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How to ensure the implementation of judgments of the European Court of Human Rights concerning the Russian Federation, including payment of the compensation awarded

Report¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Tony VAUGHAN, United Kingdom, Socialists, Democrats and Greens Group

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1. Reference to committee: [Doc. 16149](#), Reference 4880 of 23 May 2025.



A. Draft resolution²

1. Judgments of the European Court of Human Rights (“the Court”) concerning the Russian Federation provide an unambiguous record of authoritarian repression, including human rights violations committed in the territory of Council of Europe member States. The list of violations includes the use of rape and sexual violence as a weapon of war, the indiscriminate bombing of civilian areas, the murder of political opponents, enforced disappearances, targeted violence against journalists, a failure to prevent and prohibit human trafficking, unlimited State surveillance, draconian control of public debate, attempts to destroy independent civil society, the unlawful transfer and adoption of children, and the abduction, detention and torture of persons. The Court’s judgments establish an authoritative judicial record of a regime that is oppressive to its own people and an unrelenting menace to its neighbours.

2. Russia was excluded from the Council of Europe on 16 March 2022. Six months later, it ceased to be a Party to the European Convention on Human Rights (ETS No. 5, “the Convention”). Although Article 58 of the Convention provides for a State to cease to be a Party to the Convention, it does not release the State from its obligations in respect of events occurring while it was still a Party. Recalling [Resolution 2494 \(2023\)](#) and [Resolution 2599 \(2025\)](#) “Implementation of judgments of the European Court of Human Rights”, the Parliamentary Assembly notes that Russia has an unconditional legal obligation under Article 46 of the Convention to implement judgments of the Court in respect of violations that occurred up to 16 September 2022. This obligation under international law does not diminish with time and cannot be set aside by Russian domestic law.

3. Prior to the full-scale invasion of Ukraine, Russia already had a poor record in implementing judgments of the Court. This deteriorated significantly following Russia’s full-scale invasion of Ukraine. The authorities ceased all communication with the Committee of Ministers in the context of its supervision of implementation of the Court’s judgments. On 11 June 2022 a new law entered into force in Russia, which set out that any judgment of the Court becoming final after 15 March 2022 would not be enforced. That law also specifies that just satisfaction awarded in judgments that became final before 15 March 2022 would be paid only until 1 January 2023, that such payments would be made exclusively in roubles, and that they would only be made to bank accounts located within the Russian Federation.

4. The Assembly welcomes the steps taken by the Committee of Ministers to continue supervising the execution of the Court’s judgments concerning the Russian Federation. These steps include strengthening co-operation with United Nations bodies, engaging with Russian civil society, issuing communications directed at the Russian authorities, and enhancing the visibility of the judgment implementation process. These measures preserve international attention and ensure that Russia’s legal obligations remain on the institutional and historical record.

5. Whilst the steps taken to date are welcome, they are not sufficient. Thousands of victims have been denied justice in a situation which is unprecedented for the Council of Europe. A former member State refuses to pay the just satisfaction awarded by the Court, refuses to engage with the Committee of Ministers in relation to the implementation of the Court’s judgments, and continues its illegal war of aggression against another member State. In response to this profound challenge to its legal and political authority, the Council of Europe should take any pragmatic and achievable steps available in order to secure, initially, at least partial implementation of the judgments concerned. In this regard, the Assembly recalls the Reykjavik Declaration, in which Heads of State and Government of Council of Europe member States affirmed, “[t]he need to make every effort to ensure the execution of the Court’s judgments by the Russian Federation”.

6. One important area where additional steps should be taken is ensuring the payment of the just satisfaction owed. The Russian Federation now owes over €3.3 billion in unpaid just satisfaction awarded by the Court, including default interest. Over € 424 million is owed as just satisfaction awarded in inter-State cases concerning Georgia, and over €2.9 billion is owed as just satisfaction awarded in individual cases (€2.7 billion of which relates to the “Yukos” case). The amount of just satisfaction due will only continue to increase, as there are approximately 5 700 applications pending before the Court against the Russian Federation, a large proportion of which relate to Russia’s war of aggression against Ukraine.

7. In member and observer States, legal grounds may already exist for action to be taken to ensure the payment of just satisfaction owed by the Russian Federation. Such action may include steps by national authorities to freeze and repurpose Russian assets or litigation by applicants seeking to enforce the Court’s judgments in national jurisdictions outside Russia. Legislation at national level can strengthen and support such avenues.

2. Draft resolution adopted unanimously by the committee on 9 September 2026.

8. The Court has found the Russian Federation responsible for serious human rights violations in two inter-State judgments in cases brought by Ukraine. In the second of these, *Ukraine and the Netherlands v. Russia*, concerning the war in eastern Ukraine since 2014 and the full-scale invasion launched on 24 February 2022, the Court found that the nature and scale of the abuses committed were unprecedented in the history of the Council of Europe. They constituted a flagrant disregard for the fundamental values of the Organisation and for the foundations of the international legal order established after the Second World War. Whilst the Court's quantification of the just satisfaction owed in the two inter-State cases is still pending, given the scale of the damage inflicted on Ukraine, any awards could potentially amount to billions, tens of billions, or hundreds of billions of euros.

9. The Assembly notes that the Government of Ukraine is in a unique situation with regard to obtaining the payment of any just satisfaction to be awarded in cases concerning the Russian Federation's war of aggression against Ukraine. Recalling [Resolution 2556 \(2024\)](#) and [Resolution 2605 \(2025\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", the Assembly considers that the repurposing of Russian State assets would constitute a lawful countermeasure under international law for the following reasons:

9.1. the Russian Federation's actions against Ukraine are a violation of the United Nations Charter and an act of aggression, and Russia must bear the legal consequences of all of its internationally wrongful acts arising from the aggression;

9.2. repurposing assets would seek to induce compliance by the Russian Federation with its international legal obligations, including its obligation to cease the aggression and to make reparation to Ukraine;

9.3. the repurposing would be proportionate, as any just satisfaction awarded by the Court could not exceed, and indeed would be a small subset of, the amount of damage suffered by Ukraine as a consequence of Russia's internationally wrongful aggression against Ukraine;

9.4. the repurposing would also be temporary and reversible, given that the amount would be repurposed and transferred pending payment by the Russian Federation of the compensation and just satisfaction due. Any amount transferred and subsequently disbursed to Ukraine would necessarily be deducted from the total sum owed by the Russian Federation in unpaid just satisfaction.

10. Many judgments of the Court concerning the Russian Federation detail outrageous violations of human dignity. In a small minority of such cases, the Court provides the identity of the individuals responsible. In other judgments, the names of perpetrators are anonymised, but the persons involved may be easily identifiable from other sources, including judgments or credible reports. The Council of Europe does not have effective tools, at present, to ensure that the Russian Federation properly investigates such violations and punishes the perpetrators, as generally required for the execution of those judgments. However, where individual perpetrators are identifiable, member and observer States of the Council of Europe should take their own actions to hold them accountable.

11. In the unique situation in which a former member State of the Council of Europe refuses to implement judgments of the European Court of Human Rights, refuses to engage with the Committee of Ministers in relation to the implementation of judgments of the Court against it, and continues to wage an illegal war of aggression against another Council of Europe member State, the Assembly calls for additional steps to be taken. These should seek to secure the payment of any just satisfaction awarded, and to ensure accountability for the individual perpetrators of serious human rights violations.

12. The Assembly stresses the need to preserve Russian State assets under the jurisdiction of member and observer States, until the Russian Federation has fulfilled its obligations to provide reparations and pay just satisfaction arising from its aggression against Ukraine.

