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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1514th meeting (December 2024) (DH)

Communication from an NGO (Stichting Justice Initiative) (21/10/2024) concerning the Khashiyev and Akayeva group of cases v. Russia (Application No. 57942/00).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1514^e réunion (décembre 2024) (DH)

Communication d'une ONG (Stichting Justice Initiative) (21/10/2024) relative au groupe d'affaires Khashiyev et Akayeva c. Russie (requête n° 57942/00) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

**Council of Europe
DGI - Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the ECHR
F-67075 Strasbourg Cedex
FRANCE**

DGI
21 OCT. 2024
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Subject: Rule 9(2) Submission: Khashiyev and Akayeva Group of Cases

18 October 2024

Submitted through dgi-execution@coe.int

Dear Sir and Madam,

On behalf of Stichting Justice Initiative (SJI), we respectfully submit this document under Rule 9(2) regarding the execution of general measures in the Khashiyev and Akayeva group of cases. This submission highlights the ongoing issue of enforced disappearances in Russia, particularly in the North Caucasus, following Russia's withdrawal from the Council of Europe (CoE).

Russia's exit has left many ECtHR judgments unenforced, with victims and their families facing the risk of being denied justice. We propose the creation of a joint supervisory mechanism between the UN and the Committee of Ministers to ensure continued oversight of these judgments.

We appreciate your consideration of this submission and are available for further discussion.

Sincerely,

Egbert Wesselink



**Submission of Stichting Justice Initiative (SJI)
Under Rule 9(2) of the Committee of Ministers
Regarding execution of general measures in the Khashiyev and Akayeva group of cases**

**ENSURING ACCOUNTABILITY AND JUSTICE FOR ENFORCED DISAPPEARANCES
IN RUSSIA**

Introduction

This submission by Stichting Justice Initiative (SJI), under Rule 9(2) of the Rules of the Committee of Ministers, addresses the critical issue of enforced disappearances in Russia, particularly in the North Caucasus, following Russia's withdrawal from the Council of Europe (CoE).

Russia's departure has left hundreds of ECtHR judgments, many involving severe human rights violations, in legal limbo, with no mechanism for enforcement. Recent Russian legislation has further obstructed the implementation of these rulings, leaving victims without justice.

We urge the Committee of Ministers to establish a joint supervisory mechanism with the United Nations (UN) to continue monitoring the execution of ECtHR judgments, ensuring accountability and justice for victims of enforced disappearances.

1. The Need for a Transitional Mechanism

1. Since Russia's withdrawal from the Council of Europe (CoE), the future enforcement of European Court of Human Rights (ECtHR) judgments remains highly uncertain. Particularly troubling are the hundreds of unresolved cases concerning enforced disappearances, a severe violation of international human rights law. The expulsion of Russia from the CoE has created a significant accountability gap, leaving these judgments, once supervised by the Committee of Ministers, in legal limbo.

2. Victims and their families now face the real risk of being denied justice, especially as Russian laws passed in June 2022 have further obstructed the enforcement of ECtHR rulings¹ compounded by the widespread pardoning granted to criminals in exchange for participation in the war against Ukraine². Enforced disappearances, particularly in the North Caucasus, remain widespread, as evidenced by ongoing cases in Chechnya.³ Disappearances of Russian opposition figures like municipal deputy Alexey Gorinov and Alexey Navalny have underscored the continued use of this tactic, which could

¹ On June 7, 2023, the Federation Council of Russia approved a law amending the Criminal Procedure Code, which sets time limits for investigations after the statute of limitations has expired. For serious crimes, this period is one year, for moderately severe crimes—three months, and for minor crimes—two months. If a case is not brought to court within these periods, prosecution is terminated. The law also prohibits the detention of suspects if the statute of limitations has expired. The vast majority of enforced disappearance cases fall under the category of serious and particularly serious crimes.

² Among many others, "Russia Phases Out Pardons for Convicts Who Fight in Ukraine – BBC Russian" 25 January 2024 <https://www.themoscowtimes.com/2024/01/25/russia-phases-out-pardons-for-convicts-who-fight-in-ukraine-bbc-russian-a83856>

³ Russia: Pattern of enforced disappearances of imprisoned dissident voices must end, says UN expert 21 December 2023: <https://www.ohchr.org/en/press-releases/2023/12/russia-pattern-enforced-disappearances-imprisoned-dissident-voices-must-end>

escalate during domestic political tensions⁴. With no functioning supranational mechanism to ensure compliance, there is an urgent need for an alternative means of supervision.

3. We, SJI, committed to upholding human rights, urge the Committee of Ministers to take action to prevent these cases from being forgotten. We call for the creation of a collaborative mechanism with the United Nations (UN) to oversee the monitoring and implementation of these judgments.

2. A Joint Mechanism Between the CoE and UN

4. To fill the enforcement gap, we propose the establishment of a **Joint Supervisory Body** that brings together relevant UN institutions and the Committee of Ministers. This body would provide structured oversight of ECtHR decisions concerning Russia, ensuring continuity in the pursuit of justice for enforced disappearances and other serious human rights abuses.

3. Key UN Bodies for Collaboration

5. Several UN bodies are well-positioned to take on this critical role:

- UN Working Group on Enforced or Involuntary Disappearances (WGEID): With its global mandate to address enforced disappearances, WGEID can collaborate with the CoE to continue monitoring these cases and seeking justice for victims.

- Office of the High Commissioner for Human Rights (OHCHR): OHCHR can serve as a central entity for overseeing compliance with ECtHR judgments, issuing reports, and holding Russia accountable through international fora.

- Special Procedures of the Human Rights Council: The Special Rapporteurs on Russia, Torture, and Human Rights Defenders can play an essential role in maintaining international pressure on Russia to comply with its obligations under international law.

4. A Legal Precedent for Joint Supervision

6. The UN has previously stepped in to address such gaps through ad hoc tribunals and joint international commissions. Given the seriousness of enforced disappearances, the UN and CoE share a legal and moral imperative to uphold international human rights law.

7. The formation of a UN-CoE Supervisory Council would enable the continued enforcement of ECtHR judgments concerning Russia, ensuring the legal authority of the ECtHR is preserved while maintaining oversight of these critical cases.

5. The Human Rights Imperative

8. The failure to enforce ECtHR judgments leaves victims of enforced disappearances and their families without justice. Enforced disappearances are a violation of international humanitarian law and a crime under the International Convention for the Protection of All Persons from Enforced Disappearance.

6. Request

9. We urge the Committee of Ministers to intensify the process of engaging UN bodies to create a transitional supervisory mechanism that ensures continued oversight of ECtHR judgments related to Russia, particularly those concerning enforced disappearances.

⁴ Among many others, "Enforced Disappearances in Chechnya" 11 September 2023: <https://memorialcenter.org/analytics/nasilstvennye-ischeznoveniya-v-chechne>

10. Given the obligations concerning the protection of fundamental human rights, the Russian state has a responsibility to prevent enforced disappearances and facilitate effective investigations. The international community and state parties also share a responsibility to promote universal respect for human rights and to advocate for accountability. This approach offers a comprehensive solution to the enforcement gap left by Russia's departure from the CoE, preserving both the legacy of the ECtHR and the rights of the victims.