



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

FIFTH SECTION

CASE OF OLAG AND OTHERS v. UKRAINE

*(Applications nos. 7509/22 and 6 others –
see appended list)*

JUDGMENT

STRASBOURG

24 September 2026

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

In the case of Olag and Others v. Ukraine,

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

Andreas Zünd, *President*,

Vahe Grigoryan,

Sébastien Biancheri, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 3 September 2026,

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

PROCEDURE

1. The case originated in applications against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Ukrainian Government (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the inadequate conditions of their detention and of the lack of any effective remedy in domestic law. Some applicants also raised other complaints under the provisions of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. THE *LOCUS STANDI* OF MS GANNA OLEKSANDRIVNA KVASNYTSKA

6. As concerns the complaints raised by the applicant in application no. 20351/25, the Court notes that the applicant died on 14 July 2025, while the case was pending before it. The applicant’s sister, Ms Ganna Oleksandrivna Kvasnytska, wished to pursue the application on her brother’s behalf. As the request is in line with its case-law, the Court sees no reason to refuse it (see, among other authorities, *Horváthová v. Slovakia*, no. 74456/01,

§§ 25-27, 17 May 2005). However, reference will still be made to the applicant throughout the present judgment.

III. ALLEGED VIOLATION OF ARTICLES 3 AND 13 OF THE CONVENTION

7. The applicants complained of the inadequate conditions of their detention and of the lack of an effective remedy in this connection. They relied on Articles 3 and 13 of the Convention.

8. The Government submitted that some applicants failed to exhaust domestic remedies, as they had not sought compensation before the civil courts for damage allegedly sustained as a result of inadequate conditions of detention. However, the Court has found that a compensatory remedy is effective only once the unsatisfactory conditions of detention have ended (see *Sukachov v. Ukraine*, no. 14057/17, § 113, 30 January 2020). In the present case, the Government did not indicate that the applicants had been transferred, released, or that the conditions of their detention had improved before they lodged their applications with the Court. The objection must therefore be rejected.

9. The Court notes that the applicants were kept in detention in poor conditions. The details of the applicants' detention are indicated in the appended table. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, ECHR 2016). It reiterates in particular that a serious lack of space in a prison cell weighs heavily as a factor to be taken into account for the purpose of establishing whether the detention conditions described are "degrading" from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see *Muršić*, cited above, §§ 122-41, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-59, 10 January 2012).

10. The Court also refers to its standard of proof and methods for assessment of evidence in conditions-of-detention cases (see *Muršić*, cited above, §§ 127-28). In particular, in reply to a *prima facie* case of ill-treatment, complained of by the applicants, the Government is expected to provide primary evidence showing cell floor plans and the actual number of inmates during the specific periods of the applicants' detention (see *Ananyev and Others*, cited above, § 123, and, for example, *Sparysh and Kutsmand v. Ukraine* [Committee], nos. 49709/18 and 49870/18, 12 September 2024). Other documents and photographs, related to air, food, water quality control, pest control, temperature and luminosity measurements, bathing facilities, privacy of toilet, laundry services, etc., should pertain to cells and periods of the applicants' detention.

11. In the leading cases of *Melnik v. Ukraine* (no. 72286/01, 28 March 2006) and *Sukachov* (cited above), the Court already found a violation in respect of issues similar to those in the present case.

12. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the applicants' conditions of detention were inadequate.

13. The Court further notes that the applicants did not have at their disposal an effective remedy in respect of these complaints.

14. These complaints are therefore admissible and disclose a breach of Articles 3 and 13 of the Convention.

IV. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

15. In applications nos. 7509/22, 8786/24, and 12966/24 the applicants submitted other complaints which also raised issues under the Convention, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in cases set out in the appended table.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Sukachov*, cited above, §§ 165 and 167), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Decides* that Ms Kvasnytska, the sister of the applicant in application no. 20351/25, has *locus standi* in the proceedings;
3. *Declares* the applications admissible;
4. *Holds* that these applications disclose a breach of Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and

the lack of any effective remedy in domestic law to complain about poor detention conditions;

5. *Holds* that there has been a violation of the Convention as regards the other complaints raised under the well-established case-law of the Court (see appended table);
6. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, 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.

Done in English, and notified in writing on 24 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Andreas Zünd
President

APPENDIX

List of applications raising complaints under Articles 3 and 13 of the Convention
(inadequate conditions of detention and lack of any effective remedy in domestic law)

No	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	7509/22 28/01/2022	Sergiy Leonidovych OLAG 1986	Pustyntsev Andriy Vitaliyovych Dnipro	Chernigiv Pre-Trial Detention Facility 16/11/2018 pending More than 7 year(s) and 7 month(s) and 18 day(s)	2.6 m ²	overcrowding, lack of fresh air, lack of or insufficient quantity of food, lack of or poor quality of bedding and bed linen, lack of privacy for toilet, lack of toiletries, no or restricted access to shower, passive smoking, infestation of cell with insects/rodents	Art. 5 (3) - excessive length of pre-trial detention - 07/11/2018 - 24/04/2023, failure to conduct the proceedings with due diligence during the period of detention (see <i>Kharchenko v. Ukraine</i>, no. 40107/02, §§ 77-81, 10 February 2011, <i>Ignatov v. Ukraine</i>, 40583/15, §§ 38-42, 15 December 2016), Art. 5 (5) - lack of, or inadequate, compensation for unlawful arrest or detention - no effective right to compensation in domestic legal system for the violations of Art 5-3 (see <i>Tymoshenko v. Ukraine</i>, no. 49872/11, §§ 286-287, 30 April 2013 and <i>Kotiy v. Ukraine</i>, no. 28718/09, § 55, 5 March 2015), Art. 6 (1) - excessive length of criminal proceedings - from 07/11/2018 - 18/07/2024, 2 levels of jurisdiction (see <i>Nechay v. Ukraine</i>, no. 15360/10, §§ 67-79, 1 July 2021), Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings (see <i>Nechay v. Ukraine</i>, no. 15360/10, §§ 67-79, 1 July 2021)	9,800	250
2.	7392/24 27/02/2024	Roman Sergiyovych MALYOVANYI 1989	Pustyntsev Andriy Vitaliyovych Dnipro	Zhytomyr Detention Facility no. 8 24/06/2020 pending More than 6 year(s) and 10 day(s)	4 m ²	mouldy or dirty cell, lack of fresh air, passive smoking, infestation of cell with insects/rodents, lack of or inadequate hygienic facilities, lack of privacy for toilet, lack of or poor quality of bedding and bed linen, lack of toiletries, no or restricted access to shower, poor quality of food, lack of or insufficient quantity of food		7,500	-

