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Support for the reconstruction of Ukraine / Legal and human rights aspects of the Russian Federation's aggression against Ukraine

Reply to Recommendation¹: Recommendation 2271 (2024) and Recommendation 2279 (2024)
Committee of Ministers

1. The Committee of Ministers informs the Parliamentary Assembly that the following reply was adopted by a majority as provided by Article 20 (d) of the Statute.
2. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2271 \(2024\)](#) "Support for the reconstruction of Ukraine", which it has forwarded to the Committee of Legal Advisers on Public International Law (CAHDI), MONEYVAL and the European Committee on Crime Problems (CDPC) for information and possible comments, as well as [Recommendation 2279 \(2024\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", which it has forwarded to the CAHDI for information and possible comments. The Committee of Ministers has the following comments to make regarding the numerous recommendations on these issues.
3. Firstly, the Committee reiterates its unwavering support for ensuring a comprehensive system of accountability for the aggression of the Russian Federation against Ukraine and all its legal and human rights consequences, as already underlined in several replies to Assembly recommendations and on numerous occasions.
4. As concerns the Assembly's call to proceed towards the establishment of a compensation mechanism, the Committee recalls that the creation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, according to Article 2.5 of its Statute, is intended to constitute the first component of a future international compensation mechanism, to which the Register should eventually be transferred. Significant progress has been made towards the second component – a claims commission for Ukraine – in the course of four preparatory meetings held in The Hague in July, September and November 2024 and January 2025. The discussions and insights from the 4th and final preparatory meeting represent a pivotal step towards formal negotiations aimed at establishing a robust framework to address compensation claims stemming from the Russian Federation's aggression against Ukraine. Exploring the option of an open Council of Europe convention in order to constitute such a framework met with widespread interest during that meeting, as well as at the first meeting of the Intergovernmental Negotiation Committee held on 24 to 26 March 2025. The Council of Europe was represented at these meetings through its Secretariat.
5. The Committee of Ministers considers that the possibility of establishing a claims commission under the umbrella of the Council of Europe could facilitate the transition of the work of the Register to the future claims commission, ensuring synergies and cost-effectiveness. It further recognises that the establishment of a potential compensation fund should be addressed once the claims commission is established.

1. Adopted at the 1527th meeting of the Ministers' Deputies (30 April 2025).



6. Furthermore, the Committee takes note of the recommendation to consider extending the temporal scope of the future international compensation mechanism to cover damage caused before 24 February 2022, due to the Russian Federation's aggression against Ukraine since 2014. It considers this a political decision to be borne in mind at the appropriate moment.

7. With regard to the call to establish an international trust fund for the deposit of all seized Russian State assets, the Committee draws the Assembly's attention to customary international law of State immunity, as codified to a significant extent in two relevant treaties that should be considered when addressing the issue of the seizure of Russian State assets: (i) the 2004 United Nations Convention on Jurisdictional Immunities of States and their Property; and (ii) the 1972 European Convention on State Immunity (ETS No. 74). With respect to the use of countermeasures for this purpose, the Committee highlights the important role of the UN International Law Commission's draft Articles on Responsibility of States for Internationally Wrongful Acts, which reflect long-standing customary international law.

8. Regarding the recommendation to work towards the establishment of a special tribunal, the Committee recalls the decisions taken at its 1497th meeting on 30 April 2024 ([CM/Del/Dec\(2024\)1497/10.2](#)) in which it took note of the participation of the Council of Europe in the Core Group concerning the establishment of a Special Tribunal for the crime of aggression against Ukraine. Noting that the participants of the Core Group expressed an interest in exploring the possibility of establishing such a tribunal by an agreement between the Council of Europe and Ukraine, it authorised the Secretary General to prepare any necessary documents to contribute to these consultations, requested the Secretary General to report regularly to the Deputies, and agreed to consider any possible next steps in this process, as and when appropriate, taking account of any proposals that may be made by the Secretary General.

9. In line with this mandate, the Secretary General, represented by his Legal Adviser, participated in the work of the Core Group, prepared the necessary documents and has reported back to the Deputies on progress made. Technical level discussions concerning the form and features of a possible special tribunal have taken place within this forum, including the possible establishment of such a tribunal through an agreement between the Council of Europe and Ukraine, supported by an enlarged partial agreement.

10. Finally, the Committee informs the Assembly that the CAHDI prepared an indicative overview of possible options under international law aimed at securing the payment by the Russian Federation of just satisfaction awarded by the European Court of Human Rights, which will be transmitted to the Ministers' Deputies (DH meetings) in the context of their annual exchange on the pending cases against the Russian Federation.