

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

FOURTH SECTION

CASE OF ZHUNKO v. RUSSIA

(Application no. 15381/17)

JUDGMENT

STRASBOURG

28 April 2026

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



In the case of Zhunko v. Russia,

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

Faris Vehabović*, President*,
Lorraine Schembri Orland,
Anne Louise Bormann*, judges*,

and Uğur Erdal, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 15381/17) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 18 February 2017 by a Ukrainian national, Mr Oleksandr Anatoliyovych Zhunko ("the applicant"), who was born in 1964, lives in Sevastopol and was represented by Mr S.A. Zayets, a lawyer practising in Irpin;

the decision to give notice of the application to the Russian Government ("the Government");

the observations submitted by the applicant;

the third-party comments submitted by the Ukrainian Government, represented by their Agent, Ms M. Sokorenko;

Having deliberated in private on 24 March 2026,

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

SUBJECT MATTER OF THE CASE

1. The complaint raised in this application arises out of the conflict between Ukraine and the Russian Federation in Crimea, following the occupation of and assertion of jurisdiction over the peninsula by the Russian Federation as from 27 February 2014 (see *Ukraine v. Russia (*re *Crimea)* [GC], nos. 20958/14 and 38334/18, 25 June 2024). The application concerns the fine imposed on the applicant for his failure to re-register his car with the Russian authorities.

2. On 7 July 2016 a Russian traffic police officer stopped the applicant on the road between Simferopol and Sevastopol and accused him of driving his car with Ukrainian registration plates, which had not been re-registered with the Russian authorities by the statutory deadline of 1 April 2016.

3. On 29 August 2016 the "Nakhimovskiy District Court of Sevastopol" found the applicant guilty and fined him 500 Russian roubles (RUB – equivalent to approximately 7 euros (EUR)).

4. The applicant appealed, arguing that such a requirement violated Article 1 of Protocol No. 1 to the Convention. On 29 September 2016 the "Sevastopol City Court of the Republic of Crimea" upheld the judgment.

5. On 13 October 2016 the applicant's wife, with whom the car was owned jointly, re-registered it with Russian registration plates, as a repeated violation could result in a higher fine (RUB 5,000) or suspension of the

driving licence. According to the applicant, the car's Ukrainian registration certificate and plates were confiscated.

THE COURT'S ASSESSMENT

I. PRELIMINARY ISSUES

A. Jurisdiction

6. The Court observes that the facts giving rise to the alleged violation of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a Party to the Convention. The Court therefore decides that it has jurisdiction to examine the present case (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023).

7. The Court also reiterates that it has already established that the Russian Federation has exercised extraterritorial jurisdiction over Crimea, within the meaning of Article 1 of the Convention, in the form of "effective control of an area" as from 27 February 2014 (see *Ukraine v. Russia (*re *Crimea)*, cited above, §§ 864 and 873, and *Ukraine v. Russia* (re *Crimea)* (dec.) [GC], nos. 20958/14 and 38334/18, §§ 315-35, 16 December 2020).

8. Accordingly, the application falls within the jurisdiction of the Russian Federation for the purposes of Article 1 of the Convention.

B. Consequences of the Government's failure to participate in the proceedings

9. The Government did not submit any observations in the present case. However, their failure to do so does not affect the Court's examination of the application (see *Bekirov and Others v. Russia* [Committee], no. 70557/14 and 42 others, § 8, 20 January 2026).

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION

10. The applicant argued that the requirement to have his car re-registered with the Russian authorities and the fine imposed on him constituted an unlawful control of the use of his property. He also stated that he would not be able to travel to mainland Ukraine with Russian registration plates, as the car had not been properly deregistered there. The applicant relied on Article 1 of Protocol No. 1 to the Convention, as interpreted in the light of international humanitarian law.

11. In their third-party comments, the Ukrainian Government concurred with the applicant and added that the interference with his property rights was

part of an administrative practice in breach of Article 1 of Protocol No. 1, as the Court found in *Ukraine v. Russia (*re Crimea*)* (cited above, §§ 1137-51).

12. The Court firstly 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.

13. The car at issue, owned jointly with his wife, undoubtedly constituted the applicant's possession (see paragraph 5 above). The impugned measures therefore constituted an interference amounting to control of the use of property under the second paragraph of Article 1 of Protocol No. 1.

14. The general principles concerning the rule set out in the second paragraph of that Article have been summarised in *Turturica and Casian v. the Republic of Moldova and Russia* (nos. 28648/06 and 18832/07, § 48, 30 August 2016). For a measure constituting a control of use to be justified, it must be lawful and "in accordance with the general interest". If these elements are established, the Court will look into whether the measure is also proportionate to the aim pursued.

15. In the light of its findings as to the extended application of Russian law in Crimea (see *Ukraine v. Russia (*re Crimea*)*, cited above, §§ 942 and 946), the Court sees no elements in the present case sufficient to distinguish it from other cases where measures taken under Russian law have been found to be unlawful (see, for example, *Bekirov*, cited above, §§ 15-16).

16. In these circumstances, the Court concludes that the interference with the applicant's rights was unlawful under domestic law. Accordingly, there is no need to examine whether it was "in accordance with the general interest" and proportionate under Article 1 of Protocol No. 1.

17. It follows that there has been a violation of Article 1 of Protocol No. 1 to the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

18. The applicant did not make any claim in respect of pecuniary damage. He claimed 14,000 euros (EUR) in respect of non-pecuniary damage, EUR 1,400 in respect of costs and expenses incurred before the domestic "courts", and EUR 3,300 for those incurred before the Court.

19. The Court awards the applicant EUR 5,000, plus any tax that may be chargeable, in respect of non-pecuniary damage.

20. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 500 in respect of costs and expenses incurred at the domestic level and EUR 1,000 for those incurred before the Court, plus any tax that may be chargeable to the applicant. The latter amount is to be paid directly into the bank account of Mr S. Zayets, as indicated by the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts:
      (i) EUR 5,000 (five thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 500 (five hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses incurred at the domestic level;
      (iii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses incurred before the Court, to be paid directly into the bank account of Mr S. Zayets, as indicated by the applicant;
   (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;

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

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

Uğur Erdal Acting Deputy Registrar	Faris Vehabović President