



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

FIFTH SECTION

CASE OF YERYOMENKO v. UKRAINE

(Application no. 8394/20)

JUDGMENT

STRASBOURG

18 June 2026

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

In the case of Yeryomenko v. Ukraine,

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

María Elósegui, *President*,

Andreas Zünd,

Mykola Gnatovskyy, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 8394/20) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 28 January 2020 by a Ukrainian national, Mr Ruslan Telekhovych Yeryomenko (“the applicant”), who was born in 1986, lives in Kharkiv and was represented by Ms O. Richko, a lawyer practising in Kharkiv;

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

the parties’ observations;

Having deliberated in private on 28 May 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant’s complaint under Article 3 of the Convention that he had been systematically tortured in prison and that there had been no effective domestic investigation into the matter.

2. During the period from 20 October 2011 to 2 December 2015 the applicant served his sentence in Oleksiyivska Prison no. 25, a medium-security prison in Kharkiv.

3. In October 2013 human rights activists organised a press conference with the involvement of a number of former prisoners who alleged that they had suffered serious ill-treatment by the staff at Oleksiyivska Prison. A criminal investigation was launched into the matter.

4. Shortly after the applicant’s release in December 2015, he complained to the prosecution authorities that he had been systematically tortured by prison staff. He stated that, on numerous occasions, he had been beaten over the head and on his body with a rubber truncheon, and that he had been forced to lie naked on the floor while prison staff stood on his shins and chest and burnt his face, hands and groin area with a lit cigarette. The applicant specified the names of the prison staff concerned and the approximate timing of the events in question.

5. In April 2016 the above-mentioned complaint was joined to the ongoing criminal investigation initiated in October 2013 (see paragraph 3 above).

6. On 9 January 2017 a forensic medical expert examined the applicant and documented numerous scars on his body, including two linear scars on his scalp, another linear scar on his left forearm, and numerous scars on the back of his right hand and on his left shin. In the expert's view, those scars were wounds which had been caused by the impact of blunt solid objects and which had healed. The expert also documented several small oval-shaped scars on his face, left hand and groin area. The expert concluded that the scars were most likely "the scarring that results from the healing of second- and third-degree burns caused by brief contact with a heat source". All the injuries could have been sustained more than one and a half years prior to the examination.

7. Between April 2016 and August 2019, the Kharkiv regional prosecutor's office discontinued the investigation five times by means of virtually identical decisions citing a lack of evidence of a criminal offence, referring mainly to the prison staff's denials of the allegations of ill-treatment and the concordant witness statements of certain prisoners. The forensic medical expert examination report in respect of the applicant was not mentioned at any point.

8. All those decisions were quashed by the Kharkiv Chervonozavodskyy District Court following the applicant's complaints¹ on the grounds that they had been adopted on the basis of an incomplete and superficial investigation. It was consistently noted that all the instructions given by either the higher-level prosecution authority or the investigating judge (in particular with regard to the necessity of carrying out investigative experiments, identification parades, the simultaneous questioning of the prisoners and prison staff concerned, and withholding and analysing footage recorded by the video surveillance cameras installed inside the prison) had been disregarded. Furthermore, the investigating judge pointed out the failure to examine the applicant's allegations and the expert report on his injuries.

9. On 20 August 2021 the investigation was discontinued once again on the same grounds and with similar reasoning, this time by the regional office of the State Bureau of Investigation. In so far as the applicant was concerned, the decision contained a brief summary of the expert report of 9 January 2017 and the reports on the applicant's questioning as an aggrieved party without, however, any analysis of those or any other documents. Nor did it refer to any other investigative measures or give any assessment to the applicant's allegations. It was observed that numerous inspections had been carried out in Oleksiyivska Prison but had not revealed any irregularities, and that the former prisoners' allegations had lacked consistency and credibility.

10. It appears that on the same date that decision was sent to the applicant and the eight other former prisoners concerned. According to the applicant,

¹ Except for the decision of 19 May 2017, which was quashed by the Prosecutor General's Office.

he did not receive it and was unaware of the investigator's decision to discontinue the investigation until he enquired about its progress in January 2021 and received a reply in that connection on 7 February 2022.

11. On 16 February 2022 the applicant challenged that decision before the Poltava Oktyabrskyy District Court which, however, returned his complaint without examination as having been lodged outside the ten-day time-limit.

REPORTS BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)

12. The CPT visited Oleksiyivska Prison three times during the period when the applicant was serving his sentence there (see paragraph 2 above).

