



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

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FOURTH SECTION

Application no. 41480/17
Valeriy Andreyevich PAKHAR against Russia and Ukraine
and 16 other applications
(see list appended)
communicated on 9 September 2026

SUBJECT MATTER OF THE CASE

The applications emanate from the armed conflict with Russia in the east of Ukraine.

Each of the applicants was convicted of crimes by Ukrainian courts on various dates predating the outbreak of the armed conflict. Applicant no. 2, Mr Oleksiy Varganov, applicant no. 8, Mr Ruslan Kuzmin, and applicant no. 9, Mr Sergiy Rybalko were sentenced to eleven, nine and fifteen years of imprisonment, respectively. All other applicants were sentenced to life imprisonment.

The sentences of all applicants had become final prior to the Russian Federation establishing effective control over the east of Ukraine (see *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, §§ 690-97, 30 November 2022). It appears from the case files that after that had occurred, the applicants continued being imprisoned on the basis of the sentences handed down by Ukrainian courts, and no “reclassification” under the “law” of the “DPR”/“LPR” ever took place.

1. Conditions of the applicants’ imprisonment

The applicants claim that the conditions of their imprisonment deteriorated after Russia had established effective control over the penitentiary institutions where they were serving their sentences, namely Donetsk prison no. 124,

Zakhidna prison no. 97 in Makiivka and Yenakiiv prison no. 52 in the Donetsk region as well as Slovyanoserbysk prison no. 60 and Krasnolutska prison in the Luhansk region.

The applicants complain of poor and scarce nutrition, the lack of access to potable and non-potable water, the lack of medication, inability to spend time outdoors, low temperatures, poor lighting and high humidity in the cells as well as the absence of proper hygiene facilities. They also complain of being constantly exposed to the dangers presented by the armed conflict.

Applicant no. 6, Mr Ruslan Pavlyuchenko, and applicant no. 14, Mr Oleksandr Ordatsiy, also complain of serious and/or chronic medical problems as well as the lack of the necessary medical evaluation and treatment while in detention.

2. As to the applicants' inability to maintain family life and correspondence with relatives

Applicant no. 3, Mr Vyacheslav Kanishchev, applicant no. 6, Mr Ruslan Pavlyuchenko, applicant no. 8, Mr Ruslan Kuzmin, applicant no. 10, Mr Igor Suyetin, applicant no. 11, Mr Gennadiy Orlenko, applicant no. 12, Mr Mykhaylo Zabarov, applicant no. 16, Mr Eduard Klyonov, and applicant no. 17, Mr Yaroslav Lukin, state that their family members, all of whom resided in government-controlled territory ("GCT"), could neither visit them in detention nor send them correspondence due to the absence of postal connection and the difficulties associated with having to cross the "DPR" or "LPR" "border".

Applicant no. 5, Mr Leonid Lazarenko, states that he is deprived of a possibility to have long visits by his partner and their daughter, who reside in non-government controlled territory ("NGCT"), because such visits are not envisaged by the "DPR law".

3. Efforts to transfer the applicants to GCT

On 14 November 2014 Ukraine's National Security and Defence Board adopted a regulation, obliging the Ministry of Justice to take immediate action to transfer the staff and inmates in penitentiary facilities located in the area of hostilities to GCT.

The applicants' relatives repeatedly contacted the Ukrainian Ombudsperson, the Ministry of Justice, the Prosecutor General's Office, and the State Penitentiary Service of Ukraine, requesting assistance with the applicants' transfer to GCT. According to the responses received by the applicants' relatives, the Ukrainian Government was taking every possible measures to ensure the applicants' transfer, but the outcome depended, to a large extent, on the willingness of the "DPR" to cooperate, or lack thereof.

Applicant no. 4, Mr Oleksandr Bezsonov, also repeatedly contacted the Russian and the "DPR/LPR authorities" with similar requests. They

confirmed that the applicant had been included in the list of people who wished to be transferred to the GCT. They also noted that such transfers were within the sole discretion of the “DPR/LPR authorities” and were purely “humanitarian acts”.

