



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

FIFTH SECTION

CASE OF KHAMZA v. UKRAINE

(Application no. 10900/20)

JUDGMENT

STRASBOURG

22 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Khamza v. Ukraine,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Andreas Zünd, *President*,

Vahe Grigoryan,

Sébastien Biancheri, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 1 October 2026,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 18 February 2020.

2. The applicant was represented by Ms O.I. Kormushyna, a lawyer practising in Kyiv.

3. The Ukrainian Government (“the Government”) were given notice of the application.

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1

5. The applicant complained of the disproportionate sanctions applied to him for breaching customs regulations. He relied on Article 1 of Protocol No. 1.

6. The applicable principles concerning confiscation of property were summarised in *Gabrić v. Croatia* (no. 9702/04, §§ 31-33, 5 February 2009).

7. In the leading case of *Yaremychuk and Others v. Ukraine* (nos. 2720/13 and 6 others, 9 December 2021) and the recent case of *Lingys and Shpakovskyy v. Ukraine* [Committee] (nos. 61463/15 and 31516/16, 27 November 2025) the Court already found a violation in respect of issues similar to those in the present case.

8. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. In particular, the Court concludes that the interference with the applicant’s property rights

imposed a disproportionate burden on him in view of the application of confiscation of all excess cash as the sanction, in addition to a fine.

9. These complaints are therefore admissible and disclose a breach of Article 1 of Protocol No. 1.

10. The Court reiterates in this respect that finding of a violation does not imply that the applicant did not have to bear any responsibility for the breach of domestic law he had committed by failing to declare the cash (see *Sadocha v. Ukraine*, no. 77508/11, § 43, 11 July 2019).

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Yaremychuk and Others*, §§ 45-50, and *Lingys and Shpakovsky*, §§ 19-21, cited above), the Court considers that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant. It further considers it reasonable to award the sums indicated in the appended table in respect of pecuniary damage and costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that this application discloses a breach of Article 1 of Protocol No. 1 concerning the disproportionate sanctions in customs cases;
3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, in respect of pecuniary damage and costs and expenses, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

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Done in English, and notified in writing on 22 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Andreas Zünd
President

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APPENDIX

Application raising complaints under Article 1 of Protocol No. 1 of the Convention
(disproportionate sanctions in customs cases)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Sanction imposed Fine, if any, in UAH (converted to EUR)	Final domestic decision	Specific circumstances	Amount awarded for pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
10900/20 18/02/2020	Ali Adel Khamza KHAMZA 1983	Kormushyna Olga Ivanivna Kyiv	Confiscation: 5,000 United States dollars (USD) (4,405 euros (EUR)) Fine: USD 5,000 (EUR 4,405)	Kyiv Court of Appeal, 02/12/2019	Domestic courts referred to legal provisions qualifying the undeclared cash as goods under Article 472 of the Customs Code (see <i>Lingys and Shpakovsky v. Ukraine</i> , no. 61463/15, 27 November 2025)	8,754	250

¹ Plus any tax that may be chargeable.

² Plus any tax that may be chargeable to the applicant.