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COUNCIL OF EUROPE
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Meeting: 1569th meeting (September 2026) (DH)

Communication from NGOs (Georgian Young Lawyers Association (GYLA) and European Human Rights Advocacy Centre (EHRAC)) (03/08/2026) in the case of Georgia v. Russia (II) (Application No. 38263/08).

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 : 1569e réunion (septembre 2026) (DH)

Communication d'ONG (Georgian Young Lawyers Association (GYLA) and European Human Rights Advocacy Centre (EHRAC)) (03/08/2026) dans l'affaire Géorgie c. Russie (II) (Requête n° 38263/08) ***[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.

DH-DD(2026)1015: Rule 9.2 Communication from NGOs in Georgia v. Russia (II).
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Rule 9 (2) submission to the Committee of Ministers of the Council of Europe concerning the implementation of *Georgia v. Russia (II) Case (Application no. 38263/08) for the CM-DH meeting 1569th (15-17 September 2026)*

by the Georgian Young Lawyers Association and the European Human Rights Advocacy Centre

I. Introduction

1. This joint communication, submitted under Rule 9.2 of the Rules of the Committee of Ministers, is presented by the civil society organisations the Georgian Young Lawyers' Association (GYLA) and the European Human Rights Advocacy Centre (EHRAC) for the 1569th CM-DH meeting (15–17 September 2026). GYLA and EHRAC represent a number of individual victims affected by the violations during the armed conflict identified by the Court in *Georgia v Russia (II)* in the proceedings before the Court, with cases still pending examination.[1] The submission focuses on the

[1] See, among others, *Elikashvili and Lomidze v. Russia*, no. 8576/09; *Arbolishvili v. Russia,* no. 8611/09; *Bortsvadze v. Russia,* no. 8637/09; *Bortsvadze v. Russia,* no. 8658/09; *Khaduri v. Russia, no.* 8906/09; *Kushashvili and Others v. Russia,* no. 8960/09; *Kochishvili and Others v. Russia,* no. 8976/09; *Kareli and Others v. Russia,* no 9203/09; *Razmadze and Others v. Russia,* no. 9221/09; *Barbakadze and Others v. Russia,* no. 9546/09; *Archvadze and*

issue of just satisfaction awards and Russia's continued failure to pay compensation to at least 23644 victims in this case and makes proposals to the Committee of Ministers (CM) to address this systemic issue through 'collective enforcement' principle.

2. The *Georgia v. Russia (II) Case (Application no. 38263/08)* concerns human rights violations arising from the 2008 armed conflict between the Russian Federation and Georgia. The European Court of Human Rights (the Court) differentiated between military operations during active hostilities (8–12 August 2008), which fell outside the Russian Federation's jurisdiction under Article 1 of the Convention, and subsequent events, which fell within its jurisdiction. The Court established that the Russian Federation violated following Articles of the European Convention on Human Rights: *Due to the killing of civilians and the burning and looting of houses in South Ossetia and the "buffer zone" (Articles 2, 3, 8, and Article 1 of Protocol No. 1); Regarding the failure to conduct prompt, thorough, and independent investigations into crimes committed during both active hostilities and the period of occupation (Article 2 procedural aspect); Concerning the inhuman and degrading treatment of approximately 160 Georgian civilians detained in the "Ministry of Internal Affairs of South Ossetia" basement, as well as the torture of Georgian prisoners of war (Article 3); Relating to the arbitrary detention of Georgian civilians in August 2008 (Article 5); Addressing the inability of Georgian nationals to return to their homes, affirming the duty of the Russian Federation to facilitate this return due to its "effective control" over the regions (Article 2 of Protocol No. 4); Concerning the failure to provide the Court with the necessary facilities to establish the facts of the case (Article 38).*

3. Within the just satisfaction judgment of 28 April 2023, the Grand Chamber mandated that Russia remit a principal amount of 129 827 500,00 EUR to the Georgian Government as compensation for non-pecuniary damage sustained by 23 644 Georgian nationals as individual victims of the violations.[2] According to the Department for the Execution of Judgments' register of just satisfaction for the Russian Federation, the deadline for payment of just satisfaction in this case lapsed more than three years ago - on 28 July 2023[3]. To date, Russia remains unresponsive to correspondence from the Secretary General,[4] causing default interest to accrue on a daily basis. As of 29 July 2026, the total liability for this specific case is 155 111 316,70 EUR (comprising of the awarded sum by the Court - 129 827 500,00 EUR plus default interest accrued as of 29 July 2026 - 25 283 816,70 EUR).[5]