13. In light of these exceptional circumstances, the Assembly urges member and observer States of the Council of Europe to:

13.1. adopt without delay the necessary legal and/or practical measures to repurpose assets of the Russian State that are within their jurisdiction so that, when the European Court of Human Rights delivers judgment(s) awarding just satisfaction in inter-State cases brought by Ukraine against the Russian Federation relating to the war of aggression, those assets may be transferred to a funding mechanism enabling the payment of the just satisfaction awarded;

13.2. to the extent that it is legally possible, ensure that their national legal frameworks allow for the domestic enforcement of any European Court of Human Rights' just satisfaction award against the Russian Federation, for as long as Russia refuses to pay it.

14. The Assembly calls on member and observer States of the Council of Europe, as well as the European Union, to impose targeted individual sanctions in the following circumstances:

14.1. any judgment of the European Court of Human Rights concerning the Russian Federation has found the Russian authorities responsible for a violation of the right to life under Article 2 of the Convention, the prohibition of torture and inhuman or degrading treatment under Article 3, or the prohibition of slavery and forced labour under Article 4;

14.2. the violation is of notable scale and/or impact, for example due to the number of victims, the targeted and deliberate nature of the violation, and/or its repetitive character;

14.3. one or more State agents, or persons linked to the State, are responsible for the violation and are either identified in the judgment or are otherwise identifiable;

14.4. the judgment of the Court, and/or the supervision process before the Committee of Ministers, indicate a failure by the Russian authorities to hold the individual(s) concerned accountable.

15. In the circumstances identified in paragraph 14, the Assembly also:

15.1. encourages member and observer States whose domestic law provides for universal jurisdiction for the most serious crimes to take appropriate action if the persons responsible are found within their jurisdiction;

15.2. invites the International Criminal Court (ICC) to investigate where the human rights violations identified by the European Court of Human Rights suggest that a crime within the ICC's jurisdiction may have been committed.

16. The Assembly invites the European Court of Human Rights to ensure that, where possible, future judgments concerning the Russian Federation identify by name the individuals responsible for serious human rights violations, as envisaged in paragraph 14 above.

B. Draft recommendation³

1. The Parliamentary Assembly draws the Committee of Ministers' attention to Resolution ... (2026) "How to ensure the implementation of judgments of the European Court of Human Rights concerning the Russian Federation, including payment of the compensation awarded", which explores ways in which the Council of Europe should address Russia's failure to comply with its binding legal obligation to implement judgments of the Court.
2. To ensure the payment of just satisfaction awarded by the European Court of Human Rights against the Russian Federation, the Assembly recommends that:
 - 2.1. a funding mechanism be created, under the auspices of the Council of Europe, to receive repurposed Russian State assets and facilitate payment of any just satisfaction awarded by the Court in inter-State cases brought by Ukraine against the Russian Federation; the amounts disbursed through the mechanism should be credited against the just satisfaction owed by the Russian Federation. The funding mechanism could take the form of a separate ad hoc entity or be part of a future compensation fund mandated to pay compensation for damage, loss or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine arising from its war of aggression;
 - 2.2. the Committee of Ministers should mandate a Council of Europe inter-governmental body to carry out a comprehensive study of the legal frameworks of Council of Europe member States, identifying jurisdictions which permit domestic enforcement of just satisfaction awards against the Russian Federation, as well as any changes that would be necessary and legally feasible to facilitate such enforcement;
 - 2.3. the Committee of Ministers examine the feasibility of elaborating a recommendation inviting member States to take any steps necessary, whenever legally possible, to ensure that their national legal frameworks allow for the domestic enforcement of the European Court of Human Rights' just satisfaction awards against the Russian Federation, for as long as Russia refuses to pay them.
3. Furthermore, the Assembly recommends that the Committee of Ministers:
 - 3.1. prepare a list of individuals who – according to the findings of the European Court of Human Rights – have participated in committing human rights violations, where the following criteria are met:
 - 3.1.1. there is a final judgment of the Court concerning the Russian Federation that has found the Russian authorities responsible for a violation of the right to life under Article 2 of the European Convention on Human Rights (ETS N°5), the prohibition of torture and inhuman or degrading treatment under Article 3, or the prohibition of slavery and forced labour under Article 4;
 - 3.1.2. the violation is of notable scale and/or impact, for example due to the number of victims, the targeted and deliberate nature of the violation, and/or its repetitive character;
 - 3.1.3. one or more State agents, or persons linked to the State, are responsible for the violation and are either identified in the judgment or are otherwise identifiable;
 - 3.1.4. the judgment of the Court, and/or the supervision process before the Committee of Ministers, indicate a failure by the Russian authorities to hold the individual(s) concerned accountable;
 - 3.2. invite submissions from civil society groups and others under Rule 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, in order to assist with the preparation of the list;
 - 3.3. communicate the list of individuals to member and observer States, the European Union, the International Criminal Court, and other relevant bodies, inviting them to consider applying targeted individual sanctions against the named individuals and/or, where appropriate, to consider undertaking criminal investigations and prosecutions;
 - 3.4. ensure that the list is updated periodically and communicated to relevant stakeholders, as new judgments are delivered by the Court;
 - 3.5. make the list public, together with a record of the sanctions which have been imposed on the individuals concerned.

3. Draft recommendation adopted unanimously by the committee on 9 September 2026.

C. Explanatory memorandum by Mr Tony Vaughan, rapporteur⁴

1. Introduction

1. In its landmark judgment of *Ukraine and the Netherlands v. Russia*, the European Court of Human Rights (“the Court”) found Russia responsible for a pattern of serious human rights violations arising from its aggression against Ukraine since 2014. The abuses included the summary execution of civilians; widespread and systemic use of rape and sexual violence; a co-ordinated State policy of torture; forced labour; violence against journalists; enforced disappearances; and many other appalling crimes. The scale, gravity, and systematic nature of the abuses exceeded anything the Court had previously found in its history.⁵

2. When the European Convention on Human Rights (ETS No. 5, “the Convention”) was signed more than 75 years ago, its drafters hoped that it would prevent these kinds of crimes from being committed on European soil. Today, not only do we see these crimes taking place, but we also see a lack of accountability of the perpetrators. Following the exclusion of the Russian Federation from the Council of Europe on 16 March 2022, the Russian authorities ended engagement with the Court, as well as the Committee of Ministers’ process for supervising the implementation of the Court’s judgments. They soon stopped payment of the just satisfaction awarded by the Court and took steps so that the Court’s judgments would have no impact at the national level.

3. This has left the victims out in the cold. The violations set out in the judgment of *Ukraine and the Netherlands v. Russia* are only some of the latest to be found by the Court where the victims have not received justice. Even before its exclusion from the Council of Europe, the Russian Federation had a track record of refusing to pay the just satisfaction awarded in conflict-related cases. For example, in the 2021 judgment of *Georgia v. Russia (II)*, the Court found Russia responsible for the killing of civilians and the burning and looting of houses in and around the region of South Ossetia in 2008 (among many other violations).⁶ The Russian government has always refused to pay the just satisfaction awarded to Georgia for the benefit of individual victims. Similarly, the case of *Catan and Others v. Russia* chronicles the forced closure of schools and various measures of harassment against pupils, parents, and staff in the Russian-controlled region of Transnistria in the Republic of Moldova.⁷ This violation has also not been rectified for a painfully long period. Indeed, since the events in question, a child could have completed their entire schooling without education in their national language and mother tongue. In addition to these conflict-related cases, there are hundreds of other judgments concerning ordinary Russians who reside inside and outside the country, who have suffered at the hands of their government’s ever-increasing authoritarianism, but who have been denied compensation and accountability.

4. There are very limited avenues to ensure the Russian authorities comply with their legal obligations. However, there are some measures which are worth exploring. In my report, I have chosen to focus on two:

- the possibility of ensuring the payment of just satisfaction awarded by the Court through the use of frozen Russian State assets; and
- the case for imposing sanctions against individuals identified by the Court as having participated in serious human rights violations.

