Volume 18, Issue 4
December 2020

ISSN 1731-8297, e-ISSN 6969-9696
https://czasopisma.uni.opole.pl/index.php/osap

COMMENTARY
received 2020-10-29
accepted 2020-12-17

"Everything in their power": a gloss to the European Court of Human Rights' judgement in the case of Tsezar and Others v. Ukraine[1]

„Wszystko, co w ich mocy": glosa do wyroku Europejskiego Trybunału Praw Człowieka w sprawie Tsezar i inni przeciwko Ukrainie

KATERYNA KRAKHMALOVA

Research Adjunct (postdoc fellow), Centre of Migration Research, University of Warsaw
adiunkt badawczy, Ośrodek Badań nad Migracjami, Uniwersytet Warszawski
ORCID: https://orcid.org/0000-0003-4940-6952, k.krakhmalova@uw.edu.pl

Citation: Krakhmalova, Kateryna. 2020. "Everything in their power": a gloss to the European Court of Human Rights' judgement in the case of Tsezar and Others v. Ukraine. *Opolskie Studia Administracyjno-Prawne* 18(4): 139–150. DOI: 10.25167/osap.3437

Abstract: This gloss summarizes and analyzes one of the recent key judgments of the European Court of Human Rights' (ECtHR) in the case concerning Ukraine, while considering the context of hybrid warfare and the special place case-law of the ECtHR has in the Ukrainian legal system. The judgement addresses both: the right to access to the courts and the issue of suspended social payments due to hostilities, the extent of obligations of the state defending itself against aggression towards its nationals and the delicate balance between security, human rights and humanitarian considerations; and as such has much deeper relevance and applicability than to Ukraine alone.

---

[1] Judgement of the European Court of Human Rights (Fourth Section Chamber) from 13 February 2018 (final 2 July 2018) in the case of Tsezar and Others v. Ukraine (applications nos. 73590/14, 73593/14, 4635/15, 5200/15, 5206/15 and 7289/15). Available at http://hudoc.echr.coe.int/eng?i=001-180845. Date of access: 19.10.2020.

The phrase "everything in their power" comes from the previous Court's judgement in the Khlebik v. Ukraine case, which is cited by the Court in Para 55 of the present case as equally applicable to it in description of actions taken by the Ukrainian authorities here.

Keywords: European Court of Human Rights, hybrid warfare, Ukraine, access to court, suspension of social payments, internal displacement, security and human rights, extent of obligations of the state defending itself against aggression, margin of appreciation.

Abstrakt: Glosa ta podsumowuje i analizuje jeden z niedawnych kluczowych wyroków Europejskiego Trybunału Praw Człowieka w sprawie Ukrainy, jednocześnie zwracając uwagę na kontekst wojny hybrydowej i szczególne miejsce, jakie orzecznictwo ETPCz zajmuje w ukraińskim systemie prawnym. Wyrok ten porusza kwestie prawa dostępu do sądu oraz zawieszenia świadczeń społecznych wskutek działań wojennych, zakresu obowiązków państwa broniącego się przed agresją wobec swoich obywateli oraz delikatnej równowagi pomiędzy bezpieczeństwem, prawami człowieka i względami humanitarnymi oraz jako taki jest o wiele głębszy i relewantny w znacznie szerszym zakresie, niż tylko w stosunku do Ukrainy.

Słowa kluczowe: Europejski Trybunał Praw Człowieka, wojna hybrydowa, Ukraina, dostęp do sądu, zawieszenie świadczeń społecznych, przesiedlenia wewnętrzne, bezpieczeństwo i prawa człowieka, zakres obowiązków państwa broniącego się przed agresją, margines uznania

1. The significance of the case, its background and context

The case under analysis is, arguably, both rare and important: rare - because the European Court of Human Rights unanimously decided in favor of the state and against the individual claimants (no violation of Article 6 Para 1 of the Convention and inadmissible the remaining part of the complaint) (Tsezar and Others v. Ukraine: resolutive part). Such an outcome is not very common when considering the very design of the Convention, which was drafted in the aftermath of the Second World War to protect individuals against the state in the first place (Council of Europe 2010: 16,18). It is also unusual because the winning state was Ukraine. According to Court statistics, in the cases involving Ukraine from 1959 to 2019, out of 1,413 judgements only 19 were decided to have no violations, approximately 1.3% (ECtHR statistics). (For comparison, for Poland, with 1,178 judgements, 130 were with no violations, or about 11%) (ECtHR statistics).

