2010, following a call to the police, officers arrived at the apartment building where the applicant's 31-year-old son lived. Several neighbours had locked him in the basement and called the police, stating that he had attempted to break the lock and steal property from it. When the police arrived, the applicant's son was intoxicated and holding a small saw.

3. According to Police Officer V., the applicant's son appeared unkempt and intoxicated, had scratches on his arms, could barely stand and was behaving aggressively. V. stated that, when asked to sit in the police car, the applicant's son had pushed the officers and had shouted and sworn at them. His hands were cuffed behind his back and he was placed in the police car. Additional police officers then arrived. According to V., once the applicant's son calmed down, the handcuffs were removed.

4. The residents who had called the police stated that the applicant's son had not behaved aggressively and had not resisted the officers. They also stated that, when he had come out of the basement, they had not noticed any visible bodily injuries on him, in particular any bruises, haematomas, scratches or traces of blood. One of them noted that he had appeared intoxicated but had been able to stand and move independently.

5. The applicant's son was then taken to a drug dispensary, where, at around 6.15 p.m., he was examined by a doctor. His blood alcohol level was recorded as 3.9‰.

6. On the same day, at about 7.20 p.m., the applicant's son was taken to Frankivskyi district police station ("Frankivskyi police station"), where an administrative-offence report was drawn up against him for maliciously disobeying police officers. According to that report, he admitted his guilt. The report also noted scratches on his hands.

7. The applicant's son was placed in a holding cell, where he remained until the morning of 26 July 2010. According to the police officers, during his stay at Frankivskyi police station he did not request medical assistance or complain of any health problems. A person held in a neighbouring cell stated that he had not heard any shouts, complaints or noise from the cell where the applicant's son was being held.

8. In the morning, the applicant's son was released from the holding cell. According to the case file, he signed a statement indicating that he did not wish to lodge any complaints against the police officers. Police Officer Ky. stated that he had taken the applicant's son from the holding cell. Police Officer Kz. later took over as he had been investigating basement thefts; he stated that the applicant's son had told him that he was experiencing delirium tremens but had refused medical assistance. Kz. decided to accompany him to another police station, together with Police Cadet T.

9. According to police records, on 26 July 2010, at about 11.56 a.m., CCTV captured four men walking down the street about 600-700 metres from Frankivskyi police station. A man in police uniform was at the head of the group; approximately one metre behind him was a man in a white T-shirt (identified by the police as the applicant's son), followed by two other men. Near a public transport stop, the man in the white T-shirt fell to the ground. The footage then showed two men lifting him and leading him towards the stop. It also showed the arrival of an ambulance and the applicant's son being put into it with the assistance of medical staff. The case file contains only a written description of the CCTV footage.

10. T. and Kz., who had been accompanying the applicant's son, stated that he had been walking independently, but had then suddenly fallen, begun shaking and developed a nosebleed. They stated that they had provided assistance and called an ambulance.

11. Statements concerning the incident were also obtained from Ku., a businessman whose office overlooked the place where the applicant's son had

collapsed, and from Ra. and H., employees of a nearby company who had witnessed the incident or its immediate aftermath. Some of them stated that they had seen the applicant's son fall near the public transport stop. During the subsequent trial in the criminal case against Police Officer B., Ku. clarified that he had not seen the exact moment of the fall but had seen the applicant's son lying face down, with blood coming from his nose. He also stated that the CCTV footage - a description of which was included in the case file (see paragraph 9 above) - had not been retrieved by the authorities.

12. The ambulance medical staff, Z. and Ri., stated that they had examined the applicant's son after receiving a call about a man with a nosebleed. They noted bleeding from the applicant's nose, a haematoma in the parietal area of the head, signs of convulsions or an epileptic seizure, and the smell of alcohol. According to them, the applicant's son was conscious, communicated with them, and gave them his personal details; he was then taken to hospital. During the journey, he had convulsions and his hands were restrained to prevent him from falling from the gurney.

13. At 12.55 p.m. on 26 July 2010 the applicant's son was admitted to hospital. He was initially diagnosed with a head injury, a nosebleed, epilepsy and alcohol intoxication. He was later diagnosed with severe craniocerebral trauma, including an epidural haematoma and a skull fracture. Medical staff began preparing him for surgery, but at 4.10 p.m. he suffered cardiac arrest. Attempts at resuscitation were unsuccessful, and his time of death was recorded as 4.50 p.m.

