



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

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FOURTH SECTION

Application no. 39891/17
Oleg Stepanovych KHOMENOK against Russia
and 2 other applications
(see list appended)
communicated on 1 September 2026

SUBJECT MATTER OF THE CASE

The applications arise from the conflict between Ukraine and the Russian Federation, following the latter's assertion of jurisdiction over Crimea as of 27 February 2014 (see *Ukraine v. Russia (re Crimea)* (dec.) [GC], nos. 20958/14 and 38334/18, § 335, 16 December 2020). They primarily concern restrictions imposed on the applicants, who are journalists, from entering Crimea for periods of five or ten years on national security grounds, following the Russian Federation's *de facto* transformation of the administrative boundary line into a state border between the Russian Federation and Ukraine.

The facts of the individual cases, as submitted by the applicants, may be summarised as follows.

1. Application no. 39891/17 Khomenok v. Russia

The applicant is an investigative journalist who resided in Crimea. On 25 September 2012 the Federal Security Service of the Russian Federation (“the FSB”) banned him from entering the territory of the Russian Federation for five years on national security grounds, pursuant to Article 27 § 1 (1) of the Federal Law No. 114-FZ on the Procedure for Entering and Leaving the Russian Federation (“Federal Law no. 114-FZ”). He did not challenge that decision.

Following the “admission” of Crimea as a constituent entity of the Russian Federation under the “Accession Treaty” on 18 March 2014, the entry ban was extended to Crimea, where the applicant had resided and owned a share in an apartment. On an unspecified date in 2014 he moved to Kyiv, allegedly for fear of persecution by the Russian authorities. Since then, he has been unable to return to Crimea or access his family home.

By a letter dated 26 July 2018, the Ministry of Internal Affairs of the Republic of Belarus informed the applicant that he was also prohibited from entering Belarus under the framework of mutual recognition and enforcement of entry bans imposed by Russia and Belarus. The applicant submits that, as a result, the original ban on his entry into the Russian Federation, which had been due to expire in 2017, was extended for an indefinite period of time.

2. Application no. 45557/19 Yarysh v. Russia

The applicant is a photojournalist. Between 2016 and 2019 she worked for the project “Crimea.Realities” of the Radio Free Europe/Radio Liberty and regularly travelled from mainland Ukraine to Crimea for work-related purposes, specifically to report on events on the peninsula, including the persecution of Crimean Tatars.

On 18 February 2019, while travelling to Crimea, she was stopped by Russian border guards, who checked her documents, interviewed her and took her fingerprints. She was then informed that she had been prohibited from entering the Russian Federation until 26 May 2028 on national security grounds, pursuant to Article 27 § 1 (1) of the Federal Law no. 114-FZ.

On 17 May 2019 the applicant challenged the entry ban before the Meshchanskiy District Court of Moscow. On 10 July 2019 the applicant’s case was transferred to the Moscow City Court for lack of jurisdiction. The applicant submits that she was never informed of the outcome of those proceedings.

The applicant alleges that, as a result of the entry ban, she had to terminate her work for the “Crimea.Realities” project and substantially change the subject matter of her journalistic work.

3. Application no. 22612/20 Savchuk v. Russia

The applicant is a journalist. From 2016 to 2018, she regularly travelled from mainland Ukraine to Crimea to report on developments on the peninsula, with a particular focus on the political persecution of Crimean Tatars and Ukrainian activists. Her reports were published by various Ukrainian media outlets.

On 24 November 2018, during a work-related trip to Crimea, she Russian border guards denied her entry on national security grounds pursuant to an FSB ban imposed under Article 27 § 1 (1) of the Federal Law no. 114-FZ and valid until 27 August 2028.

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On 20 January 2020 the applicant challenged the entry ban before the Meshchanskiy District Court of Moscow, which transferred the case to the Moscow City Court for examination. She submits that she was not informed of the outcome of those proceedings.

COMPLAINTS

The applicants complain under Article 2 of Protocol No. 4 to the Convention about the restrictions imposed by the Russian authorities on their movement between Crimea and mainland Ukraine. Mr Khomenok also complains of an interference with his freedom to choose his place of residence.

