



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

FIFTH SECTION

CASE OF ABAKUMOV AND OTHERS v. UKRAINE

(Applications nos. 3018/17 and 3 others)

JUDGMENT

STRASBOURG

1 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Abakumov and Others v. Ukraine,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Gilberto Felici, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the applications against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by the four Ukrainian nationals whose details are listed in the appended tables (“the applicants”), on the dates indicated therein;

the decision to give notice of the complaints set out in paragraphs 1-4 below to the Ukrainian Government (“the Government”), represented by their Agent, Ms M. Sokorenko, and to declare the remainder of the applications inadmissible;

the parties’ observations;

Having deliberated in private on 10 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The applicants alleged, under Article 3 of the Convention, that they had been ill-treated by law-enforcement authorities and that the investigations into their respective complaints had been ineffective.

2. In addition, the first applicant (in application no. 3018/17) complained, under Article 5 § 1 of the Convention, that his arrest on 12 February 2015 and detention until 13 February 2015 had been unlawful, and under Article 6 § 1 that the length of the criminal proceedings against him had been excessive.

3. The third applicant (in application no. 18540/18) additionally complained under Article 3 of the Convention that he had been deprived of requisite medical assistance in detention for his injuries sustained immediately before his arrest and for his chronic illnesses.

4. Lastly, the fourth applicant (in application no. 33147/18) complained that Article 6 §§ 1 and 3 (d) had been breached in the criminal proceedings against him. In particular, the domestic courts had allegedly arbitrarily refused to admit as evidence expert reports obtained by the defence with a view to challenging the findings in the reports which had been ordered by the prosecution and performed by experts who, like the person accused by the applicant of having committed the crime purportedly wrongly attributed to him, had been affiliated with the police. The courts had also refused to hear the applicant’s experts via videolink.

5. The facts relevant to the individual applications are set out in detail in the appended tables.

THE COURT'S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION ON ACCOUNT OF ILL-TREATMENT BY LAW-ENFORCEMENT AUTHORITIES AND LACK OF AN EFFECTIVE INVESTIGATION

7. All the applicants complained that they had been ill-treated by law-enforcement authorities and that their respective complaints had not been properly investigated. They relied on Article 3 of the Convention.

8. The Government contended that none of the applicants had exhausted the available domestic remedies. They noted that in the cases of Mr Y. Abakumov (application no. 3018/17) and Mr O. Shepelev (application no. 18540/18) the domestic criminal investigations were still underway. In addition, neither the above applicants nor Mr O. Bilostotsky (application no. 37202/17) had attempted to file civil proceedings for compensation for the allegedly unlawful acts by the authorities in their respect. The Government further contended that the complaints raised by all four applicants were in any event manifestly ill-founded.

9. Reviewing the Government's non-exhaustion objections in the light of the available documents and the principles developed in its case-law (see, in particular, *Gäffen v. Germany* [GC], no. 22978/05, §§ 116-19, ECHR 2010; *Kaverzin v. Ukraine*, no. 23893/03, §§ 91-99 and 172-80, 15 May 2012; and *Belousov v. Ukraine*, no. 4494/07, §§ 48-49 and 56-58, 7 November 2013), the Court considers that they should be dismissed.

10. The Court further finds that the applicants have raised arguable allegations of ill-treatment and provided the domestic authorities with appropriate opportunities to deal with them. The Court further considers that the complaints raised by the applicants are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and are not inadmissible on any other grounds. They must therefore be declared admissible.

11. Reviewing the facts of the present case in the light of the general principles established in its case-law (see *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-90 and 114-23, ECHR 2015), the Court considers that the applicants raised credible ill-treatment claims at the domestic level. Those claims triggered an obligation on the part of the national authorities to carry out an effective and thorough investigation with a view to establishing the

origin of the applicants' injuries, as well as identifying and punishing those responsible, should the allegations of ill-treatment have proved to be true.

12. Regard being had to the evidential gaps and/or contradictions in the domestic case files and in the factual submissions by the parties (see appended tables for details), the Court finds it impossible to establish beyond reasonable doubt that the injuries suffered by Mr Y. Abakumov, Mr O. Bilostotsky or Mr O. Shepelev were inflicted by the law-enforcement officers, as they alleged, or that any of the four applicants were subjected to other types of ill-treatment, which left no traces. The Court considers that the difficulty in determining the substance of the applicants' ill-treatment allegations stems from the authorities' failure to investigate their complaints effectively (see, in particular, *Popa v. Moldova*, no. 29772/05, §§ 39 and 45, 21 September 2010; *Grimailovs v. Latvia*, no. 6087/03, §§ 109 and 119, 25 June 2013; and *Barysheva v. Ukraine*, no. 9505/12, § 55, 14 March 2017).

