Veritas: Legal and Psychological-Pedagogical Research

2025. Vol. 1, No. 2 **ISSN 3083-6859 (online); ISSN 3083-6840 (print)**

UDC 341.1

Legal Analysis of the European Court of Human Rights' Case Law in Inter-State Applications Concerning the Occupation of Crimea and the Armed Aggression of the Russian Federation against Ukraine

Solomiia Tsebenko

Ph.D. in Law, Associate Professor, Lviv Polytechnic National University, 12, S. Bandera str., 79013, Lviv, Ukraine, solomiya.b.tsebenko@lpnu.ua, ORCID: 0000-0002-9247-1867

http://doi.org/10.23939/veritas2025.02.042

Abstract. The article provides a comprehensive analysis of the decisions of the European Court of Human Rights in inter-state cases concerning the international armed conflict between Ukraine and the Russian Federation, namely in the cases of Ukraine v. Russia (concerning Crimea) (applications Nos. 20958/14, 38334/18) and Ukraine and the Netherlands v. Russia (applications Nos. 43800/14, 8019/16, 28525/20, 11055/22). The aim of the study is to identify the peculiarities of the ECHR approach to state jurisdiction in the context of armed occupation, the legal assessment of systemic human rights violations, and the establishment of the state's international legal responsibility for actions carried out in temporarily occupied territories.

The study uses methods of analysis, synthesis, comparative law, dogmatic and interpretative methods. Particular attention is paid to the Court's legal positions on effective control, the organic link between illegal formations and the respondent state, and the classification of the Russian Federation's actions as systematic and planned violations of international law, including the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The article also contains an analysis of statistical data on the number of individual applications to the ECtHR related to the aggression against Ukraine, as well as legal conclusions on the admissibility of cases and their procedural prospects and significance for the protection of the rights of victims.

The scientific significance lies in the systematisation of the case law of the ECtHR as an instrument of international responsibility of the state for armed aggression and mass violations of human rights. The practical significance lies in the possibility of applying the conclusions set out in the conclusions in the law enforcement activities of Ukrainian state bodies, as well as in the context of future court proceedings for compensation and accountability.

In conclusion, it is emphasised that these ECtHR decisions create a legal basis for the consideration of thousands of individual applications covering events of armed aggression and occupation, strengthening Ukraine's position in the international legal space and demonstrating the development of a precedent-based approach to assessing responsibility for international crimes.

Keywords: European Court of Human Rights, Ukraine, Russian Federation, international responsibility, armed conflict, occupation, jurisdiction, human rights, effective control, inter-state complaints, individual complaints, decisions.

Introduction

Suggested Citation:
Tsebenko, S. (2025). Legal Analysis of the European Court of Human Rights' Case Law in Inter-State Applications Concerning the Occupation of Crimea and the Armed Aggression of the Russian Federation against Ukraine. *Veritas: Legal and Psychological-Pedagogical Research.* 1(2), 42–50. DOI: doi.org/10.23939/veritas2025.02.042

Journal homepage: https://science.lpnu.ua/veritas
Article history: Received: 30.05.2025. Revised: 26.06.2025. Accepted: 28.05.2025.

After World War II, the Council of Europe, an international regional organisation, was established on the European continent in 1949. The Statute of the Council of Europe was adopted on 5 May 1949. According to Article 1 of the Statute, its aim is to achieve greater unity between its members in order to preserve and realise the ideals and principles that are their common heritage, as well as to promote their economic and social progress [1].

On 31 October 1995, Ukraine acceded to the Statute of the Council of Europe and became one of the member states of this international organisation at the regional level. As of today, there are 46 member states of this organisation. However, due to the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022, Russia was expelled from this organisation on 16 March 2022. On 23 March 2022, the European Court of Human Rights (ECtHR or the Court) adopted a Resolution on the consequences of the termination of the Russian Federation's membership in the Council of Europe in light of Article 58 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. And, in accordance with this decision, the ECtHR will accept and consider applications against Russia for human rights violations under the ECHR until 16 September 2022 [2]. Since the deadline for submitting applications to the ECtHR is four months, complaints against Russia could, as a general rule, be submitted until 16 January 2023.