Even though this case has several specific issues related particularly to Ukraine it is important to examine it in a larger context, as in the Court's own words "it would be artificial to examine the facts of the case without considering […] general context [of the] hostilities in the region." (Tsezar and Others v. Ukraine: Para 48) With this case the European Court of Human Rights has been faced with the rather difficult and fine task of untangling the extent of human rights obligations of the state defending itself against aggression and imperative to protect some of the very fundamental individual human rights with a new type of military conflict and special place of and trust in its jurisprudence in Ukraine in the background.

1.1. The war in Ukraine. A new type of military conflict

Between November 2013 and February 2014, Ukraine and its society went through a series of transformational changes which started with Euromaidan protests inspired by the desire to protect the European vector of political development and values, and transformed into a much wider democratic revolution, later called the Revolution of Dignity, involving a change of the state's political elites. The then political change overlapped in time with the military one. Taken together with the fact that Ukraine twenty years prior to that had given away its nuclear arsenal in exchange for the security assurances from the USA, the UK and the Russian Federation, in compliance with the Budapest Memorandum of 1994 (Budapest memorandum), the country was particularly vulnerable at that moment. This vulnerability was used by the Russian Federation first for the annexation of Crimea and later for the rise of Russian-backed separatists in the East of Ukraine and the war.

In 2014, armed groups took over the governmental buildings in the East of Ukraine, began to escalade financial institutions in the Donetsk and Luhansk regions and proclaimed the two so-called "People's Republics", which the government of Ukraine considers to be terrorist organizations (Tsezar and Others v. Ukraine: Paras 6-8). Several months after that a meeting took place between Ukrainian and American senior officials and/or security experts, defining the ongoing conflict. The US side concluded that "the situation in eastern Ukraine is not about Ukraine, but is all about NATO" and a new type of threat, which is the "hybrid warfare" (Howard 2015: 235). "The components of this new type of warfare are nothing like we in the West have seen before," with one of them being the information warfare. (Howard 2015: 235; on the information warfare as part of the hybrid warfare, the criticism and utility of the latter and its application to the situation in Ukraine see also, e.g. Reichborn-Kjennerud, Cullen 2016).

Decisions of international courts and tribunals in circumstances of the information warfare carry additional significance in establishing facts. Moreover, taking into account their peculiar place in the Ukrainian legal system, judgements delivered by the European Court of Human Rights play here a special role.

1.2. The role and place of the ECtHR's judgements in the Ukrainian legal system

In general, the Ukrainian legal system is classified as belonging to the civil law, as opposed to the common law in terms of the sources of law. However, according to Article 17 Section 1 of the Law of Ukraine "On execution of judgements and application of the practice (case-law) of the European Court of Human Rights" "the courts while adjudicating the cases apply the Convention

and practice (case-law) of the Court as a source of law" (Law No. 3477-IV). During the law-making process, draft laws and by-laws undergo legal expertise before registration, while the laws and by-laws already in force are checked and administrative practices are systematically controlled in order to make sure they correspond to the Convention and Court's practice (Law No. 3477-IV: Article 19). It is compulsory for judgements of the Court to be executed according to both Article 46 of the Convention (ECHR) and Article 2, Section 1 of the above cited Ukrainian law, while officials entrusted with such responsibilities who are found guilty of non-execution or improper execution of judgements [for or against Ukraine] face administrative, civil or criminal responsibility (Law No. 3477-IV: Art. 16).

