



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

FIFTH SECTION

DECISION

Applications nos. 10796/19 and 34185/20
Liliya Viktorivna KULKINA against Ukraine
and Zhanna Volodymyrivna KHABAL against Ukraine

The European Court of Human Rights (Fifth Section), sitting on
1 October 2026 as a Committee composed of:

María Elósegui, *President*,

Andreas Zünd,

Mykola Gnatovskyy, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the applications against Ukraine lodged with the Court under Article 34 of
the Convention for the Protection of Human Rights and Fundamental
Freedoms (“the Convention”) by the applicants listed in the appended table
(“the applicants”), on the various dates indicated therein;

the decision to give notice of the applications to the Ukrainian Government
(“the Government”) represented by their Agent, Ms M. Sokorenko, from the
Ministry of Justice;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The present case concerns the applicants’ complaints under Article 1 of
Protocol No. 1 to the Convention regarding the allegedly unlawful retention
of money that the applicants had deposited with the authorities as bail in
respect of their husbands who had been charged with criminal offences.

A. The first applicant (application no. 10796/19)

2. The first applicant’s husband K. was a suspect within the framework of
a criminal investigation into a corruption-related offence.

3. On 27 January 2018 the Kyivskyi District Court of Kharkiv (“the District Court”) ordered K.’s detention in the context of the above-mentioned investigation. The District Court set bail in the amount of 264,300 Ukrainian hryvnias (UAH – equivalent to approximately 9,000 euros (EUR)) as an alternative preventive measure and imposed a number of specific obligations on K. in the event that bail was paid¹. The District Court’s decision explained the nature of the obligations imposed on K. and the consequences in the event that they were breached. The expiry of the validity of the detention order was set for 24 March 2018. On the same day, 27 January 2018, the first applicant posted bail and K. was released.

4. On 20 March and 23 April 2018 the District Court extended the expiry date in respect of the specific obligations imposed on K. in the context of the above-mentioned investigation, the most recent extension being set for 25 May 2018. K. was obliged:

- (i) to appear before the investigator, prosecutor, investigating judge or court on the first such request;
- (ii) not to leave the city of Kharkiv or the Kharkiv Region without the permission of the investigator, prosecutor or court;
- (iii) to notify the investigator, prosecutor or court of any change of his place of residence;
- (iv) to refrain from communicating with witnesses N.S. and I.S.; and
- (v) to wear an electronic means of control.

5. On 25 May 2018 the first applicant applied to the District Court, seeking the return of the money posted as bail. In her view, the validity of the District Court’s decision of 27 January 2018 establishing bail as a preventive

¹ Article 194 of the Code of Criminal Procedure which establishes the procedure for application of a preventive measure, provides that when choosing of a preventive measure not related to detention, the investigating judge or the court shall oblige the suspect or accused to appear in the court or other designated State authority upon any relevant request, and also to perform one or more duties, the necessity of which has been proved by the prosecutor, specifically: (1) to appear before a designated official at established intervals; (2) not to leave the locality where he or she is registered, resides or is staying, without the permission of the investigator, prosecutor or court; (3) to notify the investigator, prosecutor or court of a change of his or her place of residence and/or place of work; (4) to refrain from communicating with any person designated by the investigating judge or court or to communicate with such person in compliance with conditions imposed by the investigating judge or court; (5) not to visit places determined by the investigating judge or the court; (6) to undergo a course of treatment for drug or alcohol addiction; (7) to make efforts to find a job or to study; (8) to leave with the relevant State authorities [his or her] identification papers, passport(s) for travel abroad or other documents giving the right to leave Ukraine and enter Ukraine; [and] (9) to wear an electronic means of control. The obligations specified above may be imposed on a suspect or accused for a period of no more than two months. If necessary, this period may be extended at the request of the prosecutor in accordance with the procedure specified in Article 199 of this Code. After the expiry of the time-period, including the extended period, for which the relevant obligations were imposed on the suspect or accused, the resolution on the application of a preventive measure in this part shall cease to be effective and the obligations shall be cancelled.

measure had expired and the further retention of the money that she had posted as bail was unlawful.

6. On 29 May 2018 the District Court, by a decision which was not amenable to appeal, rejected that request, referring to:

(i) Article 182 of the Code of Criminal Procedure (“the CCP”)², which governs the application of bail as a preventive measure and does not provide for the relevant court decision fixing bail to be limited in time; and

(ii) Article 202 § 4 of the CCP, in accordance with which once a suspect is released from detention following the payment of bail, he or she should be considered to have had bail applied as a preventive measure.