This is important because during military operations there are massive violations of human rights enshrined in the ECHR, in particular the right to life, the prohibition of torture, which, incidentally, should be absolute and not applied under any circumstances, the right to a fair trial, the right to property and others. And although these violations are taking place on the territory of Ukraine, it is the aggressor state that must bear responsibility.

Literature Review

The theoretical and source basis for the study was provided by the decisions of the European Court of Human Rights in inter-state cases, in particular Case of Ukraine v. Russia (Re Crimea), applications Nos. 20958/14 and 38334/18), as well as Ukraine and the Netherlands v. Russia (applications nos. 8019/16, 43800/14, 28525/20, 11055/22). Additional empirical material was provided by the annual reports of the Commissioner for Human Rights of the European Court of Human Rights in Ukraine, as well as official analytical and statistical materials of the ECHR on its own jurisdictional activities.

The study also took into account expert assessments and analytical comments by Mykola Gnativsky, a judge of the ECHR from Ukraine, as well as Marko Milanovic, an international lawyer and professor of public international law at the University of Reading, who also holds the position of Raoul Wallenberg Professor of Humanitarian Law and Human Rights.

Purpose

The purpose of this article is to analyse the legal positions of the European Court of Human Rights in the interstate cases of Ukraine v. Russia concerning the temporary occupation of the Autonomous Republic of Crimea, certain areas of Donetsk and Luhansk regions, as well as the large-scale armed aggression of the Russian Federation against Ukraine. The study aims to identify the Court's interpretation of the concepts of effective control, jurisdiction, international armed conflict, and state responsibility for systematic human rights violations.

The scientific significance of the study lies in its thorough theoretical analysis of the latest interstate practice of the ECtHR as a source for shaping a modern approach to the application of the norms of public international law, international humanitarian law and human rights law in the context of armed conflict.

Methodology

The methodological basis of the article is a combination of general scientific and special legal methods, which provide a comprehensive approach to the analysis of the decisions of the European Court of Human Rights in the interstate cases "Ukraine v. Russia" (applications Nos. 20958/14, 38334/18, 43800/14, 8019/16, etc.).

The method of analysis was applied to structure the content of the Court's decisions, identify key legal positions, and reveal the specific features of the classification of an international armed conflict. The method of synthesis made it possible to

generalize the European Court of Human Rights' legal approaches to establishing effective control, jurisdiction, and state responsibility. Inductive and deductive methods were employed, respectively, to formulate general conclusions based on individual cases and to verify the conformity of the Court's decisions with universally recognized norms of international law.

The scientific method was implemented through an objective and critical approach to the use of sources, including the official texts of the European Court of Human Rights' decisions, the Court's statistical data, annual reports of the Commissioner for European Court of Human Rights Affairs in Ukraine, as well as doctrinal commentaries by leading experts – in particular, the ECHR judge from Ukraine, Mykola Hnatovskyi, and Professor of International Law, Mark Milanovich.

The proposed methodological approach provided a comprehensive and systematic understanding of the significance of the European Court of Human Rights' practice in cases concerning the armed aggression of the Russian Federation against Ukraine, and its impact on the development of the contemporary international legal order.

Results and Discussion

The Council of Europe is an intergovernmental organisation whose main objectives are to protect, preserve and further the rights and freedoms of individuals, develop European cultural identity and diversity, seek common solutions to social problems, develop political partnerships with new democratic states in Europe, assisting the states of Central and Eastern Europe in implementing political, legislative and constitutional reforms. The main priority of the Council of Europe is to protect human rights and fundamental freedoms in its member states. By ratifying the ECHR in 1950, Ukraine recognised its application on its territory and the jurisdiction of the European Court of Human Rights in all matters relating to the interpretation and application of the Convention. Thus, in accordance with Article 46 of the Convention, the contracting parties undertake to comply with the final decisions of the ECtHR in any cases to which they are parties [3].

Therefore, it is necessary to study the practice of the ECtHR and the application of national legislation, taking into account the position of the ECtHR, since it is in the decisions of the ECtHR that the content of most of the provisions of the Convention is revealed.