In the comprehensive work, comparing the impact of the ECHR on national legal systems of the 18 selected countries, and in particular, contrasting Russia and Ukraine, "A Europe of Rights", Angelika Nußberger not only mentions the described above Ukrainian statutory provision on implementation of Convention by domestic courts, but also points out the special place of the Convention by referring to the Ukrainian Constitutional Courts' conclusion on international treaties' status in the hierarchy of the legal acts (being beneath the Constitution, but above the country's laws and by-laws) (Nußberger 2008: 626, 627, 658, 661).

While it is true, that according to the latest update of the Department for the Execution of Judgements of the ECtHR from October 2020 there was a number of cases against Ukraine under the Committee of Ministers' supervision and problems with execution of some of the ECtHR's decisions in Ukraine, there were also main reforms adopted (see the Department statistics, 2020) and at least declared openness to do more in this regard, with the parliamentary hearing on execution by Ukraine of ECtHR judgements being held as recently as on 9 December 2020 (Department, 2020). Scholars also underline that high numbers of both – applications, violations (and consequently – executed/non-executed decisions) are also linked, among the other things, with positive public perception of the ECtHR in Ukraine (Gnatovskyy, Ioffe 2017). The trust and popularity of the ECtHR may be illustrated by the fact that cases submitted to it are often the ones of the high state and societal importance. For example, currently there are more than 6,500 individual applications related to the situation in the East of Ukraine or Crimea and five interstate cases between Ukraine and Russia pending before the Court (ECtHR Ukraine. Press country profile 2020: 12).

2. Key facts of the case, legal reasoning and commentary

While the case in question has received some, albeit, modest, commentary on the part of the Government (Ministry of Justice of Ukraine 2018), interna-

tional community (UNHCR 2018) and NGOs like the Kharkiv Human Rights Protection Group (Ochotnikova 2018) and Ukrainian Helsinki Human Rights Union (Procenko 2018), it has not been at this point a subject of the wider academic analysis, which this gloss aims to change.

In the case of Tsezar and Others v. Ukraine, seven applicants (all of them – nationals of Ukraine, who presented their cases themselves) in late 2014 and early 2015 lodged complaints against the state of Ukraine connected with the suspension of social benefits, including pensions, to them on the territory which the Government of Ukraine due to hostilities did not control (Tsezar and Others v. Ukraine: Paras 1, 3).

The case was decided by the seven-judge Chamber of the European Court of Human Rights in February of 2018 (and became final in July 2018) and concerned four alleged violations of the Convention:

(1) Article 6 Para 1 and/or Article 13 of the Convention in conjunction with Article 1 of Protocol No. 1 (alleged impossibility to access a court for challenging suspension due to removal of the courts from the territories where hostilities were taking place);

(2) Article 1 of Protocol No. 1 (alleged violation of the right to peaceful enjoyment of one's possessions, i.e. social benefits);

(3) Article 14 in conjunction with Article 6 and Article 1 of Protocol No. 1 of the Convention (alleged discrimination in relation to property rights and access to fair trial of those living on territories that were temporarily not under control by the Government in comparison to those living on the controlled ones); and

(4) Article 2 Para 1 of the Convention (decreased standard of living as an alleged violation of the right to life) (Tsezar and Others v. Ukraine: introductory part and Paras 40-81).

In order to resolve the case, the Court had to establish several relevant facts. One of such facts was that in the parts of the Donetsk and Luhansk regions of Ukraine, beginning in April 2014 there appeared armed groups, taking over governmental buildings, offices of the financial institutions (including the National Bank of Ukraine) located there, attacking transport and employees of the Ukrainian postal service and starting the creation of the so-called "Donetsk People's Republic" and "Luhansk People's Republic." (Tsezar and Others v. Ukraine: Paras 6, 8, 9). Another fact was that in response the Government launched an anti-terrorist operation, several months afterwards suspending social benefit payments in the territories that were not under state control and by the change of the law first transferred the jurisdiction of the courts from those areas to the ones on the territories nearby it controlled and later relocated the courts there (Tsezar and Others v. Ukraine: Paras 7, 12-14).

