



Judgments concerning Ukraine

The European Court of Human Rights has today notified in writing the following five judgments, of which two (in italics) are Committee judgments and are final. The others are Chamber judgments¹ and are not final. The judgments are available only in English.

Repetitive cases², with the Court's main finding indicated, can be found at the end of the press release.

Chabrowski v. Ukraine (application no. 61680/10)

The applicant, Dariusz Chabrowski, is a Polish national who was born in 1971 and lives in Częstochowa (Poland). Relying in particular on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicant complained of the lengthy failure of the Ukrainian authorities to enforce a judicial decision on returning his abducted child to Poland.

Violation of Article 8

Just satisfaction: EUR 7,500 (non-pecuniary damage) and EUR 3,285 (costs and expenses)

Sizarev v. Ukraine (no. 17116/04)

The applicant, Konstantin Sizarev, is a Ukrainian national who was born in 1958 and lives in Yevpatoriya (Ukraine). He complained about his conditions of detention while at the Yevpatoriya Temporary Detention Facility (ITT) and alleged that the authorities had been responsible for his having been beaten up by a cellmate and for the lack of an effective investigation into the incident. He also complained about his handcuffing in hospital from 27 April to 13 May 2004 and about the inadequacy of the medical treatment provided to him. He relied in particular on Article 3 (prohibition of inhuman or degrading treatment). He further complained, under Articles 5 § 1, 3 and 4 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial / right to have lawfulness of detention decided speedily by a court), about the unlawfulness and length of his pre-trial detention and the lack of speediness of review of the detention order on appeal.

Violation of Article 3 (conditions of detention in cell no. 12 of the Yevpatoriya ITT)

Violation of Article 3 (authorities' failure to ensure applicant's safety in detention)

Violation of Article 3 (ineffectiveness of domestic investigation into ill-treatment in the Yevpatoriya ITT)

Violation of Article 3 (handcuffing in hospital)

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

Violation of Article 5 § 1 (remand in custody on 27 April 2004)

Violation of Article 5 § 3 (continued pre-trial detention)

Violation of Article 5 § 4 (lack of speedy judicial review of the lawfulness of the detention)

Just satisfaction: EUR 9,000 (non-pecuniary damage)

Slyusar v. Ukraine (no. 39797/05)

The applicant, Yuriy Slyusar, is a Ukrainian national who was born in 1957 and lives in Kyiv. He complained about the authorities' failure to effectively investigate the disappearance and possible murder of his twin brother in April 2003, whose body had never been found. The proceedings are still pending and, according to the applicant, there have been 16 different investigating officers in charge of the case. The applicant alleged that his twin brother had been killed by his son and ex-wife. He relied in particular on Article 2 (right to life).

Violation of Article 2 (investigation)

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 500 (costs and expenses)

Repetitive cases

The following cases raised issues which had already been submitted to the Court.

Robota and Others v. Ukraine (no. 7158/04 and 88 other applications)

These cases concerned prolonged non-enforcement of domestic decisions.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Violation of Article 13

Varava and Others v. Ukraine (no. 12405/06 and 118 other applications)

These cases concerned the authorities' failure to enforce judgments given against State-owned or State-controlled entities.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Violation of Article 13

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Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.