Basishvili v. Russia, no. 9921/09; *Nikolishvili v. Russia,* no. 9926/09; *Kopadze v. Russia,* no. 9933/09; *Gogishvili v. Russia,* no. 10037/09; *Gogishvili and Chovelidze v. Russia,* no.10301/09; *Kristesiashvili and Others v. Russia,* no. 10312/09; *Gablishvili v. Russia,* no. 16542/09; *Gogidze and Others v. Russia,* no. 16993/09; *Tkhelidze v. Russia,* no 8625/09.

[2] *Georgia v. Russia (II) (just satisfaction)*, no. 38263/08, 28 April 2023, available at: https://hudoc.echr.coe.int/eng?i=002-14058 [28.07.2026].

[3] CoE, Register of just satisfaction concerning the Russian federation, available at: https://www.coe.int/en/web/execution/register#{%22265909585%22:[0]} [29.07.2026].

[4] Committee of Ministers, Georgia v.Russia (I), available at: https://hudoc.exec.coe.int/?i=004-14138 [30.07.2026].

[5] Ibid.

4. There is no prospect of the Russian Federation paying this outstanding debt to Georgia in the near future. Russia was expelled from the Council of Europe on 16 March 2022[6] and ceased to be a party to the Convention on 16 September 2022, six months after its expulsion. Since then, Russia stopped all its cooperation with the Court or the Committee of Ministers, despite the fact that it remains legally bound, under Article 58 of the Convention, to implement all Court judgments for violations occurring before that date.[7] This duty was further underscored by the 2023 Reykjavík Declaration during the 4th Summit of Heads of State and Government of the Council of Europe. The Declaration confirmed Russia's unconditional international legal obligation to enforce all final judgments concerning acts or omissions that took place before 16 September 2022.[8] Russia, however, passed a law providing that just satisfaction awarded under the Court's judgments that became final on or before 15 March 2022 was payable only until 1 January 2023, only in Russian roubles, and only into Russian bank accounts. It is therefore clear that the Russian government does not intend to pay any outstanding awards, including in this case.

5. Besides *Georgia v Russia (II)*, Russia has an outstanding debt in two other inter-state cases initiated by Georgia, *Georgia v Russia (I)* and *Georgia v Russia (IV)*, which currently exceeds 425 million EUR, specifically 425 746 719.23 EUR, from all three cases jointly.[9] In total, more than 54 000 Georgian nationals are awaiting just satisfaction payments from Russia across all three interstate cases.[10] This debt to Georgia constitutes the biggest part of Russia's total debt of EUR 3.3 billion as of November 2025 stemming from all its pending 1,730 cases from the Court currently awaiting just satisfaction awards, listed in the Register.[11] This problem of non-payment by Russia will only deepen as just satisfaction judgments in interstate cases are forthcoming from the Court, such as in *Ukraine v Russia (re Crimea)* and *Ukraine and the Netherlands v Russia*, and thousands of individual applications relating to Russia's aggression in Ukraine.

6. This manifest disregard for the duty to comply with the Court's judgements, leaving thousands of victims from Russia and a number of CoE member states (such as Georgia, Moldova, Ukraine, the Netherlands) without any prospect of guaranteed reparation significantly compromises the Court's authority and the broader principles of justice. Consequently, the continued non-payment goes to the heart of the Council of Europe's credibility. This submission to the Committee of Ministers sets

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[6] CoE, The Russian Federation is excluded from the Council of Europe, 16 March 2022, available at: https://www.coe.int/en/web/portal/-/the-russian-federation-is-excluded-from-the-council-of-europe [28.07.2026].

[7] PACE, How to ensure that the Russian Federation implements the judgments of the European Court of Human Rights, including paying the compensation awarded, 19 November 2025, available at: https://rm.coe.int/committee-on-legal-affairs-and-human-rights-how-to-ensure-that-the-rus/488029adae [28.07.2026].

[8] Reykjavík Declaration, 16-7 May 2024, available at: https://rm.coe.int/4th-summit-of-heads-of-state-and-government-of-the-council-of-europe/1680ab40c1 [28.07.2026].

[9] CoE, Register of just satisfaction concerning the Russian federation, available at: https://www.coe.int/en/web/execution/register#{%22265909585%22:[0]} [29.07.2026].