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No	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
3.	8786/24 13/03/2024	Roman Yevgenovych SHTEPO 1972	Kulbach Sergiy Oleksandrovych Limoges	Chernivtsi Pre-Trial Detention Facility 01/07/2019 to 25/12/2024 5 year(s) and 5 month(s) and 25 day(s)	2.9 - > 4 m ²	mouldy or dirty cell, lack of fresh air, lack of or poor quality of bedding and bed linen, overcrowding (save for 31/12/2020-16/02/2022 and 30/07/2024-13/09/2024)	Art. 6 (1) - excessive length of criminal proceedings - 10/10/2018 - 21/02/2025, 2 levels of jurisdiction (see <i>Nechay v. Ukraine</i> , no. 15360/10, §§ 67-79, 1 July 2021), Art. 13 - lack of any effective remedy in domestic law - in respect of excessive length of criminal proceedings (see <i>Nechay v. Ukraine</i> , no. 15360/10, §§ 67-79, 1 July 2021)	9,800	-
4.	12966/24 02/05/2024	Viktor Mykolayovych CHERPACHENKO 1983	Kushnir Valeriy Volodymyrovych Dnipro	Kharkiv Pre-Trial Detention Facility 24/05/2021 to 06/11/2024 3 year(s) and 5 month(s) and 14 day(s)	2.7- 3.5 m ²	overcrowding, poor quality of food, no or restricted access to shower, mouldy or dirty cell, lack of toiletries, lack of or poor quality of bedding and bed linen, lack of or insufficient physical exercise in fresh air, lack of fresh air, passive smoking	Art. 5 (3) - excessive length of pre-trial detention - 21/05/2021 – pending (24-hour house arrest since 06/11/2024), collective detention orders, fragility and repetitiveness of the reasoning employed by the courts as the case progressed (see <i>Kharchenko v. Ukraine</i> , no. 40107/02, §§ 77-81, 10 February 2011, <i>Ignatov v. Ukraine</i> , 40583/15, §§ 38-42, 15 December 2016), Art. 6 (1) - excessive length of criminal proceedings - 21/10/2020 - pending, 1 level of jurisdiction (see <i>Nechay v. Ukraine</i> , no. 15360/10, §§ 67-79, 1 July 2021) Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings (see <i>Nechay v. Ukraine</i> , no. 15360/10, §§ 67-79, 1 July 2021),	9,800	250
5.	12790/25 07/04/2025	Anton Volodymyrovych PERMYAKOV 1973	Kadochnikov Andriy Olegovych Vinnytsya	Vinnytsia Detention Facility no.1 17/08/2020 pending More than 5 year(s) and 10 months and 17 day(s)	2.5- 2.9 m ²	overcrowding, no or restricted access to shower, passive smoking, lack of privacy for toilet, lack of or insufficient electric light (except for the period starting on 09/01/2023), lack of or insufficient natural light (except for the period starting on 09/01/2023)		7,500	-

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No	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
6.	13926/25 26/04/2025	Olga Mykhaylivna SAVENKO 1992	Yolkin Andriy Valeriyovych Kryvyi Rig	Kyiv Pre-Trial Detention Facility 02/08/2024 to 08/04/2026 1 year(s) and 8 month(s) and 7 day(s)	2.4-2.6 m ²	overcrowding, mouldy or dirty cell, lack of fresh air, lack of or insufficient natural light, lack of or insufficient electric light, inadequate temperature, no or restricted access to potable water, lack of or inadequate hygienic facilities, lack of toiletries, lack of or poor quality of bedding and bed linen, lack of or insufficient physical exercise in fresh air, lack of privacy for toilet, lack of or insufficient quantity of food, poor quality of food, no or restricted access to warm water, no or restricted access to shower, no or restricted access to toilet		3,100	-
7.	20351/25 11/06/2025	Dmytro Oleksandrovych PAVLYUK 1990 Died in 2025	Yolkin Andriy Valeriyovych Kryvyi Rig	Kyiv Pre-Trial Detention Facility 22/07/2022 to 14/07/2025 2 year(s) and 11 months and 23 day(s)	2.5-2.9 m ²	overcrowding, no or restricted access to warm water, no or restricted access to shower, mouldy or dirty cell, lack of fresh air, infestation of cell with insects/rodents, lack of or insufficient natural light, poor quality of food, lack of privacy for toilet (save for certain unspecified periods)		6,700	-

¹ Plus any tax that may be chargeable to the applicants.

² Plus any tax that may be chargeable to the applicants.