7. On several occasions during the trial, the first applicant and her husband K. requested the trial court to change the preventive measure in respect of K. from bail to a more lenient one and to return the money posted as bail. They principally relied on the same reasons as those indicated in the initial request of 25 May 2018.

8. On 17 October 2018, 15 January and 25 July 2019, 29 July 2021, and 21 September 2023 the Dzerzhynskiy District Court of Kharkiv (“the trial court”) refused those requests, finding that the risks indicated in the initial detention order of 27 January 2018 were still relevant to justify the application of bail in respect of K. as a preventive measure. The trial court further concluded that bail remained lawfully in force as a preventive measure; the trial court further explained that, even though the specific obligations imposed on K. had expired on 25 May 2018, there remained an obligation to appear before the investigator, prosecutor or court upon a relevant request, as provided for by Article 42 § 7 of the CCP³. At the same time, Article 203 of the CCP⁴ provided that the application of a preventive measure (bail being one such measure) had to be terminated upon the expiry

² Article 182 of the CCP provides general conditions of application of bail. Article 182 § 2 provides that bail may be paid by the suspect or accused himself or herself, or by another individual or legal entity (the bailor). Article 182 § 3 provides that the bailor shall be informed of the criminal offence of which the person is suspected or accused, the punishment provided for by law for its commission, the obligations to ensure the proper behaviour of the suspect or accused and his or her appearance upon a summons, as well as the consequences of the failure to fulfil these obligations. Article 182 § 11 provides that bail that was not transferred to the State revenue shall be returned to the suspect or accused or the bailor after the termination of the effect of the preventive measure.

³ Article 42 § 7 of the CCP provides general obligations for a suspect or accused, in particular: (1) to appear before an investigator, a prosecutor, the investigating judge or the court upon a summons and, in the event that it is impossible to appear at the time set in the summons, to inform the above-mentioned parties in advance; [and] (2) to perform the duties imposed by a decision on the application of measures to secure the criminal proceedings.

⁴ Article 203 of the CCP provides that the decision to apply a preventive measure shall cease to be valid upon the expiry of the decision to choose a preventive measure, the adoption of an acquittal, the closure of criminal proceedings or the delivery of a decision to cancel the preventive measure in accordance with the procedure provided for by this Code.

of the validity of a court decision imposing the preventive measure, the acquittal of the accused, his or her conviction, or following a court decision to lift the preventive measure.

9. The parties did not update the Court about the progress of the examination of the case, however, according to the State Register of Courts Decisions, on 16 February 2026 the Shevchenkivskyi District Court of Kharkiv found K. guilty of a corruption-related offence and sentenced him to five years' imprisonment. K. was exempted from serving the term of imprisonment in view of the expiry of the statutory time-limit. The trial court further ruled that the money posted as bail should be returned to the applicant. There is no information as to whether that sentence was appealed against or whether it entered into legal force.

B. The second applicant (application no. 34185/20)

10. The second applicant's husband Kh. was a suspect within the framework of a criminal investigation into extortion.

11. On 8 September 2017 the Khmelnytskyi Local Court ("the Local Court") ordered Kh.'s detention in the context of the above-mentioned investigation. The Local Court set bail in the amount of UAH 400,000 (equivalent to approximately EUR 13,000) as an alternative preventive measure and imposed a number of specific obligations on Kh. In the event that bail was paid. The District Court's decision explained the nature of obligations imposed on Kh. The expiry of the detention order was set for 6 November 2017. On 12 September 2017 the applicant posted bail and Kh. was released the next day.

12. On 3 November 2017, as the investigation progressed, the Local Court extended the specific obligations imposed on Kh. until 1 January 2018.

13. On 9 November 2017 the second applicant applied to the Local Court, seeking the return of the money posted as bail. She argued that the validity of the Local Court's decision of 8 September 2017 establishing bail as a preventive measure had expired and had not been extended, and that the further retention of the money that she had posted as bail was no longer lawful.

14. On 14 November 2017 the Local Court, by a decision not amenable to appeal, rejected that request, stating that the preventive measure was still in force and that specific obligations imposed on Kh. were extended until 1 January 2018.