I. CPT REPORT OF 5 SEPTEMBER 2013

13. The relevant extracts from the CPT report of 5 September 2013 on its visit to Ukraine from 1 to 10 December 2012 (CPT/Inf (2013) 23) read as follows:

“8. In ... Correctional [Colony No. 25], the overall atmosphere was tense and a climate of fear was evident during the visit. Many inmates interviewed expressed fears about retaliatory action by staff and/or inmates assisting staff after the visit. Some of these inmates had allegedly been threatened by penitentiary officials after their first interview with the delegation.

At the end of the visit, the delegation expressed its serious concerns as to the safety of the inmates it had spoken to and requested that urgent measures be taken at the highest level to prevent any intimidatory or retaliatory action against those inmates, including through a clear message to all penitentiary staff that any such action would be severely punished.

...

16. ... the situation of sentenced prisoners held at Correctional Colony No. 25 in Kharkiv is a source of grave concern to the CPT. It clearly transpires from the delegation's findings that the ill-treatment of male prisoners by staff or by those inmates who had a designated role to assist penitentiary personnel was far from uncommon. Further, many allegations of ill-treatment received from prisoners who were or had been held at Colony No. 25 refer to treatment of such severity that it could be considered as amounting to torture (e.g. extensive beatings, often combined with the dousing of inmates with pressurised water from a fire pump or while being tightly restrained in a straight-jacket; submersion of the head in water to the point of suffocation; application of handcuffs which were subsequently hit with a hammer to force them up the forearms; sexual assault at the instigation of staff). The alleged ill-treatment was mainly said to have been inflicted in the offices of operational officers (located in the administrative building) or offices of inmates assisting staff, within the disciplinary and segregation (DIZO/PKT) unit or in the first exercise yard of the DIZO/PKT unit (where the radio had allegedly been turned up loud to block out the cries of those being ill-treated).

...

18. The delegation gained the impression in Correctional [Colony No. 25] that the ill-treatment of inmates had become an almost accepted feature of keeping good order and combating prison subcultures. The means employed by staff, partly relying on a select group of inmates having a designated role to assist them, were apparently aimed at obtaining submissive behaviour from all inmates as from the first days after their admission. The admission period was thus said to be a particularly traumatising experience. Prisoners were allegedly forced to exercise physically beyond the point of exhaustion, whatever their state of health, and subjected to various provocations by staff (e.g. prisoners made to clean the floor or the toilets after prison officers made them dirty). Inmates refusing to or being unable to comply with the “daily regime” were said to be subjected to the treatment described in [paragraph 16]. Those identified by staff as likely to cause trouble in prison remained at heightened risk of being subjected to physical ill-treatment by staff and/or by inmates assisting penitentiary personnel during their entire stay in these colonies.

Of particular concern were accounts from several inmates according to which they had been instructed by staff to assault or put undue pressure on other inmates. These prisoners had allegedly been under threat, in the event of refusal to comply with the staff’s instructions, of losing any chances of conditional release, of being left unprotected from assault by inmates who may wish to cause them harm and/or beatings by staff. In one such case, the inmate in question allegedly had a prior arrangement with members of staff to assault another inmate in exchange for his transfer to another penitentiary establishment.”

II. CPT REPORT OF 29 APRIL 2014

14. The relevant extracts from the CPT report of 29 April 2014 on its visit to Ukraine from 9 to 21 October 2013 (CPT/Inf (2014) 15) read as follows:

“11. In the light of the delegation’s findings during the 2013 visit, the CPT deeply deplores that the Ukrainian authorities did not take all the necessary measures to prevent any intimidation of prisoners by staff or fellow inmates at the instigation of staff in several of the penitentiary establishments visited. Any such behaviour is an assault on the principle of co-operation which lies at the heart of the Convention.

The CPT appreciates that the relevant authorities took the delegation’s findings on intimidation of inmates seriously and conducted inquiries shortly after the delegation’s visit. At the same time, the CPT knows from previous experience that the steps described by the Ukrainian authorities in their letter of 27 December 2013 are in themselves not sufficient to allay its concerns in relation to this matter. Gaining a sufficient level of trust among prisoners remains a key issue for such inquiries to be considered as effective. Regrettably, it does not transpire from the details provided to the Committee that a climate of trust was created during these inquiries. It appears that inmates did not share their concerns about tangible threats of sanctions and fears for their safety. The Committee must stress again the need for prosecutors/monitors to take measures to counter the risk of intimidation of inmates by staff or fellow prisoners, at the instigation of staff, prior to/in the course of inquiries of this kind; the use of anonymous questionnaires, for instance, is of dubious value if nothing has been done to counter that risk. Further, prosecutors/monitors should seek private interviews with prisoners. This should imply in particular that prosecutors/monitors systematically enter into direct contact with inmates and interview them in private; from the information at the disposal of the Committee, this does not appear to have always been the case.