14. A post-mortem examination established that the cause of death was a severe penetrating craniocerebral injury, including a skull fracture extending to the base of the skull, bleeding above the dura mater on the right side, and a cerebral contusion in the left temporal and frontal areas, complicated by brain swelling. The body also had numerous bruises and abrasions on the chest, abdomen, shoulders, forearms, hands, head, neck, legs and lower lip.

15. A forensic medical examination of 19 August 2010 and other forensic examinations commissioned later – including report no. 181 of 17 November 2010 – concluded that the fatal head injury could have been caused by a backward fall resulting in the head hitting a hard flat surface. The experts also stated that, after sustaining such an injury, the applicant's son would not have been able to move independently or perform purposeful actions. The experts considered that the fatal head injury had been sustained shortly before his admission to hospital, possibly at the time of his fall in the street.

16. The forensic reports also addressed the other bodily injuries (see paragraph 14 above). They concluded that the non-fatal injuries were not causally linked to the death. Some of the injuries could have resulted from contact with blunt objects (including possible contact with objects in the basement) or been sustained while the applicant was being restrained during a seizure, being transported to the hospital, or undergoing medical

procedures. The reports stated that it was impossible to determine precisely which particular injuries had been sustained at which stage.

17. The forensic reports also noted that the applicant's son had previously been treated in psychiatric and other medical facilities, including for alcohol-related conditions involving seizures, pneumonia and cirrhosis. A diagnosis of epilepsy had not been formally recorded in the psychiatric hospital medical records, but the experts considered that alcohol- or drug-related seizures could not be excluded.

## II. CRIMINAL INVESTIGATION

18. On 26 July 2010 an inspection of the scene was carried out. A pre-investigation inquiry was also initiated into the circumstances of the applicant's son's death.

19. On the next day the applicant complained to the Frankivskyi district prosecutor's office of Lviv that her son had been unlawfully detained and ill-treated by police officers at Frankivskyi police station and that this had led to his death.

20. On several occasions in August 2010 the prosecutor's office refused to open a criminal investigation for lack of evidence of abuse of power by police officers. Those decisions relied mainly on material collected during the initial inquiry.

21. On 22 September 2010 a criminal investigation was opened under Article 365 § 2 of the Criminal Code in respect of alleged abuse of authority, accompanied by violence by police officers of Frankivskyi police station.

22. In November 2010, as a result of that investigation, Police Officer B. was charged under Article 364 § 3 of the Criminal Code with abuse of office. The charge concerned, in particular, the failure to check the health of the applicant's son after his arrest, which had allegedly resulted in his falling while being escorted by police officers and sustaining the fatal head injury. B. was also charged under Article 366 § 2 of the Criminal Code with forgery by a public official causing serious consequences. Specifically, he was accused of drawing up the administrative-offence and search reports without attesting witnesses and of forging signatures, actions which had allegedly led to the applicant's son's unlawful detention. The applicant was granted victim status. The criminal case against B. was transmitted to the Frankivskyi District Court of Lviv for trial.

23. On 27 June 2013, during the trial, the prosecutor amended the charges. The charge under Article 364 § 3 of the Criminal Code was removed, and the charge under Article 366 § 2 was reclassified as forgery by a public official under Article 366 § 1.

24. On 4 July 2013 the Frankivskyi District Court of Lviv released B. from criminal liability under the Amnesty Act 2011. On the same date, by a separate ruling, the court found that the investigating authorities had not

properly examined the circumstances of the applicant's son's death and ordered that the applicant's allegation of a criminal offence be entered in the Unified Register of Pre-Trial Investigations.

25. On 22 July 2013 a criminal investigation was opened under Article 365 § 3 of the Criminal Code in respect of alleged abuse of authority by police officers causing serious consequences, namely the death of the applicant's son. The investigation was later transferred to the Lviv regional prosecutor's office.

26. On 20 November 2013 the investigation was terminated for lack of evidence of a criminal offence. On 24 January 2014 the Halytskyi District Court of Lviv set aside that decision and remitted the case for further investigation.

The court found that the investigator had failed to take sufficient steps to establish the circumstances of the case. In particular, the court noted that the investigation had not properly examined: the grounds and lawfulness of the applicant's son's arrest; whether he had resisted the police; the nature, number and origin of his injuries; the circumstances of his detention at Frankivskyi police station; the circumstances of his transfer to hospital; and contradictions between witness statements, including as to whether he had fallen on his back or face down. The court also indicated that additional witnesses and close relatives should be questioned.

27. On 15 September 2014 the investigation was terminated again. The investigator referred to the conclusions of the forensic experts, witness statements, CCTV footage, ambulance records and reconstructions of the events. The investigator concluded that the fatal head injury had been sustained as a result of the applicant's son's fall in the street on 26 July 2010 and that there was no evidence that police officers had committed an offence under Article 365 § 3 of the Criminal Code.

