

**OPINION OF THE COMMITTEE OF LEGAL ADVISERS ON
PUBLIC INTERNATIONAL LAW (CAHDI)
ON RECOMMENDATION 2279 (2024) OF THE PARLIAMENTARY ASSEMBLY OF THE
COUNCIL OF EUROPE ON "LEGAL AND HUMAN RIGHTS ASPECTS OF THE
RUSSIAN FEDERATION'S AGGRESSION AGAINST UKRAINE"**

1. On 10 July 2024, the Ministers' Deputies, at their 1504th meeting, agreed to communicate Recommendation 2279 (2024) of the Parliamentary Assembly of the Council of Europe (PACE) on "[Legal and human rights aspects of the Russian Federation's aggression against Ukraine](#)" to the Committee of Legal Advisers on Public International Law (CAHDI) for information and possible comments. The CAHDI also takes note of Resolution 2556 (2024), adopted alongside Recommendation 2279, which provides further explanatory detail and context.

2. The CAHDI reiterates its unwavering support for ensuring a comprehensive system of accountability for the aggression of the Russian Federation against Ukraine and all its legal and human rights consequences, as already underlined in the [Opinion](#) of the CAHDI on Recommendation 2231 (2022) of the PACE on "*The Russian federation's aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes*" adopted on 5 September 2022, and in the [Opinion](#) of the CAHDI on Recommendation 2266 (2024) of the PACE on "*A democratic future for Belarus*" adopted on 11 April 2024.

3. Regarding paragraphs 3.1, 3.2 and 3.3 of Recommendation 2279, the CAHDI recalls the decisions taken by the Ministers' Deputies at their 1497th meeting on 30 April 2024 which note the participation of the Council of Europe in the 'Core Group' concerning the establishment of a special tribunal for the crime of aggression against Ukraine. Having noted that Core Group participants had "expressed an interest in exploring the possibility of establishing a Special Tribunal by an agreement between the Council of Europe and Ukraine", the Deputies:

- a) authorised the Secretary General to prepare any necessary documents to contribute to these Core Group consultations;
- b) requested the Secretary General to report regularly to the Deputies; and
- c) agreed to consider any possible next steps in this process, as and when appropriate, taking account of any proposals that may be made by the Secretary General.

4. The CAHDI notes that, in line with this mandate, the Secretary General of the Council of Europe, represented by its Legal Adviser, continues to participate in the work of the Core Group and prepare necessary documents in accordance with this mandate. Discussions concerning the form and features of any such Special Tribunal are presently occurring within this forum, including the matters referred to in paragraphs 11 and 13.9 of Resolution 2556 (2024). The CAHDI considers that the features of any special tribunal should be carefully calibrated to ensure compatibility with principles of public international law. Finally, the CAHDI considers that establishing such a tribunal through an agreement with the Council of Europe and supported by an enlarged partial agreement could be legally feasible.

5. In relation to paragraph 3.4 of Recommendation 2279, the CAHDI notes the significant progress made toward the development of an international claims commission through the establishment and operation of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine. The CAHDI recalls that the 1st Preparatory Meeting on a Claims Commission for Ukraine was held on 9-10 July 2024 and

the second on 12-13 September 2024 in The Hague. The Council of Europe was represented at these meetings through its Secretariat. The CAHDI refers to its Opinion on Recommendation 2271 (2024) which discusses matters of public international law that arise in the context of the establishment of an international compensation mechanism.

6. The CAHDI remains ready and willing to assist the Committee of Ministers in relation to all questions related to public international law that may arise regarding both the possible establishment of a special tribunal for the crime of aggression against Ukraine as well as any future claims commission.