Further, of particular concern are the clear indications received during the 2013 visit according to which, shortly after the previous visit in 2012, attempts had been made by the management of Correctional [Colony No. 25] to identify all the prisoners who had complained to delegation members (with the help of operational staff and/or fellow inmates), to make sure that these prisoners would not make similar complaints to prosecutors/investigators/monitors in the course of subsequent inquiries/inspections and, as regards Correctional Colony No. 25, to subject them to corporal punishment.”

III. CPT REPORT OF 29 APRIL 2015

15. The relevant extracts from the CPT report of 29 April 2015 on its visit to Ukraine from 9 to 16 September 2014 (CPT/Inf (2015) 21) read as follows:

“34. The delegation visited ... [Colony No. 25] in order to review the treatment of prisoners. During previous visits ... to [that colony], the CPT had heard many allegations of physical ill-treatment and/or torture of prisoners by prison officers.

35. The CPT is very concerned about the frequency and seriousness of the allegations of ill-treatment by staff received and the climate of fear and intimidation of prisoners observed by the delegation in [Colony No. 25].

... the delegation once again received a significant number of allegations of severe physical ill-treatment and/or torture of prisoners by prison officers (for instance, very extensive beatings; rape with truncheons; use of straitjackets and squeezing of the abdomen with a rope noose to the point that prisoners were defecating; continuous exposure to high-pressure jets of water from a fire hose). In addition, several prisoners interviewed by the delegation claimed that they were subjected to a form of positional asphyxia by being forced to lie face-down on the floor while one officer was sitting on their back and others were pulling the arms and legs upwards. It is also alarming that, in some cases, the physical ill-treatment was allegedly inflicted by senior members of staff.

The delegation gained the distinct impression that the [establishment was] managed through a system of intimidation and violence and that physical ill-treatment (sometimes of such a severe nature that it could be considered to amount to torture) was used as a tool to maintain internal order. There was a widespread perception among prisoners that any disobedient behaviour would be immediately sanctioned with severe corporal punishment.

36. Further, ... the delegation was struck by the overall climate of fear and the reluctance of prisoners to be interviewed. ... [The] CPT must stress that it has thus far never visited a prison in Europe where so many prisoners refused to talk to delegation members and appeared to be virtually scared to death, and this when conditions of detention were generally of a high standard. Those prisoners who eventually dared to speak with members of the delegation agreed to do so only with great reluctance.

What is even worse, many allegations were received that ... prisoners had been warned by staff not to say anything negative to the delegation. Apparently, a number of prisoners were also approached by staff after having talked to members of the delegation. Not surprisingly, several of them refused to talk to delegation members again on the second day of the visit to the establishment.”

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

16. The applicant complained under Article 3 of the Convention that he had been systematically tortured by prison officers and that the competent authorities had failed to conduct an effective investigation. Although he also relied on Article 13 of the Convention, the Court considers that the application falls to be examined under Article 3 only.

A. Admissibility

17. The Government submitted that the applicant had not exhausted domestic remedies, as he had not challenged the investigator's decision of 20 August 2021 to discontinue the investigation in a timely manner, had not appealed against the relevant ruling of the Poltava Oktyabrskyy District Court (see paragraphs 9 and 11 above), and had not claimed compensation in respect of non-pecuniary damage under the Civil Code.

18. The applicant disagreed. He pointed out that he had lodged complaints with the prosecution authorities shortly after his release and that he had also challenged the numerous decisions to discontinue the investigation. Even where his complaints had been upheld and the investigation had been resumed, the investigation had remained manifestly ineffective for many years. The applicant also contested the Government's submissions regarding the possibility of claiming damages in his case.

19. The Court reiterates that the only remedies Article 35 of the Convention requires to be exhausted are those that are available and sufficient and relate to the breaches alleged (see *Nada v. Switzerland* [GC], no. 10593/08, § 140, ECHR 2012).