Relevant Ukrainian legislation at the time provided that suspension was done in order to "secure the lives and health of employees of banking institutions and their clients, and ensure the stability of the banking system of Ukraine as a whole" (Tsezar and Others v. Ukraine: Para 20); that people had the right to receive their social benefits, but this could only be done on territories controlled by the Government, thus they should have registered on the controlled territory as internally displaced persons at their actual place of residence and receive these benefits/payments there (Tsezar and Others v. Ukraine: Paras 21-30).

The Court also established that two out of the seven applicants had actually registered at controlled territory and received not only reinstallment of social benefits, but what was also due to them for the period of suspension (Tsezar and Others v. Ukraine: Para 16). Another two travelled between uncontrolled and controlled areas, with one person also registering at the controlled territory without asking for reinstallment of social benefits (Tsezar and Others v. Ukraine: Paras 17,19). All accounts of travel occurred after the respective Ukrainian courts had been moved to controlled territory and could have addressed the applicants' grievances [before they applied to the ECtHR] (Tsezar and Others v. Ukraine: Para 54).

While evaluating the four alleged violations, the Court started with admissibility requirements (ECHR: Art. 29 Para 1; Rules of the Court: 54-2 and 54A-1). The failure to exhaust local remedies was one of such requirements not being met thus resulting in inadmissibility of the part of the application related to the alleged violation of Article 2 Para 1 of the Convention, right to life (Tsezar and Others v. Ukraine: Para 80, 81). On the same grounds, due to the failure to exhaust local remedies (i.e. challenge the suspension of social payments in Ukrainian courts first) was declared inadmissible part of the application relating to Article 1 of Protocol No. 1, right to property (Tsezar and Others v. Ukraine: Paras 71,72). Besides, here the Court expressed certain doubts regarding the victim status of those two applicants who actually had their social payments successfully reinstalled using the existing system (Tsezar and Others v. Ukraine: Paras 66, 67).

The alleged discrimination claim (related to Article 14 in conjunction with Article 6 and Article 1 of Protocol No. 1 of the Convention) also was found to be inadmissible as manifestly ill-founded (Tsezar and Others v. Ukraine: Para 78). In the Court's assessment of the situation of the applicants who lived on the territories not controlled by the Government (and where specific measures were taken due to the fact of ongoing hostilities there) was not analogous to the situation on the territories which were under control and in such measures there was no need (Tsezar and Others v. Ukraine: Paras 75-77).

The only part of the application, which successfully passed from the admissibility stage to merits, was the one related to access to the court (Article 6

Para 1 and/or Article 13 of the Convention in conjunction with Article 1 of Protocol No. 1 of the Convention). The Article 13 was not examined, as from the beginning the Court evaluated that Article 6 in this case would be a *lex specialis* in relation to it (Tsezar and Others v. Ukraine: Para 41). Regarding Article 6, in its turn, the Court agreed that inability of the applicants to access the court in their native Donetsk was a limitation of the right to access to the court (Tsezar and Others v. Ukraine: Para 50). However, this right can be limited (for pursuing a legitimate aim and proportionally), here it was limited because of hostilities and the state has margin of appreciation in deciding how to resolve the problem in safeguarding the essence of the right in such a situation (Tsezar and Others v. Ukraine: Paras 47, 48, 51). Citing its findings in the previous case about Ukraine, Khlebik v. Ukraine (where it had already been confirmed that Ukrainian authorities did "everything in their power" to properly safeguard effectiveness of Article 6 rights there), the Court once again concluded that "[Ukrainian] authorities took the steps reasonably expected of them to ensure the proper functioning of the judicial system, making it accessible to the residents of the territories currently outside of the control of the Government." (Tsezar and Others v. Ukraine: Para 55) Therefore, there has been no violation of Article 6 of the Convention (Tsezar and Others v. Ukraine: Para 56).