13. From the documents before the Court, it appears that the domestic investigations did not constitute a serious effort to determine the relevant facts.

14. The Court notes that in *Kaverzin* (cited above, §§ 173-80), it found that the reluctance of the authorities to ensure a prompt and thorough investigation of ill-treatment complaints lodged against law-enforcement authorities constituted a systemic problem within the meaning of Article 46 of the Convention. The Court considers that the present applications, in view of their circumstances and its previous case-law, constitute another example of such a failure to ensure a prompt and thorough investigation.

15. The Court therefore concludes that the present complaints disclose a breach of Article 3 of the Convention on account of the failure of the domestic authorities to effectively investigate the applicants' arguable ill-treatment allegations.

III. OTHER COMPLAINTS BY MR Y. ABAKUMOV

16. Mr Y. Abakumov also raised other complaints under Article 5 § 1 and Article 6 § 1 of the Convention (see paragraph 2 above).

17. Having examined these complaints in the light of the material before it and in the light of its well-established case-law, the Court considers that the complaint concerning the applicant's unrecorded detention between 9.15 a.m. and noon on 12 February 2015 (against which the Government did not raise any non-exhaustion objections) and the complaint concerning the length of the criminal proceedings against him must be declared admissible and that they disclose the following violations in the light of the Court's well-established case-law: (a) a violation of Article 5 § 1 of the Convention in the light of the Court's findings in *Grinenko v. Ukraine* (no. 33627/06, §§ 74-78, 15 November 2012) and *Belousov* (cited above, § 85); and (b) a violation of Article 6 § 1 of the Convention in the light of the Court's findings

in *Pélissier and Sassi v. France* ([GC], no. 25444/94, § 67, ECHR 1999-II); *Frydlender v. France* ([GC], no. 30979/96, § 43, ECHR 2000-VII); and *Merit v. Ukraine* (no. 66561/01, 30 March 2004).

18. Regard being had to the above findings, the Court considers that it has addressed the main legal questions raised by the applicant and it is not necessary to address the remaining arguments and complaints presented by him (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

IV. REMAINING COMPLAINTS BY MR O. SHEPELEV AND MR Y. NEYMAK

19. As regards the complaint by Mr O. Shepelev under Article 3 of the Convention, that he had not been provided with requisite medical assistance in detention and the complaint by Mr Y. Neymak under Article 6 §§ 1 and 3 (d) of the Convention that he had not had a fair hearing in the criminal case against him, the Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not disclose an appearance of violations of the Convention (in respect of Mr O. Shepelev, compare *Andrey Yakovenko v. Ukraine*, no. 63727/11, § 79-80, 13 March 2014, and *Vadym Melnyk v. Ukraine*, nos. 62209/17 and 50933/18, §§ 69-75, 16 September 2022; in respect of Mr Y. Neymak, see general principles in *Beuze v. Belgium* [GC], no. 71409/10, §§ 120-122 and 150, 9 November 2018; contrast *Matytsina v. Russia*, no. 58428/10, §§ 207-08, 27 March 2014; and compare *Gülağaci v. Turkey* (dec.), no. 40259/07, §§ 35-51, 13 April 2021).

20. It follows that these complaints must be rejected in accordance with Article 35 § 4 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

21. Mr Y. Abakumov (application no. 3018/17), Mr O. Bilostotsky (application no. 37202/17), and Mr Y. Neymak (application no. 33147/18) lodged just satisfaction claims under Article 41 of the Convention (see appended tables for details).

22. Regard being had to the documents in its possession and to its case-law, the Court considers it reasonable to award the applicants the sums indicated in the appended tables. It dismisses the remainder of the claims for just satisfaction brought by them.

23. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* admissible the complaints raised by all the applicants of ill-treatment by law-enforcement authorities and the ineffectiveness of the investigations in that regard, as well as the complaints raised by Mr Y. Abakumov (in application no. 3018/17) concerning his unrecorded detention on 12 February 2015 and the length of the criminal proceedings against him; and the remainder of the applications by Mr O. Shepelev (in application no. 18540/18) and Mr Y. Neymak (in application no. 33147/18) inadmissible;
3. *Holds* that there has been a violation of Article 3 of the Convention on account of the failure of the domestic authorities to conduct an effective investigation into the complaints of ill-treatment by law-enforcement authorities raised by all the applicants;
4. *Holds* that there has been a violation of Article 5 § 1 of the Convention in respect of the complaint raised by Y. Abakumov (application no. 3018/17) as regards his unrecorded detention on 12 February 2015;
5. *Holds* that there has been a violation of Article 6 § 1 of the Convention in respect of the complaint raised by Y. Abakumov (application no. 3018/17) as regards the length of the criminal proceedings against him;
6. *Holds* that it is not necessary to examine the admissibility and merits of the other complaints raised by Mr Y. Abakumov (application no. 3018/17);
7. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended tables, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
8. *Dismisses* the remainder of the claims for just satisfaction brought by Mr Y. Abakumov, Mr O. Bilostotsky, and Mr Y. Neymak.

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Done in English, and notified in writing on 1 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

Gilberto Felici
President

APPENDIX

1. Application no. 3018/17 by Mr Yuriy Mykolayovych Abakumov Ukrainian national born in 1962 and residing in Ivanivske Represented by Mr O.S. Rozumovskyy <i>Lodged on 21 December 2016</i>	
Relevant facts and documents	Article 3: key issues
(i) <i>The applicant's account of the alleged ill-treatment:</i> At about 9.15 a.m. on 12 February 2015, while the applicant was changing car tyres at a service station, several officers of the State Security Service ("the SBU") twisted his arms, shoved him to the ground, beat him with their legs, arms and a rifle butt, and handcuffed him. Then the officers brought the handcuffed applicant to his home, where they carried out a search and seized several items, including an object resembling a grenade. At noon the applicant, still handcuffed, was taken to the regional SBU office in Kharkiv. There, the applicant was punctured on the shins with an awl and punched in the spine, as the officers tried to force him to confess to being a part of a pro-separatist sabotage group. At various times, the officers also kicked and punched the applicant, as well as threatened to kill, torture or mutilate him and kill his relatives. (ii) <i>Medical and other evidence:</i> (a) Record of a medical examination of the applicant upon placement in Pre-trial detention centre no. 27 ("the SIZO") dated 14 February 2015: bruises and abrasions, which, according to the applicant, resulted from slipping and falling near his home early in the morning on 12 February 2015. (b) Report no. 6742-Ая/16 dated 25 November 2016 (Kharkiv regional forensic expert bureau, after a physical examination on 11 July 2016): scars from an abrasion on the applicant's cheekbone and from small wounds on his shins. Owing to the passage of time and incomplete and contradictory medical records, not possible to establish the	(i) The available material does not allow to establish conclusively that the applicant had no injuries before his arrest; that he sustained them either during the arrest operation or in custody; or that he had otherwise been subjected to either degrading or inhuman treatment by the SBU officers (for relevant examples, see <i>Kozinets v. Ukraine</i>, no. 75520/01, §§ 56-57, 6 December 2007; <i>Kulyk v. Ukraine</i>, no. 30760/06, §§ 82-83, 23 June 2016; and <i>Yevgeniy Petrenko v. Ukraine</i>, no. 55749/08, §§ 78-81, 29 January 2015). (ii) Key procedural steps were taken with significant delays leading to loss of

timing or the manner of the infliction of any of the injuries. No record of shin wounds at the time of the applicant's placement in detention.

(iii) *Domestic findings (preliminary, proceedings ongoing):*

The timing and origin of the shin wounds is not clear. Medical records do not indicate their presence at the time when the applicant was placed in detention. Other injuries could have been sustained by falling before the applicant's arrest, as indicated by him when placed in the SIZO.

(iv) *Information relevant to the applicant's arrest and detention:*

(a) On 11 February 2015 an investigating judge (Kyivskiy District Court of Kharkiv) issued a search warrant for the applicant's residence within the framework of criminal proceedings concerning terrorist acts purportedly committed by a pro-separatist sabotage group, in order to verify his possible affiliation with that group.

(b) On 12 February 2015, after a search operation in the applicant's home, which ended at noon, and the seizure, in particular, of an object resembling a grenade, criminal proceedings were instituted against him for the unlawful possession of an explosive device (Article 263 of the Criminal Code).

