



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

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FOURTH SECTION

Application no. 20493/22
Valentyna Petrivna MELNYCHENKO
and Oleksandr Mykolayovych MELNYCHENKO against Russia
and 2 other applications
(see list appended)
communicated on 9 September 2026

SUBJECT MATTER OF THE CASE

The applications concern the alleged ill-treatment, forced labour, and unlawful detention of a number of Ukrainian prisoners of war who were reportedly captured and detained by the Russian armed forces during the full-scale invasion in Mariupol, Donetsk region, between March and June 2022 (see also *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 69, 9 July 2025).

The second applicant in application no. 20493/22 and the applicant in application no. 31258/22 were captured by Russian armed forces in Mariupol on 12 April 2022. Thereafter, they were detained successively at a vegetable storage facility in Sartana, Donetsk region (12-13 April 2022); the Olenivka penal colony, Donetsk region (14-22 April 2022); and the pre-trial detention facility (“SIZO”) no. 2 in Taganrog, Rostov region, Russian Federation (22 April-18 May 2022).

Subsequently, the second applicant in application no. 20493/22 was detained in SIZO No. 2 in Novozybkov, Bryansk region, Russian Federation, from 18 May to 4 December 2022. He was released as part of a prisoner exchange on 6 December 2022.

The applicant in application no. 31258/22 was subsequently detained in SIZO no. 2 in Novozybkov, Bryansk region, Russian Federation, from 18 May to 15 June 2022, then in SIZO no. 1 in Kursk, Kursk region, Russian

Federation, from 15 June 2022 to 20 August 2024, and lastly, in a penal colony in Borisoglebsk, Voronezh region, Russian Federation, from 21 August to 13 September 2024. He was released as part of a prisoner exchange on 14 September 2024.

The applicant in application no. 39275/22 was captured by Russian armed forces in Mariupol on 23 April 2022. He was subsequently detained in the cellar of a residential building in Mariupol, Donetsk region (23-28 April 2022); the “military commandant’s office” in Kremenivka, Donetsk region (28 April-mid-May 2022); the “military commandant’s office” in Donetsk, Donetsk region (mid-May-4 July 2022); the Olenivka penal colony, Donetsk region (4-28 July 2022); a penal colony in Horlivka, Donetsk region (28 July 2022-20 June 2024); and, lastly, a penal colony in Torez, Donetsk region (29 June-13 September 2024). He was released as part of a prisoner exchange on 14 September 2024.

The applicants allege that they were detained in inhuman conditions and subjected to torture and constant beatings. Furthermore, the applicant in application no. 39274/22 alleges that he was compelled, under threat of punishment and physical violence, to perform daily work ranging from cleaning and cooking to carrying heavy loads while in detention from late April 2022 until his release from captivity.

On different dates between 26 April and 12 August 2022, the first applicant in application no. 20493/22 and the applicants’ close relatives in applications nos. 31258/22 and 39275/22 requested the Court to indicate interim measures under Rule 39 of the Rules of the Court. The Court accepted the requests and decided to indicate to the Government of the Russian Federation that they should ensure respect for the Convention rights of the applicants and provide them with necessary and appropriate medical treatment. The Government of the Russian Federation have not submitted any response to the Court’s decisions.

Relying on Article 3 of the Convention, the first applicant in application no. 20493/22 (the second applicant’s mother) alleges that she suffered severe mental distress on account of the indifference demonstrated by the Russian authorities regarding the capture and whereabouts of her son and their failure to conduct an effective investigation into these events.

Relying on Articles 3 and 5 of the Convention, the applicants in all applications, except for the first applicant in application no. 20493/22, complain that they were unlawfully detained in inhuman and degrading conditions and subjected to torture by the Russian authorities. Invoking the procedural limb of Article 3, these applicants also complain about the failure of the Russian Federation to carry out effective investigations.

Referring to Article 4 of the Convention, the applicant in application no. 39275/22 further alleges that he was subjected to forced or compulsory labour.

The applicants also allege a lack of effective remedies for the violations complained of, in breach of Article 13 of the Convention, read in conjunction with Articles 3, 4, and 5 of the Convention.

Lastly, relying on Article 34 of the Convention, the applicants in application no. 20493/22 complain that the Russian Federation failed to implement the interim measures indicated by the Court on 28 April 2022.

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 mental suffering of the first applicant in application no. 20493/22 in connection with the capture of her son, the authorities' alleged indifference in that respect, the alleged failure to conduct an effective investigation and to provide her with her son'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 that applicant (see *Ukraine and the Netherlands v. Russia* [GC], cited above, § 1081)?

3. Were the applicants, except the first applicant in application no. 20493/22, 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)? Have any investigations been carried out in respect of the applicants' allegations of a violation of Article 3 of the Convention, as required by that provision (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, §§ 315-26, ECHR 2014 (extracts))?

4. Do the facts complained of by the applicant in application no. 39275/22 amount to a violation of Article 4 of the Convention (see *Ukraine and the Netherlands v. Russia*, cited above, §§ 1093-99)?

5. Were the applicants, except the first applicant in application no. 20493/22, deprived of their liberty in breach of Article 5 § 1 of the Convention (see *Ukraine and the Netherlands v. Russia* [GC], cited above, §§ 427-30, and *Hassan v. the United Kingdom* [GC], no. 29750/09, §§ 100-07, 16 September 2014)?

6. Did the applicants have at their disposal an effective domestic remedy for their complaints under Articles 3, 4 (the applicant in application no. 39275/22) and 5, as required by Article 13 of the Convention (see *Ukraine and the Netherlands v. Russia* [GC], cited above, §§ 1617-21)?

MELNYCHENKO v. RUSSIA AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

7. Have the Government of the Russian Federation complied with the interim measures indicated on 28 April 2022 under Rule 39 of the Rules of Court in application no. 20493/22? If the answer is in the negative, was there a hindrance by the Russian Government with the effective exercise of the applicant's right of individual application, ensured by Article 34 of the Convention (see *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, §§ 128-29, ECHR 2005-I)?

MELNYCHENKO v. RUSSIA AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

APPENDIX

List of applications:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	20493/22	Melnychenko v. Russia	26/04/2022	Valentyna Petrivna MELNYCHENKO 1957 Boryspil Ukrainian Oleksandr Mykolayovych MELNYCHENKO 1981 Boryspil Ukrainian	Mykhaylo Oleksandrovych TARAKHKALO
2.	31258/22	Oliynichenko v. Russia	28/06/2022	Yaroslav Anatoliyovych OLIYNICHENKO 1991 Mykolaiv Ukrainian	Alina Viktorivna PAVLYUK
3.	39275/22	Novikov v. Russia	12/08/2022	Oleksiy Artemovych NOVIKOV 2004 Hochheim am Main Ukrainian	Alina Viktorivna PAVLYUK