



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

FOURTH SECTION

CASE OF S.B. v. RUSSIA

(Application no. 26760/21)

JUDGMENT

STRASBOURG

6 October 2026

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

In the case of S.B. v. Russia,

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

Lorraine Schembri Orland, *President*,

Faris Vehabović,

Anne Louise Bormann, *judges*,

and Uğur Erdal, *Acting Deputy Section Registrar*,

Having regard to:

the application (no. 26760/21) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 27 May 2021 by a national of Uzbekistan, S.B. (“the applicant”), who was born in 1979, lives in Uzbekistan and was represented by Ms E. Davidyan, Ms D. Trenina and Mr K. Zharinov, lawyers practising in Moscow;

the decision to give notice of the application to the Russian Government (“the Government”), represented by their Agent, Mr M. Vinogradov;

the decision to indicate an interim measure to the Government under Rule 39 of the Rules of Court, which was subsequently lifted;

the decision not to have the applicant’s name disclosed (Rule 47 § 4 of the Rules of Court);

the decision to treat as confidential all documents deposited with the Registry (Rule 33 § 2 of the Rules of Court);

the decision to give priority to the application (Rule 41 of the Rules of Court);

the observations submitted by the applicant;

Having deliberated in private on 15 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The present application arises out of the conflict between Ukraine and the Russian Federation in Crimea, following the latter’s occupation of the peninsula and assertion of jurisdiction over it as from 27 February 2014 (see *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, 25 June 2024). It concerns the order for the applicant’s administrative removal to Uzbekistan, her detention pending removal, and her right to respect for family life.

2. The applicant, an Uzbek national, moved to Russia in 2008 with her husband and their minor child. Their second child was born in Russia in 2009. In 2015 the family moved to Crimea.

3. On 11 May 2021 the applicant’s husband was killed during a special operation conducted by the Russian Federal Security Service in Crimea. On

12 May 2021 the “Sovetskiy District Court of Crimea”¹ found the applicant guilty of a breach of migration rules, ordered her administrative removal to Uzbekistan and placed her in a temporary detention centre for foreign nationals pending removal. The “court” noted that the applicant’s two minor children had been living with her in Crimea and ordered the competent authorities to determine an appropriate place of residence for them following her detention.

4. On 27 May 2021 the Court granted the applicant’s request for an interim measure under Rule 39 of the Rules of Court, indicating to the Russian Government that she should not be removed to Uzbekistan for the duration of the proceedings before the Court. On 28 May 2021 the “Supreme Court of Crimea” upheld the removal order but noted that the interim measure had suspensive effect. The applicant remained in detention pending removal.

5. On 2 April 2023, with the applicant’s agreement, the authorities enforced the removal order and removed her to Uzbekistan. In August 2023 her children joined her there. On 27 October 2023 the Court lifted the interim measure previously indicated under Rule 39 of the Rules of Court.

6. The applicant complained under Article 3 of the Convention that her removal to Uzbekistan would expose her to inhuman or degrading treatment contrary to that provision. She further complained under Article 5 § 1 of the Convention that her detention pending removal had been unlawful and excessive in length, in particular because no specific time-limit had been set and the authorities had failed to consider alternative measures following the indication of the interim measure under Rule 39 of the Rules of Court. Under Article 5 § 4 of the Convention, she complained that she had had no effective procedure by which to challenge the lawfulness of her detention. Lastly, she complained under Article 8 of the Convention that her administrative removal would interfere with her right to respect for her family life with her children.

THE COURT’S ASSESSMENT

I. PRELIMINARY ISSUES

A. Jurisdiction

7. The Court observes that the measures giving rise to the applicant’s complaints were ordered before 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. It remains competent to examine acts or omissions capable of constituting a violation of the Convention which occurred up to that date (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023). As

¹ The names of courts established in Crimea under Russian law are indicated in inverted commas (see *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, § 41, 25 June 2024).

regards the applicant's detention pending removal, which was ordered on 12 May 2021 and continued until her removal to Uzbekistan, with her agreement, on 2 April 2023, no further decision extending that detention appears to have been adopted after 16 September 2022. The detention therefore constituted a continuous effect of a pre-termination order and falls within the Court's temporal jurisdiction in its entirety (see *Pivkina and Others v. Russia* (dec.), nos. 2134/23 and 6 others, § 61, 6 June 2023). As regards the remaining complaints, the Court will examine them only in so far as they concern facts and effects falling within its temporal jurisdiction.

8. The Court further reiterates that the Russian Federation has exercised jurisdiction over Crimea since 27 February 2014 (see *Ukraine v. Russia* (re Crimea) [GC], cited above, §§ 864 and 873, and *Ukraine v. Russia* (re Crimea) (dec.) [GC], nos. 20958/14 and 38334/18, §§ 315-35, 16 December 2020). Accordingly, the events the applicant complained of fall within the jurisdiction of the Russian Federation and the Court has competence to examine them.

B. Consequences of the Government's failure to participate in the proceedings

9. The Russian Government did not submit any observations in the present case. However, their failure to do so does not affect the Court's examination of the application (see *Georgia v. Russia (II)* (just satisfaction) [GC], no. 38263/08, §§ 25-27, 28 April 2023, and *Svetova and Others v. Russia*, no. 54714/17, §§ 29-31, 24 January 2023).