COMPLAINTS

1. Complaints against the Russian Federation

Under Article 3 of the Convention, the applicants complain about the allegedly poor conditions of their detention in NGCT and of being exposed to the dangers presented by the armed conflict.

Applicants nos. 6 and 14 also invoke Article 3 of the Convention in respect of the lack of medical assistance that they allegedly required while in detention.

All applicants complain under Article 5 that their imprisonment in NGCT, enforced by the “DPR”/“LPR”, could not be considered lawful because the “authorities” of the “DPR”/“LPR” lacked any official authority under the Ukrainian law.

Invoking Article 8 of the Convention, applicants nos. 3, 6, 8, 10-12, 16 and 17 claim that they were allegedly denied the right to maintain family life and correspond with their family members residing in GCT.

Applicant no. 5 complains under Article 8 of the Convention of being unable to have long visits by his partner and their daughter.

Under Article 13 of the Convention all applicants complain of the lack of effective legal remedies in respect of the above violations.

2. Complaints against Ukraine

Under Articles 3 and 13 of the Convention and referring to the poor material conditions of detention in NGCT, as well as their constant exposure to the dangers presented by the armed conflict, the applicants complain of Ukraine’s alleged failure to transfer them to GCT.

QUESTIONS TO THE PARTIES

Have the applicants complied with the requirements set forth in Article 35 § 1 of the Convention as in force on the dates of introduction of their applications?

Additional questions to the applicants and the Russian Government

1. Have the conditions of the applicants' detention been compatible with the requirements of Article 3 of the Convention?
2. Has there been a violation of the rights of applicants nos. 6 and 14 under Article 3 of the Convention in respect of the lack of medical assistance that they allegedly required while in detention? The parties are requested to support their responses with appropriate evidence.
3. What is the scope of the Russian Government's obligations under Article 5 of the Convention in respect of the applicants? Has their imprisonment in the "DPR"/"LPR" complied with the requirement of lawfulness (*Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 600-09, 9 July 2025, *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, §§ 935-46, 25 June 2024)?
4. Has there been a violation of the rights of applicants nos. 3, 5, 6, 8, 10-12, 16 and 17 to respect for their family life and correspondence under Article 8 of the Convention?
5. Did the applicants have at their disposal an effective domestic remedy for the above complaints, as required by Article 13 of the Convention?

Additional questions to the applicants and the Ukrainian Government

1. Does the complaint raised by the applicants regarding the alleged failure of the Ukrainian Government to transfer them to GCT fall within the ambit of Articles 3 or 8 of the Convention? If so, what is the scope of the Government's obligations in this regard (see *mutatis mutandis Khlebik v. Ukraine* (no. 2945/16, §§ 71 et seq., 25 July 2017, *Ukraine v. Russia (re Crimea)* [GC], cited above, §§ 898-05, *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, §§ 332-35, ECHR 2004-VII and *Braga v. the Republic of Moldova and Russia*, no. 76957/01, §§ 40-47, 17 October 2017)?
2. Has there been a breach by Ukraine of the rights of the applicants under Articles 3 or 8 of the Convention in conjunction with Article 13 of the Convention?

REQUEST FOR INFORMATION TO BE SUBMITTED BY THE PARTIES

The parties are requested to provide updated information, supported by documentary evidence, with regard to the following questions:

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1. Are the applicants still being detained? If so, the parties are requested to inform the Court about the places of their detention. If any of the applicants has been released, the parties are requested to inform the Court accordingly.
2. What is the current state of health of applicants nos. 6 and 14? The parties are requested to inform the Court about the medical examination and care, if any, that they have received while in detention.
3. The parties are requested to provide a detailed clarification of whether the applicants have been visited in detention by any family members, legal representatives, or medical professionals, and whether any letters or other means of communication have been received from them.