2. Terminology

5. Different national legal traditions have different terms relating to ownership and use of assets. This document uses the following terminology. A temporary prohibition on the transfer of assets is referred to as “freezing” in the case of funds and “seizing” in relation to physical assets. “Confiscation” of assets occurs when ownership has been permanently transferred. “Enforcement” refers to compulsory measures applied to ensure payment of a debt.

6. In accordance with the general position of the Assembly, as established in [Opinion 300 \(2022\)](#) “Consequences of the Russian Federation’s aggression against Ukraine”, the Russian Federation’s “war of aggression against Ukraine” includes events starting from February 2014 onwards.

4. This explanatory memorandum is drawn up under the responsibility of the rapporteur.

5. *Ukraine and the Netherlands v. Russia* (application nos. 8019/16, 43800/14, 28525/20 and 11055/22), judgment of 9 July 2025.

6. *Georgia v. Russia (II)* (application no.38263/08), judgments of 21 January 2021 and 28 April 2023.

7. *Catan and Others v. Russia*, (application no. 43370/04), judgment of 19 October 2012.

3. Background

7. The Council of Europe's 2025 *Annual Report on the Execution of Judgments of the European Court of Human Rights* notes that Russia accounts for the highest number of the Court's judgments pending implementation – 3 025 in total – representing over 43% of all cases awaiting execution. Russia also has the highest number of leading cases pending implementation, at 251.⁸

8. When the Russian Federation was a member State of the Council of Europe, it already had a poor record in implementing judgments of the Court. In regard to the payment of just satisfaction, Russia's record was mixed: whilst the government generally paid the compensation awarded, it refused to do so in cases concerning conflict and post-conflict situations (such as those relating to Russia's responsibility for human rights violations in Abkhazia, South Ossetia, and Transnistria), in addition to refusing to pay a large sum awarded by the Court to the shareholders of the Yukos oil company. Furthermore, Russia almost always failed to adopt the broader structural and legislative changes that would have prevented human rights violations identified by the Court from happening again. This lack of implementation contributed significantly to the erosion of human rights within the country and its further shift toward authoritarian rule.

9. The Russian Federation's already poor implementation of the Court's judgments deteriorated dramatically following its full-scale invasion of Ukraine.

10. Russia was excluded from the Council of Europe on 16 March 2022. Six months later, on 16 September 2022, it also ceased to be a Party to the European Convention on Human Rights. Although Article 58 of the Convention provides for situations whereby a State may cease to be a Party to the Convention, it does not release the State from its obligations in respect to events occurring when it was still a Party. Therefore, Russia had – and still has – a continuing legal obligation under Article 46 of the Convention to implement judgments of the Court in respect of violations that occurred up to 16 September 2022.

11. However, the Russian government took a number of steps to avoid abiding by its obligations under the Convention and international law. On 11 June 2022 a new law entered into force in the Russian Federation. This set out that any judgment of the Court becoming final after 15 March 2022 would not be enforced; nor could such judgments serve as a basis for reopening domestic proceedings. According to that law, just satisfaction awarded in judgments that became final before 15 March 2022 would be paid only until 1 January 2023, such payments would be made exclusively in roubles, and they would only be made to bank accounts located within the Russian Federation. In addition to these legal developments, the general demonisation of Western institutions, as well as criminalisation of co-operation with many Western entities, is likely to have had a chilling effect on any Russian residents attempting to secure payment of just satisfaction from a judgment of the European Court of Human Rights in a Russian court (for example, for judgments becoming final after 15 March 2022). Furthermore, the Russian authorities have ceased all communication with the Committee of Ministers in the context of the supervision of implementation of judgments.⁹

12. The Committee of Ministers has since developed a number of strategy papers regarding the implementation of cases pending against the Russian Federation. In December 2022, given the lack of co-operation from the Russian authorities, the Committee of Ministers resolved to strengthen its engagement with Russian civil society in order to obtain information. The Committee of Ministers also resolved to strengthen co-operation with relevant United Nations bodies, as well as to establish an online public register listing outstanding just satisfaction awards against the Russian Federation.¹⁰ In May 2023, the Heads of State and Government of Council of Europe member States affirmed, "[t]he need to make every effort to ensure the execution of the Court's judgments by the Russian Federation."¹¹ In September 2023, the Committee of Ministers decided that all cases pending implementation against Russia – and all new cases in future – would be classified under the enhanced procedure.¹²

8. Committee of Ministers, [Annual Report 2025 on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights](#), page 177. Leading cases are those which have been identified as disclosing a problem, in law and/or practice, at national level, often requiring the adoption by the respondent State of new or additional general measures to prevent recurrence of similar violations.

9. Committee of Ministers, "Strategy paper regarding the supervision of the execution of cases pending against the Russian Federation", [CM/Inf/DH\(2022\)25](#), 8 December 2022; and Committee of Ministers Decision, "Means to ensure implementation of judgments of the European Court of Human Rights with respect to the Russian Federation", [CM/Del/Dec\(2025\)1545/A3](#), 4 December 2025.

10. *Ibid.*

11. Reykjavik Declaration, Appendix IV, page 18.

13. In December 2024, the Committee of Ministers instructed the secretariat to maintain and reinforce co-operation with international organisations in order to highlight the judgments pending execution – and to broaden collaboration with Russian civil society. It also called for further efforts to improve the visibility and communication of the Committee of Ministers' supervisory work in relation to Russia, and for the preparation, before each quarterly Human Rights meeting, of an overview of the measures required to implement all leading Russian cases still pending. In addition, the Committee of Ministers resolved to continue its regular review of inter-State cases and cases with inter-State elements concerning the Russian Federation. It further invited the Secretary General to send an annual letter to the Russian Minister of Foreign Affairs, outlining the Committee of Ministers' decisions and resolutions concerning Russia during the year.¹³

14. In December 2025, the Committee of Ministers maintained the strategy adopted in the previous year. It noted that, since 2022, there had been no indication that any measure had been taken to execute judgments of the Court that had found the Russian Federation responsible for human rights violations.¹⁴

4. Possible strategies to promote the implementation of judgments of the European Court of Human Rights concerning the Russian Federation

15. Unfortunately, the Committee of Ministers faces significant challenges in securing the effective implementation of these judgments. Its current strategy primarily rests on strengthening co-operation with United Nations bodies, engaging with Russian civil society, issuing communications directed at the Russian authorities, enhancing the visibility of the judgment-implementation process, and maintaining close supervisory review of the cases concerned. Such measures are highly welcome and are important. They will preserve international attention and ensure that the judgments remain on the institutional and historical record. However, it is very unlikely that they will bring about implementation in the short to medium term.

16. In the long term, we can hope that full implementation of the judgments might be achieved if there is a profound political change in Russia, accompanied by an effort to rejoin the Council of Europe. However, we cannot sit back and wait for such a solution. The victims have already been waiting for far too long. We must pursue novel measures to implement the judgments now, even if such implementation can only be partial. These measures must be pragmatic enough to be achievable in the difficult circumstances we face, whilst providing an element of justice to the victims of appalling human rights abuses.

