



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

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FOURTH SECTION

Application no. 59306/18
Andriy Volodymyrovych SHAVELA against Russia and Ukraine
and 3 other applications
(see list appended)
communicated on 8 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 and sentenced to life imprisonment. The applicants' sentences became final on various dates preceding the establishment of the effective control over the east of Ukraine by the Russian Federation (see *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, §§ 690-97, 30 November 2022).

It follows from the case files that, after the applicants had come under the control of the "Donetsk People's Republic" ("DPR"), between 2015 and 2018 "DPR courts" "reclassified" their sentences under the "law" of the "DPR". This entailed requalification of the criminal offences committed by the applicants under respective provisions of the "Criminal Code" of the "DPR". The life sentences imposed on the applicants remained unchanged.

1. Conditions of the applicants' imprisonment in Yenakiiv prison no. 52

The applicants claim that the conditions of their imprisonment in Yenakiiv prison no. 52, where they were serving their sentences, deteriorated after Russia had established effective control over it.

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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 associated with the armed conflict.

2. The inability of the applicants Mr Andriy Shavela, Mr Yevgen Berezin and Mr Oleksiy Ignatov to maintain family life and correspondence with their relatives in government-controlled territory (“GCT”)

These three applicants state that their family members, all of whom resided in GCT, were unable to visit them in detention or send correspondence to them due to the absence of postal connection and the difficulties associated with having to cross the “DPR” “border”.

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

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.

Under Article 5 of the Convention, the applicants complain of being deprived of their liberty on the basis of their sentences which were “reclassified” under the “law” of the “DPR”.

Invoking Article 8 of the Convention, the applicants Mr Andriy Shavela, Mr Yevgen Berezin and Mr Oleksiy Ignatov claim that they were allegedly denied the right to maintain family life and correspond with their family members residing in GCT.

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

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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 applicants' rights under Article 5 of the Convention in light of them being deprived of their liberty on the basis of their sentences which were "reclassified" under the "law" of the "DPR"?
3. Has there been a violation of the rights of the applicants Mr Andriy Shavela, Mr Yevgen Berezin and Mr Oleksiy Ignatov to respect for their family life and correspondence under Article 8 of the Convention?
4. 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], nos. 20958/14 and 38334/18, §§ 898-905, 25 June 2024, *Ilașcu 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. The parties are requested to provide 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.	59306/18	Shavela v. Russia and Ukraine	28/11/2018	Andriy Volodymyrovych SHAVELA 1973 Olenivka Ukrainian	Maksym Oleksandrovykh REVYAKIN
2.	12769/19	Uperenko v. Russia and Ukraine	27/02/2019	Igor Viktorovich UPERENKO 1970 Olenivka Ukrainian	Tamila Sergiyivna BESPALA
3.	12879/19	Berezin v. Russia and Ukraine	27/02/2019	Yevgen Ivanovich BEREZIN 1970 Olenivka Ukrainian	Olena Oleksandrivna RICHKO
4.	20701/19	Ignatov v. Russia and Ukraine	08/04/2019	Oleksiy Mykolayovych IGNATOV 1982 Olenivka Ukrainian	Maksym Oleksandrovykh REVYAKIN