Ms Yarysh complains under Article 8 of the Convention that the collection of her personal data and fingerprints by the Russian authorities was unlawful and arbitrary.

Ms Yarysh and Ms Savchuk further complain under Article 10 of the Convention that the entry ban prevented them from travelling to Crimea for their journalistic work and thereby interfered with their right to receive and impart information.

Mr Khomenok also complains under Article 1 of Protocol No. 1 to the Convention that the entry ban deprived him of access to and use of his property in Crimea and that the requirement to register that property under Russian law amounted to control of its use.

All the applicants complain under Article 13 of the Convention that they had no effective remedies in respect of the alleged violations.

Lastly, Mr Khomenok relies on Article 17 of the Convention, alleging that restrictions imposed on him were aimed at the destruction of his rights under Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4. He also complains under Article 18 of the Convention, taken together with those provisions, that the restrictions pursued purposes other than those prescribed by the Convention.

COMMON QUESTIONS TO THE PARTIES

1. Have the applicants complied with the admissibility requirements set forth in Article 35 § 1 of the Convention?

In particular, have the applicants complied with the six-month time-limit under Article 35 § 1 of the Convention?

In that connection, did the entry bans and their alleged effects give rise to a “continuing situation” in respect of the complaints under Article 2 of

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Protocol No. 4 to the Convention as regards Mr Khomenok and Ms Savchuk; under Article 1 of Protocol No. 1 as regards Mr Khomenok; and under Article 10 of the Convention as regards Ms Savchuk?

If so, did Mr Khomenok and Ms Savchuk lodge their complaints with the Court without undue delay (see *Sargsyan v. Azerbaijan* (dec.) [GC], no. 40167/06, §§ 124-48, 14 December 2011, and *Samadov v. Armenia* (dec.), no. 36606/08, §§ 10-18, 26 January 2021)?

2. Has there been a violation of the applicants' right to liberty of movement under Article 2 § 1 of Protocol No. 4 to the Convention (see *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, §§ 1174-75, 25 June 2024)?

3. Did the applicants have an effective domestic remedy in respect of their complaints under Articles 8 and 10 of the Convention as well as Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4, as required by Article 13 of the Convention?

CASE-SPECIFIC QUESTIONS

Application no. 39891/17

1. Has there been a violation of the applicant's right to peaceful enjoyment of his possessions within the meaning of Article 1 of Protocol No. 1 to the Convention on account of:

(a) the denial of access to his property in Crimea (see *Loizidou v. Turkey* (merits), 18 December 1996, § 63, *Reports of Judgments and Decisions* 1996-VI); and

(b) the requirement to register his title under Russian law (see *Ukraine v. Russia (re Crimea)*, cited above, §§ 1142-45)?

2. Were the restrictions imposed by the respondent Government on the applicant, purportedly pursuant to Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4 to the Convention, applied for a purpose not envisaged by those provisions, in breach of Article 18 of the Convention (see *Ukraine v. Russia (re Crimea)*, cited above, §§ 1351-82)?

Application no. 45557/19

Has the collection of the applicant's personal data and fingerprints by the Russian authorities amounted to an interference with her right to respect for

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her private life under Article 8 § 1 of the Convention? If so, was that interference “prescribed by law” within the meaning of Article 8 § 2 (see *Ukraine v. Russia (re Crimea)*, cited above, §§ 942 and 946)?

Applications nos. 45557/19 and 22612/20

Has there been an interference with the applicants’ freedom of expression, in particular their right to receive and impart information, within the meaning of Article 10 § 1 of the Convention? If so, was that interference prescribed by law within the meaning of Article 10 § 2 (see *Ukraine v. Russia (re Crimea)*, cited above, §§ 942 and 946)?

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APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	39891/17	Khomenok v. Russia	26/05/2017	Oleg Stepanovych KHOMENOK 1967 Kyiv Ukrainian	Sergiy Anatoliyovych ZAYETS
2.	45557/19	Yarysh v. Russia	17/08/2019	Alina Viktorivna YARYSH 1992 Poltava Ukrainian	
3.	22612/20	Savchuk v. Russia	12/05/2020	Alyona Olegivna SAVCHUK 1989 Kyiv Ukrainian	