28. On 16 October 2014 the applicant challenged that decision before the Halytskyi District Court of Lviv. On 3 August 2016 the court set aside the decision of 15 September 2014. It held that the investigation had again failed to comply with the instructions given in the decision of 24 January 2014. In particular, the court found that the investigator had not fully assessed the applicant's son's injuries, had not resolved contradictions in witness evidence concerning the manner in which he had fallen and the existence of injuries at the time of arrest, and had not sufficiently examined the lawfulness and circumstances of his detention and the police's decision to transfer him to another station.

29. Following the court's ruling, the investigation was resumed. On 31 October 2016 it was terminated again for lack of evidence of a criminal offence under Article 365 § 3 of the Criminal Code.

According to that decision, the investigator had undertaken additional measures aimed at complying with the court's instructions, including renewed attempts to question relevant witnesses and to conduct

the simultaneous questioning of witnesses who had given conflicting statements. The investigator noted that some of the witnesses had failed to appear, some had stated that they no longer remembered the events owing to the passage of time, and others had refused to participate further, indicating that they had already provided statements.

The investigator relied on the forensic reports, witness statements, ambulance records, CCTV footage and the additional investigative steps carried out after the ruling of 3 August 2016. The investigator concluded that the fatal head injury had resulted from the fall in the street and that the available evidence did not establish that police officers had caused the applicant's son's death or otherwise committed the alleged offence. The decision stated that the remaining possibilities for obtaining additional evidence had been exhausted.

The applicant did not challenge the decision of 31 October 2016, considering the investigation ineffective.

## THE COURT'S ASSESSMENT

### ALLEGED VIOLATION OF ARTICLES 2 AND 3 OF THE CONVENTION

30. The applicant complained that her son had been subjected to torture by police officers and had subsequently died from a fatal injury sustained while under police control. She also complained that there had been no effective investigation into those events. She relied on Articles 2, 3 and 13 of the Convention.

31. The Court considers that the above complaints fall to be examined solely under Articles 2 and 3 of the Convention. It further notes that those complaints are to be examined together, in the light of the converging principles deriving from Articles 2 and 3 of the Convention and taking into account the fact that the complaints arise from the same set of facts (see, for a similar approach, *Vardanyan and Khalafyan v. Armenia*, no. 2265/12, § 78, 8 November 2022).

#### A. Admissibility

32. The Government submitted that the applicant had failed to exhaust domestic remedies in respect of her Convention complaints as she had not lodged civil claims within criminal proceedings seeking compensation for damage caused by criminal offences. Nor had she challenged the decision of 31 October 2016 to terminate the investigation proceedings.

The Government also asserted that the applicant's complaints under the substantive limb of Articles 2 and 3 of the Convention should be declared inadmissible because her son's bodily injuries and death had not been caused

by actions which could be attributed to State agents. The Government lastly submitted that the applicant's complaints under the procedural limb of Articles 2 and 3 of the Convention should be declared inadmissible as the investigation into the circumstances surrounding her son's death had been independent and effective.

33. The applicant objected to the Government's submissions regarding admissibility, stating that they were closely related to the substance of her complaints.

34. The Court reiterates that the Contracting Parties' obligation under Articles 2 and 3 of the Convention to conduct an investigation capable of leading to the identification and punishment of those responsible in cases of assault could be rendered illusory if, in respect of complaints under those Articles, an applicant were required to bring an action leading only to an award of damages (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, § 234, ECHR 2014 (extracts)). Furthermore, the award of compensation to an applicant for the length of an investigation does not absolve the State from its obligation to conduct a thorough investigation (see *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 253-55, 11 December 2025). Accordingly, the Government's objection as to the failure to claim compensation must be dismissed.

35. The Court further notes that the remaining admissibility objection regarding the applicant's failure to challenge the decision to terminate the investigation proceedings is closely linked to the merits of the applicant's complaint under the procedural limb of Articles 2 and 3 of the Conventions. It thus joins this objection to the merits of that complaint.

The Court further observes 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. They must therefore be declared admissible.

## B. Merits

### *1. As to the substantive limb of Articles 2 and 3 of the Convention*

36. The applicant argued that her son had been under the State's control from the moment of his arrest until he had been taken to the hospital, so the State should be held responsible for his death. She insisted that, accordingly, there had been a violation of Articles 2 and 3 of the Convention in their substantive limb.

