



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

Published on 10 August 2026

FIFTH SECTION

Application no. 27957/23
Igor Yuriyovych TYSHCHENKO against Ukraine
and 4 other applications
(see list appended)
communicated on 10 July 2026

SUBJECT MATTER OF THE CASES

The applications concern defamation proceedings brought by the applicants against private media outlets and/or private individuals in relation to statements alleging, in substance, that the applicants had been involved in unlawful activities.

Application no. 27957/23

The applicant brought defamation proceedings against Sh., a former senior colleague, over passages in a book written by Sh. The impugned passages suggested that (i) a police officer had once informed Sh. that law-enforcement authorities had collected extensive material evidencing the applicant's unlawful conduct; (ii) that the applicant could have faced criminal liability but, according to Sh., had been protected by Sh.'s own intervention; (iii) that this was not an isolated incident; and (iv) that the security services had later investigated the alleged unlawful use of budgetary funds during competitions held in Crimea.

Final decision in the case was given by the Supreme Court on 30 January 2023.

Application no. 31613/23

The applicant, a well-known businessman and public figure, brought defamation proceedings against K. concerning a video and accompanying Facebook post entitled “Friendship with a Traitor”. The impugned material alleged, in substance, that the applicant had been involved in ordering the murder of A., cooperating with criminal groups, directing gang members, robbing members of the families of L. and A., and cooperating with the FSB of the Russian Federation by carrying out tasks on behalf of the Kremlin.

Final decision in the case was given by the Supreme Court on 29 March 2023.

Applications nos. 33420/23 and 38659/23

The applicants are former senior officials of Naftogaz, Ukraine’s largest national oil and gas company. Both applications concern defamation proceedings arising from online articles published by media outlets during an internal conflict within Naftogaz. The articles referred, *inter alia*, to statements made by F., also a senior employee of Naftogaz, in respect of the applicants.

The Supreme Court eventually dismissed the applicants’ claims against F. and owners of the relevant media outlets, finding, in substance, that the information disseminated about the applicants did not constitute statements of fact but amounted to value judgments by F., reflecting his subjective opinions and critical assessment of the applicants’ professional activities, based on F.’s personal perception of certain events. It further held that the publications concerned a matter of public interest and that the impugned statements could not be interpreted as alleging that the applicants had committed any specific criminal offence. The Supreme Court considered that, as persons who had held public positions and senior posts within State-owned companies, the applicants had to tolerate a higher degree of criticism, including harsh criticism, in relation to their professional activity.

Application no. 33420/23 of Mr Didenko

On 20 June 2020 the media outlet Delo.ua published an article concerning the dismissal of Mr Vitrenko, the applicant in application no. 38659/23, from Naftogaz and persons allegedly associated with him, including Mr Didenko, entitled “The most difficult choice of Kobolev” (“[Самый сложный выбор Коболева — Delo.ua](#)”).

As regards Mr Didenko, the article referred to the emergence of a multi-billion debt at the Trading House “Gas of Ukraine” under his alleged management. It stated that he had either artificially created those debts in order to make money or had been incompetent and had allowed them to

accumulate. It further stated that, in any event, Mr Vitrenko was responsible for “such an employee”.

Final decision was given by the Supreme Court on 5 April 2023 and received by the applicant on 22 April 2023.

Application no. 38659/23 of Mr Vitrenko

On 28 April 2020 the media outlet Kosatka Media published an interview with F. under the title “Andrey Favorov: Now is not the time to catch a falling knife”.

In the interview, F. alleged that Mr Vitrenko had accused him of professional shortcomings, whereas Mr Vitrenko himself had “covered up” (*крышевал*) false reporting concerning the increase in gas-production volumes at Naftogaz. F. stated that technical gas losses had increased from 0.5 billion cubic metres in 2016 to 1.4 billion cubic metres in 2018 and that, accordingly, gas production had not in fact increased but had been “drawn” or artificially inflated in company records. He further alleged that employees had calculated how much had to be “drawn” in order to meet production targets and obtain bonuses, and that many of them had subsequently been dismissed by F. The latter also stated that he had removed Mr Vitrenko’s “lie” concerning gross gas production, while maintaining commercial gas production at the previous year’s level and increasing liquefied-gas production.

Final decision was given by the Supreme Court on 31 May 2023 and received by the applicant on 12 June 2023.

Application no. 15828/24

At the material time, the applicant was a member of the Kyiv Regional Council. On 8 April 2021, before a session of the Council, another member of the Council, Mr B., addressed the applicant in an abusive and aggressive manner. The exchange was recorded and later published on YouTube ([Нардеп Бондарев напав на депутата Титикало](#)). In the recording, Mr B. repeatedly insulted the applicant using obscene language and alleged, in substance, that the applicant had stolen UAH 15,000,000 (EUR 449,051 at the time) from the Kyiv regional budget. In particular, Mr B. stated that the applicant was “a corrupt animal” who had “stolen” money from the regional budget through a manager whom he had appointed, and that this would be “dug up” and the applicant would be put in prison.

Final decision in the case was given by the Supreme Court on 19 February 2024.

Relying, expressly or in substance, on Article 8 of the Convention, the applicants complain that the domestic courts failed to protect their reputation

and honour against the impugned statements. They argue, in particular, that the courts failed to conduct an adequate balancing exercise between the competing rights at stake, notably by classifying the statements in question as value judgments rather than assertions of fact.

In applications nos. 31613/23, 33420/23, 38659/23 and 15828/24, the applicants further complain under Article 6 § 1 of the Convention that the Supreme Court failed to assess properly the evidence before it and did not provide sufficient reasons for its decisions.

In applications nos. 33420/23, 38659/23 and 15828/24, the applicants also complain that the domestic courts disregarded the linguistic expert reports on which they relied, which classified the impugned statements as factual assertions. At the same time, in applications nos. 33420/23 and 38659/23, the courts relied on the psychological-linguistic reports submitted by the defendants, which characterised the same statements as value judgments.

QUESTION TO THE PARTIES

Did the respondent State comply with its positive obligation under Article 8 of the Convention to secure respect for the applicants' private life, in particular their right to protection of reputation, by ensuring that the domestic courts struck a fair balance between that right and the opposing parties' right to freedom of expression under Article 10 of the Convention (see, for instance, *Petrina v. Romania*, no. 78060/01, 14 October 2008)? In particular, did the domestic courts provide relevant and sufficient reasons for their conclusions, including with regard to the classification of the impugned statements as value judgments rather than statements of fact, as well as their assessment of the evidence before them, notably the expert reports relied on by the parties?

TYSHCHENKO v. UKRAINE AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality
1.	27957/23	Tyshchenko v. Ukraine	13/07/2023	Igor Yuriyovych TYSHCHENKO 1965 Cherkasy Ukrainian
2.	31613/23	Korban v. Ukraine	02/08/2023	Gennadiy Olegovych KORBAN 1970 Dnipro Ukrainian
3.	33420/23	Didenko v. Ukraine	21/08/2023	Oleg Valentynovych DIDENKO 1973 Kyiv Ukrainian
4.	38659/23	Vitrenko v. Ukraine	11/10/2023	Yuriy Yuriyovych VITRENKO 1976 Kyiv Ukrainian
5.	15828/24	Tytykalo v. Ukraine	20/05/2024	Roman Sergiyovych TYTYKALO 1982 Kyiv Ukrainian