



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

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FIFTH SECTION

Application no. 12930/21
Yevgen Vyacheslavovych OCHERETYANYI against Ukraine
and 4 other applications
(see list appended)
communicated on 20 August 2026

SUBJECT MATTER OF THE CASE

The applications concern the applicants' deprivation of property in favour of the State.

In applications nos. 12930/21, 42966/22, 37406/23 and 38227/23 the applicants purchased from private persons commercial premises which had initially belonged to municipal property of the city of Dnipro and which had subsequently been sold at public auctions following the bankruptcy and liquidation of the respective municipal enterprises. Those auctions were later invalidated for various reasons unrelated to the private owners whose titles to property were invalidated as well. The property was ultimately reclaimed by the city of Dnipro and restored to municipal ownership.

In application no. 24057/23 the applicant company bought real estate at a public auction held by the State Bailiffs' Service in connection with the relevant proceedings involving private persons who were unable to pay off their creditors. That auction was later invalidated following an action submitted by local authorities which claimed their ownership over that property. The applicant company's title was invalidated too, and the property was ultimately transferred to the local authorities.

The applicants received no compensation for the loss of their property titles.

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

The applicants complain under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention that they were unfairly deprived of their property which they had acquired in good faith.

The applicant company in application no. 24057/23 also complains under Article 13 of the Convention that no effective remedies were available, in particular for obtaining compensation following the reclamation of its property.

QUESTION TO THE PARTIES IN RESPECT OF ALL CASES

Have the applicants been deprived of their possessions in the public interest, and in accordance with the conditions provided for by law, within the meaning of Article 1 of Protocol No. 1? Did that deprivation impose an excessive individual burden on the applicants (see *Immobiliare Saffi v. Italy*, [GC], no. 22774/93, § 59, ECHR 1999-V)?

**QUESTION TO THE PARTIES
IN RESPECT OF APPLICATION NO. 24057/23**

Did the applicant company have at its disposal an effective domestic remedy for its Convention complaints, as required by Article 13 of the Convention?

The Government are invited to provide detailed information as regards domestic legal framework and judicial practice concerning the legal consequences of the invalidation of public auctions and the remedies available in that regard. In particular, they are requested to clarify whether the affected party is required to bring a separate claim for compensation and, if so, who is regarded under domestic law as the proper respondent in such proceedings.

OCHERETYANYY 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	Represented by	Type of property and the date of its acquisition	Date of final judgment in the case
1.	12930/21	Ocheretyanyy v. Ukraine	26/02/2021	Yevgen Vyacheslavovych OCHERETYANYY 1992 Dnipro Ukrainian	Anastasiya Viktorivna YAKOVLYEVA	Commercial premises in Dnipro, 2013	26/08/2020
2.	42966/22	Do v. Ukraine	24/08/2022	Oleksandra Olegivna DO 1996 Kamyanske Ukrainian	Sergiy Mykolayovych NEGOLSHOV	Commercial premises in Dnipro, 2017	03/05/2022
3.	24057/23	Solum, TOV v. Ukraine	24/05/2023	SOLUM, TOV 2010 Kyiv	Oleksandr Vasylyovych SHKELEBEY	Plots of land in/near the village of Kozyn, 2013	25/01/2023
4.	37406/23	Shut v. Ukraine	23/09/2023	Olga Viktorivna SHUT 1979 Dnipro Ukrainian	Sergiy Oleksandrovych KULBACH	Commercial premises in Dnipro, 2013	24/05/2023
5.	38227/23	Amirova v. Ukraine	11/10/2023	Olena Yuriyivna AMIROVA 1980 Dnipro Ukrainian	Yuliya Anatoliyivna SEGEDA	Commercial premises in Dnipro, 2014	30/06/2023