

Interstate Lawsuits of Ukraine to the ECtHR: Is It Realistic to Achieve Final Judgments?

Svitlana KARVATSKA¹

Vitalii VDOVICHEN²

Ivan TORONCHUK³

¹ Doctor of Law (LL.D.), Professor, Department of European Law and Comparative Law Studies, Yuriy Fedkovych Chernivtsi National University, Ukraine

s.karvatska@chnu.edu.ua

² Doctor of Law (LL.D.), Professor, Dean of the Faculty of Law, Yuriy Fedkovych Chernivtsi National University, Ukraine

v.vdovichen@chnu.edu.ua

³ Ph.D., Associate Professor, Department of European Law and Comparative Law Studies, Yuriy Fedkovych Chernivtsi National University, Ukraine

i.tororchuk@chnu.edu.ua

Abstract: *The article examines the problems and prospects of consideration of interstate applications of Ukraine against the Russian Federation by the ECtHR. The article analyzes that the ECtHR is currently considering five interstate cases initiated by Ukraine against the Russian Federation. However, the Russian Federation does not participate in the proceedings on the claims of Ukraine and does not intend to comply with the ECHR judgments. However, the ECHR will continue to consider the applications submitted to the ECtHR after Russia's withdrawal from the Council of Europe. The article proves that today there is no mechanism for enforcement of the ECtHR judgments on interstate claims of Ukraine by the Russian Federation. Since the Russian Federation does not intend to execute the decisions of the ECtHR voluntarily, there remains the option of either enforcing such judgments by the affected Ukrainians individually on the principle of reciprocity in other countries or creating a supranational mechanism for the execution of such decisions. It is indicated that in the future, the ECtHR will be able to consider and award compensation in all existing cases against the Russian Federation. Affected companies and individuals can file a claim for violation of property rights against the Russian Federation only in respect of actions or omissions before September 16, 2022.*

Nevertheless, even in light of the Russian Federation's withdrawal from the ECHR, all decisions taken before the exit from the ECHR and the CoE must be implemented. Although after the ECtHR has decided on the merits, it takes a long time to decide on just satisfaction.

In conclusion, it is noted that the Russian Federation also does not comply with the interim measures demanded by the ECtHR to cease hostilities in Ukraine immediately. At the same time, this procedural decision is vital for considering the case "Ukraine v. Russia - X" on the merits from a historical perspective.

Keywords: ECtHR, interstate applications of Ukraine, regional and international judiciary bodies, fundamental human rights, responsibility, satisfaction.

How to cite: Karvatska, S., Vdovichen, V. & Toronchuk, I. (2024). Interstate lawsuits of Ukraine to the ECtHR: Is it realistic to achieve final judgments?. *Logos Universality Mentality Education Novelty: Law*, 12(1), 1-13. <https://doi.org/10.18662/lumenlaw/12.1/86>

Introduction

Today, the ECtHR is considering five interstate cases initiated by Ukraine against Russia. The critical question is, what is the fate of these cases? In its Memorandum on the human rights consequences of the war in Ukraine of 8 July 2022, the Council of Europe noted that the ECtHR had accepted for consideration cases relating to actions committed during the war in Ukraine, which constitute violations of the ECHR, and in which Ukraine and the Russian Federation are parties. Also, the Court continues to receive new applications. In modernity, international treaties, namely their laws, rules of procedure, and customary norms of international law, regulate the questions of jurisdiction concerning international courts. These rules specify in detail the grounds for such jurisdiction, which may be stipulated in a variety of ways, including special agreements between states that are parties to the dispute and wish to refer it to the Court for consideration, unilateral statements by states accepting the Court's exclusive jurisdiction, and compromissory provisions in international conventions. Legal issues on the jurisdiction of international courts also refer to such significant issues as the evaluation of the existence of an international dispute as such, reservations made by the parties to the dispute excluding the Court's jurisdiction, adherence to the formalities of international conventions before referring a dispute to the Court for consideration, admissibility of complaints, bifurcation of the proceedings, etc.

