

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

FIFTH SECTION

DECISION

Applications nos. 9242/21 and 9722/23
Dmytro Oleksiyovych KONDRATENKO
against Ukraine
and Valeriy Anatoliyovych GOGOLENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 21 May 2026 as a Committee composed of:

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

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and the relevant details of the applications are set out in the appended table.

The applicants' complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government").

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Articles 3 and 13 of the Convention (inadequate conditions of detention and lack of an effective domestic remedy in that regard)

The applicants lodged their applications with the Court, complaining of inadequate conditions of detention in the facilities concerned during the periods set out in the appended table. They also argued that they did not have an effective domestic remedy to complain about their poor detention conditions.

In their observations, the Government provided records from the respective detention facilities indicating that the periods of the applicants' detention differed from those specified in their application forms. In particular, the first applicant had been released from the facility eleven months before the end of the period complained of, while the second applicant, who had alleged that his detention was ongoing, had in fact left the facility five weeks before lodging his application with the Court (see the appended table for the relevant dates).

When invited to comment, the applicants' representatives provided no explanation in this regard.

The Court notes that in a recent case of *Volozhanin and Znakovan v. Ukraine* ((dec.), nos. 19951/21 and 31160/21, 3 March 2026) it found similar issues to those in the present case to amount to an abuse of the right of individual application. In particular, it rejected as abusive applications containing untrue facts regarding the duration of the applicants' detention. The Court further observed that such facts played a key role in determining whether the conditions of detention satisfied the guarantees of Article 3 of the Convention and had a significant impact on any award in respect of non-pecuniary damage. Lastly, it drew strong unfavourable inferences from the applicants' failure to provide any explanation, notwithstanding that they were represented by professional lawyers throughout the proceedings (ibid., §§ 29, 34-35).

In the present case, the applicants' allegations of their periods of detention had no basis in any supporting documents or evidence, apart from their bare statements. While the Court is mindful of the objective difficulties experienced by detained persons in gathering evidence to substantiate their claims, it notes that the applicants were represented by professional lawyers from the outset of the proceedings. There was no allegation of any undue

restriction on communication between the applicants and their representatives.

Accordingly, these applications must be rejected as an abuse of the right of individual application, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 11 June 2026.

Viktoriya Maradudina Acting Deputy Registrar	Andreas Zünd President

APPENDIX

List of applications raising complaints under Articles 3 and 13 of the Convention (inadequate conditions of detention and lack of any effective remedy in domestic law)

No.	Application no.	Applicant's name Year of birth	Representative's name and location	Detention facility concerned	Date of signature (authority and application forms)	Date of introduction	Claimed detention period (start and end dates)	Actual most recent detention period (start and end dates)
1.	9242/21	**Dmytro Oleksiyovych KONDRATENKO** 1981	Pustyntsev Andriy Vitaliyovych Dnipro	Mykolaiv Pre-Trial Detention Facility	27/01/2021	28/01/2021	23/08/2017 – 27/11/2020	23/08/2017 – 25/10/2019
2.	9722/23	**Valeriy Anatoliyovych GOGOLENKO** 1975	Rybiy Sergiy Mykolayovych Dnipro	Zamkova Detention Facility no. 58	08/02/2023	08/02/2023	10/08/2005 – pending	03/11/2021 – 28/12/2022