[10] *Georgia v. Russia (I) (Just Satisfaction)*, no. 13255/07, 31 January 2019, available at: https://hudoc.echr.coe.int/eng?i=001-189019 [28.07.2026]. *Georgia v. Russia (II) (just satisfaction)*, no. 38263/08 , 28 April 2023 , available at: https://hudoc.echr.coe.int/eng?i=002-14058 [28.07.2026]. *Georgia v. Russia (IV) (just satisfaction)*, no. 39611/18, 14 October 2025, available at: https://hudoc.echr.coe.int/eng?i=001-245255 [28.07.2026].

[11] Ibid 9, also CoE, Council of Europe leaders profoundly concerned about Russia's non-execution of judgments of the European Court of Human Rights, including the non-payment of just satisfaction, 8 June 2023, available at: https://www.coe.int/en/web/portal/-/council-of-europe-leaders-profoundly-concerned-about-russia-s-non-execution-of-judgments-of-the-european-court-of-human-rights-including-the-non-payment-of-just-satisfactio [28.07.2026].

out some concrete proposals for the Committee and the Council of Europe to consider with the aim to secure, collectively, just satisfaction awards for victims in *Georgia v. Russia (II)* inter-state judgment, which should form a part of the Council's broader strategy to secure payments in all outstanding cases against Russia.

II. Individual Cases concerning the interstate case

7. This section focuses on two individual cases related to the events covered in the *Georgia v. Russia (II)* inter-state judgment, in which GYLA acted as legal representative of applicants. These cases are included to highlight that, alongside the inter-state award, additional just satisfaction awards have been issued by the Court in individual cases. The non-payment of these individual awards further compounds the total debt owed by the Russian Federation and will continue to add to this liability once these judgments become final.

2.1. Case of *Malachini and Others v. Russia*

8. The present case concerns the international armed conflict between Georgia and the Russian Federation in August 2008, the chronology of which was set out by the European Court of Human Rights in its judgment in the inter-State case *Georgia v. Russia (II)* (merits) [GC], no. 38263/08, §§ 32–44, 21 January 2021. On 23 June 2026 the Court found that there had been a violation of both the substantive and procedural aspects of Articles 2 and 3 of the Convention.[12]

9. As the representative for the applicants in this matter, GYLA emphasizes that the judgment in *Malachini and Others v. Russia* is essential for the comprehensive execution of the *Georgia v. Russia (II)* case. This judgment provides critical findings that complement the inter-state case by addressing the systemic nature of the human rights violations and reinforcing the accountability of the Russian Federation for acts committed during the armed conflict and its aftermath.

10. The Court clearly determined the jurisdiction and responsibility of the Russian Federation during the period of conflict (8–12 August 2008), which had previously been excluded from such examination. By confirming Russia's "effective control" over the Tskhinvali region, the judgment provides a basic legal framework for assessing state responsibility in "creeping annexation" situations.[13] Therefore, this case serves as an important benchmark for addressing the systemic issues of illegal detention and ill-treatment that require broad general measures to prevent similar violations in the future. The occupying regime's ongoing illegal borderization continues to cause severe violations of property rights and freedom of movement, leading to frequent abductions and unlawful detentions that remain deeply problematic today. According to the UN High Commissioner for Human Rights report of 2026, which documented 72 total detentions throughout the year and 15 citizens remaining in illegal imprisonment by December, this pattern of systemic abuse persists.[14]

[12] *Malachini and others v. Russia*, nos. 9184/09 and 22580/10, 23 June 2026.
[13] *Malachini and others v. Russia*, nos. 9184/09 and 22580/10, 23 June 2026, para 53, 57.
[14] Report of the United Nations High Commissioner for Human Rights, 27 April 2026, available at: https://www.ecoi.net/en/file/local/2140824/g2606285.pdf [28.07.2026].

11. The Court's findings show that the torture of Georgian soldiers was not an isolated or spontaneous incident, but a systemic administrative practice in clear violation of Article 3 of the Convention.[15] Because of the complexity of these structural issues, including the failure of the Russian authorities to carry out effective and independent investigations, standard supervision is not sufficient.[16] The seriousness of the acts, committed against prisoners of war who have special protected status under international humanitarian law, requires the Committee to give this case greater attention.[17] This is necessary to ensure that the respondent state addresses the root causes of these administrative failures rather than only dealing with individual cases. The Court ordered the Russian Federation to pay 395 000 EUR to the applicants as just satisfaction.[18] As Russia refuses to pay just satisfactions, this amount will add the country's debt to Georgia.