In order to regulate relations arising in connection with the state's obligation to comply with ECtHR judgments in cases against Ukraine, the need to eliminate the causes of Ukraine's violation of the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols, and to create conditions for reducing the number of applications to the ECtHR against Ukraine, the Verkhovna Rada of Ukraine adopted the Law of Ukraine 'On the Enforcement of Decisions and Application of the Practice of the European Court of Human Rights' dated 23 February 2006 No. 3477-IV. In accordance with Article 17 of this Law, when considering cases, courts must apply the Convention and the practice of the European Court as a source of law. In this context, the Law understands the practice of the Court to mean all, without exception, the practice of the European Court of Human Rights and the European Commission of Human Rights (Article 1 of the Law) [4; 5].

Thus, the practice of the European Court can be considered an official form of interpretation of the fundamental (inalienable) rights of every person, enshrined and guaranteed by the Convention, which is part of national legislation and, in this connection, a source of legislative legal regulation and law enforcement in Ukraine. Therefore, O. V. Kolisnyk's position that national courts should refer to the conclusions of the European Court as a direct source of law when conducting judicial proceedings deserves attention. They should not only proceed from a formal interpretation of the rules of law, but also adhere to the idea of justice and humanity inherent in the decisions of the European Court and embody it in their decisions [6, p. 47].

An analysis of the statistics of the European Court of Human Rights reveals the following.

1. In 2024, the number of applications distributed among the judicial bodies of the ECHR was 28,800, which represents a 17 % decrease compared to 2023 (34,650 applications). The main reason for this decrease is the reduction in the number of applications against Turkey, Hungary, Belgium, Slovenia and Serbia.

2. Of the total number of applications distributed, 19,700 were classified as eligible for examination by a single judge, a decrease of 6 % compared to 2023 (20,957 applications). In addition, the number of applications identified as likely cases for consideration by a chamber or committee fell by 33 %, from 13,582 in 2023 to 9,100 in 2024. At the same time, 9,100 applications were identified as potential cases for consideration by the chamber or committee, 33 % less than in 2023. A total of 36,819 applications were considered in court in 2024 (4 % less than in 2023), which exceeded the number of applications distributed, allowing the total backlog of unconsidered cases to be reduced by 8,100 – from 68,450 to 60,350.

3. In 2024, the Court examined 36,819 applications, which is 4 % less than in 2023 (38,260). At the same time, the number of cases examined exceeded the number of cases distributed, which made it possible to reduce the total backlog of applications pending from 68,450 to 60,350.

4. The total number of applications declared inadmissible or struck off the list of cases was 25,990, which is 17 % less than in the previous year. The number of applications examined by single judges also decreased by 14 %, from 25,834 to 22,210. The number of cases concluded by amicable settlement or unilateral declaration decreesed by 36 % to 1,561 cases. In particular, the number of amicable settlements was 1,164 (–35 %), and the number of unilateral declarations was 397 (–36 %).

5. The number of applications on which decisions were made increased significantly: from 6,931 in 2023 to 10,829 in 2024 (+56 %). At the same time, the actual number of decisions was 1,102 (+9 %). A committee of three judges issued 814 decisions covering 10,241 applications, which is 60 % more than in the previous year and accounts for 95 % of all applications resolved by decision [7].

Table 1

European Court of Human Rights: Comparative Table of Indicatorsfor 2023 and 2024

Indicator	2023	2024	Change
Applications allocated among judicial bodies	34,650	28,800	–17 %
Applications examined by a single judge (likely inadmissible)	20,957	19,700	–6 %
Likely cases for chamber/committee	13,582	9,100	–33 %
Applications examined on the merits	38,260	36,819	–4 %
Applications declared inadmissible or struck out	31,329	25,990	–17 %
– of which examined by a single judge	25,834	22,210	–14 %
– friendly settlements or unilateral declarations	2,425	1,561	–36 %
– including friendly settlements	1,801	1,164	–35 %
– including unilateral declarations	624	397	–36 %
– other grounds (chamber, committee, Grand Chamber)	~3,082	2,219	–28 %
Number of applications with decisions issued	6,931	10,829	+56 %
Actual number of decisions (after case consolidation)	1,011	1,102	+9 %
Decisions by a committee of three judges (number of applications)	6,386	10,241	+60 %
Share of applications decided by three-judge committees among all decisions	92 %	95 %	+3 pp

Thus, as of 31 August 2025, the total number of cases pending before the European Court of Human Rights is 62,850 [8].

