



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

Legal summary

July 2026

***Bazhenov and Others v. Russia and Ukraine - 20092/18,
30408/18, 42807/18 et al.***

Judgment 16.7.2026 [Section IV]

Article 6

Article 6-1

Tribunal established by law

Cancellation by the Russian “courts” of the applicants’ titles to plots of land in Sevastopol, Crimea, which had previously been transferred into private ownership by the Ukrainian authorities: *violation in respect of Russia*

Article 35

Article 35-3-a

Ratione materiae

Second applicant’s complaint under Article 1 of Protocol No. 1 in relation to land purchased and registered under Russian law, contrary to Ukrainian law: *inadmissible*

Article 1 of Protocol No. 1

Article 1 para. 1 of Protocol No. 1

Deprivation of property

Cancellation by the Russian “courts” of the applicants’ titles to plots of land in Sevastopol, Crimea, which had previously been transferred into private ownership by the Ukrainian authorities: *violation for Russia; striking out as regards Ukraine*

Facts – In 2009 and 2010 the local authorities in Sevastopol, Crimea, made a number of decisions to transfer various plots of public land into private ownership. The Ukrainian administrative courts subsequently confirmed that these decisions had been lawful. Between 2015 and 2017, after the Russian Federation had asserted jurisdiction over Crimea, the first, second, fourth and fifth applicants’ titles were cancelled by the Russian “courts” in Sevastopol, on the basis that the Ukrainian authorities’ allocation of land had been unlawful and the land was returned to the State as public property, without compensation.

The third applicant had sold her plot to the second applicant in 2015 in a transaction governed by Russian law. After the second applicant’s title was cancelled, she successfully brought a claim against the third applicant for the sum she had paid for the land.

Law –

Preliminary remarks –

(1) *Jurisdiction* – As the facts giving rise to the alleged violations of the Convention had occurred prior to 16 September 2022, the date of which the Russian Federation ceased to be a party to the Convention, the Court had jurisdiction to examine the applications in so far as they concerned Russia.

(2) *Russia's abstention from participation in the proceedings* – The respondent Government's abstention from further participation in the proceedings did not release them from the duty to cooperate with the Court, which was not prevented from continuing with the examination of applications over which it retained jurisdiction. The Court might draw such inferences as it deemed appropriate from a party's failure or refusal to participate effectively in the proceedings (Rule 44C of the Rules of Court).

(3) *Continued examination of complaints against Ukraine* – The first, third and fourth applicants had initially complained that the Ukrainian Government had not fulfilled their positive obligations under Article 1 of Protocol No. 1 as they had failed to preserve the land allocation documentation in the Crimean archives or to protect their property by diplomatic, economic, judicial or other means. As those applicants had in their subsequent submissions stated that they had decided to "waive all claims against Ukraine", the Court considered that those applicants might be regarded as no longer wishing to pursue their complaints which were directed against Ukraine (Article 37 § 1 (a)). Considering that the subject-matter of the complaints concerned a well-developed body of the Court's case-law pertaining to rather similar issues, the Court found that respect for human rights did not require it to continue the examination of the respective parts of those applications.

Conclusion: complaints against Ukraine struck out.

Complaints against Russia – Article 1 of Protocol No. 1:

(1) *Admissibility* –

(a) *Victim status of the third applicant* – The third applicant had participated in two sets of proceedings before the Russian "courts". In the first set of proceedings, she had been a third party who had essentially supported the second applicant to whom she had sold the land. As those proceedings had not directly determined the third applicant's rights or obligations she lacked victim status in that respect. Conversely, the Court found that she had victim status in relation to the second set of proceedings, in which she had been directly affected by a judicial decision obliging her to compensate the second applicant, a measure taken within the framework of the State's regulatory role; although those proceedings had been conducted between two private parties, significant public law elements had been involved.

Conclusion: inadmissible (incompatible *ratione personae*) with respect to the first set of proceedings; admissible with respect to concerning the second set of proceedings (compatible *ratione personae*).

(b) *Compatibility ratione materiae of the first, second and third applicants' complaints* – Concerning the first applicant, the Court found that the Ukrainian authorities' decision allocating the plot of land to him had been capable of creating at least a legitimate expectation of obtaining that plot, and the Russian authorities had treated him as the landowner when they had brought proceedings against him.

