



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

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FIFTH SECTION

Application no. 54048/20
Oleksandr Volodymyrovych KYRYCHENKO
against Ukraine
lodged on 2 December 2020
communicated on 17 July 2026

SUBJECT MATTER OF THE CASE

The case concerns the applicant's complaints under Article 1 of Protocol No. 1 and Article 13 of the Convention regarding the allegedly arbitrary retention of his property by the investigating authorities, as well as the alleged damage and eventual loss of some of that property.

The events giving rise to the application can be summarised as follows.

In early March 2020 a law-enforcement official in Odesa complained to the police that she had received threats by telephone and that an insulting video targeting her had begun circulating on the Internet. A criminal investigation into interference with the activities of a law-enforcement official was opened, with no suspects identified.

The investigator applied for and obtained judicial authorisation to search the applicant's home, arguing that he might be the owner of one of the YouTube channels hosting the video in question.

On 31 March 2020 the police carried out a search of the applicant's apartment and withheld a laptop, a tablet, two video cameras, several mobile telephones, hard disks and memory sticks, numerous CDs and DVDs, some documents and other items.

On 21 April 2020 the Odesa Court of Appeal granted the prosecutor's application for seizure of only some of the property withheld (namely, one specific mobile telephone and five hard disks) and ordered that all the other property be immediately returned to the applicant.

On 18 May 2020 the Odesa Kyivskyy District Court (“the Kyivskyy Court”) lifted the seizure of the five hard disks but maintained the seizure of the mobile telephone. The applicant noted that that measure remained valid at the time of the introduction of the application. He did not provide any update or raise any complaints in that regard.

The applicant recovered most of his property in parts on 30 April, 4 May and 5 November 2020 (some of the items allegedly in a damaged condition). In the meantime, the Kyivskyy Court delivered several rulings holding that the investigator’s failure to immediately return the applicant’s property had amounted to an unlawful omission.

The case file contains a letter from the investigator to the applicant dated 10 July 2020, acknowledging that one of the seized video cameras had disappeared and stating that an investigation had been launched into its possible theft.

According to the applicant, the aforementioned video camera and its equipment have never been returned to him.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant’s peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention?

2. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 1 of Protocol No. 1, as required by Article 13 of the Convention?