Although the Russian Federation is no longer a party to the Convention, and the State Duma has decided that Russia will not comply with the

decisions of the European Court, the existence of positive decisions against the Russian Federation can be used as evidence in other international and national courts [9, p. 4].

Due to the military actions initiated by the Russian Federation on the territory of Ukraine, our state has filed a number of inter-state complaints against Russia with the European Court of Human Rights.

On 25 June 2024, the European Court of Human Rights publicly announced its decision on the merits in the inter-state case 'Ukraine v. Russia (concerning Crimea)' (Case of Ukraine v. Russia (Re Crimea) (Application Nos. 20958/14 and 38334/18), which concerns systematic human rights violations in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, as well as violations of the rights of Ukrainian political prisoners. The applicant in the case was the Government of Ukraine. The Court concluded that the Government of Ukraine had provided comprehensive and convincing evidence which, without any doubt, confirmed the existence of massive and systematic human rights violations by representatives of the Russian Federation and structures under its control. These violations are classified as administrative practice, i. e. intentional, generalised and systematic behaviour that is repetitive in nature and violates the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols. The main violations identified by the European Court of Human Rights are enforced disappearances and the lack of effective investigation under Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms; ill-treatment and unlawful detention of persons, the extension of Russian Federation legislation to the territory of Crimea, as a result of which, since 27 February 2014, the courts operating on the peninsula cannot be considered to be established by law, which constitutes a violation of Article 6 of the Convention and others [10].

The decision in the inter-state case Ukraine v. Russia (concerning Crimea) is one of the most extensive inter-state proceedings in the history of the ECHR, which confirms: the systematic nature of the violations by the Russian Federation, the high level of evidence provided by Ukraine, and the recognition of the occupying nature of the Russian Federation's control over Crimea since 27 February 2014. The decision establishes the legal responsibility of the Russian Federation for the prolonged violation of the rights of the population of Crimea, including Ukrainians, Crimean Tatars, representatives of religious minorities and other groups. This decision also strengthens the position of the state of Ukraine in international legal institutions, in particular with regard to the international responsibility of the Russian Federation, future reparations and support for sanctions policy.

On 9 July 2025, the Grand Chamber of the ECHR delivered a landmark judgment in the case of Ukraine and the Netherlands v. Russia (Applications Nos. 8019/16, 43800/14, 28525/20 and 11055/22). In this case, the Court applied a reasonable, broad approach to jurisdiction under Article 1 and the extraterritorial application of the Convention. In particular, it covered all incidents involving the use of kinetic force/military action in 2014 and 2022 that were the subject of this case. From the outset, the Court based its analysis exclusively on the values protected by the Convention and the general international system. In particular, in paragraph 177, the ECtHR clearly stated that the events in Ukraine were unprecedented in the history of the Council of Europe: "None of the conflicts previously examined by the Court has given rise to such almost universal condemnation of the respondent State's "gross" disregard for the principles of the international legal order established after the Second World War, and such clear measures taken by the Council of Europe to punish the respondent state for disrespecting the fundamental values of the Council of Europe: peace, as already emphasised, but no less important human life, human dignity and individual rights guaranteed by the Convention" [11].

Therefore, according to Professor M. Milanovich, it is striking how skilfully the Court uses the submissions of the 26 states that intervened in the case to legitimise the broad approach to jurisdiction that it will apply – an approach that some states resisted. In principle, only point (5) is important – if a state kills someone, it exercises power and control over that person [12].

In paragraph 363, the ECtHR stated that all armed actions carried out by separatists reflected the overall strategy and tactics developed entirely

by the Russian Federation. Furthermore, there can be no doubt that direct and decisive military support was provided by the respondent State from the earliest stages of the armed conflict (see paragraphs 356 and 358 above). The reality of the relationship between the separatists, on the one hand, and the respondent State, on the other, was such that, regardless of their legal status, the separatists were entirely dependent on the military, political and economic support of the respondent State to carry out their activities and were ultimately merely an instrument of that State. It was for these reasons that the Court was convinced that, from 11 May 2014, the separatists' relations with the Russian Federation were so dependent on the one hand and controlled on the other that it would be correct to equate the separatists in the 'DPR' and 'LPR' with the de facto authorities of the Russian Federation within the meaning of Article 4 of the ARSIWA.

