



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

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FOURTH SECTION

Application no. 53200/20
Sergiy Sergiyovych PROKHOROV
against Russia and Ukraine
lodged on 17 November 2020
communicated on 28 September 2026

SUBJECT MATTER OF THE CASE

The application emanates from the armed conflict with Russia in the east of Ukraine.

The applicant was prosecuted on suspicion of having committed a crime in the Donetsk region of Ukraine. On 12 February 2014 a Ukrainian first instance court sentenced him to life imprisonment. He appealed against his sentence, but the appellate proceedings were interrupted by the outbreak of the armed conflict. It is not clear from the case file whether the applicant's appeal was successful and whether his sentence delivered by the Ukrainian court has become final.

As of the date when the Russian Federation assumed 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), the applicant was detained in Donetsk pre-trial detention centre (“Donetsk SIZO”) pending his appeal.

1. As to the criminal proceedings against the applicant

The applicant has not informed the Court about the developments in the criminal prosecution against him in Ukraine other than stating that “the appellate hearing did not take place”.

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In 2015, according to the applicant, the “Supreme Court of the DPR” returned the criminal case against him for further investigation by the “DPR law enforcement authorities”. On an unknown date “DPR” “courts” upheld the sentence of life imprisonment delivered by the Ukrainian court.

2. Conditions of the applicant’s detention in Donetsk SIZO

The applicant claims that the conditions of his detention in Donetsk SIZO deteriorated after Russia had established effective control over it. The applicant complains 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 his cell as well as the absence of proper hygiene facilities. He also complains of being constantly exposed to the dangers associated with the armed conflict.

In December 2024 the applicant was transferred to prison no. 18 in Kharp, Yamalo-Nenets region of Russia.

3. Efforts to transfer the applicant to government-controlled territory (“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 the penitentiary facilities located in the area of hostilities to GCT. This obligation explicitly included the transfer of people who were in pre-trial detention.

The applicant contacted the Ukrainian Ombudsperson’s Office requesting assistance with his transfer to GCT. According to the response received by the applicant, the Ukrainian Government was taking every possible measure to ensure his 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 applicant complains about the allegedly poor conditions of his detention in Donetsk SIZO and of being exposed to the dangers presented by the armed conflict.

Under Article 5 of the Convention, the applicant complains of being deprived of his liberty on the basis of the “sentence” delivered by the “courts” of the “DPR”.

Under Article 13 of the Convention the applicant complains 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 Donetsk SIZO as well as his constant exposure to the dangers presented by the armed conflict, the applicant complains of Ukraine's alleged failure to transfer him to GCT.

QUESTIONS TO THE PARTIES

Has the applicant complied with the requirements set forth in Article 35 § 1 of the Convention as in force on the date of introduction of his application?

Additional questions to the applicant and the Russian Government

1. Have the conditions of the applicant's detention been compatible with the requirements of Article 3 of the Convention?
2. Was or is the applicant deprived of his liberty in breach of Article 5 § 1 of the Convention (*Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 609, 9 July 2025)?
3. Did the applicant have at his disposal an effective domestic remedy for the above complaints, as required by Article 13 of the Convention?

Additional questions to the applicant and the Ukrainian Government

Does the complaint raised by the applicant regarding the alleged failure of the Ukrainian Government to transfer him 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 Khlebiuk 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, *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, §§ 332-35, ECHR 2004-VII)? Has there been a breach by Ukraine of the rights of the applicant under Articles 3 or 8 of the Convention in conjunction with Article 13 of the Convention?