There are at least two further comments which need to be made about this judgement. One is procedural and the other one is related to the subject matter raised.

With regard to the procedure, it is interesting to see the slight difference in application by the Court of the exhaustion of the local remedies rule. While non-exhaustion of local remedies was the reason for inadmissibility for the two other claims, in the alleged Article 6 violation proceedings it is not addressed at the admissibility stage, even though, arguably, it could have been assessed at this stage as well, most probably rendering this part of the claim inadmissible too. Nevertheless, the claim of Article 6 went on to being reviewed on the merits and was decided on merits – though the Government mentioned non-exhaustion of local remedies (i.e. opportunity for the applicants to address Ukrainian courts before the ECtHR) in its submission (Tsezar and Others v. Ukraine: Para 45). Realization of Article 6 has special instrumental significance for other rights and is rooted in prohibition of denial of justice in international law (Vitkauskas, Dikov 2012: 23) – however, it is not clear whether this difference can be explained by this fact or if there was another reason for it.

The subject matter of the case – the issue of social payments, including pensions, in Ukraine, deserves an additional commentary and clarification. Additional legislation in relation to the payment of social benefits, including pensions, the necessity to adopt which has arisen due to hostilities, remains a point

of contention in Ukraine. There are both state security and human security, humanitarian and human rights considerations very closely and inextricably intertwined with one another in it. On the one hand, there is the objective factor of hostilities. In the situation, where Ukraine is defending itself against aggression there are important considerations for both state security and human security (of the financial institutions' employees and courts' workers). As this judgement clearly shows, the state has done everything it could and should have according to its obligations under the Convention in order to protect the essence of the rights in question in relation to its nationals. There was/is simply no possibility to pay social benefits in territories not controlled by the Government and the only feasible thing was/is to do so on the controlled territory. On the other hand, this requires people to move from the uncontrolled territories to the controlled ones, crossing the "contact line", and humanitarian organizations are alarming about those who were killed, have been injured or suffered other health complications during the crossing (UN OCHA 2019: 9), as well as about those, who are unable (disabled, immobile, alone) to move (UN OCHA 2019: 3).

3. Closing remarks

For substantiating its judgement in this case, the Court resorted to its previous judgement in Khlebik v. Ukraine (as described above). In the same way, the current case could set either a positive or negative precedent important for determination of the outcome in the subsequent cases. In fact, this already happened in Chirok and Others v. Ukraine (Chirok v. Ukraine). This was the case being brought to the ECtHR after the Tsezar. In Chirok v. Ukraine, 10 coalminers from the town of Zorynsk in the Luhansk region claimed violations under the same set of articles as in the Tsezar and Others v. Ukraine, and the Court found the case to be indistinguishable from Tsezar and inadmissible (with two parts of the claim being manifestly ill-founded and two having non-exhausted local remedies) (Chirok v. Ukraine: Paras 9, 14, 17, 22-28, 36, 37, 41).

However, this does not mean that it would be futile for the Ukrainian nationals to address the ECtHR with claims related to worsening of their social payments (or other payments) situation due to hostilities (after exhausting local remedies and meeting all the rest of the admissibility conditions). First of all, different materially important facts may lead to different outcomes. Second, and more important: the Court accepts and reviews cases based on how the parties submitted them. In the case of Khlebik v. Ukraine, in Para 66, "the Court notes at the outset that the scope of its examination of the case is delimited by the fact that the application is directed against Ukraine only (contrast, for example, Ilaşcu and Others v. Moldova and Russia [GC], no. 48787/99, ECHR

2004VII)." (ECtHR Khlebik v. Ukraine). If it is submitted against one state, then the Court must review it against this one state. However, the current hostilities in Ukraine have a cause. And as the Court formulated it in the Ilaşcu and Others v. Moldova and Russia case, when another state, namely Russia, supports the separatists, politically and militarily, this also triggers its responsibility for what is taking place on the uncontrolled territory (ECtHR Ilaşcu and Others v. Moldova and Russia: see, e.g. Paras 380-382, 394).