In view of this, the ECtHR stated in paragraph 364 of the Decision that the separatists were de facto organs of the Russian Federation, so no conclusions should be drawn as to the date on which this transition took place [11].

According to Professor Marko Milanović, the decision of the European Court of Human Rights is important both for the development of international jurisprudence and for the practice of holding states accountable for human rights violations in situations of armed conflict and occupation. For the first time in such an inter-state case, the Court concluded that the requirements for holding a state accountable for the actions of non-state actors had been met on the basis of established facts, which indicates the indisputable nature of the evidence base.

The ECtHR also reasonably noted that the subsequent annexation of Ukrainian territory only confirmed the existence of an organic link between the Russian Federation and the separatists. Of particular importance is paragraph 366 of the judgment, in which the Court makes an unequivocal conclusion: 'All actions and omissions of the armed forces of the Russian Federation and the armed formations under its control, the so-called "DPR" and "LPR", can be directly attributed to Russia' [12].

As noted by Ukrainian ECtHR judge M. Gnativsky, the Court rejected even the hypothetical possibility of qualifying the situation as 'chaotic' or uncontrolled. The decision emphasises that the actions in question were systematic, prolonged and carefully planned, indicating a high level of involvement by the respondent state. Therefore, the Russian Federation cannot escape international legal responsibility for violating the rights of persons who suffered as a result of its attempt to challenge Ukraine's right to sovereign existence through the use of armed force [13].

This conclusion has key legal significance, as it makes it impossible to refer to the absence of a direct order from the Russian authorities as a basis for avoiding international responsibility. Thus, the fact of who specifically committed the violation – a separatist or a Russian serviceman – loses its legal significance, since in any case, responsibility for such actions lies with the Russian Federation as a state.

According to Mark Milanovich, this provision sets a precedent that strengthens the approach to state responsibility in hybrid wars and conflicts involving non-state actors acting under the de facto control of a foreign state [12].

According to Mykola Gnativsky, a judge of the ECtHR from Ukraine, this historic decision, as well as the decision in the case concerning the events in the Autonomous Republic of Crimea, paved the way for the Court to consider individual applications on their merits, the subject matter of which covers similar factual circumstances. This concerns thousands of cases currently pending that relate to mass and systematic human rights violations in the context of international armed conflict [13].

Several more inter-state complaints by Ukraine against Russia are pending before the ECtHR.

In addition, there are many individual complaints awaiting consideration by the Court. In a letter dated 10 February 2025, sent in response to the Commissioner's request, the European Court of Human Rights reported that at that time it had 9,264 individual applications pending related to events in the temporarily occupied territories of the Autonomous Republic of Crimea, Donetsk and Luhansk regions, as well as the full-scale armed invasion of Ukraine by the Russian Federation that began on 24 February 2022 [9, pp. 19–20].

Table 2

Number of individual applications related to the war in Ukraine

Category	Total Number of Applications	Against Ukraine	Against Russia	Against Both (Ukraine and Russia)
Occupation of the Autonomous Republic of Crimea and Sevastopol	1,101	1	992	108
Occupation of Donetsk and Luhansk Regions	5,183	4,261	68	854
Large-scale Russian Invasion (since 24.02.2022)	2,980	70	2,629	281
Total	9,264	4,332	3,689	1,243

As of 31 August 2025, there were 7,450 applications against Ukraine awaiting consideration, representing 11.8 % of the total number of applications [8].

Since Russia's exclusion, various panels of the Court have continued to hear Russian cases and several important decisions have been handed down.

In particular, we would like to draw attention to the decision in Fedotova and Others v. Russia [GC], Nos. 40792/10 and 2 others, dated 17 January 2023. Although the case concerned Russian citizens, this decision is nevertheless important for Ukraine, as it was the first time that the Court ruled on its jurisdiction to examine a case against Russia after it ceased to be a party to the Convention. Referring to the wording of Article 58 (§§ 2 and 3), the Court confirmed that a State which has ceased to be a Party to the Convention by virtue of having ceased to be a member of the Council of Europe is not relieved of its obligations under the Convention in respect of any acts committed by that State before the date on which it ceased to be a Party to the Convention. The Court thus confirmed its interpretation of this provision as set out in its Resolution on Russia adopted after the plenary session. In the present case, the facts giving rise to the alleged violations of the Convention took place before 16 September 2022, when Russia ceased to be a Party to the Convention. Since the applications were submitted to it in 2010 and 2014, the Court had jurisdiction to examine them. Ultimately, the Court found a violation of Article 8 on the grounds that the respondent State had failed to fulfil its positive obligation to ensure the proper recognition and protection of the applicants [14, p. 70].