(c) At 10.05 p.m. on 12 February 2015 a report on the applicant's detention (*протокол затримання*) was drafted indicating that the applicant had been detained at noon on that day, after the search and seizure operation, in connection with the above-mentioned proceedings, in accordance with Article 208 § 1 of the Code of Criminal Procedure (which allowed the arrest of an individual without a court order, if caught while committing an offence).

(d) At 11.30 a.m. on 13 February 2015 the applicant was issued with a notification of suspicion (*повідомлення про підозру*), accusing him of unlawfully possessing an explosive. Later that same day the applicant was brought before a judge, who ordered his detention on remand.

(e) On 4 February 2016 the Krasnohrad District Court of Kharkiv acquitted the applicant of having been involved in a pro-separatist sabotage group and convicted him of possessing an explosive. Referring to witness statements and other evidence, the court established that the applicant had been detained, in breach of the law, at 9.15 a.m. on 12 February 2015, before the beginning of the search and seizure operation, at the car service station, as argued by him, and not at noon, upon seizure of the grenade-like object in his home, as indicated in the detention report. Subsequently the judgment was quashed on appeal in so far as it concerned the applicant's conviction for possession of an explosive and remitted for a fresh trial in that regard. Otherwise the judgment was upheld by the courts at two levels of jurisdiction and became final.

evidence. In particular, the forensic assessment of the applicant's injuries was ordered on 11 June 2016 and the applicant was afforded victim status and first questioned on 20 June 2016, that is, more than fifteen months after the complaint was lodged and the investigation was started (for relevant examples, see *Oleksiy Mykhaylovych Zakharkin v. Ukraine*, no. 1727/04, §§ 68-69, 24 June 2010; *Savitsky v. Ukraine*, no. 38773/05, § 105, 26 July 2012; and *Zhyzitsky v. Ukraine*, no. 57980/11, § 50, 19 February 2015).

(iii) Overall length of the investigation (over eight years) which started on 25 February 2015 (Kharkiv military garrison prosecutor's office) and was still ongoing at least as of December 2023 (for relevant examples, see *Belousov v. Ukraine*, no. 4494/07, § 56, 7 November 2013, and *Adnaralov v. Ukraine*, no. 10493/12, § 50, 27 November 2014).

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(v) <i>Information relevant to the criminal proceedings against the applicant:</i> The proceedings started on 12 February 2015 and, after several rounds before the courts at three levels of jurisdiction, were ongoing as of the last information from the parties (December 2023).	(iv) Delay in apprising the applicant of important procedural developments: in particular, the decision of 30 May 2015 to close the criminal proceedings was communicated to him only on 15 May 2016, thus leading to a delay in him exercising the right to appeal (for relevant examples, see <i>Danilov v. Ukraine</i>, no. 2585/06 § 70, 13 March 2014, and <i>Barysheva v. Ukraine</i>, no. 9505/12, § 61, 14 March 2017).
Just satisfaction	
Parties' submissions	The Court's award
<i>Applicant:</i> <i>Non-pecuniary damage:</i> 20,000 euros (EUR) <i>Costs and expenses:</i> EUR 5,200 in legal fees incurred in domestic criminal proceedings (a copy of the contract and receipts of payments provided). <i>Government:</i> Claims exorbitant and unsubstantiated. There are no documents detailing the nature and scope of the legal services provided and their connection to the alleged breaches of the applicant's rights under Articles 3 and 5 of the Convention.	<i>Non-pecuniary damage:</i> EUR 10,000 <i>Legal fees:</i> EUR 1,500 plus any tax that may be chargeable to the applicant on the above amounts.

