Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Declassified***
AS/Jur (2025) 30
19 November 2025
Ajdoc30 2025

## Committee on Legal Affairs and Human Rights

# How to ensure that the Russian Federation implements the judgments of the European Court of Human Rights, including paying the compensation awarded

## Introductory memorandum

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

### 1. Introduction

1. In its landmark judgment of *Ukraine and the Netherlands v. Russia*, the European Court of Human Rights chronicled an outrageous pattern of serious human rights violations. The abuses included the summary execution of civilians; the use of rape as a weapon of war; forced labour; violence against journalists; enforced disappearances; and many more appalling crimes. The scale, depravity, and systematic nature of the abuses exceeded anything the Court had previously found in its history.[2]

2. When the European Convention on Human Rights was first created 75 years ago, its drafters hoped that the Convention would prevent these kind 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 for the perpetrators. Following the expulsion of the Russian Federation from the Council of Europe on 16 March 2022, the Russian authorities ended engagement with the European Court of Human Rights, 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 ensured that the Court's judgments would have no impact on legal processes 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 expulsion 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).[3] 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 Moldova.[4] This violation has also not been rectified for a painfully long period. Indeed, since the events in question, a child could have started school in Transnistria at age four, gone through all levels of education, and left at age 18 – all without access to 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

[1] Document declassified by the Committee on 1 December 2025.
[2] *Ukraine and the Netherlands v. Russia* (application nos. 8019/16, 43800/14, 28525/20 and 11055/22), judgment of 9 July 2025.
[3] *Georgia v. Russia (II)* (application no.38263/08), judgments of 21 January 2021 and 28 April 2023.
[4] *Catan and Others v. Russia*, (application no. 43370/04), judgment of 19 October 2012.

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 named 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.

## 3. Background

6. The Council of Europe's 2024 *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 — 2,867 in total — representing over 40% of all cases awaiting execution. Russia also has the highest number of leading cases pending implementation, at 244.[5]

7. 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 violations identified by the Court from happening again (and which are necessary fully to implement leading judgments of the ECHR). This lack of implementation contributed significantly to the erosion of human rights within the country and its further shift toward authoritarian rule.

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

9. Russia was expelled 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, under Article 58 of the Convention. Although Article 58 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. However, the Russian government took a number of steps to avoid abiding by its obligations under international law.

10. On 11 June 2022 a new law entered into force in the Russian Federation. This established 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. The law established that just satisfaction awarded in judgments that became final after 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. In addition to these legal

[5] Committee of Ministers, Annual Report 2024 on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights, page 170.

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 now ceased all communication with the Committee of Ministers in the context of the supervision of implementation.[6]

11. 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 establish an online public register listing outstanding just satisfaction awards against the Russian Federation.[7] 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."[8] 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.[9]

12. The Committee of Ministers' most recent decision, adopted in December 2024, instructed the secretariat to maintain and reinforce cooperation 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. Finally, the Committee of Ministers agreed to reassess its overall strategy by December 2025 at the latest.[10]

## 4. Possible strategies to promote the implementation of judgments of the ECHR concerning the Russian Federation

13. 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.

14. 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

[6] 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.
[7] *Ibid.*
[8] Reykjavik Declaration, Appendix IV, page 18.
[9] 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.
[10] Committee of Ministers Decision, "Cases pending against the Russian Federation", CM/Del/Dec(2024)1514/A3, 3-5 December 2024.

difficult circumstances we face, whilst providing an element of justice to the victims of appalling human rights abuses.

15. My report will explore two ways to pursue the implementation of judgments of the European Court of Human Rights concerning Russia. The first is through securing the payment of the just satisfaction awarded by the Court by using frozen assets. The second is by imposing sanctions on particular individuals, who are identified in the Court's judgments as having participated in serious human rights violations.

16. These proposals – particularly the first - involve considerable legal and political complexities. This introductory memorandum aims to map out the issues involved and to provide a path forward for future work.

## 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 €3 018 211 302 including default interest). This includes €163 000 332 relating to inter-State cases (of which there are two: €13 169 972 for *Georgia v. Russia (I)*, and €149 830 360 for *Georgia v. Russia (II)*). The amount due for individual cases is €2 855 210 968 (including default interest). A significant portion of this arises from the "Yukos" case, *OAO Neftyanaya Kompaniya Yukos v. Russia*, which requires the payment of €2 621 185 130.[11]

18. The amount of just satisfaction due will only continue to grow. There are currently 8,050 applications pending against the Russian Federation before a judicial formation of the European Court of Human Rights.[12]

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.[13] 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 and the actions of the Russian authorities in territories of Ukraine occupied and/or under the effective control of Russian forces and their proxies. 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.[14] As of 30 October 2025, there were around 9,860 individual applications pending at the Court concerning the Russian Federation's aggression against Ukraine.[15]

20. In January 2025 the Committee of Legal Advisers on Public International Law (CAHDI) provided the Committee of Ministers with an 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, while respecting the immunities of States and their property. The report is not yet public.