Given the military invasion of Ukraine and the fact that there are still many complaints against Russia in the ECtHR related to human rights violations during the war in Ukraine, we will see decisions against the Russian Federation for many years to come. The ECtHR's decisions concerning the Russian Federation's war against Ukraine are crucial for establishing Ukraine's legal position at the international level. They legally confirm the fact of international armed conflict, Russia's responsibility for systematic human rights violations in the occupied territories, and pave the way for justice for thousands of victims. These decisions also set an important precedent for the further international prosecution of crimes of aggression, war crimes and violations of international humanitarian law.

Conclusions

Over the past seven decades, the European Convention on Human Rights has established itself as a key instrument for protecting the fundamental values of the European legal space, which include the rule of law, pluralistic democracy, and the indivisibility and universality of human rights. Covering a jurisdiction of around 700 million people, the Convention provides a unique international mechanism for the protection of human rights, backed by external control by the European Court of Human Rights.

By ratifying the Convention, the member states of the Council of Europe undertook to comply with the standards set out therein, which in turn led

to the formation of a common European area of justice in the field of human rights. Since this international treaty came into force, the ECtHR has examined over a million individual and inter-state applications and delivered over 26,000 judgments, which have had a significant impact on the national legal systems of the member states.

Thus, the practice of the European Court of Human Rights is not only an effective tool for the protection of human rights, but also an important factor in the legal development of the European continent, contributing to the harmonisation of human rights standards in the face of new challenges, including armed conflicts, temporary occupation of territories and large-scale human rights violations.

Acknowledgements. None.

Funding. The author declares no financial support for the research, authorship, or publication of this article.

Author contributions. The author confirms sole responsibility for this work. The authorapproves of this work and takes responsibility for its integrity.

Conflict of interest. The author declares no conflict of interest.

Institutional review board statement. Not applicable.

REFERENCES

1. Council of Europe. (1949). *Statute of the Council of Europe: International document dated 05 May 1949.* Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. Retrieved from: https://zakon.rada.gov.ua/laws/show/994_001#Text
2. European Court of Human Rights. (2022, March 23). *Plenary Court adopts a resolution on the consequences of Russia's cessation of membership to the Council of Europe* (ECHR 099). HUDOC Database. Retrieved from: https://hudoc.echr.coe.int/eng-press#{%22itemid%22:[%22003-7292928-9939876%22]}
3. Council of Europe. (1950). *Convention for the Protection of Human Rights and Fundamental Freedoms: International document dated 04 November 1950.* Government Courier, 2010, November 17, No. 215.
4. Ukraine. (2006). *On the implementation of decisions and application of practice of the European Court of Human Rights: Law of Ukraine No. 3477-IV of 23 February 2006.* Official Bulletin of Ukraine, 2006, April 5, No. 12, Art. 792.
5. Tsebenko, S. B., Krasko, S. A. (2020). Problems of applying the practice of the European Court of Human Rights in the administration of justice. *Scientific Bulletin of Uzhhorod National University. Law Series*, 61(1), 43–47. DOI: https://doi.org/10.32782/2307-3322.61-1.9 51
6. Kolisnyk, O. V. (2008). *Improvement of justice administration in Ukraine in the context of the practice* of the European Court of Human Rights. Scientific Bulletin of Chernivtsi University, 46–51.
7. European Court of Human Rights. (2024). Analysis of statistics. Retrieved from: https://www.echr.coe.int/d/stats-analysis-2024-eng?p_l_back_url=%2Fsearch%3Fq%3DAnalysis%2Bof%2Bstatistics&p_l_back_url_title=Search
8. European Court of Human Rights. (2025, August 31). Pending applications allocated to a judicial formation. Retrieved from: https://www.echr.coe.int/documents/d/echr/stats-pending-month-2025-bil
9. Commissioner for European Court of Human Rights Affairs in Ukraine. (2024). Annual report on the results of the commissioner. Retrieved from: https://minjust.gov.ua/files/general/2025/04/01/20250401193752-63.pdf
10. European Court of Human Rights. (2024, June 25). Case of Ukraine v. Russia (Re Crimea) [GC], Application nos. 20958/14 and 38334/18. HUDOC. Retrieved from: https://hudoc.echr.coe.int/ukr#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-235139%22]}
11. European Court of Human Rights. (2025, July 9). *Case of Ukraine and the Netherlands v. Russia [GC], Application nos. 8019/16, 43800/14, 28525/20, and 11055/22.* HUDOC. Retrieved from: https://hudoc.echr.coe.int/ukr#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-244292%22]}
12. Milanovic, M. (2025, July 10). *The European Court's merits judgment in Ukraine and the Netherlands v. Russia: As good as it gets (almost).* Retrieved from: https://www.ejiltalk.org/the-european-courts-merits-judgment-in-ukraine-and-the-netherlands-v-russia-as-good-as-it-gets-almost/
13. Matola, V. (2025, August 22). *Interview with Mykola Hnatovskyi: ECHR decisions against Russia – The history of this war with legal force.* Watchers. Retrieved from: https://watchers.media/intervyu/mykola-gnatovskyj-rishennya-yespl-proty-rf-istoriya-tsiyeyi-vijny-shho-maye-yurydychnu-sylu/