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APPENDIX

List of applications:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	41480/17	Pakhar v. Russia and Ukraine	Complaints against Ukraine lodged on 25/05/2017	Valeriy Andriyovych PAKHAR 1969 Olenivka Ukrainian	Olena Oleksandrivna RICHKO
			Complaints against Russia lodged on 06/10/2017		
2.	51617/17	Varganov v. Russia and Ukraine	Complaints against Ukraine lodged on 11/07/2017	Oleksiy Anatoliyovych VARGANOV 1986 Makiivka Ukrainian	Olena Oleksandrivna RICHKO
			Complaints against Russia lodged on 01/12/2017		
3.	4440/19	Kanishchev v. Russia and Ukraine	04/01/2019	Vyacheslav Viktorovych KANISHCHEV 1970 Olenivka Ukrainian	Olena Oleksandrivna RICHKO
4.	8081/19	Bezsonov v. Russia and Ukraine	22/01/2019	Oleksandr Oleksandrovyh BEZSONOV 1985 Kostyantynivka Ukrainian	

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No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
5.	9033/19	Lazarenko v. Russia and Ukraine	06/02/2019	Leonid Leonidovych LAZARENKO 1968 Olenivka Ukrainian	Olena Oleksandrivna RICHKO
6.	14751/19	Pavlyuchenko v. Russia and Ukraine	04/03/2019	Ruslan Volodymyrovych PAVLYUCHENKO 1982 Olenivka Ukrainian	Olena Oleksandrivna RICHKO
7.	19788/19	Treyla v. Russia and Ukraine	29/03/2019	Mykola Mykhaylovych TREYLA 1968 Olenivka Ukrainian	Maksym Oleksandrovyh REVYAKIN
8.	20359/19	Kuzmin v. Russia and Ukraine	29/03/2019	Ruslan Gennadiyovych KUZMIN 1979 Donetsk Ukrainian	Tamila Sergiyivna BESPALA
9.	23504/19	Rybalko v. Russia and Ukraine	22/04/2019	Sergiy Valentynovych RYBALKO 1986 Vakhrusheve Ukrainian	Tamara Igorivna GORBACHEVSKA
10.	27600/19	Suyetin v. Russia and Ukraine	16/05/2019	Igor Valentynovych SUYETIN 1967 Olenivka Ukrainian	Maksym Oleksandrovyh REVYAKIN

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No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
11.	40777/19	Orlenko v. Russia and Ukraine	18/07/2019	Gennadiy Oleksiyovych ORLENKO 1970 Olenivka Ukrainian	Tamila Sergiyivna BESPALA
12.	47482/19	Zabarov v. Russia and Ukraine	30/08/2019	Mykhaylo Viktorovych ZABAROV 1977 Olenivka Ukrainian	Tamila Sergiyivna BESPALA
13.	49430/19	Teterin v. Russia and Ukraine	10/09/2019	Mykola Vasylyovych TETERIN 1982 Olenivka Ukrainian	Maksym Oleksandrovych REVYAKIN
14.	50222/19	Ordatiy v. Russia and Ukraine	12/09/2019	Oleksandr Ivanovych ORDATIY 1963 Olenivka Ukrainian	Tamara Igorivna GORBACHEVSKA
15.	41583/20	Tkalych v. Russia and Ukraine	27/08/2020	Igor Yuriyovych TKALYCH 1984 Lozivske Ukrainian	Tamila Sergiyivna BESPALA
16.	46666/20	Klyonov v. Russia and Ukraine	05/10/2020	Eduard Oleksandrovych KLYONOV 1970 Olenivka Ukrainian	Tamila Sergiyivna BESPALA

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No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
17.	47332/20	Lukin v. Russia and Ukraine	03/10/2020	Yaroslav Mykolayovych LUKIN 1986 Olenivka Ukrainian	Tamila Sergiyivna BESPALA