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[11] Council of Europe webpage, "Register of just satisfaction concerning the Russian Federation", updated 1 January 2025, accessed 30 October 2025. In regard to inter-State cases, it is important to note that a judgment on the just satisfaction owed in *Georgia v. Russia (IV)* (application no. 39611/18) was handed down by the Court on 14 October 2025. This judgment is due to become final in January 2026. If this judgment becomes final (and is not subject to consideration by the Grand Chamber), it will add an additional €253 million to the sums due in inter-State cases. Further 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).

[12] European Court of Human Rights, 'Pending applications allocated to a judicial formation', 30 October 2025.

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

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

[15] President of the European Court of Human Rights Mattias Guyomar, Speech to the Committee of Ministers, 15 October 2025, https://www.echr.coe.int/w/intervention-by-the-court-president-before-the-committee-of-ministers.

21. This issue has also been the subject of considerable public debate in academic publications, international law blogs, and institutional reporting.[16] The Sub-Committee on the implementation of judgments of the European Court of Human Rights also benefitted from presentations by Professor Veronika Fikfak and Mr Achilleas Demetriades on this subject during a meeting held in Tirana on 5 July 2024. 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 in section 7. They both involve considerable legal, political and financial challenges, which are further discussed in section 8.

## 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.[17] Subsequently, an agreement was reached among G7 countries to use the profits returned on these assets and transfer them to Ukraine (but not the principal).[18] 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 reached a conclusion.

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

### *7.1. Enforcement in national courts outside the Russian Federation*

23. For the reasons already 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, diplomatic properties, etc), 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.

24. Regardless of the State concerned, any attempt to enforce payment through a judicial process would encounter considerable opposition based on the principle of State immunity, which is examined further below.

### *7.2. Establishment of an* ad hoc *funding mechanism*

25. Another proposal has been to create some form of funding mechanism under the aegis of the Council of Europe, composed of the assets of the Russian Federation which would need to be repurposed by States. This mechanism could administer the assets centrally, so that they can then be

[16] 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 Phillipa 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.

[17] Council of the European Union, 'EU sanctions against Russia explained',https://www.consilium.europa.eu/en/policies/sanctions-against-russia-explained/#frozen-assets,accessed 29 October 2025.

[18] European Parliamentary Research Service, 'Immobilised Russian central bank assets', March 2025.

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 (and confiscate Russian assets within their jurisdiction).

### *7.3. A mechanism specific to judgments concerning Ukraine*

26. 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 monitor the payment of just satisfaction of the Court in relevant judgments. The Draft 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.[19]

27. Alternatively, a bespoke *ad hoc* funding mechanism could be created specifically for Ukrainian judgments, under the aegis of the Council of Europe.

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

### *8.1. State Immunity*

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

29. 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. Enforcement immunity 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 enforcement immunity 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 enforcement immunity granting States more robust protection.[20]

30. 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 enforcement immunity. 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. If such an attempt were to be successful, it might lead to a succession of similar claims (depending on the assets available in the jurisdiction in question). However, there continues to be considerable legal uncertainty surrounding this option, which makes it unappealing for applicants, given the costs of bringing unsuccessful litigation. This would explain why, at the time of writing, no such legal claims have yet been brought. This means that actions by the executive or legislature outlined below may be necessary to facilitate the compensation being paid.

31. 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

[19] Draft Convention Establishing an International Claims Commission for Ukraine, Article 19.
[20] 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, 'Legal possibilities of using Russian Central Bank assets to enforce European Court of Human Rights Judgments', April 2025, page 4.