2. Application no. 37202/17 by Mr Oleksiy Oleksandrovykh Bilostotskyy Ukrainian national born in 1989 and residing in Vinnytsia Represented by Mr A.O. Kadochnikov <i>Lodged on 15 May 2017</i>	
Relevant facts and documents	Article 3: key issues
(i) <i>The applicant's account of the alleged ill-treatment:</i> At about 3 p.m. on 24 December 2013 the applicant, together with P., his acquaintance, were dragged out of P.'s car by several officers of the Vinnytsia municipal police, who forced them to confess to committing burglary. Two officers threw the applicant on the pavement and kicked him all over his body. They then shoved him into their car, taped his hands, punched him on the head and applied electric current to his kidney area. (ii) <i>Medical and other evidence:</i> (a) Ambulance record no. 2A dated 26 December 2013: hypertensive crisis, abrasions (lumbar area and knee) and two hematomas (lumbar area). (b) Report no. 444 (Vinnytsia regional forensic expert bureau) dated 7 April - 19 May 2015: the injuries documented by the ambulance team in December 2013 were sustained within two to six days prior to the applicant's examination. They could have resulted from repeated blows with blunt objects (such as feet) as submitted by the applicant. They could also have resulted from contact with blunt objects during a fall. Lacking details concerning the appearance of the abrasions, it is not possible to establish their timing and origin. (iii) <i>Domestic findings – decision to close the criminal proceedings: 20 September 2016 (Vinnytsia regional prosecutor's office), the applicant's appeals dismissed by courts at two levels of jurisdiction (last ruling: 16 November 2016, Vinnytsia Regional Court of Appeal):</i>	(i) Available material does not allow to establish conclusively that the applicant had no injuries before his arrest or that he sustained them either during the arrest operation or in custody (for relevant examples, see <i>Kozinets v. Ukraine</i>, no. 75520/01, §§ 56-57, 6 December 2007; <i>Kulyk v. Ukraine</i>, no. 30760/06, §§ 82-83, 23 June 2016; and <i>Yevgeniy Petrenko v. Ukraine</i>, no. 55749/08, §§ 78-81, 29 January 2015). (ii) Delay in opening a criminal investigation and arranging for a forensic medical assessment leading to loss of evidence (complaint lodged on 15 January 2014 (Vinnytsia prosecutor's office); investigation launched on 12 February 2015; and forensic assessment carried out on 7 April - 19 May 2015 (for relevant examples, see <i>Oleksiy Mykhaylovych Zakharkin v. Ukraine</i>, no. 1727/04, §§ 68-69, 24 June 2010, and <i>Savitskyy v. Ukraine</i>, no. 38773/05, § 105, 26 July 2012). (iii) Hasty conclusion that the documented injuries could not have been inflicted by the police officers, which was based essentially on their own testimonies taken at

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The applicant's injuries likely pre-dated his encounter with the police. According to his explanation given to detention centre staff on 27 December 2013, he had a household accident on 24 December 2013 (fall from a height during home renovation work).	face value (for relevant examples, see <i>Gordiyenko v. Ukraine</i>, no. 27620/09, §§ 95-96, 16 October 2014, and <i>Kleutin v. Ukraine</i>, no. 5911/05, § 68, 23 June 2016).
Just satisfaction	
Parties' submissions	The Court's award
The applicant: <i>Non-pecuniary damage:</i> 40,000 (EUR) <i>Legal fees:</i> EUR 4,000 (eighty hours at EUR 50 per hour) in the Convention proceedings and a lump sum of EUR 200 in various expenses incurred by the lawyer, Mr A.O. Kadochnikov, on the applicant's behalf (photocopying, postage and translation). The applicant asked that the award be paid directly into the lawyer's account. The Government: Claims exorbitant and unsubstantiated.	Non-pecuniary damage: EUR 7,500 Costs and expenses: EUR 1,500 plus any tax chargeable to the applicant on the above amounts; the legal fees awarded to be transferred to the account of Mr A.O. Kadochnikov, as requested (see <i>Belousov v. Ukraine</i>, no. 4494/07, §§ 115-16, 7 November 2013).

