



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

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FIFTH SECTION

Applications nos. 59800/21 and 43481/22
Mykhaylo Mykolayovych TITOV against Ukraine
lodged on 1 December 2021 and 25 August 2022 respectively
communicated on 6 July 2026

SUBJECT MATTER OF THE CASE

The applications concern two sets of defamation proceedings brought by the applicant in respect of statements disseminated by private media and private individuals alleging that he had been involved in corporate raiding activities and was associated with criminal circles. The applicant relies on Article 6 § 1 and Article 8 of the Convention.

1. Application no. 59800/21

In November 2019 the applicant brought defamation proceedings against the private television channel 1+1. The impugned material had been published on the channel's website as part of a television programme. It contained statements alleging, in substance, that the applicant was “behind a raiding operation”, was involved in “raiding attacks”, and was a “criminal authority”, a “criminal chess player” and a person of “criminal orientation”. The applicant complained that those statements were untrue, unsupported by evidence, and damaging to his honour, dignity and business reputation.

On 15 February 2021 the first-instance court dismissed the applicant's claim, finding that the statements complained of were value judgments and subjective opinions rather than factual allegations. On 11 May 2021 the Mykolaiv Court of Appeal quashed that judgment and allowed the applicant's claim in part. It held that the statement that the applicant was behind a raiding operation was untrue and damaging to his honour, dignity and business

reputation. It ordered the television company to publish a refutation on its website and awarded the applicant compensation for non-pecuniary damage and costs.

On 27 October 2021 the Supreme Court allowed the television company's cassation appeal, quashed the appellate judgment in the part favourable to the applicant, and reinstated the first-instance judgment. The Supreme Court essentially endorsed the first-instance court's approach, holding that the impugned statements constituted value judgments and that the applicant's arguments amounted to disagreement with the assessment of evidence and the established facts.

The applicant complains that the Supreme Court failed to address his substantive arguments, in particular that allegations of involvement in "raiding" amounted to factual allegations of criminally punishable conduct and therefore required proof.

2. Application no. 43481/22

In November 2019 the applicant brought defamation proceedings against T., a private individual, and the private television channel NikVesti Production. The proceedings concerned statements made by T. during a live broadcast published on his Facebook page and subsequently disseminated by NikVesti Production in an online publication. The impugned statements alleged, in substance, that the applicant had been involved in "raiding attacks", had participated in the seizure of a market in Mykolaiv, and was a "criminal authority" or "criminal element". The applicant maintained that those statements were untrue, unsupported by evidence, and damaging to his honour, dignity and business reputation.

On 30 March 2021 the first-instance court dismissed the applicant's claim. It held, in essence, that the statements complained of were value judgments and subjective expressions of opinion rather than factual allegations capable of being proved true or false. It further considered that the expressions used, although negative, did not amount to verifiable allegations of unlawful conduct by the applicant. As regards NikVesti Production, the court noted that it had merely broadcasted or published material concerning the President's communication with T.

On 10 June 2021 the Mykolaiv Court of Appeal partly quashed that judgment. It found that T.'s statement that the applicant had participated in "raiding attacks" and in the seizure of the market was untrue and damaging to the applicant's honour, dignity and business reputation. The appellate court ordered T. to publish a refutation on his Facebook page. The remainder of the applicant's claims, including those against NikVesti Production, was dismissed.

On 20 July 2022 the Supreme Court allowed T.'s cassation appeal, quashed the appellate judgment in the relevant part and reinstated the

first-instance judgment. The Supreme Court held that the statements complained of were value judgments and that the applicant's arguments amounted to disagreement with the appellate court's assessment of the evidence and the established facts. The applicant complained that the Supreme Court had failed to engage with his arguments that the statements imputed involvement in criminally punishable conduct and could not be treated as unsupported subjective opinion.

The applicant complains, in essence, that the domestic courts failed to protect his honour, dignity, private life and business reputation against defamatory statements.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to respect for his private life, specifically to his right to honour and reputation, contrary to Article 8 of the Convention (see, for the general principles, *Jishkariani v. Georgia*, no. 18925/09, § 46, 20 September 2018)?