37. The Government submitted that the State could not be held liable for the death of the applicant's son as there was no evidence of the use of excessive force during his arrest. Eyewitness accounts, surveillance footage and forensic reports confirmed that he had collapsed on the street as a result of an epileptic seizure likely triggered by alcohol intoxication, not police actions. The Government further argued that the applicant's son's death had

been caused by a combination of medical conditions and the fall, and that the State had taken all reasonable steps to protect his life. They also submitted that there was no evidence corroborating the applicant's allegations that her son had been ill-treated by police officers. Consequently, the Government concluded that there had been no violation of Articles 2 and 3 of the Convention in their substantive limb.

38. The Court's general principles regarding an individual's death as a result of ill-treatment while in police custody were set out in *Anguelova v. Bulgaria* (no. 38361/97, §§ 109-11, ECHR 2002-IV).

39. Turning to the circumstances of the present case, the Court is called upon to assess the Government's explanation of the cause of the applicant's son's fatal injury and their assertion that he was not ill-treated while in police custody. In doing so, the Court attaches particular weight to the fact that, throughout the relevant period, the applicant's son remained under the control and supervision of the authorities, which were consequently responsible for his safety and physical well-being (see *Salman v. Turkey* [GC], no. 21986/93, § 99, ECHR 2000-VII, and *Bouyid v. Belgium* [GC], no. 23380/09, § 83, ECHR 2015). The investigation material indicates that, at the time of his arrest, he was heavily intoxicated, unable to stand steadily on his feet and displaying signs of a serious physical and psychological disorder. The authorities were therefore fully aware, or ought to have been aware, that he was in a particularly vulnerable state requiring heightened care, supervision and appropriate medical attention (see *Jasinskis v. Latvia*, no. 45744/08, §§ 60-67, 21 December 2010; *Renolde v. France*, no. 5608/05, § 84, ECHR 2008; and *Ketreb v. France*, no. 38447/09, §§ 71-76, 19 July 2012).

40. The Court observes that the authorities never provided a coherent explanation of the circumstances in which the applicant's son had remained under police control after spending the night in detention. Although he had been detained in connection with an administrative offence and was not brought before a judge, he was not released but was instead escorted from the station by police officers, who intended to transfer him to another police facility. The domestic investigation failed to clarify on what legal basis that course of action had been taken, who had authorised it, and what measures had been adopted to safeguard the well-being of a person whom the authorities themselves had considered to be heavily intoxicated and suffering from symptoms requiring medical attention. Furthermore, significant aspects of the chronology of events between the morning hours and the applicant's son's collapse at approximately 11.56 a.m. remained insufficiently established.

41. The Court further notes that the authorities relied heavily on a CCTV recording allegedly showing the applicant's son falling on the street. However, neither the original recording nor a copy thereof was preserved or produced. The Court therefore only has a written description of the footage

prepared by the investigating authorities. That description is brief and does not contain any details concerning the manner in which the applicant's son fell and struck the ground, or his physical condition immediately thereafter. The absence of the original recording significantly limits the evidential value of that material and deprives the Court of the possibility of independently assessing one of the central elements of the Government's account.

42. The Court also notes that the forensic medical evidence was not capable of conclusively resolving the factual issues at stake. While the experts considered that the fatal injury could have been caused by a fall onto a hard surface, they also indicated that such an injury would have rendered the applicant's son incapable of purposeful movement (see paragraph 15 above). Yet witness statements and medical records suggest that after the alleged fall he remained conscious, communicated with medical personnel and was able, with assistance, to move towards the ambulance (see `paragraph 12 above). The investigation did not satisfactorily reconcile these elements nor did it provide a convincing explanation for the numerous injuries found on the applicant's son's body (see paragraphs 14 and 16 above) or determine with sufficient certainty when and in what circumstances they had been sustained.

43. Having regard to the applicant's son's vulnerable condition, the fact that he remained under the control and supervision of the police throughout the relevant period, the absence of a clear account of the events preceding his collapse, the failure to preserve and produce potentially decisive video evidence, and the unresolved contradictions in the forensic and witness evidence, the Court finds that the Government failed to discharge the burden of providing a satisfactory and convincing explanation of the circumstances in which the applicant's son had sustained the injuries that ultimately caused his death. In these circumstances, the Court is unable to accept the Government's version of events as having been established beyond reasonable doubt.

44. There has accordingly been a violation of the substantive limb of Articles 2 and 3 of the Convention.

*2. As to the procedural limb of Articles 2 and 3 of the Convention*

45. The applicant contended that the investigation into her son's death and his bodily injuries had been inadequate, biased and protracted. In her opinion, no serious efforts had been made to conduct an effective investigation capable of identifying police officers involved in a crime against her son. The applicant insisted that, accordingly, there had been a violation of Articles 2 and 3 of the Convention under their procedural limb.