3. Application no. 18540/18 by Mr Oleksandr Oleksandrovych Shepelev Ukrainian national born in 1970 and detained in Kyiv Represented by Mr D.S. Anikin Lodged on 19 April 2018	
Relevant facts and documents	Article 3: key issues
(i) <i>The applicant's account of the alleged ill-treatment:</i> On 7 February 2018 the applicant (a former MP and a prominent businessman) was intercepted, handcuffed and blindfolded by a group of strangers, who drove him to several unknown locations. There the blindfolded applicant was repeatedly hit with hands, legs and various objects, and was forced to divulge information concerning his business dealings, contacts and various other subjects. On 8 February 2018 the applicant was taken to the Koncha-Zaspa forest near Kyiv and left near a bus station, with the instruction to "wait for the boss". Some ten to twenty minutes later the applicant (who was on the wanted list for various crimes, including large-scale funds embezzlement, money laundering and ordering two contract murders) was arrested by officers of the State Security Service ("the SBU"). While he was being questioned by Sh., he recognised his voice as belonging to one of the strangers who had detained him. The applicant also implicated several named civilians in his kidnapping and ill-treatment. (ii) <i>Medical and other evidence:</i> Report no. 133/8 dated 12 February-1 June 2018 (Ministry of Health, chief forensic expert bureau): multiple serious and minor injuries, including cranio-facial fractures (cheekbone, nasal, jaw and temple bones); right eye haemorrhage; cerebral concussion; facial wounds; crown injury to the eleventh tooth; multiple bruises (face, neck, torso and limbs) and abrasions resulting from the repetitive impact of blunt objects, possibly between 7 and 8 February 2018, as indicated by the applicant. (iii) <i>Domestic findings (preliminary: investigation is ongoing):</i> The individuals who kidnapped and ill-treated the applicant have not been identified. There are no grounds to believe that they could have been connected to law-enforcement authorities.	(i) Available material does not allow to establish conclusively that law-enforcement officers were involved in any capacity in the applicant's kidnapping and/or the infliction of his injuries (for relevant examples, see <i>Kozinets v. Ukraine</i>, no. 75520/01, §§ 56-57, 6 December 2007, and <i>Aleksandr Smirnov v. Ukraine</i>, no. 38683/06, § 54, 15 July 2010). (iii) Lack of independence of the initial inquiry conducted by the SBU officers – colleagues of Sh., who was implicated by the applicant as a person who had participated in his kidnapping and ill-treatment (for relevant examples, see <i>Kirpichenko v. Ukraine</i>, no. 38833/03, § 87, 2 April 2015, and <i>Zyakun v. Ukraine</i>, no. 34006/06, § 44, 25 February 2016). (ii) Delays in taking important procedural steps resulting in loss of evidence; notably, the applicant was not questioned as a victim until 2 March 2018; no immediate inspections were carried out of the places where the applicant was

(iv) <i>Information relevant to the applicant's medical treatment in detention:</i> (a) The applicant remains in detention until the present time, having been convicted on several charges and being a defendant in other proceedings which are still ongoing; (b) On the day of the applicant's arrest he was seen by a medical expert; on 10 February 2018 he was examined and started receiving treatment for injuries under the continuing supervision of civilian practitioners, including an otolaryngologist, a neurologist, a surgeon, a neurosurgeon and a dentist. (c) The applicant presented several reports written in 2018 by privately hired experts, which indicated, in particular, that he suffered from hypertension, cardiac insufficiency, osteochondrosis, ischemic heart disease, encephalopathy, an anxiety disorder, cerebral-asthenia syndrome and multiple sclerosis. (d) It is apparent from various documents on file that the detention centres in which the applicant was held between 2018 and 2020 had no special medical units and that ambulance teams were called regularly during that period to address the applicant's hypertensive crises. (e) On 21 December 2019 an expert panel of the Ministry of Health, having examined the applicant's medical documents, concluded that the only properly diagnosed medical condition requiring treatment was hypertension and that the medical assistance provided to the applicant for hypertension had complied with the applicable standardised guidelines and medical protocols. (f) On 29 December 2019 a multidisciplinary panel of nineteen medical experts was appointed by the Ministry of Health with a view to examining the applicant's state of health and to develop a comprehensive therapeutic strategy to address his health-related complaints. (g) On 9 January 201 that panel received a statement from the applicant, in which he refused to give consent for the examination and performance of the relevant tests. (h) On 17 January 2019 an out-patient psychiatric assessment by a panel of forensic experts appointed by the Government concluded that the applicant had no psychiatric disorders and did not need psychiatric treatment. (i) It is not apparent from the file that the applicant (represented by several lawyers) attempted to initiate domestic proceedings seeking to reconcile the discrepancies between the findings by the private experts and those appointed by the Ministry of Health or address the alleged failure of the Government to act on the findings of the private experts.	kidnapped and left by the kidnappers (for example, no inspection of footprints/car tyres or surveillance camera footage); the dwellings of several civilian persons identified by the applicant as his possible kidnappers on 2 March 2018 were not searched until May 2018 (for relevant examples, see <i>Drozdz v. Ukraine</i>, no. 12174/03, § 68, 30 July 2009, and <i>Voykin and Others v. Ukraine</i>, no. 47889/08, § 114, 27 March 2018); (iii) Overall length of the proceedings (over six and a half years) which are still ongoing with significant periods of inactivity (for relevant examples, see <i>Belousov v. Ukraine</i>, no. 4494/07, § 56, 7 November 2013, and <i>Adnaralov v. Ukraine</i>, no. 10493/12, § 50, 27 November 2014). (iv) No apparent thorough effort to collect objective evidence, in particular, failure to take sufficient procedural steps to verify the probability of Sh.'s involvement in the applicant's kidnapping and ill-treatment and repeated failures to act on the applicant's procedural requests in good time (which were acknowledged by the domestic courts as shortcomings in the investigation), including the failure to appropriately respond to his requests to locate and question his acquaintances who had witnessed his
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	kidnapping, and to identify the owner of the telephone number from which a call was made to the SBU on 8 February 2018 divulging the applicant's approximate location (for relevant examples, see <i>Mikhalkova and Others v. Ukraine</i> , no. 10919/05, §§ 44-47 and 57, 13 January 2011, and <i>Danilov v. Ukraine</i> , no. 2585/06, § 70, 13 March 2014).
Just satisfaction	
Parties' submissions	The Court's award
<i>Applicant:</i> No claim was submitted within the time-limit allotted by the Court.	No award