5. Overview of just satisfaction due in judgments of the European Court of Human Rights concerning the Russian Federation

17. At the time of writing, over €3 billion is owed to applicants by the Russian Federation as just satisfaction in final judgments of the Court (a total of € 3 392 651 958, including default interest). This includes € 424 044 029 relating to inter-State cases (of which there are three: € 13 533 397 for *Georgia v. Russia (I)*, € 154 548 612 for *Georgia v. Russia (II)*, and € 255 962 020 for *Georgia v. Russia (IV)*). The amount due for individual cases is €2 968 607 929 (including default interest). A significant portion of this arises from the “Yukos” case, *OAO Neftyanaya Kompaniya Yukos v. Russia*, which requires the payment of €2 711 943 530.¹⁵

18. The amount of just satisfaction due will only continue to grow. In September 2026 the Court issued a ruling striking out all pending individual applications against Russia that concern matters occurring within the country's internationally recognised borders.¹⁶ Nevertheless, the Court will continue to examine cases concerning Russia's military actions against neighbouring States (Georgia and Ukraine), Russia's exercise of

12. Committee of Ministers, Decision, [CM/Del/Dec\(2023\)1475/A2a](#), 19-21 September 2023. ‘Enhanced procedure’ is the supervision procedure for cases requiring urgent individual measures, pilot judgments, judgments disclosing major structural and/or complex problems as identified by the Court and/or by the Committee of Ministers, and inter-State cases. This procedure is intended to allow the Committee of Ministers to closely follow progress of the execution of a case and to facilitate exchanges with the national authorities supporting execution.

13. Committee of Ministers Decision, “Cases pending against the Russian Federation”, [CM/Del/Dec\(2024\)1514/A3](#), 3-5 December 2024.

14. Committee of Ministers Decision, [CM/Del/Dec\(2025\)1545/A3](#), *op. cit.*

15. Council of Europe webpage, “[Register of just satisfaction concerning the Russian Federation](#)”, updated 1 July 2026. In regard to ‘inter-State’ cases, in addition to the cases where two States are parties, there are a large number of other cases which are sometimes described as having ‘inter-State elements’ (such as the numerous individual cases against Russia concerning violations in the Transnistria region, which are sometimes described as having an inter-State nature between the Republic of Moldova and the Russian Federation).

16. [Lebedeva and Others v. Russia](#) (application no. 49120/07 and 878 other applications), 3 September 2026.

control over territories outside its internationally recognised borders, and measures affecting the human rights of persons in those areas. There are approximately 5 700 such applications pending, around 150 of which concern Georgia.¹⁷

19. The Court has begun to deliver judgments relating to Russia's aggression against Ukraine, although the amount of just satisfaction due as a result of the violations has yet to be decided. The first such judgment was delivered in June 2024. *Ukraine v. Russia (re Crimea)* is an inter-State case mainly concerning violations in Crimea between 2014 and 16 September 2022.¹⁸ The second judgment is *Ukraine and the Netherlands v. Russia*, which concerns multiple, flagrant, and unprecedented violations of the Convention in Ukraine resulting from the downing of flight MH17, the actions of the Russian authorities in territories of Ukraine occupied and/or under the effective control of Russian forces and their proxies (in eastern Ukraine) since 2014, and the full-scale invasion beginning on 24 February 2022. When reserving the issue of just satisfaction for a future date, the Court noted that any future award made in respect of the Ukrainian Government must have due regard to the establishment of the Register of Damage and the ongoing discussions concerning a future compensation mechanism.¹⁹

20. In January 2025 the Committee of Legal Advisers on Public International Law (CAHDI) provided the Committee of Ministers with a report, "Indicative overview of possible avenues consistent with international law aimed at securing the payment by the Russian Federation of just satisfaction awarded by the European Court of Human Rights".²⁰

21. This issue has also been the subject of considerable public debate in academic publications, international law blogs, and institutional reporting.²¹ The Sub-Committee on the implementation of judgments of the European Court of Human Rights also benefited from presentations by Professor Veronika Fikfak and Mr Achilleas Demetriades on this subject during a meeting held in Tirana on 5 July 2024. On 23 June 2026, the Committee on Legal Affairs and Human Rights also conducted a hearing with Frédéric Dolt, Head of the Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights, as well as Grigory Vaypan, Senior Lawyer at Memorial. During the preparation of my report, I also had the benefit of meetings with the permanent representations of France, the Netherlands, and the United Kingdom to the Council of Europe; Mr Epaminontas Triantafilou and Ms Julianne Hughes-Jennett, partners of Quinn Emanuel Urquhart & Sullivan, representing Ukraine before the European Court of Human Rights; Aarif Abraham, Co-Counsel to the Ukrainian Ministry of Foreign Affairs on the Special Tribunal for the Crime of Aggression against Ukraine; and Natalia Kubesch, Director and Legal Advisor at REDRESS. In these publications and discussions, a number of innovative proposals have been made for mechanisms through which the payment of just satisfaction could be secured. The three main proposals are set out in section 7. They all involve legal, political and financial novelty and challenge, which are further discussed in section 8; however they are measures that are, in my view, available to the Council of Europe which are now necessitated by the circumstances I have set out above.

6. Assets which could be used to pay the just satisfaction due

22. The main assets which could be available are frozen Russian Central Bank assets ("RCB assets"). Following the full-scale invasion of Ukraine, Western countries immobilised around €260 billion of RCB assets, of which €210 billion are currently held within the European Union.²² Subsequently, an agreement

17. European Court of Human Rights, 'Update on processing of applications against Russia', Press Release, ECHR 213 (2026), 3 September 2026.

18. Applications nos. 20958/14 and 38334/18, judgment of 25 June 2024.

19. Applications nos. 8019/16, 43800/14, 28525/20 and 11055/22, judgment of 9 July 2025. Just satisfaction issue discussed at paragraph 1650.

20. Committee of Legal Advisers on Public International Law (CAHDI), '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', CM(2025)5, 21 January 2025.

21. See for example: Kirill Koroteev, "Moving on in Strasbourg", *Verfassungsblog*, 12 December 2022; Philipp Kehl, "Seizing Russia's Frozen Assets: Quis iudicabit?", *Blog of the European Journal of International Law*, 24 January 2024; Professor Philippa Webb, "Legal options for confiscation of Russian State assets to support the reconstruction of Ukraine", study for the European Parliamentary Research Service, February 2024; David Carden, "Utilizing the European Convention on Human Rights to Transfer Frozen Russian Assets to Ukraine", the SAIS Review of International Affairs, 13 March 2024; Professor Veronika Fikfak, 'Expert remarks to the CAHDI debate on compensation under international law with a focus on options for enforcement of payments awarded by international human rights courts', 11 April 2024; Grigory Vaypan, "Russia Can Be Forced to Pay for Its Crimes: A Proposal", Center for European Policy Analysis, 11 June 2024; Open Society Justice Initiative, 'Legal possibilities of using Russian Central Bank assets to enforce European Court of Human Rights Judgments', April 2025.

was reached among G7 countries to use the profits returned on these assets and transfer them to Ukraine (but not the principal).²³ A significant proportion of the immobilised assets are held by Euroclear in Belgium (around €190 billion), with additional assets held in jurisdictions such as the United Kingdom and France. There have been extensive discussions by the European Union and its member States about financial structures which could be created that would allow a significant proportion of the principal RCB assets to be provided to Ukraine. At the time of writing, these discussions have not yet resulted in any concrete plans. In order to address Ukraine's funding needs for 2026 and 2027, the European Union supported the country with a loan of €90 billion, supported through EU borrowing on the capital markets²⁴ (there have also been significant previous contributions from the EU and other States).

23. In addition to State assets, there are also a wide variety of Russian State-owned assets used for commercial purposes, whose location, value and legal protection are difficult to establish. Many may also be subject to seizure for commercial claims. This report therefore focuses on frozen Russian State assets.

7. Possible mechanisms for securing the payment of the just satisfaction due

7.1. Enforcement in national courts outside the Russian Federation

24. As set out above, the Russian Federation has blocked the enforcement of the Courts' rulings in its national courts. However, it might be possible for litigants to apply to the national court of another State which hosts Russian assets in order to obtain enforcement of the judgment there. This could hypothetically be achieved against Russian State assets (such as Central Bank assets), assets owned by its sovereign wealth fund, or possibly other Russian State-owned commercial assets. In order for such enforcement to succeed in practice, judgments of the European Court of Human Rights would need to be: treated by national-level courts as final domestic judgments which may be enforced under national legal frameworks; dealt with specifically as enforceable judgments of an international court; or made to be specifically enforceable under national law as a result of *ad hoc* legislation. The feasibility of such routes will vary from State to State, depending on the national legal framework in place.