In cases involving the Russian Federation's aggression against Ukraine, these issues were taken into consideration by several regional and international judiciary bodies, e.g., in cases regarding the implementation of the of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation, International Court of Justice, 2017; 2019); on the allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation, International Court of Justice, 2022); on the detention of three Ukrainian naval vessels (Ukraine v. Russian Federation, International Tribunal for the Law of the Sea, 2019, an arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea, 2022); on the coastal state rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. Russian Federation, arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea, 2020) (Medvedieva, 2022, 26-34).

Which claims are considered by the ECtHR?

Ukraine filed the first interstate application on human rights violations in 2014. In the case "Ukraine v. Russia (concerning Crimea)," the ECtHR published a decision on the admissibility of the case under No. 20958/14, in which the Court recognised that Russia had effective control over Crimea since the end of February 2014 (after the de facto Russian occupation of Crimea). In the judgment, the ECtHR pointed out the lack of jurisdiction to determine the legality of the transfer of control over the territory of one state to another and the loss of sovereignty. The Court issued an interim measure prohibiting the parties from using force (as a violation of the Geneva Convention).

However, at the same time, the Court decided that most of the points of the complaint filed by the Ukrainian side were confirmed by the evidence provided. The ECtHR found Ukraine's complaints admissible regarding: enforced disappearances and lack of effective investigation in this regard (Article 2); ill-treatment (Article 3); illegal detention (Article 5); forced imposition of Russian citizenship (Article 8); illegal searches of private property (Article 8); intimidation, oppression, and seizure of assets belonging to religious institutions not affiliated with the Russian Orthodox Church (Article 9); suspension of the activities of Ukrainian media (Article 10); prohibition of public assemblies, as well as intimidation and unlawful detention of demonstration organisers (Article 11); expropriation of property of civilians and private enterprises without compensation (Article 1 of the First Protocol); The banning of Ukrainian language instruction in educational institutions and the harassment of Ukrainian-speaking children at school (Article 2 of the First Protocol); restriction of freedom of movement between Crimea and mainland Ukraine (Article 2 of Protocol No. 4); persecution of Crimean Tatars under Article 14 in conjunction with Articles 8, 9, 10 and 11 of the Convention and Article 2 of Protocol No. 4 to the Convention. In this case, the ECtHR considers the merits of these charges.

In 2014 Ukraine filed an additional application concerning Donbas. In 2016, the ECtHR divided the cases on Donbas and Crimea into two distinct cases, further considering them separately. In 2017 Ukraine repeatedly filed an application on Donbas with an extensive evidence base: information from human rights organisations, government agencies, and media.

The Netherlands joined the previous complaint that Ukraine filed against Russia over the conflict in eastern Ukraine, as a passenger plane flying (MH-17) from Amsterdam to Kuala Lumpur was shot down in 2014 (Ukraine fights Russia on the ground and in the courts, March 1, 2022).

The joint lawsuit of Ukraine and the Netherlands on human rights violations in the occupied territories of Donbas was supplemented with the case of the shooting down of the Malaysian aeroplane flight MH-17. Clarifications were also provided on the legal basis of the Netherlands' appeal. In particular, countries wishing to join the lawsuit as third parties could do so within 12 weeks after the official transfer of the claim to the Russian Federation by the ECtHR Secretariat. The lawsuit of the Netherlands against Russia alleges violations of the last three articles of the European Convention on Human Rights - second, third, and 13th (The Netherlands against Russia: a claim at the ECtHR, 2022).

Today, there still needs to be a decision in the Donbas case - a decision on the case's admissibility is expected. The ECtHR's feedback is still required to be communicated, which is explained by objective factors, in the case of the seizure of sailors in the Kerch Strait, filed in 2018.

On February 28, 2022, Ukraine filed an application with the ECtHR against Russia, demanding to take urgent interim measures and oblige Russia to stop military aggression against Ukraine. On March 1, the ECHR satisfied Ukraine's application without abridgement. The ECtHR, taking into account its previous practice of applying interim measures in the cases of *Ukraine and the Netherlands v. Russia* (no. 8019/16, 43800/14 and 28525/20), *Georgia v. Russia (II)* (no. 38263/08), *Ukraine v. Russia* (no. 20958/14), decided to order the Government of Russia to refrain from engaging in military offensives against civilians and civilian structures, encompassing residential properties, emergency vehicles, and other safeguarded civilian installations like educational institutions and medical facilities; immediately ensure the protection of medical establishments, their personnel, and emergency services, including ambulances, situated within territories subjected to attack or occupation by Russian forces.