4. Application no. 33147/18 by Mr Yevgeniy Vyacheslavovych Neymak Ukrainian national born in 1992 and residing in Letychiv Represented by Ms O.Y. Sapozhnikova <i>Lodged on 30 October 2018</i>	
Relevant facts and documents	Article 3: key issues
<i>(i) The applicant's account of alleged ill-treatment:</i> At 2.50 a.m. on 2 August 2015 police officers K. and G. of the Khmelnytskyi regional police arrived in the Letychiv district hospital where the applicant was receiving treatment for multiple traumas suffered in a car accident that had taken place several hours earlier. The officers woke the applicant from a medically induced sleep, then handcuffed and removed him from the hospital without seeking consent from his consulting physician, who was absent at that hour. Until about 9 a.m. on that day the officers kept the applicant handcuffed in the car, uttering threats and debasing remarks with a view to using his vulnerable and helpless state to force him to give self-incriminating statements. More specifically, the officers urged the applicant to retract his statement that he had been the passenger rather than the driver of the car that had caused the collision. The applicant insisted that the driver of the car had been his acquaintance M. (a policeman who was off duty at the time of the accident). The applicant, having withstood the pressure, was dropped off by the police officers at the detention centre at 9 a.m. <i>(ii) Medical and other evidence:</i> (a) Certificate (Letychiv district hospital): applicant hospitalised at 9 p.m. on 1 August 2015 for treatment and supervision (wounds, abrasions and contusions); hysterical mutism and acute stress reaction; recommended monitoring by a neurologist. (b) Arrest report: at 2.50 a.m. on 2 August 2015 the applicant was arrested in Letychiv District Hospital under Article 208 § 2 of the Code of Criminal Procedure (which allows, in certain circumstances, the arrest of a suspect without a court order). (c) Certificate (Temporary Detention Centre no. 1 ("the ITT")): applicant arrived in the ITT at 9 a.m. on 2 August 2015.	(i) The available material does not allow to establish conclusively that during the period between the applicant's arrest at 2.50 a.m. and his arrival in the ITT at 9 a.m. on 2 August 2015 the applicant was a victim of psychological duress or other forms of ill-treatment reaching the threshold proscribed by Article 3 (for relevant examples, <i>Yaremenko v. Ukraine</i>, no. 32092/02, §§ 59-60, 12 June 2008, and <i>Bouyid v. Belgium</i> [GC], no. 23380/09, §§ 82-90, ECHR 2015).

(d) Report no. 891 (expert D. of the Khmelnytsky regional forensic expert bureau, 2-4 August 2015): the applicant sustained minor injuries requiring a short period of convalescence: bleeding from the mucous membrane of the upper lip, multiple abrasions and surface wounds (on the face, head, arms, left hand, knees and torso) possibly as a result of the car accident at about 6.30 p.m. on 1 August 2015.

(iii) *Domestic findings (decisions of 30 October and 11 December 2020 to close two separate sets of criminal proceedings respectively):*

There was no evidence of unlawful conduct on the part of the police officers.

(iv) *Information relevant to the applicant's trial and conviction:*

(a) On 30 June 2017 the Letychiv District Court convicted the applicant of driving a car under the influence of alcohol and committing a gross violation of the road traffic rules, causing a collision resulting in three deaths. He was sentenced to nine years' imprisonment. The court dismissed the applicant's allegation that M. had been the driver of the car and held that two expert reports submitted by him in support of the probability of that version of events could not be admitted as evidence as they had been carried out in conditions undermining their credibility.