25. Regardless of the State concerned, any attempt to enforce payment through a judicial process would encounter opposition based on the principle of State immunity, and on the provisions of the Convention itself. These points are examined further below.

7.2. Establishment of an ad hoc funding mechanism

26. A form of funding mechanism could be created under the aegis of the Council of Europe. This fund would be composed of Russian Federation assets repurposed by States. This mechanism could administer the assets centrally, so that they can then be disbursed to applicants. Such a mechanism could take the form of a Council of Europe trust fund, or a Partial Agreement composed of those States that are willing to take part (by transferring the Russian assets within their jurisdiction to the fund).

7.3. A mechanism specific to judgments concerning Ukraine

27. A third proposal concerns specifically judgments of the Court which relate to the actions of the Russian Federation in Ukraine. For example, it might be possible to explore whether the future Claims Commission for Ukraine and compensation fund could cover the payment of just satisfaction awarded by the Court in relevant judgments concerning Ukraine. The Convention Establishing an International Claims Commission for Ukraine stipulates that the Commission shall in their decision-making, "[t]ake into account, as appropriate, relevant judgments or awards by courts or tribunals and other adjudicative bodies established under international law." It also stipulates that the Commission shall take appropriate measures to ensure that no claimant receives double compensation for the same damage, loss, or injury.²⁵ The difficulty with the future Claims Commission is that its jurisdiction will be limited to internationally wrongful acts committed by Russia on or after 24 February 2022. However, the Convention on the Claims Commission could be amended so as to extend its temporal scope back to 20 February 2014, and the Assembly has already invited States Parties to consider doing so in the future.²⁶

22. Council of the European Union, 'EU sanctions against Russia explained', www.consilium.europa.eu/en/policies/sanctions-against-russia-explained/#frozen-assets.

23. European Parliamentary Research Service, 'Immobilised Russian central bank assets', March 2025.

24. European Commission, [EU Financial Support to Ukraine](#).

25. Convention Establishing an International Claims Commission for Ukraine, Article 19.

28. Alternatively, a bespoke *ad hoc* funding mechanism could be created specifically for Ukrainian judgments, under the aegis of the Council of Europe. The justification for the disbursement of seized assets to Ukraine could be that they are provided to Ukraine until such time as the Russian Federation meets its obligations to pay that same value in compensation/just satisfaction (of course this could be done by accepting that the amount transferred offsets the amount owed).

8. Challenges with the possible mechanisms for securing the payment of just satisfaction

8.1. State Immunity

29. This is the most important obstacle. The description of the issue below is introductory in nature and is not intended to be comprehensive.

30. Under customary international law, the principle of State immunity protects the property of a State from the jurisdiction of another State's courts. The principle has two dimensions. Jurisdictional immunity prevents a national court from adjudicating on the property of another State. Immunity from execution protects a State's property from any order and injunction that might otherwise be created or enforced, which would affect the use of the property in question. The principles governing jurisdictional immunity and immunity from execution are separate and distinct. Therefore, any judicial assessment of an attempt to assume control of another State's property would involve both types of immunity, with immunity from execution immunity granting States more robust protection.²⁷

31. Any attempt by a litigant to enforce a judgment of the European Court of Human Rights against assets of the Russian Central Bank in another State would be likely to lead to objections based on both jurisdictional and immunity from execution. Some legal scholars and practitioners consider that it might already be possible to overcome such objections, in the particular context of judgments of the Court concerning the Russian Federation, based on the laws of certain jurisdictions and the particularities of the situation. Most notably, this could occur by recognising that Russia has waived its immunity by its agreement to be bound by an international court's judgments. Waiver is a recognised exception to State immunity under customary international law; the issue is whether and how it would apply in this context. It may therefore already be possible for an applicant to enforce their ECHR judgment against Russia in another jurisdiction. However, there continues to be considerable legal uncertainty surrounding this option.

32. Various proposals have been made in this regard. First, some have suggested that action by the executive rather than the judiciary could bypass any consideration of State immunity. This argument relies on the idea that State immunity applies only to judicial actions, rather than those of a government. Following this proposal, a government(s) could transfer Russian assets (in this case to a particular claimant or to an *ad hoc* Council of Europe fund), whilst avoiding any domestic judicial involvement. The legality (and practicality) of such actions is a matter of debate.²⁸

33. Second, some have proposed the adoption of legislation at the national level, which would require the national courts to lift State immunity in the particular case before it, on the basis that there existed a judgment of an international court which would not otherwise be complied with. Such legislation would develop a specific exception to State immunity based on these unusual circumstances. There are already examples of national jurisprudence or legislation which facilitate the freezing and/or confiscation of foreign State assets as a response to serious human rights violations or wars of aggression.²⁹

34. However, even if a legal path could be made/enhanced through new legislation or action by the authorities, governments and parliaments might be reluctant to take the relevant steps in practice, for fear of scaring other asset-holders from their jurisdiction or for fear to being held responsible for the value of the

26. See [Opinion 308 \(2025\)](#) "Draft convention establishing an international claims commission for Ukraine".

27. International Court of Justice, *Jurisdictional immunities of the State (Germany v. Italy, Greece intervening)*, (Merits) [2012] ICJ Rep 99, 3rd February 2012, paragraph 113; Open Society Justice Initiative, *op. cit.*, page 4.

28. See for example: Professor Webb, *op. cit.*. The issue is likely to be examined in the case instituted by Iran against Canada before the International Court of Justice in 2023, concerning a 'series of legislative, executive, and judicial measures adopted by Canada against Iran and its property since 2012', *Alleged Violations of State Immunities (Islamic Republic of Iran v Canada)*.

29. The Ukrainian Supreme Court has held that Russian State assets are not protected under sovereign immunity from being used for war reparations, leading to several decisions allowing claims for reparations. The Canadian Special Economic Measures Act enables the confiscation of assets in order to provide compensation to victims for grave breaches of international peace and security and/or serious and systemic human rights violations. The United States Congress is still considering the REPO Implementation Act, which would repurpose frozen Russian assets to support Ukraine.

assets transferred. In the worst-case scenario, the financial and economic consequences of this could be very significant. There is considerable disagreement as to whether such concerns are legitimate and whether they should outweigh other considerations. In any case, it is undoubtable that such concerns are taken seriously by many States that hold Russian assets.³⁰

35. As concerns judgments concerning the Russian war of aggression against Ukraine, it is possible that the doctrine of countermeasures for internationally wrongful acts could be invoked in order to bypass the question of State immunity. The Parliamentary Assembly has repeatedly asserted the legality of applying the countermeasures doctrine in order to repurpose RCB assets and provide them to Ukraine more generally (for example, in [Resolution 2605 \(2025\)](#)). Scholars, including an expert panel of the International Institute for Strategic Studies, have opined that repurposing of assets based on the countermeasures doctrine would be lawful, although others conclude that it would be vulnerable to a legal challenge (notably the Dutch Advisory Committee on Public International Law).³¹ It is worth noting that some European governments are uncertain as to whether the application of countermeasures to RCB assets in general would ultimately be deemed legal by an arbitration panel or the International Court of Justice. If it were deemed illegal, this might ultimately make the State liable for the sums of RCB assets it has diverted to Ukraine. The fact that Russia does not currently recognise the compulsory jurisdiction of the ICJ by virtue of a declaration under Article 36(2) of the ICJ Statute (the Optional Clause) means that it would be challenging (though perhaps not impossible) for it to bring an ICJ claim related to the assets.³² However, as I explain below at paragraphs 49-51, I consider there is a cogent basis on which a member State may lawfully apply the countermeasures doctrine to enforce ECHR just satisfaction awards against Russia in the context of its war of aggression against Ukraine.