C. Partial strike out

10. By the letter of 30 August 2023 the applicant's representatives informed the Court that the applicant was removed to Uzbekistan with her consent and that she did not intend to pursue her complaint under Article 3 of the Convention.

11. In light of the foregoing, the Court considers that the applicant may be regarded as no longer wishing to pursue this part of the application and it should thus be struck out of the Court's list of cases under Article 37 § 1 (a) of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 5 §§ 1 AND 4 OF THE CONVENTION

12. The Court notes that the applicant's complaints under Article 5 §§ 1 and 4 of the Convention are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. They must therefore be declared admissible.

13. The Court observes that the applicant was detained with a view of her administrative removal from Crimea to Uzbekistan. Her detention therefore falls to be examined under Article 5 § 1 (f) of the Convention. The Court reiterates that any deprivation of liberty must be “lawful” and carried out “in accordance with a procedure prescribed by law” (see, among many authorities, *Khlaifia and Others v. Italy* [GC], no. 16483/12, § 91, 15 December 2016).

14. In *Ukraine v. Russia (re Crimea)* [GC] (cited above, §§ 943-46), the Court held that Russian legislation extended to Crimea in contravention of the Convention, interpreted in the light of international humanitarian law, could not be regarded as “law” within the meaning of the Convention.

15. In the present case, the applicant’s detention pending administrative removal was ordered by the “Sovetskiy District Court of Crimea” and upheld by the “Supreme Court of Crimea” on the basis of Russian legislation applied in Crimea (see paragraphs 3-4 above). It follows that those decisions could not provide a lawful basis for the applicant’s deprivation of liberty within the meaning of Article 5 § 1 of the Convention. In view of that conclusion, the Court does not consider it necessary to examine the applicant’s further arguments concerning the duration of her detention and the alleged absence of safeguards against arbitrariness.

16. There has accordingly been a violation of Article 5 § 1 of the Convention.

17. Having regard to its finding under Article 5 § 1, the Court considers that it is not necessary to examine separately the applicant’s complaint under Article 5 § 4 of the Convention (see, for a similar approach, *Mozer v. the Republic of Moldova and Russia* [GC], no. 11138/10, § 163, 23 February 2016).

III. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

18. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

19. The Court observes that, at the material time, the applicant had been living in Crimea with her two minor children. By the decision of 12 May 2021 the “Sovetskiy District Court of Crimea” ordered her administrative removal and detention pending removal, and directed the competent authorities to determine an appropriate place of residence for the children following her detention. Those measures disrupted the applicant’s family life with her children and constituted an interference with her right to respect for family life (see, *mutatis mutandis*, *Zezev v. Russia*, no. 47781/10, § 35, 12 June 2018). Such interference will be compatible with Article 8 of the Convention only if it is “in accordance with the law”, pursues one or more of the

legitimate aims listed in paragraph 2 and is “necessary in a democratic society” (see *Kogan and Others v. Russia*, no. 54003/20, § 58, 7 March 2023).

20. The Court has already found that Russian legislation extended to Crimea could not be regarded as “law” within the meaning of the Convention (see paragraph 14 above). Since the decision of 12 May 2021 was issued and upheld by Russian “courts” operating in Crimea on the basis of Russian legislation, the interference with the applicant’s right to respect for family life was not “in accordance with the law”. It is therefore unnecessary to examine whether the remaining requirements of Article 8 § 2 were met.

21. There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. The applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,650 in respect of costs and expenses incurred in the proceedings before the Court. She submitted two contracts with her representatives and a detailed description of the legal services provided, and requested that the amount of costs and expenses be paid directly into their bank accounts.

23. The Government did not submit any comment on those claims.

24. The Court considers that the applicant must have suffered distress and frustration as a result of her unlawful detention and the disruption of her family life with her children, in breach of Articles 5 § 1 and 8 of the Convention. Ruling on an equitable basis, it awards the applicant EUR 10,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

25. Having regard to the documents in its possession, the Court considers it reasonable to award the applicant EUR 1,650 in respect of costs and expenses, plus any tax that may be chargeable to her, to be paid directly into the bank accounts of the applicants’ representatives.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that it has jurisdiction to examine the applicant’s complaints in so far as they concern measures adopted by the Russian authorities in Crimea before 16 September 2022; that this jurisdiction extends to the applicant’s detention pending removal in its entirety, as the continuous effect of a detention order made before that date; and that the Government’s failure to participate in the proceedings presents no obstacle to the examination of the case;
2. *Decides* to strike the application out of its list of cases insofar as it concerns the applicant’s complaints under Article 3 of the Convention;
3. *Declares* the remainder of the application admissible;

4. *Holds* that there has been a violation of Article 5 § 1 of the Convention;
5. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 5 § 4 of the Convention;
6. *Holds* that there has been a violation of Article 8 of the Convention;
7. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts, plus any tax that may be chargeable:
 - (i) EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage;
 - (ii) EUR 1,650 (one thousand six hundred and fifty euros) in respect of costs and expenses, to be paid directly into the bank accounts of the applicants' representatives;
 - (a) 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.

Done in English, and notified in writing on 6 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Uğur Erdal
Acting Deputy Registrar

Lorraine Schembri Orland
President