



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

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FOURTH SECTION

Application no. 15506/22
Tamara Igorivna GORBACHEVSKA and Igor Borysovyh
GORBACHEVSKYY
against Russia
lodged on 26 March 2022
communicated on 9 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged risk to life of, and ill-treatment suffered by, a Ukrainian prisoner of war (the second applicant) who was reportedly captured and detained by the Russian armed forces during the full-scale invasion in the Kyiv region in March 2022 (see also *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 67, 9 July 2025).

The second applicant was captured by the Russian armed forces near Kalynivka and Chemeriv, in Kyiv region, on 16 March 2022. Thereafter, he was successively detained in the pre-trial detention facility (“SIZO”) no. 2 in Novozybkov, Bryansk region, Russian Federation (18 March 2022-13 May 2023) and in the penal colony no. 1 in Donskoy, Tula region, Russian Federation (13 May 2023-19 June 2025). He was released as part of a prisoner exchange on 19 June 2025.

The second applicant alleges that he was detained in inhuman conditions and subjected to torture and constant beatings. He provided medical certificates in support of these allegations.

Relying on Article 2 of the Convention, the second applicant alleges that his life was put at risk due to the constant beatings and the lack of any medical treatment. He further states that he witnessed the deaths of other prisoners of war.

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Relying on Article 3 of the Convention, the first applicant (the second applicant's daughter) alleges that she suffered severe mental distress on account of the indifference demonstrated by the Russian authorities regarding the capture and whereabouts of her father.

Relying on Article 3 of the Convention, the second applicant complains that he was detained in inhuman and degrading conditions and subjected to torture by the Russian authorities.

Relying on Article 8 of the Convention, the second applicant complains that the Russian authorities subjected him to an absolute ban on contact with his family members and the outside world.

The second applicant also alleges that he did not have access to effective remedies for the violations complained of, in breach of Article 13 of the Convention, read in conjunction with Articles 2, 3, 8 and 14 of the Convention.

Lastly, relying on Article 14, taken in conjunction with Articles 2, 3, 8 and 13 of the Convention, the second applicant complains that he was subjected to the abovementioned alleged violations on the grounds of his political opinion and national origin.

QUESTIONS TO THE PARTIES

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

2. Has the second applicant's right to life, ensured by Article 2 of the Convention, been violated (see *Andreou v. Turkey*, no. 45653/99, §§ 41-46, 27 October 2009, and *Daraibou v. Croatia*, no. 84523/17, § 86, 17 January 2023, with further references)?

3. Has the mental suffering of the first applicant in connection with the capture of her father, the authorities' alleged indifference in that respect and the alleged failure to provide her with her father's whereabouts, been sufficiently serious to amount to inhuman and degrading treatment within the meaning of Article 3 of the Convention? If so, has there been a breach of Article 3 of the Convention in respect of the first applicant (see *Ukraine and the Netherlands v. Russia* [GC], cited above, § 1081)?

4. Was the second applicant subjected to torture or to inhuman or degrading treatment, in breach of Article 3 of the Convention (see *Ukraine and the Netherlands v. Russia* [GC], cited above, § 1076)?

5. Has there been a breach of the second applicant's rights under Article 8 of the Convention on account of the alleged absolute ban on contact with his family (see *El-Masri v. "the former Yugoslav Republic of Macedonia"* [GC],

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no. 39630/09, §§ 248-50, 13 December 2012, and *Khoroshenko v. Russia* [GC], no. 41418/04, § 106, 30 June 2015, with further references)?

6. Did the second applicant have at his disposal an effective domestic remedy for his complaints under Articles 2, 3, 8 and 13, as required by Article 13 of the Convention (see *Ukraine and the Netherlands v. Russia* [GC], cited above, §§ 1617-21)?

7. Has the second applicant been subjected to discrimination on grounds of his political opinion and national origin, contrary to Article 14 of the Convention, read in conjunction with Articles 2, 3, 8 and 13 of the Convention (see *Ukraine and the Netherlands v. Russia*, cited above, §§ 1606-07)?