15. In the course of the trial, the second applicant applied to the authorities (the investigator, the prosecutor, the treasury and the trial court) on many occasions requesting that the money posted as bail be returned to her, referring essentially to the fact that the decision of the Local Court of 8 September 2017 establishing bail as an alternative preventive measure in

respect of Kh. had expired and that the further retention of the money posted as bail was unlawful and groundless.

16. The authorities refused the second applicant's requests, stating that they were unsubstantiated. In particular, the domestic courts reasoned their decisions as follows:

(i) Once a suspect was released from detention following the payment of bail, he or she was considered to have had bail applied as a preventive measure.

(ii) The provisions of the Code of Criminal Procedure did not provide that a decision to apply bail as a preventive measure should be limited in time. The requirement for the domestic courts to set a time-limit for a preventive measure related only to the court's decisions ordering a suspect's detention or house arrest. As regards other preventive measures, the court was not required to set a time-limit and the application of those measures had to be terminated in the event that they were lifted or in the event of a change in or the discontinuation of the criminal proceedings.

(iii) The expiry of the term of validity for specific obligations imposed on Kh. did not automatically lead to the termination of bail as a preventive measure.

(iv) Given the existing risk of Kh.'s possible hiding from and interfering with the investigation, there were no reasons to change bail to a more lenient preventive measure.

17. The most recent decision on the matter was taken by the Khmelnytskyi Local Court of Khmelnytskyi on 4 April 2022.

18. The trial in the case of the second applicant's husband is still pending.

THE COURT'S ASSESSMENT

A. Joinder of the applications

19. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

20. The applicants principally complained under Article 1 of Protocol No. 1 to the Convention that retention of the money that they had posted as bail in respect of their husbands in the context of the criminal investigations against them after the expiry of time-limits of the validity of court orders placing their husbands in detention had been unlawful. They further argued that the continued application of bail after the expiry of specific obligations imposed on their husbands had been groundless. The applicants submitted that they had unsuccessfully requested on numerous occasions that the domestic courts return to them the money posted as bail, as the relevant court decisions authorising their husbands' initial detention had expired.

B. Complaints under Article 1 of Protocol No. 1

21. The Government submitted that the applicants had failed to exhaust domestic remedies since they had not requested the courts to change the preventive measure imposed on their husbands.

22. As to the substance of complaint, the Government submitted that the domestic courts had thoroughly examined the applicants' requests for the return of the money posted as bail and had delivered reasoned decisions. Those decisions had been based on relevant provisions of the Code of Criminal Procedure, which were clear and foreseeable. The courts' decisions had provided reasonable and sufficient explanations as to why the money posted as bail could not be returned to the applicants; furthermore, the courts had re-examined the need for maintaining bail as a preventive measure in respect of their husbands and had found no reasons to change it.

23. The applicants maintained their submissions made in the original application forms to the effect that the retention of the money they had posted as bail had been unlawful in view of the expiry of the relevant court orders to detain their husbands.

24. As to the Government's non-exhaustion plea, the Court notes that the applicants were not suspected or accused, therefore their role in the criminal proceedings conducted against their husbands was limited. Furthermore, the Government have not shown that the applicants' status as bailors enabled them to initiate proceedings to have the preventive measure imposed on their husbands changed. At the same time, as can be seen from the relevant courts' decisions, when examining the applicants' requests to have the money posted as bail returned, the domestic courts made an analysis of whether the bail as a preventive measure imposed on their husbands was necessary.

25. In any event, the Court does not find it necessary to deal with the Government's non-exhaustion plea, as the present applications are in any event inadmissible for the reasons set out below.

26. The Court observes that it has not been disputed by the parties that the retention of the money posted as bail by the applicants amounted to an interference with their right to the peaceful enjoyment of their property and, more particularly, to a "regulation of the use of property" within the meaning of the second paragraph of Article 1 of Protocol No. 1 to the Convention (see *UBS AG v. France* (dec.), no 29778/15, § 18, 29 November 2016).

27. It further reiterates its relevant principles regarding Article 1 of Protocol No. 1 which have been summarised in *G.I.E.M. S.r.l. and Others v. Italy* ([GC], nos. 1828/06 and 2 others, §§ 289, 292 and 293, 28 June 2018), *Iatridis v. Greece* ([GC], no. 31107/96, § 58, ECHR 1999-II), *Moskal v. Poland* (no. 10373/05, §§ 49-52, 15 September 2009), *Lelas v. Croatia* (no. 55555/08, § 76, 20 May 2010, with further references) and *Beyeler v. Italy* ([GC], no. 33202/96, §§ 109-10 ECHR 2000-I).

