



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

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FIFTH SECTION

Applications nos. 17616/25 and 18728/25
BILANIVSKYI GIRNYCHNO-ZBAGACHUVALNYY KOMBINAT,
TOV and Leonid LEBEDEV against Ukraine
lodged on 28 May 2025 and 19 June 2025 respectively
communicated on 11 September 2026

SUBJECT MATTER OF THE CASE

The applications concern economic restrictions (sanctions) imposed on the applicants under the Sanctions Act (see, for the context, *M.S.L., TOV v. Ukraine*, no. 18049/18, §§ 5-11, 16 October 2025) and the alleged unfairness of proceedings in which they sought to challenge them.

In 2021 and 2022 the President of Ukraine put into effect two decisions of the National Security and Defence Council (“the NSDCU”) by which it applied several sanctions (see, for their description, Appendix below) in relation to various individuals and legal entities, including the applicants. Arguing that the above legal acts did not contain any grounds and that the sanctions were unlawful, both applicants instituted administrative proceedings against the President before the Supreme Court.

In the course of those proceedings, the Security Service of Ukraine (“the SBU”) provided the Supreme Court with classified information and documents which allegedly formed the basis for the sanctions. As those materials were examined in closed sessions, neither the applicants nor their lawyers (except for one of the lawyers representing the applicant in application no. 18728/25, who held the requisite security clearance) were allowed to attend those hearings or to access the classified information.

On various dates in 2024 the applicants’ claims were dismissed. The Supreme Court pronounced only the introductory and operative parts of

its decisions. The remaining parts, including the reasoning, were classified as State secrets, and the applicants were denied access to them.

The applicants' appeals against those decisions before the Grand Chamber of the Supreme Court were unsuccessful. Its sessions were held *in camera*; the full texts of its decisions were likewise classified, and the applicants have not been given access to them.

Relying on Article 6 § 1 of the Convention, the applicants complain of the unfairness of the administrative proceedings on account of unjustified concealment of the Supreme Court's decisions, which made it impossible to ascertain the reasons for the dismissal of their claims and was allegedly in breach of their right to the public delivery of judgments and the principle of equality of arms.

The applicant company in application no. 17616/25 also complains that it did not have a public hearing in the administrative proceedings before the Grand Chamber of the Supreme Court, contrary to Article 6 § 1 of the Convention. It also complains that the imposed on it sanction was unlawful and disproportionate, and therefore in breach of Article 1 of Protocol No. 1 to the Convention. It further complains under Article 13 of the Convention that it had no effective remedies in respect of its complaints.

The applicant in application no. 18728/25 additionally complains under Article 6 § 1 of the Convention of the lack of access to evidence classified as confidential in the above administrative proceedings. He argues, in particular, that his representation by a special advocate who was authorised to consult confidential SBU information could not counterbalance the limitations affecting him in the exercise of his procedural rights because that lawyer was not permitted to discuss the classified evidence with him. He also complains under Article 8 of the Convention that his private life, in particular, his right to respect for his reputation, was seriously affected by the imposed sanctions, that those measures were neither in accordance with the law, nor necessary, and that he was not afforded a reasonable opportunity to effectively challenge them.

Further individual details are set out in the Appendix.

QUESTIONS TO THE PARTIS

1. Is Article 6 of the Convention applicable to the administrative proceedings in the present case (see *Al-Dulimi and Montana Management Inc. v. Switzerland* [GC], no. 5809/08, §§ 97-101, 21 June 2016)? In the affirmative, was the complete concealment from the applicants of the reasoning of the Supreme Court, including its Grand Chamber, in breach of

Article 6 § 1 of the Convention (see, for example, *Fazliyski v. Bulgaria*, no. 40908/05, §§ 64-70, 16 April 2013, *Vasil Vasilev v. Bulgaria*, no. 7610/15, §§ 115-18, 16 November 2021, *Straume v. Latvia*, no. 59402/14, §§ 124-26, 2 June 2022)?

Additional questions concerning application no. 17616/25

2. Was the lack of a public hearing before the Grand Chamber of the Supreme Court compatible with Article 6 § 1 of the Convention (see *Nikolova and Vandova v. Bulgaria*, no. 20688/04, §§ 67-70, 17 December 2013, and *Vasil Vasilev*, cited above, §§ 105-06)?

3. Has there been an interference with the applicant company's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention? In the affirmative, has that interference been in the public interest, and in accordance with the conditions provided for by law, and, if so, did it impose an excessive individual burden on the applicant company? Was the applicant company afforded a reasonable opportunity to effectively challenge the sanction in question (see *Svit Rozvag, TOV and Others v. Ukraine*, nos. 13290/11 and 2 others, §§ 154-57 and §§ 176-79, 27 June 2019, and *M.S.L., TOV v. Ukraine*, no. 18049/18, §§ 99-109, 16 October 2025)?

4. Did the applicant company have at its disposal an effective domestic remedy in respect of the above complaints, as required by Article 13 of the Convention (see, *M.S.L., TOV*, cited above, § 116)?

Additional questions concerning application no. 18728/25

5. Did the restriction on the applicant's access to classified evidence in his case comply with the requirements of adversarial proceedings and equality of arms under Article 6 § 1 of the Convention? In particular, was that restriction sufficiently counterbalanced by other procedural safeguards (see *Regner v. the Czech Republic* [GC], no. 35289/11, §§ 146-49 and 152, 19 September 2017, and compare with *Muhammad and Muhammad v. Romania* [GC], no. 80982/12, §§ 162-65, 15 October 2020)?

6. Has there been an interference with the applicant's right to respect for his private life within the meaning of Article 8 § 1 of the Convention? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see *Ivanyushchenko v. Switzerland*, no. 54708/20, §§ 100-07, 2 July 2026 (not final))? Having regard to the procedural obligations inherent in Article 8, have the authorities afforded the applicant a reasonable opportunity to effectively challenge the measures in question (see *Fernández*

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Martínez v. Spain [GC], no. 56030/07, § 147, ECHR 2014 (extracts),
and, *mutatis mutandis*, *M.S.L., TOV*, cited above, §§ 99-109)?

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No.	Application no. Case name Introduction date	Applicant's name Place of residence Nationality/ Country of registration	Types of sanctions applied	Date of the President's Decree	Date of the decision of the Supreme Court	Date of the decision of the Grand Chamber of the Supreme Court
1.	17616/25 <i>Bilanivskyi girnychno- zbagachuvalnyy kombinat, TOV v. Ukraine</i> 28/05/2025	BILANIVSKYI GIRNYCHNO- ZBAGACHUVALNYY KOMBINAT, TOV N/A Ukraine	Annulment of a mining licence	24/06/2021	29/10/2024	28/01/2025
2.	18728/25 <i>Lebedev v. Ukraine</i> 19/06/2025	Leonid LEBEDEV Los Angeles, United States of America Cyprus	Freezing of assets; termination of trade operations; termination of the transit of resources, air traffic and transportation through Ukraine; prevention of capital outflow from Ukraine; suspension of economic and financial obligations; suspension of licences and permits, including subsoil use permits; ban on participation in privatisation programmes; ban on vessels and aircraft entering Ukraine; termination of the issuance by the National Bank of Ukraine of permits and licences for foreign investments; termination of the issuance of	19/10/2022	23/10/2024	25/03/2025

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			permits and licences for the import and export of currency valuables, and restrictions on cash withdrawals from bank cards issued by foreign entities; ban on the transfer of intellectual property rights; revocation of State awards and other forms of recognition; ban on acquiring ownership of land.			