20. In cases of wilful ill-treatment the breach of Article 3 cannot be remedied only by an award of compensation to the victim. This is so because, if the authorities could confine their reaction to incidents of wilful ill-treatment by State agents to the mere payment of compensation, while not doing enough to prosecute and punish those responsible, it would be possible in some cases for agents of the State to abuse the rights of those within their control with virtual impunity, and the general legal prohibition of torture and inhuman and degrading treatment, despite its fundamental importance, would be ineffective in practice (see *Jeronovičs v. Latvia* [GC], no. 44898/10, § 105, 5 July 2016).

21. The Court does not consider it necessary in the present case to decide whether, had the applicant wished to lodge a civil claim for damages, it would have had any prospect of success, since, in any event, that remedy alone cannot be considered effective.

22. In so far as the Government's objection concerns the applicant's failure to challenge yet another investigator's decision to discontinue the investigation, the Court finds that it is closely linked to the merits of the applicant's complaint under the procedural head of Article 3. It therefore joins this objection to the merits of that complaint (see, for example, *Savin v. Ukraine*, no. 34725/08, § 57, 16 February 2012).

23. The Court further notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' arguments

24. The applicant maintained that throughout his detention in Oleksiyivska Prison he had often been subjected to physical and psychological violence by the staff for the purpose of debasing him and forcing him into submission. According to the applicant, even when he was not being subjected to physical abuse, he lived in constant fear, under the full control and at the mercy of the staff. The applicant further alleged that the authorities had made no meaningful attempt to investigate his complaints and to bring those who had tortured him to justice.

25. The Government noted that, although it was established that the applicant had indeed sustained injuries, there was no evidence that those injuries had been inflicted on him by prison officers. The Government also submitted that all the necessary investigative measures had been carried out in respect of the applicant's allegations and that his dissatisfaction with the reached conclusions did not mean that the investigation had been ineffective.

2. The Court's assessment

26. The Court will first examine the applicant's complaint under the procedural head of Article 3 about the lack of an effective and thorough criminal investigation into his allegations of tortures while in Oleksiyivska Prison (see, for example, *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 181, ECHR 2012).

(a) Alleged ineffectiveness of the domestic investigation

27. The obligation to carry out an effective investigation into allegations of treatment infringing Article 3 suffered at the hands of State agents is well established in the Court's case-law (see, for example, *El-Masri*, cited above, §§ 182-85, and *Bouyid v. Belgium* [GC], no. 23380/09, §§ 114-23, ECHR 2015). That obligation means instituting and conducting an investigation capable of leading to the establishment of the facts and of

identifying and – if appropriate – punishing those responsible. Furthermore, the authorities must act of their own motion once the matter has come to their attention. In particular, they cannot leave it to the initiative of the victim to take responsibility for the conduct of any investigatory procedures (see *S.M. v. Croatia* [GC], no. 60561/14, §§ 313-14, 25 June 2020).

28. The Court notes that in the present case credible allegations of the systematic and serious ill-treatment of prisoners in Oleksiyivska Prison had been brought to the State authorities' attention long before the applicant raised his complaint following his release in December 2015 (see paragraph 4 above). The Court observes, in particular, that on 5 September 2013 the CPT published a report following its visit to Ukraine and, notably, Oleksiyivska Prison in December 2012. The CPT delegation reported that it had observed an overall climate of fear in that prison and had received many allegations of "far from uncommon" "ill-treatment of such severity that it could be considered as amounting to torture". Overall, the CPT assessed the situation of sentenced prisoners held in Oleksiyivska Prison as being "a source of grave concern" (see paragraph 13 above). Furthermore, in October 2013 a press conference was organised by human rights activists in the course of which a number of former prisoners raised similar allegations (see paragraph 3 above).

29. Although the above-mentioned events triggered the procedural obligation of the State under Article 3 of the Convention to ensure an effective investigation into the alleged ill-treatment of prisoners, including the applicant, held in Oleksiyivska Prison, the Court has not been made aware of any relevant measures that were carried out. On the contrary, the CPT, whose delegation visited that prison on two further occasions (in October 2013 and in September 2014) during the period of the applicant's detention there, reported that it had been struck by the overall climate of fear, with prisoners appearing "to be virtually scared to death", and had gained "the distinct impression that [the establishment was] managed through a system of intimidation and violence" (see paragraphs 14 and 15 above). Also, according to the applicant, his ordeal had continued until his release on 2 December 2015, following which he introduced a complaint before the prosecution authorities (see paragraph 4 above).