2.2. Case of *Storimans-Verhulst and Others v. Russia*

12. This judgment is closely linked to the landmark inter-State case *Georgia v. Russia (II)*, in which the Court concluded that Russia lacked procedural jurisdiction over active military operations occurring between 8 and 12 August 2008. The case of Storimans-Verhulst and Others concerns what appears to have been a missile strike on the town of Gori on 12 August 2008 which resulted in, *inter alia*, the death of Mr Stanislaus Storimans, a photojournalist covering the events, and in the injury of his colleagues. In the judgement dated 7 October 2025 Court found violation of the procedural aspect of Article 2 of the Convention as authorities did not carry out an effective investigation into the incident. The judgement became final on 7 January 2026.[19]

13. The Committee of Ministers is currently overseeing the execution of the *Storimans-Verhulst and Others v. Russia* judgment. However, the payment of just satisfaction remains unresolved. Despite the Court's order for the Russian Federation to pay 50 000 EUR, comprising 10 000 EUR to each applicant,[20] to date it has not proceeded yet.

III. 'Collective enforcement' principle and proposed mechanisms for enforcing just satisfaction awards against Russia

14. The Committee has examined the case of *Georgia v Russia (II)* for a significant number of times, including at every Human Rights meeting from June 2022 until June 2023, adopting two interim resolutions at its 1451st meeting (December 2022) (DH), and 1483rd meeting (December 2023)

[15] *Malachini and others v. Russia*, nos. 9184/09 and 22580/10, 23 June 2026, para 87.
[16] *Malachini and others v. Russia*, nos. 9184/09 and 22580/10, 23 June 2026, para 91.
[17] *Malachini and others v. Russia,* Applications nos. 9184/09 and 22580/10, 23 June 2026, para 73.
[18] Ms Tea Tabatadze, Mr Gigi Tabatadze and Mr Zaza Sopromadze: EUR 65 000 jointly; Ms Izolda Khubuluri: EUR 65 000; Ms Maka Chikviladze, Ms Ana Antsukhelidze and Mr Levani Antsukhelidze: EUR 65 000 jointly; Davit Malachini, Zaza Kavtiashvili, Imeda Kutashvili, Malkhaz Meladze, and Kakhaber Zirakashvili: each EUR 40 000.
[19] *Storimans-Verhulst and Others v. Russia*, no. 26302/10, 7 October 2025.
[20] Maria Josephina Catharina Cornelia Storimans-Verhulst; Tim Carolus Josephus Maria Storymans; Amber Stanislaus Maria Storimans; Jeroen Akkermans; Zadok Yesheskeli.

(DH), however, to no avail, due to Russia's failure to comply and subsequent complete disengagement since 2022. As noted above, it is evident that Russia will not pay compensation to at least 23644 victims in this case (or any other victims of Russia's violations in other outstanding cases). While recognising that just satisfaction would normally be paid in the respondent state's own initiative, we note that under these extraordinary circumstances, with no viable means left to make Russia pay compensation, the only realistic solution is for the Council of Europe and its member states to take on its 'collective responsibility' to ensure just satisfaction awards are paid to the victims.

15. Recently, the broader issue of Russia's failure to pay compensation in its outstanding cases has been gaining attention beyond the framework of implementation of the Court's judgments by the CM. Currently, the Parliamentary Assembly is working on a report entitled '*How to ensure that the Russian Federation implements the judgments of the European Court of Human Rights, including paying the compensation awarded*', which is expected to be considered by the Committee on Legal Affairs and Human Rights and debated during the Assembly's fourth part-session in September–October 2026.[21] In January 2025, the Committee of Legal Advisers on Public International Law (CAHDI) published its 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.[22]

16. Two main ideas have been dominating the debate on this matter so far: (a) the establishment of an *ad hoc* funding mechanism and (b) domestic enforcement of judgments outside Russia. As civil society organisations that represent a number of victims of egregious violations by Russia recognised by the Court in *Georgia v Russia (II)*, and advocate for its enforcement, we fully endorse these ideas and urge the Committee of Ministers and individual member states to take a lead in further pursuing these proposals on the premise of "collective enforcement" of rights, as established in the Preamble of the Convention.