List of abbreviations

ECHR, the Convention – the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)

ECtHR, the Court – the European Court of Human Rights

UN OCHA – United Nations Office for the Coordination of Humanitarian Affairs

Bibliography

Primary sources

Legal acts

Budapest Memorandum (Memorandum on Security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons). Budapest, 5 December 1994. Text registered with the Secretariat of the United Nations. Available at https://treaties.un.org/doc/Publication/UNTS/No%20Volume/52241/Part/I-52241-0800000280401fbb.pdf. Date of access: 12.12.2020.

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16. Council of Europe. Available at https://www.echr.coe.int/Documents/Convention_ENG.pdf. Date of access: 20.10.2020.

Rules of the Court [European Court of Human Rights], 1 January 2020 edition. Registry of the Court, Strasbourg. Available at https://www.echr.coe.int/documents/rules_court_eng.pdf. Date of access: 22.10.2020.

The Law of Ukraine dated 23 February 2006 No. 3477-IV. – On execution of judgements and application of the practice (case-law) of the European Court of Human Rights. Vidomosti Verhovnoi Rady Ukrainy (VVR), 2006, N 30, st. 260 zi zm. Available also at https://zakon.rada.gov.ua/laws/show/3477-15/print. Date of access: 20.10.2020.

Case law

Decision of the European Court of Human Rights (Fourth Section Committee) from 13 November 2018 in the case of Oleg Petrovich Chirok v. Ukraine (application No. 3309/15) and 9 other applications. Available at http://hudoc.echr.coe.int/eng?i=001-188429. Date of access: 23.10.2020.

Judgement of the European Court of Human Rights (Fourth Section Chamber) from 13 February 2018 (final 2 July 2018) in the case of Tsezar and Others v. Ukraine (ap-

plications Nos. 73590/14, 73593/14, 4635/15, 5200/15, 5206/15 and 7289/15). Available at http://hudoc.echr.coe.int/eng?i=001-180845. Date of access: 19.10.2020.

Judgement of the European Court of Human Rights (Fourth Section Chamber) from 25 July 2017 (final 11 December 2017) in the case of Khlebik v. Ukraine (application No. 2945/16). Available at http://hudoc.echr.coe.int/eng?i=001-175656. Date of access: 22.10.2020.

Judgement of the European Court of Human Rights (Grand Chamber) from 8 July 2004 in the case of Ilaşcu and Others v. Moldova and Russia (application No. 48787/99). Available at http://hudoc.echr.coe.int/eng?i=001-61886. Date of access: 22.10.2020.

Secondary sources

Council of Europe. 2010. *The Conscience of Europe. 50 Years of the European Court of Human Rights*. London: Third Millennium Publishing Limited (first published in 2010). Available on-line in separate chapters. The cited here chapter is available at https://www.echr.coe.int/Documents/Anni_Book_Chapter01_ENG.pdf. Date of access: 20.10.2020.

Howard, Glen E. 2015. Ukrainian security policy and the threat from the East: key findings from Kyiv (presentation at the US-UA Working Group: yearly summit, June 19, 2014). *Kyiv-Mohyla Law and Politics Journal*, 1 (2015), 233-236. Also available at http://kmlpj.ukma.edu.ua/article/view/52711/49374. Date of access 18.10.2020.

Reichborn-Kjennerud, Erik, Patrick Cullen. 2016. What is Hybrid Warfare? Research report/NUPI Policy brief, 1 (2016). Available at: https://core.ac.uk/download/pdf/52131503.pdf. Date of access: 12.12.2020.