8.2. Provisions of the European Convention on Human Rights and Article 46

36. The role of the Committee of Ministers in the execution of judgments is set out in Article 46 of the Convention. Article 46(2) provides that final judgments of the Court shall be transmitted to the Committee of Ministers, “which shall supervise their execution”. Article 46 sets out a process by which the Committee of Ministers “may” refer a respondent State to the Court for determination of whether it is breach of the obligation in subsection 1 to respect the binding nature of judgments. Where the respondent State is in breach, the Committee of Ministers is empowered to decide what steps should be taken under Article 46(5).

37. Article 46 does not on its face indicate that States other than the respondent State have a role in ensuring judgment implementation, outside of their supervisory actions from within the Committee of Ministers. Equally, the text of the Convention does not expressly preclude external enforcement either. Underpinning the text of Article 46 is a presumption of a co-operative approach from States. It does not envision a situation where a State is no longer a Party to the Convention and refuses to implement the Court’s judgments that are binding for that State. The Convention system was conceived as a mechanism of collective enforcement of human rights obligations, a feature repeatedly recognised by the Court itself.³³

38. In my opinion, the correct view is that Article 46, properly interpreted, does not preclude member States from taking steps at a domestic level to enforce ECHR just satisfaction awards against other States – particularly non-member States. However, I recognise that this issue requires further exploration.³⁴ In this regard it is noteworthy that, in February 2024 a single judge of the Court of Appeal of Lithuania dismissed an application brought by three Russian nationals residing in Lithuania, who had requested judgments of the European Court of Human Rights to be recognised and enforced. In a brief ruling, the judge dismissed the application as inadmissible, finding that the Civil Procedure Code of the Republic of Lithuania could not be interpreted so as to give the courts of Lithuania jurisdiction to allow the recognition and enforcement of European Court of Human Rights judgments against another State. The Court noted that supervision of the enforcement of such judgments is entrusted to the Committee of Ministers under Article 46 of the Convention.³⁵

30. CAHDI, *op. cit.*

31. The International Institute for Strategic Studies, ‘On Proposed Countermeasures Against Russia to Compensate Injured States for Losses Caused by Russia’s War of Aggression Against Ukraine’, 20 May 2024; Dutch Advisory Committee on Public International Law, ‘Confiscation of foreign state property’, Advisory Report No. 48, 20 December 2024, English translation dated 2 June 2025.

32. For example, see Philipp Kehl, *op. cit.*

33. *Ukraine and the Netherlands v. Russia*, paragraphs 348 and 484.

34. In particular, the need to address this issue is referred to by CAHDI, *op. cit.*, paragraph 23.

35. Decision of the Court of Appeal of Lithuania, *Application of L.V., V.G., and Y.N.*, Civil Case no. e2T-20-798/2024, Judicial Proceeding No. 2-60-3-00008-2024-7, 1 February 2024.

39. To my knowledge, these are the only legal proceedings outside of Russia where an applicant has attempted to enforce a judgment of the European Court of Human Rights against the Russian Federation. The brief reasoning of the Lithuanian courts far from settles this procedural issue. It is for this reason that I make the proposal at paragraph 56 below.

8.3. Feasibility of international litigation for applicants

40. This is something which has not yet been widely discussed in the legal literature, but which nevertheless does cause me great concern. Many of the applicants are poor and may live in countries which are far from those which host meaningful amounts of Russian assets. They would face considerable barriers in securing payment of just satisfaction through litigation in a national court. In addition, there is the question of whether it is reasonable to expect such victims to launch litigation in order to obtain something which should already have been provided to them, perhaps 20 years after the events in question.

8.4. “Opportunity cost” of using Russian State assets for the payment of just satisfaction awarded by the Court

41. The assets of the Russian State which are located outside of Russia are not unlimited. At the time of writing, it is not clear whether a large proportion of such assets may ultimately be used to support the defence of Ukraine, as war reparations for the Ukrainian Government, or to enforce the awards made by the future Claims Commission for Ukraine. If assets are used for the payment of just satisfaction awarded by the Court in Russian cases, they may no longer be available for those other purposes.

9. Proposals for securing the payment of just satisfaction due

42. During the preparation of this report, I have aimed to ensure that the solutions I ultimately propose are sufficiently practical to ensure that they stand a reasonable chance of being implemented. For that reason, the legal, political, and financial issues raised above must be taken seriously. Given this legal and political situation, if the Parliamentary Assembly were to propose that European States take the necessary collective steps to repurpose frozen Russian assets for the payment of just satisfaction awarded in all judgments against the Russian Federation, the reality is that the Committee of Ministers (and States as a whole) would be unlikely to pursue this option further. As a result, the solutions that I propose must necessarily be limited by the practical realities.

43. Given the situation set out above, the preliminary draft resolution and recommendation set out proposals to promote the payment of the just satisfaction owed. These measures can be explored and pursued simultaneously.

9.1. Action to ensure the payment of just satisfaction specifically for judgments relating to the war of aggression against Ukraine

44. The Assembly should propose that a funding mechanism be established, in order to facilitate the payment of just satisfaction to be awarded by the European Court of Human Rights in inter-State cases brought by Ukraine against the Russian Federation concerning its war of aggression. Furthermore, the Assembly should propose that participating States take any legal and/or practical measures they consider appropriate to repurpose assets of the Russian State, so that they may be transferred to the funding mechanism.

45. This mechanism could be a separate *ad hoc* entity; or it could form part of a future compensation fund mandated to pay compensation for damage, loss, or injury caused by the Russian Federation’s internationally wrongful acts in or against Ukraine.³⁶ If it were to take the form of an *ad hoc* entity, possible forms that the mechanism could take include the following:

- an escrow account, whereby the Committee of Ministers authorises the Council of Europe to act as a fiduciary, in order to receive and hold the funds – and then release them when the right conditions are met;

36. The Convention Establishing an International Claims Commission for Ukraine envisages the possible establishment of a future a compensation fund as a third component of the international compensation mechanism for Ukraine (see Preamble and Article 22). The Assembly has urged member States to work without delay towards the establishment of that fund.

- a trust fund, with a governing body, administered by an assembly of contributors and staffed by the secretariat of the Council of Europe, which would collect together the relevant assets only for the purpose of disbursing them;
- a partial agreement, with a separate governing body and budget, opened to States prepared to seize and repurpose Russian assets.³⁷

46. There are two reasons why a fund specifically for Ukraine is an appropriate, legal, and pragmatic route to ensuring the payment of at least some of the just satisfaction owed by the Russian Federation.

9.1.1. The range of legal justifications for repurposing assets for the payment of just satisfaction relating to the war of aggression against Ukraine

47. There are a wide range of legal justifications available to States, which are capable of justifying the repurposing of assets for the payment of just satisfaction specifically relating to the war of aggression against Ukraine. Different States might adopt different approaches, depending on their jurisdiction and their understanding of the relevant legal principles. The point here is that the legal justifications are stronger for repurposing assets in order to ensure the payment of just satisfaction awarded by the Court in inter-State cases brought by Ukraine concerning the war of aggression.

48. Parliaments have the option of passing legislation which would develop and/or create a legal basis for such repurposing to take place. Such legislation could be tailored narrowly, so that it applies only in the case of judgments concerning the war of aggression. For example, such legislation could make it clear that State immunity does not apply in the very specific circumstances of a former member State of the Council of Europe refusing to pay the just satisfaction owed in a European Court of Human Rights judgment, in cases where the applicant State and its citizens have been subjected to an unprovoked war of aggression.