On March 1, 2022, the ECtHR confirmed that the actions of the Russian armed forces pose a risk of a severe violation of human rights protected by the ECHR, in particular: the right to life, the prohibition of torture, and inhuman or degrading treatment or punishment; the right to respect for private and family life. On March 4, the ECHR extended its decision on interim measures in the interstate complaint "*Ukraine v. Russia*" to all subsequent individual applications for such measures if the applicants present enough proof that they are confronted with a grave and impending threat of irreversible harm to their physical well-being and/or right to life.

Ukraine received an interim measure on this application. The ECtHR pointed out to Russia that, following its obligations under the ECHR, the country is obligated to secure the safe delivery of humanitarian

assistance, guarantee unrestricted access for civilians to secure evacuation pathways, medical care, sustenance, and other fundamental necessities, as well as facilitate the swift and unobstructed transit of relief aid and the deployment of humanitarian staff.

On June 23, 2022, Ukraine filed a new interstate lawsuit against Russia for "massive and gross human rights violations committed by the Russian Federation during its military actions on the territory of Ukraine between February 24 and April 7, 2022. The ECtHR accepted this lawsuit, which included a claim for compensation for damages in the initial amount of \$80 billion. Given the scale and ongoing armed aggression, the Ministry of Justice collects numerous pieces of evidence of the atrocities of the Russian Federation daily and submits additions to the Court. States can join the interstate case of Ukraine based on Article 36 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that "the President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings."

Critical stages of consideration of the interstate application of Ukraine №11055/22 are ahead, and the Ministry of Justice will make every effort to bring the aggressor state to international legal responsibility (Ministry of Foreign Affairs, 2022).

To date, 23 states and a non-governmental organisation - the Geneva Academy of International Humanitarian Law and Human Rights - have expressed their willingness to join the case of Ukraine against Russia in the European Court of Human Rights as a third party. Among the countries are Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. In addition, they asked for an extension of the deadline for submitting an application for participation as a third party. Among the non-EU members, Norway, Iceland, and the United Kingdom joined. The Grand Duchy of Luxembourg indicated that the application for accession would be sent to the Court shortly.

The ECtHR will consider these applications and decide in due course.

Legal implications of the Russian Federation's retreat from the European Court of Human Rights and the Council of Europe?

It is essential to understand whether the ECtHR will continue the consideration of Ukraine's claims against the Russian Federation after Russia's expulsion from the Council of Europe. On March 16, 2022, the Committee of Ministers of the Council of Europe adopted a Resolution excluding Russia from the Council of Europe. It also means that the Russian Federation automatically withdraws from all structures and institutions of the Council of Europe, including the ECHR. Even though the Russian Federation ceased to be a member of the Council of Europe, in the Resolution dated March 22, 2022, the Court explained that the Russian Federation will remain bound by the ECHR until September 16, 2022. The ECtHR has jurisdiction to consider applications directed against the Russian Federation regarding violations of the ECHR carried out before this date, as they cover the period when the Russian Federation was a party to the ECHR. The end of the transition period does not prevent cases already under consideration. Applications that will be submitted to the Court after the Russian Federation's withdrawal from the Council of Europe will continue to be considered by the Court.

It is possible to identify the following problems of consideration of claims of Ukraine against the Russian Federation before the ECtHR. First and foremost, the cases related to the war of the Russian Federation against Ukraine are complex, first of all, from the point of view of establishing the jurisdiction of the ECtHR. After the annexation of Crimea and the occupation of Donbas, along with private lawsuits, Ukraine submitted to the ECtHR interstate lawsuits against the Russian Federation regarding the violation of rights guaranteed by the ECHR. The ECtHR accepted the interstate lawsuit of Ukraine against the Russian Federation in connection with the events that took place after February 24, 2022. In the case of submitting an interstate claim, the deadlines for consideration of cases for individual applicants are postponed. The ECtHR also received applications for the application of temporary measures from persons affected by the war in Ukraine; in particular, on June 30, 2022, the ECtHR adopted urgent measures in the cases of two British prisoners of war sentenced to be shot in the "DPR".