Nußberger, Angelika. 2008. The Reception Process in Russia and Ukraine. In: *A Europe of Rights: The Impact of the ECHR on National Legal Systems*, eds. Helen Keller, Alec Stone Sweet, 603-674. Oxford University Press.

Vitkauskas, Dovydas, Grigoriy Dikov. 2012. *Protecting the Right to a Fair Trial under the European Convention on Human Rights*. Council of Europe Human Rights Handbooks. Council of Europe. Strasbourg. Available also at https://www.echr.coe.int/LibraryDocs/Vitkauskas2012_EN.pdf. Date of access: 22.10.2020.

Internet sources

Department for the Execution of Judgements of the European Court of Human Rights. Country Factsheet (statistics). Ukraine. Last update 04.10.2020. Date of access: 12.12.2020. Available at: https://rm.coe.int/1680709769. [Referred to as Department statistics]

Department for the Execution of Judgements of the European Court of Human Rights. Parliamentary hearing on execution by Ukraine of ECHR judgments. Newsroom entry from 11.12.2020. Date of access: 12.12.2020. Available at: https://www.coe.int/en/web/execution/-/parliamentary-hearing-on-execution-by-ukraine-of-echr-judgments. [Referred to as Department]

European Court of Human Rights statistics. Violations by Article and by State, 1959-2019. Date of access: 19.10.2020. Available at https://www.echr.coe.int/Documents/Stats_violation_1959_2019_ENG.pdf.

European Court of Human Rights. Ukraine. Press country profile. Date of access: 19.10.2020. Available at https://www.echr.coe.int/Documents/CP_Ukraine_ENG.pdf.

Gnatovskyy, Mykola, Yulia Ioffe. Twenty Years of the ECHR in Ukraine. EJIL: Talk! (Blog of the European Journal of International Law), Blog entry from 18.09.2017. Date of access: 12.12.2020. Available at: https://www.ejiltalk.org/twenty-years-of-the-echr-in-ukraine/.

Ministry of Justice of Ukraine. Ministry of Justice has gained one more important victory on the way to international recognition of occupation of the "ORDLO" by the country-aggressor in the European Court of Human Rights. Entry (in Ukrainian language) at the official internet page from 14.02.2018. Date of access: 11.12.2020. Available at: https://www.kmu.gov.ua/news/ministerstvo-yusticiyi-zdobulo-she-odnu-vazhlivu-peremogu-na-shlyahu-do-mizhnarodnogo-viznannya-okupaciyi-teritoriyi-ordlo-krayinoyu-agresorom-v-yevropejskomu-sudi-z-prav-lyudini.

Okhotnikova, Nataliia. Betrayal is cancelled or Three myths about the decision of the ECtHR regarding payment of the pensions in the Donbas. Article (in Ukrainian language) from 13.02.2018. Date of access 11.12.2020. Available at: http://khpg.org/index.php?id=1518538521.

Procenko, Olena. The lack of control should not mean lack of responsibility: case of Khlebik v. Ukraine (with a part on the case Tsezar v. Ukraine). Article (in Ukrainian language) from 16.02.2018. Date of access 10.12.2020. Available at: http://ehrac.org.uk/wp-content/uploads/2018/02/no_control_not_amount_no_responsibility_khlebik_v_ukraine_UKR.pdf.

UNHCR. Ukraine Thematic Factsheet. January-February 2018. Brief commentary on the case at the P. 7. Date of access: 10.12.2020. Available at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2018_02_unhcr_ukraine_legislative_update_final.pdf.

United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA). Ukraine: 2019 Humanitarian Response Plan (HRP) published 31 January 2019. Date of access: 20.10.2020. Available at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2019_humanitarian_response_plan_en.pdf.

Acknowledgement

This research has received contribution from the project funded by the National Science Centre, Poland, "Securitisation (de-securitisation) of migration on the example of Ukrainian migration to Poland and internal migration in Ukraine" (Project nr 2018/31/B/HS5/01607).