49. In regard to Ukraine, there is also the doctrine of countermeasures under international law. Although this issue has been dealt with extensively by the Assembly already, I recall the basic principles as follows. Countermeasures are a longstanding principle of international law which was codified by the International Law Commission in its draft 'Articles on the Responsibility of States for Internationally Wrongful Acts' (2001) ("ARSIWA").³⁸ These provide that an act of a State which is not in conformity with an international obligation towards another State is not to be considered wrongful if the act constitutes a countermeasure in relation to a breach of international obligations.³⁹ Third States that are not directly injured or specially affected by the original breach of international obligations may invoke third-party countermeasures, including in circumstances where the obligation breached is owed to the international community as a whole.⁴⁰ Countermeasures may only be carried out in order to induce a State which is responsible for an internationally wrongful act to comply with its obligations.⁴¹ Complying with those obligations includes "ceas[ing] the internationally wrongful conduct, if it is continuing, and to provide reparation to the injured State".⁴² Countermeasures must be proportionate, in that they must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question.⁴³ They must also be temporary and reversible.⁴⁴

50. Countermeasures can be applied to the current situation as follows. The prohibition of aggression by one State against another is an obligation *erga omnes* and a peremptory norm of general international law (*jus cogens*). The Russian Federation's actions in Ukraine have been recognised by the United Nations General Assembly as a violation of the United Nations Charter and an act of aggression, constituting an internationally wrongful act engaging the Russian Federation's international responsibility. As a result, third States not directly injured by the aggression are entitled to take countermeasures against it. The Parliamentary Assembly has repeatedly concluded that the repurposing of Russian State assets would constitute lawful countermeasures under international law against the Russian Federation's aggression

37. The possible mechanisms are those set out by CAHDI, *op. cit.*

38. International Law Commission, 'Draft Articles on Responsibility of States for Internationally Wrongful Acts', adopted by the Commission at its Fifty-Third Session in 2001, United Nations General Assembly Resolution 56/83 of 12 December 2001, as corrected by document A/56/49(Vol. I)/Corr.4; Article 22 and Part III, Chapters 1 and 2 (notably Articles 42, 48(2)(b), and 54).

39. *Ibid.*, Article 22 and Part III, Chapters 1 and 2.

40. *Ibid.*, Article 48(2)(b) and 54.

41. *Ibid.*, Article 49(1).

42. International Law Commission, Commentary to Article 49(1).

43. *Ibid.*, Article 51.

44. *Ibid.*, Articles 49(1) and 49(3).

against Ukraine.⁴⁵ Such repurposing would be intended to induce compliance by the Russian Federation with its international legal obligations, including its obligation to cease its aggression against Ukraine and make reparations. Such countermeasures would be proportionate given the scale the damage caused by the aggression. They would be temporary and reversible, given that repurposed funds would be temporarily transferred pending payment of the just satisfaction/compensation owed by Russia. Of course, Russia could eventually pay the compensation by deciding that the assets transferred as a countermeasure be definitively applied to Ukraine's reparation claim. Russia would then be credited with any reparations actually paid by the mechanism, and its remaining obligation would be correspondingly reduced.

51. I am strongly of the view that the principle of countermeasures can lawfully be applied in the context of enforcing judgments of the European Court of Human Rights concerning the war of aggression. Repurposing with this aim would also be intended to induce compliance by the Russian Federation with its international legal obligations, including its obligation to cease the aggression and compensate Ukraine for internationally wrongful acts, as established by an international court. The repurposing would be proportionate, as the calculation of just satisfaction awards made by the Court can necessarily not exceed the amount of damage suffered by Ukraine and its people. It would also be temporary and reversible, given that the amount which would be repurposed could necessarily be deducted from the total overall sum owed by the Russian Federation in unpaid just satisfaction, or in other terms, the measure would cease when the Russian Federation has paid the just satisfaction owed.⁴⁶

9.1.2. The potential for greater political support

52. The creation of a fund specifically for Ukraine is more likely to receive the political support necessary for it to be achievable in practice.

53. Whilst there is a lack of consensus for repurposing Russian assets for the payment of just satisfaction owed by the Russian Federation in general, there is more likely to be sufficient political support for repurposing assets specifically for the payment of sums which will be owed to Ukraine, given that these can fall within the countermeasures justification and the transfer can be temporary pending the payment of just satisfaction. The assets would be transferred to and made available through a funding mechanism, with appropriate arrangements for reversibility and for crediting any payments against the Russian Federation's outstanding liability. European popular opinion as a whole is supportive of Ukraine's defence of its sovereignty and territorial integrity against the Russian aggression. There is also growing political support among European States for the repurposing of Russian assets, providing this can be done in compliance with international law. Whilst it is true that certain States have expressed strong reservations about the repurposing of Russian Central Bank assets, it is unclear whether those reservations would be maintained if the proposal would be for the assets to be repurposed specifically for the payment of an ECHR award(s) concerning Ukraine, and especially if this could be a countermeasure pending payment of just satisfaction by the Russian Federation. Repurposing for this might be more attractive in legal, political, and reputational terms than the repurposing of Russian assets in general. In particular, States might conclude that the enforcement of an ECHR judgment will be less concerning to other foreign investors, compared to the repurposing of Russian Central Bank assets in the absence of an international court judgment.

9.2. Action to ensure the payment of just satisfaction owed by the Russian Federation as a whole

54. Although the measures set out above may be available specifically in relation to cases brought by Ukraine, it is important to recall that the vast majority of judgments of the Court pending implementation were brought by applicants other than the Ukrainian State. Many of these cases involve egregious violations of human rights. It is essential that something is also done to assist applicants in these cases.

55. One option is to enhance such applicants' prospects of enforcing the Court's awards in third countries outside Russia. Applicants currently face a daunting task in bringing such litigation due to: uncertainty about the location of enforceable assets; the legal viability of enforcement; and the high cost of bringing risky claims abroad to obtain just satisfaction already owed.

45. For example, see [Resolution 2556 \(2024\)](#) 'Legal and human rights aspects of the Russian Federation's aggression against Ukraine', paragraph 15.3; and [Resolution 2605 \(2025\)](#) 'Legal and human rights aspects of the Russian Federation's aggression against Ukraine', paragraph 4.15.

46. Article 49(3) of the ARSIWA only provides that countermeasures shall, "as far as possible", be taken in such a way as to permit the resumption of performance of the obligations in question, implying that the reversibility requirement is not absolute.

56. The Assembly cannot propose measures that would resolve all of these issues. However, in my view, it can make three recommendations that would enhance the legal position of the applicants. First, it can request the Committee of Ministers to mandate a Council of Europe inter-governmental body to carry out a comprehensive study of the legal frameworks of Council of Europe member States, identifying jurisdictions which permit domestic enforcement of just satisfaction awards against the Russian Federation, as well as any changes that would be necessary and legally feasible to facilitate such enforcement. Second, building on this assessment, the Assembly can recommend that the Committee of Ministers examine the feasibility of elaborating a recommendation inviting member States to take the steps necessary to ensure that their national legal frameworks allow for the domestic enforcement of the European Court of Human Rights' just satisfaction awards against the Russian Federation, for as long as Russia refuses to pay them. Third, the Assembly can request that member and observer States, to the extent that is legally possible, ensure that their national legal frameworks allow for the domestic enforcement of the European Court of Human Rights' just satisfaction awards against the Russian Federation.

10. Sanctions against named individuals and their potential individual criminal responsibility

57. On 2 December 2025, the Sub-Committee on the Implementation of Judgments of the European Court of Human Rights heard proposals about the possible sanctioning of individuals identifiable in judgments of the Court which concern the Russian Federation. I am grateful to Rupert Skilbeck, Director of REDRESS, and Toby Collis, lawyer at the European Human Rights Advocacy Centre, for their contributions on this subject.