Secondly, any violations that occur specifically in the context of armed conflicts are not subject to the jurisdiction of the ECtHR. However, specific actions during an armed conflict can be considered to violate fundamental human rights, such as the right to life and others). Moreover,

these violations can become the subject of consideration by the ECtHR under the ECHR.

Thirdly, it is worth focusing attention on another sensitive issue. The limitation of jurisdictional immunity of Russia should not lead to a revision of the concepts of sovereignty in the whole world. Because the concept of sovereignty is so important and is taken so seriously throughout the world, international legislation almost always contains norms of the so-called soft law. It does not have institutions for the enforcement of such decisions.

It was deviating once from a general rule with sufficient justification as to why it is so necessary is another story. It is quite another to revise this concept in general because we need to figure out where to end and stop in such a case.

The world will fall into a serious discussion at the international level, which will be very long because it will affect the interests of many countries, except for Russia. Therefore, the longer this discussion lasts and the more countries may be threatened by the consequences of such a discussion, the less likely it is that we will achieve concrete success in solving the problem of Ukraine and Ukrainians.

Also, in addition to norms of international law, there is a concept of "customs of international law". Moreover, for example, the concept of "reparations" is not regulated by any act of international law because it refers precisely to the customs of international law. Therefore, having established (if we manage to prove the validity of limiting Russia's sovereignty as a result of armed aggression against Ukraine), then, in this case, we will establish a new tradition in international customs. Furthermore, the next aggressors will already know that there were similar precedents in the history of international law, and therefore they may also face unpleasant consequences for their crimes (Russia will pay the Ukrainians for the war. Is the mission (not) accomplished? Why is compensation for damages caused to Ukrainian citizens and businesses as a result of the Russian military actions practically impossible? 2022).

Can Ukraine file a lawsuit at the ECtHR against the Russian Federation for human rights violations during the ongoing military aggression? The transitional six-month period, during which the Russian Federation was still within the framework of the ECHR, ended on September 16, 2022. The decision on how to conduct further consideration of existing lawsuits is not only legal but also political. The primary issue lies in the fact that the Russian Federation aims to avoid adhering to the ruling of the European Court of Human Rights.

Also relevant is whether it is possible to file a claim with the ECHR for damages for physical damage to property and infrastructure due to the ongoing military operations in Ukraine and the Russian seizure of property in the occupied territories.

Statements of claim may concern violations of the Russian Federation's right to peaceful possession of property (property right enshrined in Protocol 1 to the ECHR) and the Russian Federation's obligation to make just satisfaction if national legislation does not allow for total compensation or if necessary, based on specific economic circumstances.

Prohibition on suing another state as a defendant in a national court.

It is important to understand that it is possible to obtain a decision in a Ukrainian court regarding such compensation, but actually obtaining real compensation is currently not possible. Firstly, the number of Russian assets located on the territory of Ukraine and their value is too small compared to the damage that Russia has already caused to our citizens and businesses. Secondly, according to the ECHR, as well as the Constitution of Ukraine, the state has an obligation to guarantee property rights. If there is an opportunity to start a legal process regarding receiving compensation for the damage caused to the Russian Federation, the first question that arises is: in which court is it possible to conduct such trial?

As a general rule, the residents of participating countries of Council of Europe have the right to appeal to the ECHR, provided there is no national mechanism for judicial protection of violated rights. That is, an appeal to the ECHR is possible only after the exhaustion of the national mechanism of judicial protection. However, another problem arises here. Specifically, to what extent is it possible to further implement such a decision - to compensate the claimants for damages caused by Russia, especially outside the territory of Ukraine?

The generally accepted rule, contained in the European Convention on the Immunity of States establishes this immunity as an institution of protection of sovereignty from the national proceedings of another state. That is, it is a ban on suing another state as a defendant in a national court.

However, such immunity is not absolute and contains a number of possible exceptions. In addition, Article 79 of the Law of Ukraine "Private International Law" also implements the rule on judicial immunity of other states with appropriate reservations. And here it should be understood that such a reason as armed aggression in violation of the UNO Convention on the Definition of Aggression is not an exception to the application of judicial immunity. Also, those states that have not ratified this Convention,

as a rule, have duplicated relevant provisions in their legislation. That is, currently, according to the norms of international law, the war of the Russian Federation against Ukraine is not considered an exception to the deprivation of the aggressor state's jurisdictional immunity.