The second applicant had purchased and registered the land under Russian law, contrary to Ukrainian law. The relevant provisions of international humanitarian law ("IHL") did not explicitly mention property transactions made between private parties in occupied territory, while generally requiring the laws of the occupied country to be respected as far as possible. At the same time, the duty of non-recognition under general international law on responsibility of states for internationally wrongful acts as reflected in Article 41 of the International Law Commission's Draft Articles on such responsibility precluded the recognition of legal consequences resulting from serious breaches of international law. In *Ukraine v. Russia (re Crimea)* [GC], the Court had found the wholesale application of Russian law in Crimea to be contrary to the Convention, as interpreted in the light of IHL, and had held that it could not be regarded as "law" within the meaning of the Convention. Accordingly, there had been no legal provision or legal act qualified as "law" on which the second applicant could have relied in order to establish a legitimate expectation in respect of the land in question. Given the unlawful nature of the wholesale application of Russian law in Crimea, the Court could not derive any basis for protecting the second applicant's interests from the "Namibia exception" which had to be narrowly read. The present case was distinguishable from the situation in northern Cyprus. That divergence was also compounded by the fact that the Russian Federation had ceased to be a member of the Council of Europe, thereby excluding the territories under its effective control from the legal space of the Convention. In those circumstances, the Court found that the second applicant's proprietary interests did not constitute possessions within the meaning of Article 1 of Protocol No. 1. That conclusion was without prejudice to any claim the second applicant might wish to lodge under Ukrainian law, whether currently or before any relevant authorities that might subsequently be established to decide on similar issues.

Lastly, the third applicant had been left with neither the land nor the money, as the Russian authorities had claimed the land and she had been ordered to return the sum she had received for its sale. The money she had received for the land had constituted possessions protected under Article 1 of Protocol No. 1.

Conclusion: inadmissible in respect of the second applicant (incompatible *ratione materiae*); admissible in respect of the first and the third applicants (compatible *ratione materiae*).

(2) *Merits* – The property titles had been cancelled under the provisions of Russian law applied by the Russian "courts". Although those "courts" had referred to certain provisions of Ukrainian law governing the privatisation of land when questioning the legal validity of the initial allocation of land, it appeared that they had done so solely as a pretext to justify the subsequent annulment of the titles under those provisions, and in accordance with the conditions of Russian law. The Court also noted that international material showed that a large number of landowners were in a similar position to the applicants. Moreover, the disputed decisions could not be justified under IHL, as they had been in contravention with the prohibition of confiscation set out in Article 46 of the Hague Regulations of 1907, which did not allow for exceptions, whether for military considerations or on any other ground.

Accordingly, the disputed decisions of the Russian "courts" had not been in accordance with the law within the meaning of Article 1 of Protocol No. 1.

Given that finding, the Court found that the deprivation of the fourth applicant's property had resulted from an invalid legal act, which had rendered the interference with his rights a continuing situation of deprivation. He thus remained its legal owner, just like the first and fifth applicants, and the interference with their rights had constituted a continuing situation of deprivation. Consequently, the fourth applicant had lodged his applications within the six-month time-limit under Article 35 § 1 of the Convention; a question which the Court had joined to the merits.

Conclusion: violation (unanimously) in respect of the first, third, fourth and fifth applicants.

Article 6 § 1:

The Court had already held in *Ukraine v. Russia (re Crimea)* [GC] that the courts in Crimea which functioned in contravention of the Convention, as interpreted in the light of IHL, were not considered to have been “established by law” within the meaning of Article 6 § 1. Those findings still stood and applied to the complaints at hand. Concerning the second applicant, even though she had not entertained any legitimate expectation to have her title protected under Article 1 of Protocol No. 1, since that title had been unlawful, the Court noted that she had been a defendant party in civil proceedings lodged against her for the cancellation of the Ukrainian authorities’ initial allocation of the land, which might be regarded as having had significant repercussions on her rights; the civil limb of Article 6 thus applied to the proceedings she had complained of.

Therefore, the first, second, third and fifth applicants had not been heard by a tribunal established by law

Conclusion: violation (unanimously) in respect of the first, second, third and fifth applicants.

Article 41: In respect of both pecuniary and non-pecuniary damage EUR 8,000 to the first applicant, EUR 30,000 to the fourth applicant and EUR 10,000 to the fifth applicant; in respect of non-pecuniary damage EUR 3,000 and EUR 4,000 to the second and third applicants. respectively.

(See *Ukraine v. Russia (re Crimea)* [GC], 20958/14 and 38334/18, 25 June 2024, [Legal Summary](#); *Sargsyan v. Azerbaijan* (dec.) [GC], 40167/06, 14 December 2011, [Legal Summary](#); [The Hague Convention \(IV\) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land of 18 October 1907](#) (“The Hague Regulations”); [Draft Articles on Responsibility of States for Internationally Wrongful Acts by the International Law Commission of 12 December 2001](#))

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