30. The Court notes that the criminal investigation into the applicant's complaint was discontinued five times by means of virtually identical decisions, which failed to address the applicant's allegations. Moreover, although a forensic medical expert examination carried out in January 2017 established that the applicant's numerous injuries appeared to be consistent with his allegations, that report was not mentioned in any of the decisions to discontinue the investigation (see paragraphs 6 and 7 above). All the decisions in question were eventually quashed as being premature and in disregard of the earlier expressed criticism and instructions for investigative measures, and further investigation was ordered (see paragraph 8 above).

31. As it transpires from the most recent decision to discontinue the investigation, which was delivered on 20 August 2021 and which remains in force, the earlier identified shortcomings had not been rectified. Although the applicant's statements and the relevant expert report were briefly mentioned this time, the investigator did not give any assessment to them (see paragraph 9 above).

32. The Court has held that repeated remittals of a case for further investigation may disclose a serious deficiency in the domestic prosecution system (see, for example, *Aleksandr Smirnov v. Ukraine*, no. 38683/06, § 61, 15 July 2010). Such a deficiency was clearly manifested in the circumstances of the present case.

33. The foregoing considerations are sufficient to enable the Court to find a violation of Article 3 of the Convention under its procedural head. It therefore dismisses the Government's objection, which was previously joined to the merits (see paragraph 22 above).

(b) Alleged systematic torture of the applicant in prison

34. The relevant general principles of the Court's case-law were summarised in *Bouyid* (cited above, §§ 81-88).

35. The Court takes note at the outset of the undisputed expert evidence confirming that the applicant had sustained injuries during his detention in Oleksiyivska Prison. The description of his scars by the expert appeared consistent with the applicant's allegations. The Court notes, in particular, that the applicant alleged that he had been beaten over the head and on his body with a rubber truncheon, and that linear scars were found on his scalp and left forearm. Furthermore, the applicant alleged that a lit cigarette had been pressed against his face, hands and groin area, and the expert reported small oval-shaped scars on those parts of the applicant's body which could have been caused by "brief contact with a heat source" (see paragraphs 4 and 6 above).

36. Neither the Government in their submissions to the Court, nor the domestic investigating authorities provided any explanation as to origin of applicant's documented injuries, nor did they refute that those injuries had been sustained in prison as alleged. The Government's sole argument that there was no evidence that the applicant had been injured by prison officers (see paragraph 25 above) appears to be nothing more than an attempt to reverse the burden of proof.

37. The Court also finds it relevant to note that the applicant's allegations are fully consistent with the observations made by the CPT following its three visits to Oleksiyivska Prison during the period when the applicant was detained there (see paragraphs 12-15 above).

38. In the light of all the foregoing, the Court considers the applicant's allegations of ill-treatment to be credible. It will now assess whether the ill-treatment in question amounted to torture.

39. The Court's approach to determining whether a particular form of ill-treatment should be classified as torture was set out, in particular, in *El-Masri* (cited above, § 197).

40. Having regard to the nature of the applicant's ill-treatment (notably, cigarette burns on his face and in the groin area), the Court has no doubt that it caused him severe mental and physical suffering. It is also relevant to note that the ill-treatment in question was clearly aimed at debasing the applicant and driving him into submission. Furthermore, it lasted for more than four years (see paragraphs 2 and 24 above).

41. With those considerations in mind, the Court finds that the ill-treatment to which the applicant was subjected was serious enough to amount to torture (compare *Tangiyev v. Russia*, no. 27610/05, § 56, 11 December 2012).

42. Accordingly, there has been a violation of Article 3 of the Convention under its substantive head.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

43. The applicant claimed 50,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,200 in respect of costs and expenses incurred before the Court. In that connection, he submitted a contract for legal representation signed by Ms Richko on 1 February 2020 and a report dated 23 March 2024 recording 22 hours of legal work at an hourly rate of EUR 100. Under the contract, the applicant was obliged to pay for the work done if and when the Court made a relevant award. In addition, the applicant claimed EUR 850 "in respect of compensation for the legal aid provided to him by his representatives".

44. The Government contested the applicant's claims.

45. Given the seriousness of the violations found and ruling on an equitable basis, the Court awards the applicant EUR 30,000 in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

46. Having regard to the documents in its possession, the Court also considers it reasonable to award the applicant EUR 2,200 for costs and expenses in the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join to the merits the Government's objection concerning non-exhaustion of domestic remedies and *dismisses* it;
2. *Declares* the application admissible;

3. *Holds* that there has been a violation of Article 3 of the Convention under its procedural head;
4. *Holds* that there has been a violation of Article 3 of the Convention under its substantive head;
5. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 30,000 (thirty thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 2,200 (two thousand and two hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (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;
6. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 18 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

María Elósegui
President