46. The Government did not comment on the merits of the applicant's complaints, satisfying themselves with their admissibility objections.

47. The Court has previously held that once the investigative obligation is triggered, compliance with the procedural requirement of Articles 2 and 3 of

the Convention is assessed on the basis of several essential parameters: the adequacy of the investigative measures, the promptness of the investigation, the involvement of the deceased person's family and the independence of the investigation. Those elements are inter-related and each of them, taken separately, does not amount to an end in itself (see *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, § 225, 14 April 2015).

Moreover, this is not an obligation of results to be achieved but of means to be employed. The Court accepts that not every investigation is necessarily successful or comes to a conclusion coinciding with the applicant's account of events. However, an investigation should, in principle, be capable of leading to the establishment of the facts of the case and, if the allegations prove to be true, to the identification and punishment of those responsible (see *Paul and Audrey Edwards v. the United Kingdom*, no. 46477/99, § 71, ECHR 2002-II).

48. Turning to the present case, the Court notes at the outset that for almost two months the circumstances surrounding the death of the applicant's son were examined exclusively by way of a pre-investigation inquiry (see paragraphs 18-21 above). The Court has held that such investigative procedures do not comply with the principles of an effective remedy because the inquiring officer can only take a limited number of steps and the victim has no formal status, meaning his or her effective participation in the procedure is excluded (see *Yukhymovych v. Ukraine*, no. 11464/12, § 67, 17 December 2020). As a result, a full-scale investigation commenced with a substantial delay (see, among many other authorities, *Antonov v. Ukraine*, no. 28096/04, § 50, 3 November 2011).

49. The Court further emphasises that from the very beginning the investigation merely concerned abuse of office by police officers, allegedly accompanied by violence (see paragraph 21 above). The offence was then reclassified as forgery by a public official, thus allowing the police officer involved to be absolved from criminal liability (see paragraphs 22-23 above). It was only after the trial court had adopted its separate ruling – and three years after the incident in question – that an investigation was launched into abuse of office by police officers causing serious consequences, namely the applicant's son's death and his bodily injuries (see paragraph 25 above).

50. In addition, the Court cannot disregard the fact that there was a significant period of unjustified inactivity in the proceedings: the local court managed to examine the applicant's complaint against the decision to terminate the proceedings only two years after it had been lodged (see paragraph 28 above). Ultimately, the investigation lasted for more than six years and ended with the final decision to terminate it, which the applicant did not challenge (see paragraph 29 above).

51. Lastly, the Court observes that the undisputed deficiencies identified by the domestic courts regarding the establishment of the cause of the applicant's son's death and the origin of his bodily injuries

(see paragraphs 24, 26 and 28 above) were never remedied by the investigating authorities. This occurred because of their failure to take sufficient measures in that regard, in particular their inability to establish all the circumstances of the case. It thus appears that the investigating authorities failed to take the necessary steps to investigate the case thoroughly (see *Zubkova v. Ukraine*, no. 36660/08, § 40, 17 October 2013).

52. The foregoing considerations enable the Court to conclude that the domestic investigation in the present case failed to meet the requirement of effectiveness stemming from Articles 2 and 3 of the Convention.

53. Accordingly, the Court dismisses the Government's preliminary objection which was previously joined to the merits (see paragraph 35 above) and considers that there has been a violation of the procedural limb of Articles 2 and 3 of the Convention.

## APPLICATION OF ARTICLE 41 OF THE CONVENTION

54. The applicant claimed 70,000 euros (EUR) in respect of non-pecuniary damage.

55. The Government submitted that the amount claimed was unsubstantiated and exorbitant.

56. Having regard to the approach it took in *Indylo v. Ukraine* ([Committee], no. 71056/14, § 48, 13 February 2025), the Court finds it reasonable to award the applicant EUR 40,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join to the merits the Government's admissibility objection regarding the applicant's failure to challenge the decision to terminate the investigation proceedings and dismisses it;

2. *Declares* the application admissible;

3. *Holds* that there has been a violation of both the substantive and procedural limbs of Articles 2 and 3 of the Convention;

4. *Holds*

(a) that the respondent State is to pay EUR 40,000 (forty thousand euros) to the applicant within three months, 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;

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

Done in English, and notified in writing on 15 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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| Martina Keller<br>Deputy Registrar | Gilberto Felici<br>President |