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

FIFTH SECTION

DECISION

Application no. 9113/18
Sergiy Mykolayovych RYBIY
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 27 November 2025 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. 9113/18) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 7 February 2018 by a Ukrainian national, Mr Sergiy Mykolayovych Rybiy ("the applicant"), who was born in 1989, lives in Dnipro and was represented by Mr S.P. Bulkach, a lawyer practising in Dnipro;

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

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's alleged ill-treatment by police and the purported ineffectiveness of the ensuing investigation. The applicant relied on Article 3 of the Convention.

2. According to the applicant, at about 10 a.m. on 23 March 2012 an unspecified number of officers from the organised-crime unit of the Dnipropetrovsk police arrived in his home and arrested him on suspicion of having been involved in an unspecified criminal offence. The applicant was allegedly handcuffed and taken to a forest, where the officers inflicted numerous blows to his head, twisted his arms and fingers and uttered threats

of further ill-treatment unless the applicant would provide self-incriminating statements. About thirty minutes later, the officers took the applicant to Dniprodzerzhinsk police station. There the applicant was allegedly kicked and punched all over his body, and then made to lie on the floor, while unidentified officers stepped on his head, sat on his back and twisted his handcuffed arms. They also threatened that they would use firearms if the applicant would not give them the statements they were seeking. According to the applicant, that treatment lasted for hours. The applicant further submitted that at about 1 a.m. on the following day he had been taken to the temporary detention facility (ITT) where a local medical officer had refused to record his injuries. The applicant further submitted that on 26 March 2012 he had been brought before a judge, who had remanded him in custody pending investigation of the case against him, concerning a gas station robbery. At the remand hearing, the applicant was assisted by a legal-aid lawyer, who promised to inform the authorities of his ill-treatment complaints, but never did. The applicant additionally indicated that while in detention, he had been visited by police officers, who had threatened him with further ill-treatment, should he raise any complaints.

3. As can be seen from the documents provided by the Government, on 23 March 2012 the applicant was arrested on suspicion of having taken part in a gas station robbery. At 1.20 p.m. on 24 March 2012 the applicant, taken by the police officers to Dnipropetrovsk municipal hospital no. 16, was examined by Dr K., who recorded that he had no injuries and raised no complaints during that examination. Subsequently, the applicant was taken to a remand facility, according to whose medical records, likewise, he had no injuries and filed no complaints.

4. On 2 September 2014, during a hearing at the Dniprovskyy District Court of Dniprodzerhynsk held within the framework of the gas station robbery proceedings, the applicant complained that he had been ill-treated upon his arrest in 2012. The court instructed the Dnipropetrovsk regional prosecutor's office to conduct an inquiry. The applicant did not provide a copy of that court ruling or a copy of his ill-treatment complaint.

5. On 16 October 2014 the prosecutor's office opened criminal proceedings in respect of the applicant's allegation of ill-treatment that, after several rounds, were closed on 31 August 2018 for want of evidence that any ill-treatment had taken place. As appears from the text of that decision, within the framework of the aforementioned proceedings, investigating authorities had questioned the applicant (who was accorded victim status), as well as the police officers involved in his arrest, and several other persons who might have had some relevant information. They also studied the applicant's medical records. The investigators cited as grounds for closing the investigation a lack of any medical or other objective evidence corroborating the applicant's account of the facts or the assertion that he had been subjected to any type of police ill-treatment.

THE COURT'S ASSESSMENT

6. The applicant complained, relying on Article 3 of the Convention, that he had been ill-treated by the police officers and that the investigation of that complaint had been ineffective.

7. The Government asserted that the applicant had failed to exhaust the domestic remedies, as he had not appealed against the regional prosecutor's office's decision of 31 August 2018 to close the criminal proceedings. They further argued that the present application was in any event manifestly ill-founded.

8. Examining the above complaints in the light of the general principles developed by its case-law (see, in particular, *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-90 and 114-23, ECHR 2015, and *Gorbatenko v. Ukraine*, no. 25209/06, §§ 109-11, 28 November 2013), the Court notes that the applicant has lodged relatively detailed submissions in respect of the methods of ill-treatment allegedly employed against him (see paragraph 2 above). The question is, however, whether sufficient information has been submitted to the Court to infer that the alleged facts could have arguably happened (compare *Gorbatenko*, cited above, § 108).

9. The Court notes in this connection that there is no medical evidence that the applicant might have sustained any injuries while he was under control of the police. The medical records on file (including the certificate issued by a civilian doctor on 24 March 2012 - that is within twenty-four hours of the alleged ill-treatment) indicate that no injuries or ill-treatment complaints were recorded at the relevant time (see paragraph 3 above). This fact can hardly be regarded as matching the applicant's description of the nature and intensity of physical violence of which he was victim.

10. The Court considers that in order to cast doubt on the credibility of the available medical documents the applicant should have made a serious effort to collect credible indirect evidence, such as witness statements, or at least to prepare a particularly thorough, detailed and coherent factual account explaining, in particular, why his injuries had not been recorded by a civilian doctor and why he had not raised any complaints before the authorities until September 2014, that is, nearly two and a half years after the ill-treatment incident complained of (see *Labita v. Italy* [GC], no. 26772/95, § 121, ECHR 2000-IV; and *Gavula v. Ukraine*, no. 52652/07, § 58, 16 May 2013). The applicant has not done that. His ill-treatment account lacks details, such as: the number of officers involved; the nature of the self-incriminating statements that they had wished him to make (and whether he had eventually made such statements); as well as the gravity, location, and any possible after-effects of the injuries suffered. Neither has the applicant provided the timeline of his stay in custody and of the criminal proceedings against him, or gave an account of any attempts made by him to seek medical assistance. The applicant also submitted no indirect evidence corroborating his

allegations, such as eyewitness statements (contrast, for example, *Muradova v. Azerbaijan*, no. 22684/05, §§ 51-52 and 108, 2 April 2009). Lastly, the applicant has not given any particular reason (apart from general allegations of unspecified threats to his life and health) as to why he omitted to file an ill-treatment complaint with any authority until nearly two and a half years after the alleged events had taken place.

11. The Court cannot therefore attribute the absence of any evidence in support of the applicant's ill-treatment allegations to the authorities alone.

12. Having regard to the above, the Court considers that the applicant has not presented sufficiently detailed and coherent material for his ill-treatment complaint to amount to an arguable claim under Article 3 of the Convention. His complaint should therefore be rejected as manifestly ill-founded within the meaning of Article 35 §§ 3 (a) and 4 of the Convention.

13. Regard being had to its findings in paragraph 12 above and to its settled case-law concerning the scope of the States' procedural obligations under Article 3 of the Convention (see, among others, *Khayrov*, cited above, §§ 51-57 ; *Igars v. Latvia* (dec.), no. 11682/03, §§ 64-73, 5 February 2013; *Gavula*, cited above, §§ 58-63 ; *Gorbatenko*, cited above, §§ 107-21; and *Kushnir v. Ukraine*, no. 42184/09, §§ 102-08, 11 December 2014) the Court finds that the applicant's complaint concerning the alleged ineffectiveness of the resulting investigation is also manifestly ill-founded within the meaning of Article 35 §§ 3 (a) and 4 of the Convention.

14. In view of the above conclusions, there is no need for the Court to examine the Government's non-exhaustion objection.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 18 December 2025.

Martina Keller Deputy Registrar	Gilberto Felici President