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.[21]

32. Second, some have proposed the adoption of legislation at the national level, which would require the national courts to waive State immunity in this particular case (pointing to the existence of a judgment of an international court which would not otherwise be complied with). Such legislation would develop a specific exception to international customary law 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. 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 currently considering the REPO Implementation Act 2025, which would repurpose frozen Russian assets to support Ukraine. Similar domestic legislation could hypothetically be passed by member States, in a way that specifically facilitates the enforcement of ECHR rulings concerning the Russian Federation.[22]

33. 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. If States and other entities perceive a real risk of their assets being confiscated in a particular jurisdiction as a result of future political developments, they might refrain from investing assets in that jurisdiction in future, or even withdraw assets which are already there. 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.[23]

34. As to 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 (most recently 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).[24] Where the weight of authority lies will need to be carefully examined. 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. It is not clear whether the application of the countermeasures doctrine in the context of enforcing ECHR judgments against Russia concerning its actions in Ukraine might make such legal challenges less likely. 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.[25]

### *8.2. Feasibility of international litigation for applicants*

[21] See for example: Professor Phillipa Webb, "Legal options for confiscation of Russian State assets to support the reconstruction of Ukraine", study for the European Parliamentary Research Service, February 2024.
[22] See for example, 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; and Open Society Justice Initiative, 'Legal possibilities of using Russian Central Bank assets to enforce European Court of Human Rights Judgments', April 2025, page 16.
[23] See for example, Ingrid Brunk, "Countermeasures and the Confiscation of Russian Central Bank Assets," Lawfare, 3 May 2023.
[24] 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.
[25] For example, see Philipp Kehl, "Seizing Russia's Frozen Assets: Quis iudicabit?", Blog of the European Journal of International Law, 24 January 2024.

35. 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. For example, a resident of Transnistria would not typically be in a position to launch costly and lengthy litigation in London or Brussels. 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.

*8.3. 'Opportunity cost' of using Russian State assets for the payment of just satisfaction awarded by the Court*

36. 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, or be used as war reparations for the Ukrainian government, or used 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 cannot be used for these other purposes.

37. In my view, any mechanism that would facilitate the payment of just satisfaction awarded by the Court must not use assets which may otherwise be used for the immediate defence and compensation of Ukraine.

## 9. Future activities on securing the payment of just satisfaction due

38. None of the issues raised above are necessarily insurmountable. However, they will require careful further examination. In the preparation of the full report, I will seek to identify possible measures which the Assembly could propose that would facilitate the payment of the just satisfaction due, as long as they satisfy the following criteria:

38.1. they are compliant with international law; and

38.2. they avoid using funds which might otherwise be used for the defence and compensation of Ukraine.

39. In order to examine these issues further, I will carry out extensive consultations with a wide variety of stakeholders. This will include victims and their lawyers, government representatives, and international law experts. Based on these consultations, I will then report back to the Committee with concrete proposals.

## 10. Sanctions against named individuals

40. 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 does. For example, the judgments of the Court name the individuals responsible for the murder of Russian dissident Aleksandr Litvinenko in London using a radioactive substance[26] and certain military officers responsible for indiscriminate bombings of civilians in Chechnya.[27]

41. We cannot force the Russian State to make amends for these serious human rights violations. But if we can hold some individuals accountable, then we should. The Assembly could call on member

[26] *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; research has not yet been conducted about other sanctions regimes. 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 Minsters' decisions in the case of *Carter* and other similar judgments to the attention of the United Nations and the European Union.
[27] *Isayeva v. Russia*, application no. 57950/00, judgment of 24 February 2005.

and observer States of the Council of Europe, as well as the European Union and other relevant partners, to place sanctions on individuals identified by the Court as being responsible for human rights violations in judgments concerning the Russian Federation.

42. This proposal also faces a number of notable obstacles. One is the shortage of judgments of the Court that name particular individuals. Research is still in the initial stages, but it appears that the number of such judgments is very low. This does not mean that the proposal is unworkable, but we must be realistic about how wide-ranging it will be.

43. The final report will include further research on cases where individual sanctions could be applicable. It will also address the scope of any final proposal, by addressing the following questions:

43.1. In relation to what types of violations could individuals be sanctioned? Should it only be for involvement in serious human rights violations? If so, which types of violations should qualify?

43.2. What are the type of factual findings of the Court necessary in order for an individual to be sanctioned? For example, is it sufficient for them to be the commanding officer of a military unit, in command when it conducted a serious human rights violation? Or is it necessary for them to be named by the Court as being individually responsible?

43.3. In judgments where the names of individuals are anonymised, would it be possible and appropriate to use the case files to identify persons who should be subject to sanctions?

43.4. Should sanctions be applied in relation to all judgments of the Court concerning Russia, or only those that are still pending implementation?

## 11. Conclusion

44. I will seek to further examine the issues set out in paragraphs 38 and 43 above through extensive consultations with relevant stakeholders. In addition to the hearing planned with experts on 2 December 2025 in the Sub-Committee for the implementation of judgments of the European Court of Human Rights, I would like to hold at least one additional hearing with relevant experts.