28. In analysing the applicants' complaint concerning the unlawful retention of money posted as bail, the Court observes that the domestic courts made a thorough analysis of the issue, referring to relevant provisions of the Code of Criminal Procedure, setting out the conditions of the payment of bail, its validity, and of the possibility of terminating bail as a preventive measure in respect of their husbands. The domestic courts did not find that the requirements of domestic law had been breached, and the Court sees no reason to hold otherwise.

29. As to the applicants' arguments that the retention of their money after the relevant court decisions ordering their husbands' detention had expired was unlawful, the Court observes that domestic law does not specify that a decision on the application of bail as a preventive measure should be limited in time if it was clearly explained in courts' decisions which do not appear to have been arbitrary or unreasonable. In particular, it was explained in the courts' decisions that an obligation to indicate the duration of a court decision on application of the preventive measure related to detention as a specific preventive measure. There is nothing to suggest that the absence of a legal provision obliging the court to set a time-limit for its decision on an application for bail ran contrary to the requirements of the Convention, as that would have created an unreasonable burden on the authorities in the course of the criminal proceedings.

30. Furthermore, the Court reiterates that the domestic courts, when examining the applicants' requests for the return of the money posted as bail, re-evaluated the need to maintain bail as a preventive measure and gave reasoned decisions taken in adversarial proceedings. The domestic courts further established that despite the expiry of the specific obligations of the applicants' husbands, their status as suspects or accused in the context of the criminal proceedings against them imposed an obligation that had no time-limit, in particular, the obligation to appear, upon a summons, before an investigator, a prosecutor, the investigating judge or the court (Article 42 § 7(1) of the Code of Criminal Procedure).

31. The Court further observes that the posting of money as bail has a temporary character, as it is applied only for the duration of relevant criminal proceedings; money posted as bail is to be returned to the bailor upon completion of the criminal proceedings or by a court decision changing the preventive measure. As can be seen in application no. 10796/19, the trial court, when adopting its judgment of 16 February 2026, ruled to return the money posted as bail to the first applicant.

32. As regards the proportionality of the interference, the Court notes that the applicants decided voluntarily to post money as bail in respect of their husbands in the context of relevant criminal investigations. In the Court's view, the existing legal framework was clear in that the bailors were to bear the financial burden in respect of the payment of bail and they should have

realised that their money might be blocked for the duration of the criminal investigation in question.

33. The Court notes, however, that in application no. 10796/19, the money posted as bail was retained from 27 January 2018, when the first applicant posted bail, until at least 16 February 2026, when the trial court delivered its judgment finding the applicant's husband guilty of a crime of which he was accused. The overall period of retention of the money posted as bail amounted to more than eight years. As regards application no. 34185/20, the second applicant posted the money on 12 September 2017 and it remains retained at the present time. The overall period of retention of the money posted by the second applicant as bail, so far, totals more than eight years and eight months.

34. In this connection, the Court underlines that the applicants have not complained before the domestic courts or before the Court that the prolonged criminal proceedings and, as a consequence, a lengthy duration of the retention of their money during that time have caused them considerable burden or created specific difficulties. In the absence of such submissions from the applicants and since they essentially complained of the unlawfulness of the retention of money posted as bail, the Court is unable to rule as to whether the interference with their property rights was disproportionate and thus in breach of the Convention requirements.

35. In view of the foregoing considerations, the Court concludes that the applicants' complaints under Article 1 of Protocol No. 1 to the Convention are manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 22 October 2026.

Martina Keller
Deputy Registrar

María Elósegui
President

APPENDIX

List of cases

No.	Case name Application no.	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	Kulkina v. Ukraine 10796/19	14/02/2019	Liliya Viktorivna KULKINA 1962 Mala Danylivka Ukrainian	Oleksandr Sergiyovych SHADRIN
2.	Khabal v. Ukraine 34185/20	03/07/2020	Zhanna Volodymyrivna KHABAL 1966 Khmelnyskyy Ukrainian	Oleg Oleksandrovyh ROMANISHYN