14. European Court of Human Rights. (2023). *Annual report 2023.* Retrieved from: https://www.echr.coe.int/documents/d/echr/annual-report-2023-eng

Правовий аналіз практики Європейського суду з прав людини у міждержавних справах щодо окупації Криму та збройної агресії Російської Федерації проти України

Соломія Цебенко

Кандидат юридичних наук, доцент, Національний університет "Львівська політехніка", вул. С. Бандери, 12, 79013, Львів, Україна, solomiya.b.tsebenko@lpnu.ua, ORCID: 0000-0002-9247-1867

Анотація. У статті здійснено комплексний аналіз рішень Європейського суду з прав людини у міждержавних справах, що стосуються міжнародного збройного конфлікту між Україною та Російською Федерацією, а саме у справах "Україна проти Росії (щодо Криму)" (заяви №№ 20958/14, 38334/18) та "Україна та Нідерланди проти Росії" (заяви №№ 43800/14, 8019/16, 28525/20, 11055/22). Метою дослідження є виявлення особливостей підходу ЄСПЛ до юрисдикції держави у контексті збройної окупації, правової оцінки системних порушень прав людини та встановлення міжнародно-правової відповідальності держави за дії, здійснені на тимчасово окупованих територіях. У дослідженні застосовано методи аналізу, синтезу, порівняльно-правовий, догматичний та інтерпретаційний методи. Особливу увагу надано правовим позиціям Суду щодо ефективного контролю, органічного зв'язку між незаконними формуваннями та державою-відповідачем, а також кваліфікації дій Російської Федерації як системних і спланованих порушень міжнародного права, включно з положеннями Конвенції про захист прав людини і основоположних свобод.

Стаття також містить аналіз статистичних даних щодо кількості індивідуальних заяв до ЄСПЛ, пов'язаних з агресією проти України, а також правових висновків щодо прийнятності справ та їхньої процесуальної перспективи і значення для захисту прав потерпілих.

Наукова значущість полягає у систематизації судової практики ЄСПЛ як інструменту міжнародної відповідальності держави за збройну агресію та масові порушення прав людини. Практична значущість полягає у можливості застосування викладених висновків у правозастосовній діяльності державних органів України, а також у контексті майбутніх судових процесів щодо відшкодування шкоди та притягнення до відповідальності.

У підсумку наголошується, що вказані рішення ЄСПЛ створюють правовий фундамент для розгляду тисяч індивідуальних заяв, які охоплюють події збройної агресії та окупації, зміцнюючи позицію України в міжнародно-правовому просторі та засвідчуючи розвиток прецедентного підходу до оцінки відповідальності за міжнародні злочини.

Ключові слова: Європейський суд з прав людини, Україна, Російська Федерація, міжнародна відповідальність, збройний конфлікт, окупація, юрисдикція, права людини, ефективний контроль, міждержавні скарги, індивідуальні скарги, рішення.