The Supreme Court of Ukraine, unfortunately, did not sufficiently justify the legitimate and permissible purpose of deviating from such immunity. After the decision of the Ukrainian national court on the recovery of damages from the Russian Federation comes into effect, it is obvious that the question of the implementation of such a decision will arise. The countries of the democratic world that have imposed sanctions against the Russian Federation and frozen the relevant assets of the aggressor state will be the most likely place for the implementation of such decisions. We are talking about funds on accounts, corporate rights directly or indirectly owned by the Russian Federation, as well as yachts, airplanes, luxury real estate objects, etc (Russia is no longer in the ECHR, 2022).

The process of implementing such decisions will first of all consider the question of the admissibility of such a decision. That is, the decisions of Ukrainian courts that do not meet the generally recognized principles of law in terms of limiting the jurisdictional immunity of another state will violate the principles of consideration of such cases, and therefore will result in the refusal to recognize such decisions. Ukraine needs to adopt a special law on the material liability of the Russian Federation for the damage caused and the procedure for considering cases of the corresponding category, based on generally recognized principles of law. What is it about? Part 1 of Article 79 of the Law of Ukraine "Private International Law" contains a provision that allows for the limitation of jurisdictional immunity.

At present, Ukraine lacks legislation specifying what actions constitute a breach by the Russian Federation amid its military aggression against Ukraine. Additionally, there is no established mechanism within the legal system for addressing such cases in accordance with the principles outlined in the European Convention on State Immunity (Russia is no longer in the ECHR, 2022).

There is also another possible mechanism for limiting jurisdictional immunity, which is laid down in the Additional Protocol to the ECHR, which provides that in exceptional cases, the ECtHR can be the body that has the right to resolve the issue of the dispute regarding jurisdictional immunity. However, the practice of applying such an additional protocol in armed aggression does not exist. Not only that, the process of consideration of such an issue at the ECtHR may be delayed, and Ukrainians will be deprived of mechanisms to protect their rights ((Russia is no longer in the

ECHR. What will happen to the cases of Ukraine against Russia, 2022). Therefore, such a way is both ineffective and long-term.

The mechanism of enforcement of decisions of the ECHR by the Russian Federation

Today, it is important to establish whether there is a mechanism for enforcing the decisions of the ECHR by the Russian Federation and what are the prospects for the implementation of the decisions of the ECHR against the Russian Federation? The Russian Federation has stated that it will not comply with any decisions of the ECHR issued after March 15, 2022. For the ECHR to recognize its jurisdiction, the complainant must prove that the Russian Federation exercised effective control over the relevant territory during a certain period of time. If such control over the territory exists, then the Russian Federation must bear responsibility for violations of the ECHR on this territory, in particular, violations of the right of legal entities and individuals to freely own their property.

Collection of funds from the Russian Federation in case of decisions not in its favor could be carried out by other procedures. For example, part of the property of the Russian Federation seized abroad. But this requires special procedural decisions of international organizations. Under these conditions, the decisions of the ECHR will have the greatest importance for establishing a set of certain facts. Court decisions can be used as evidence in other courts and bodies, and this will have a huge impact on the consideration of cases in the UN court, international arbitrations and investigations of international crimes (Russia is no longer in the ECHR. What will happen to the cases of Ukraine against Russia, 2022). The implementation of ECHR decisions can actually be facilitated if, for example, a mechanism is created for the accumulation of assets of the Russian Federation for the payment of compensation to Ukraine. It is possible to receive compensation from the damage caused by Russia. But for this, it is necessary to have appropriate legislation, which Ukraine does not currently have.