58. The judgments of the Court concerning the Russian Federation are a record of repeated and outrageous violations of human dignity. At the time of writing, there are over four thousand. In the vast majority of these, the Court does not identify the individuals responsible for serious human rights violations. However, on some rare occasions it explicitly names the persons involved. The following cases are notable examples:

- in *Carter v. Russia*, the Court named Andrey Lugovoy and Dmitry Kovtun as responsible for the murder of Russian dissident Aleksandr Litvinenko in London using a radioactive substance;⁴⁷
- in *Isayeva v. Russia*, the Court identified General Vladimir Shamanov and General Yakov Nedobitko as having command responsibility over the indiscriminate bombing of the town of Katyr-Yurt in Chechnya in February 2000. The Court found that indiscriminate bombs with a 1km blast radius had been used in a *populated* area, outside of wartime, and without prior evacuation of civilians.⁴⁸
- in *Bazorkina v. Russia*, the Court found that the Russian State had been responsible for the enforced disappearance (*and* presumed death) of Khadzhi-Murat Yandiyev. The judgment documents undisputed video evidence of Colonel-General Alexander Baranov ordering soldiers to “take him away, damn it, finish him off there ... shoot him”.⁴⁹

59. In other judgments, the names of perpetrators are anonymised, but the identity of the persons involved may be easily identifiable from other sources. For example, in his evidence to the Sub-Committee on the Implementation of Judgments of the European Court of Human Rights, Mr Collis indicated that in multiple cases brought by the European Human Rights Advocacy Centre against the Russian Federation, where the Court's judgment refers to identities of perpetrators of serious human rights violations only with initials, the identity of the persons involved may be easily ascertainable through the examination of wider court documents and/or contextual evidence. One example given was the case of *Lapunov v. Russia*, where the Court found that the applicant had been abducted, detained, and tortured by State agents due to his sexual orientation. The judgment refers to the agents involved only by their initials – but their full identities may be straightforwardly confirmed by the wider documentation available.⁵⁰

47. *Carter v. Russia*, application no. 20914/07, judgment of 21 September 2021, paragraphs 157 and 169. The Court found it established beyond reasonable doubt that the assassination had been carried out by Andrey Lugovoy and Dmitry Kovtun, acting as agents of the Russian State. At the time of writing, Mr Lugovoy is subject to the European Union financial sanctions regime. Mr Kovtun is reported to have died in 2022. In its Decision of 7 December 2023 (CM/Del/Dec(2023)1483/H46-33), the Committee of Ministers instructed the Council of Europe secretariat to bring Committee of Ministers' decisions in the case of *Carter* and other similar judgments to the attention of the United Nations and the European Union.

48. *Isayeva v. Russia*, application no. 57950/00, judgment of 24 February 2005.

49. *Bazorkina v. Russia*, application no. 69481/01, judgment of 27 July 2006.

50. *Lapunov v. Russia*, application no. 28834/19, judgment of 12 September 2023. Information about the perpetrators being identifiable was presented to the Sub-Committee on the Implementation of Judgments of the European Court of Human Rights on 2 December 2025, by Toby Collis, lawyer at the European Human Rights Advocacy Centre.

60. Whilst the judgments referred to above relate to older human rights abuses, it is worth noting that we may soon see judgments from the Court about more recent gross human rights violations which applicants allege to have been committed by the Russian State in Ukraine. For example, in July 2026 the Court announced the communication of applications of 111 Ukrainian nationals. The applicants claim that they were held in a school basement in Yahidne village for almost one month in March 2022, in such cramped and inhuman conditions that eleven civilians died.⁵¹ It is possible that the judgments of the Court issued in cases such as this may identify the individuals responsible for serious human rights violations, and especially those with command responsibility.

61. At present, we lack the means to compel the Russian State to take the appropriate legal actions to fully implement the Court's judgments, including, where required, the effective investigation and prosecution of those responsible for the serious human rights violations established by the Court. However, if we can hold some individuals accountable, then we should. The draft Resolution calls on member and observer States of the Council of Europe, as well as the European Union and other relevant partners, to put such sanctions in place; and the draft Recommendation calls on the Committee of Ministers to ensure that the background technical work is carried out to facilitate this.

62. Moreover, if such identifiable individuals have committed serious human rights violations that would constitute, for example, war crimes, crimes against humanity, or other crimes under international criminal law, other States or international bodies could effectively contribute to the implementation of the 'individual measures' required by those judgements by investigating and prosecuting such crimes, in cases where the Russian Federation is not willing to do so. This could be the case, for example, were the International Criminal Court (ICC) to investigate and prosecute alleged war crimes or crimes against humanity in circumstances where it had jurisdiction. A member State that has established universal jurisdiction for the prosecution of the most serious crimes, or that has jurisdiction on any other ground (e.g. passive personality), could also decide to initiate a criminal investigation and prosecution for those crimes. Such options could be pursued as part of the package of measures to ensure the enforcement of these judgments where individuals are responsible for serious human rights violations, and specifically crimes violating Articles 2, 3 and 4 of the Convention.⁵² This approach is consistent with the Committee of Ministers' decisions concerning the execution of *Ukraine and the Netherlands v. Russia* judgment, where the Committee of Ministers recalled that international co-operation is essential to secure the execution of this judgment.⁵³

11. Conclusions

63. Judgments of the European Court of Human Rights provide applicants with the recognition by a respected international court that their rights have been violated. Many applicants may have faced years or even decades of the Russian authorities insisting that there has been no problem and that they should stop complaining. For many, a ruling of the Court will be the only official recognition after a years-long struggle that they and/or their family has been mistreated. This carries emotional weight. Rulings of the Court are also important for the historical record, as the Russian regime's authoritarian practices and its war of aggression against Ukraine must be documented if we are to have hope for a better and peaceful future. This is indispensable to truth and accountability.

64. Yet the judgments should mean so much more than this. In order for judgments of the Court to be implemented fully, the respondent State must erase, as far as possible, the consequences of the violations for the applicants (for example, through the payment of any just satisfaction awarded by the Court, or through reopening of an investigation into a human rights violation). The State must also undertake any reforms of law and/or practice to prevent the recurrence of similar violations.

65. We cannot hope to achieve all of these things from afar for applicants who have successfully brought claims against the Russian Federation. But we owe it to them to do what we can. This report aims to identify measures that are practically achievable at the present stage, in light of the legal and political circumstances we face.

51. *Menyaylo and Others v. Russia* and *Lepekha and Others v. Russia* (nos. 34851/24 and 6972/23). See European Court of Human Rights press release of 6 July 2026, [ECHR 178 \(2026\)](#).

52. According to the Committee of Ministers, "serious human rights violations" concern acts in respect of which States have a Convention-based obligation to enact criminal law provisions, particularly in the context of Articles 2, 3, 4, certain aspects of Article 5.1 and 8 of the Convention. See CM 2011 Guidelines on eradicating impunity for serious human rights violations.

53. CM/Del/Dec(2026)1563/H46-32, 11 June 2026.

66. A summary of the proposals are as follows:

- Member and observer States should take appropriate legal and/or practical measures to repurpose Russian State assets within their jurisdiction so that, when the European Court of Human Rights delivers judgment(s) awarding just satisfaction in inter-State cases brought by Ukraine against the Russian Federation relating to the war of aggression, those assets may be transferred to a funding mechanism enabling the payment of the just satisfaction.
- They should also, where legally possible, enable domestic enforcement of unpaid just satisfaction awards against Russia. Member and observer States, as well as the European Union, are also urged to impose targeted sanctions on the perpetrators of serious human rights violations identified in unimplemented Court judgments.
- With regard to individual accountability, I also propose that national authorities and the International Criminal Court investigate and prosecute such individuals where appropriate.
- Finally, the Committee of Ministers is invited to take the necessary measures to facilitate these proposals.

67. I hope that such measures might provide assistance to at least some of the thousands of victims who are waiting for justice.