(a) Establishment of an *ad hoc* funding mechanism

17. We strongly endorse the idea that numerous victims of Russia's violations, including in *Georgia v Russia (I)*, should not be left alone in their efforts to secure compensations awarded by the Court. For all these victims, the Court has been the only judicial avenue for recognition of injustice and the violations of their rights, and they had redress secured. Victims who have already endured egregious violations and won their cases in Strasbourg should not bear the financial burden of additional legal battles to further pursue their already awarded compensations. Centralized enforcement, within the framework of the Council of Europe, would ensure that this issue is addressed systemically, regardless of the applicants' ability or capacity to put further efforts to seek for payment.

[21] Reports under preparation in the committees of the Parliamentary Assembly of the Council of Europe, Document updated after the 3rd part-session (22 - 26 June 2026), AS/Inf(2026)10, 10 July 2026. See also Parliamentary Assembly's Committee on Legal Affairs and Human Rights, Introductory Memorandum, "How to ensure that the Russian Federation implements the judgments of the European Court of Human Rights, including paying the compensation awarded", AS/Jur(2025)30, 19 November 2025.
[22] CM(2025)5, 21 January 2025.

18. We therefore believe that the establishment of a dedicated funding mechanism, such as a trust fund, within the institutional framework of the Council of Europe is a necessary and effective way to achieve this objective. This *ad hoc* funding mechanism could draw on the experience of similar institutions established to benefit victims of human rights violations[23]. However, differently from such other Funds, this fund should primarily rely on disposing assets of the Russian state as the primary source of recovery for the proposed Trust Fund. In December 2021, the Russian authorities signed the Memorandum of Understanding to enable payment of the just satisfaction together with default interest accrued to take place through a Council of Europe bank account held in escrow in this case of *Georgia v Russia (II)*, which indicated Russia's overall acceptance of the Council of Europe's framework being used for this purpose at the time.

(b) Domestic enforcement outside Russia

19. Domestic enforcement of the Court's judgments in other jurisdictions, as another available tool, requires adequate legal domestic framework for it to work. It is not viable to expect at least 23644 victims in this case of *Georgia v Russia (II)* (or in any other cases v Russia pending payments) to explore pursuing litigation in all other 46 member states of the Council of Europe, particularly given the lack of clear understanding which domestic jurisdictions allow for such a route at the moment. Relying on the principle of 'collective enforcement', we urge the Committee to adopt a common Council of Europe framework under which member States would be encouraged to allow for domestic recognition and enforcement of the Court's just satisfaction awards against Russian State assets within their respective jurisdictions. Such a policy could be specifically aimed at judgments of the Court against a State that has ceased to be a member of the Council of Europe and has formally refused to abide by the Court's judgments.

20. The two proposals are not mutually exclusive and should be considered as complementary by the CM, the CoE and the individual member states. The Trust Fund would relieve victims of the burden of asset recovery and ensure the equitable distribution of available assets, while domestic enforcement would secure resources for the Trust Fund and hold Russia accountable.

III. Recommendations

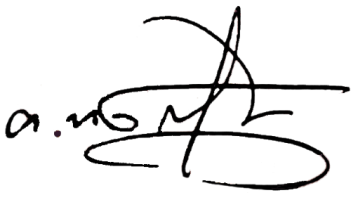
21. In light of no prospect of Russia paying its outstanding debt to Georgia in this case, we respectfully request that the Committee of Ministers:

    - Reiterates, at the highest level, the urgent need for reliance on the 'collective enforcement' principle to ensure that just satisfaction is paid to Georgia in this case, as a part of the Council of Europe's strategy to secure payments in all outstanding cases against Russia

[23] Such as the Trust Fund for Victims at the International Criminal Court, the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, the United Nations Voluntary Fund for Victims of Torture, or the Human Rights Trust Fund at the Council of Europe.

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- To adopt a plan with concrete measures to ensure payment of just satisfaction awarded by the Court in this case and include it to its Strategy to ensure implementation of judgments of the Court with respect to the Russian Federation;
    - Specifically, to consider the proposals made in these submissions or adopt any other model that will represent a concrete, practical collective effort to ensure payments to thousands of victims of Russia's violations
- To take a leading role in pursuing these efforts and engage in regular consultation with other CoE bodies, such as the Parliamentary Assembly, as well individual member states and, civil society actors and representatives of the applicants working to advance this common goal.





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