The question becomes existential in nature, why are the ECHR's decisions on the lawsuits of Ukraine against the Russian Federation important even if the Russian Federation does not comply with them? Russia does not take part in the procedure of consideration of cases on the claims of Ukraine. Even with regard to complaints in cases against Russia, which were filed before September 16, when the Russian Federation finally withdrew from the Convention on Human Rights, the ECHR cannot make a decision. There is a difficulty in the fact that the ECHR, according to its procedures, cannot issue

a decision without Russia's position. In addition, there must be a judge from that country during the trial. And since September 16, the position of the ECHR judge elected from the Russian Federation has also been abolished. Russia also does not comply with the temporary measures required by the ECHR to immediately stop military operations in Ukraine. But this procedural decision is important for considering the case "Ukraine v. Russia-X" on its merits from a historical perspective.

Conclusions

Five interstate cases initiated by Ukraine against the Russian Federation are currently under consideration by the ECHR. However, the Russian Federation does not take part in the procedure of consideration of cases on the claims of Ukraine and does not intend to comply with the decision of the ECHR. At the same time, applications that will be submitted to the ECHR after the withdrawal of the Russian Federation from the Council of Europe will continue to be considered by the ECHR.

Nowadays, there is no mechanism for the Russian Federation to enforce decisions of the ECHR regarding interstate claims of Ukraine. Moreover, implementing ECHR decisions against the Russian Federation regarding the war is a highly complex process. Since the Russian Federation does not intend to implement the decisions of the ECHR voluntarily, the option remains either to implement such decisions by the affected Ukrainians individually following the principle of reciprocity in other countries or to create a supranational mechanism for the implementation of such decisions by the civilized world.

In the future, the ECHR will be able to consider and award compensation in all existing cases against the Russian Federation. Injured companies and natural persons can file a claim for violation of property rights against the Russian Federation only concerning actions or inactions that took place before September 16, 2022. Nevertheless, even in the case of withdrawing the Russian Federation from the ECHR, all decisions made before the withdrawal from the ECHR and the EC must be performed. However, it takes a long time for a decision on just satisfaction to be made after the ECtHR has handed down a decision.

The Russian Federation also does not comply with the temporary measures required by the ECtHR to stop military operations in Ukraine immediately. At the same time, this procedural decision is essential for the consideration of the case "Ukraine v. Russia - X" from the historical perspective.

References

- Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)
<https://www.icj-cij.org/en/case/166>
- Arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea 2022
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
- Arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea. Ukraine v. Russian Federation on the coastal state rights in the Black Sea, Sea of Azov, and Kerch Strait 2020.
<https://www.acerislaw.com/wp-content/uploads/2022/03/Genocide-Convention.pdf>
- International Court of Justice preliminary decision in Ukraine v Russia. (2022).
[https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729350/EPRS_ATA\(2022\)729350_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729350/EPRS_ATA(2022)729350_EN.pdf)
- International Court of Justice. (2019). Ukraine v. Russian Federation
- International Court of Justice (2022). Ukraine v. Russian Federation on the allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide
- International Court of Justice. (2017). Ukraine v. Russian Federation
- International Tribunal for the Law of the Sea. (2019). Ukraine v. Russian Federation
- Medvedieva, M.O. (2022). The concept of jurisdiction in international law. *Actual problems in international relations*. 152, 26-34.
<https://doi.org/10.17721/apmv.2022.152.1.26-34>
- Ministry of Foreign Affairs (2022). The tenth lawsuit against Russia in the ECtHR is a case about the collective guarantee of human rights and freedoms in Europe. <https://minjust.gov.ua/news/ministry/desyatiy-pozov-proti-rosii-v-espl-sprava-pro-kolektivne-garantuvannya-prav-ta-svobod-lyudini-u-evropi>
- Russia is no longer in the ECHR. What will happen to the cases of Ukraine against Russia. (2022) <https://www.bbc.com/ukrainian/news-62926473>
- Russia will pay the Ukrainians for the war. Is the mission (not) accomplished? Why is compensation for damages caused to Ukrainian citizens and businesses as a result of the Russian military actions practically impossible? (June 9, 2022). <https://www.epravda.com.ua/columns/2022/06/9/687970/>
- The Netherlands against Russia: a claim at the ECtHR. (2022).
<https://lexinform.com.ua/v-sviti/niderlandy-proty-rosiyi-pozov-u-yespl/>

Ukraine fights Russia on the ground and in the courts. (2022). *Molly Quell*. March 1, <https://www.courthousenews.com/ukraine-fights-russia-on-the-ground-and-in-the-courts/>