(b) On 7 December 2018 the Khmelnytsky Regional Court of Appeal upheld the applicant's conviction and sentence. It made several findings. (i) There was no need for additional expert reports, as there was concordant and comprehensive evidence that the applicant had been the driver, while M. had been the passenger. That evidence included, in particular, video footage of the accident; an expert conclusion that the driver's airbag, which deployed as a result of the collision, only contained the applicant's cells; and statements by numerous eyewitnesses. (ii) The contradicting statements by the applicant, his relatives and acquaintances contained important factual incoherences undermining their credibility. (iii) The credibility of the applicant's account was further undermined by the fact attested to by independent eyewitnesses that his relatives had accessed the car which had caused the accident before the police had inspected it and had had an opportunity to move objects in it and to tamper with physical evidence; moreover, the applicant had left the accident site within minutes to go home, change and wash his clothes, unlike M. who, having fallen out of the car during the accident, had been lying on the pavement until he had been picked up by the ambulance staff. (iv) The defence had had ample opportunities to question the eyewitnesses and all the experts in court. (v) The two expert reports submitted by the defence lacked credibility as the experts hired by the applicant had only analysed copies of the documents provided to them by the defence and had not had access to the car, to the accident site, or to other original pieces of evidence.

(ii) Two sets of criminal proceedings (one set concerned the alleged misconduct of officers K. and G., and the other – that of prosecutor A.) were instituted with a significant delay (22 and 30 August 2018 respectively by the State Bureau of Investigations) after a large number of unsuccessful complaints raised before various authorities (for relevant examples, see, *mutatis mutandis*, *Davydov and Others v. Ukraine*, nos. 17674/02 and 39081/02, §§ 310-12, 1 July 2010, and *Chernega and Others v. Ukraine*, no. 74768/10, § 167, 18 June 2019).

(iii) Inquiry limited in scope and without any apparent genuine effort to collect objective evidence to establish the applicant's whereabouts between 2.50 a.m. and 9 a.m. on 2 August 2015 and the particulars of his mental and physical state during that period, including by questioning the applicant, the medical professionals and the ITT authorities, and by organising confrontations between the applicant and the police officers (for relevant examples, see *Grinenko v. Ukraine*, no. 33627/06, § 62, 15 November 2012, and *Kleutin v. Ukraine*, no. 5911/05, § 68, 23 June 2016).

(vi) Should the applicant have believed that the available statements by State-appointed experts were inconclusive or biased, he could have asked the court to order an additional assessment, including by the experts of his choice; that option would have ensured that the new experts could have obtained all the necessary material in its original form and that the other parties would have had a fair say in posing questions and submitting their remarks to those experts. (vii) The credibility of the applicant's experts was further undermined by the fact that they had not been available in person for questioning at the hearing. The Court of Appeal also gave extensive reasons for dismissing the applicant's other allegations concerning the purported breaches of his defence rights and the bias of the investigative authorities and the State-appointed experts. (c) On 8 April 2021 the Supreme Court dismissed the applicant's further appeal on points of law in a reasoned decision.	(iv) The applicant was not accorded "victim" status (for relevant examples, see <i>Yatsenko v. Ukraine</i>, no. 75345/01, § 47, 16 February 2012, and <i>Zhyzitskyy v. Ukraine</i>, no. 57980/11, § 50, 19 February 2015). (v) Delay in apprising the applicant of important procedural developments, in particular, the decision of 30 October 2020 to close the second set of proceedings was notified to him only in the course of the observations exchange, thus depriving him of the possibility to lodge an appeal in good time (for relevant examples, see <i>Danilov v. Ukraine</i>, no. 2585/06, § 70, 13 March 2014, and <i>Barysheva v. Ukraine</i>, no.9505/12, § 61, 14 March 2017).
Just satisfaction	
Parties' submissions	The Court's award
Applicant: <i>Non-pecuniary damage:</i> 60,000 (EUR) <i>Costs and expenses:</i> EUR 3,000 in legal fees (copies of the legal agreement and payment acknowledgements provided). Government: Claims exorbitant and unsubstantiated.	Non-pecuniary damage: EUR 7,500 Legal fees: EUR 1,500 plus any tax that may be chargeable to the applicant on the above amounts.