



SUPREME COURT OF THE RUSSIAN FEDERATION

Case No. 78-KG25-37-KZ

ORDER

Moscow

24 March 2026

The Civil Division of the Supreme Court of the Russian Federation,
composed of

Presiding Judge V.A. Petrushkin, V.V.
Gorshkov and A.N. Maryin,

having considered in open court the case brought by Alexander
Valentinovich Tsvetkov and Elena Viktorovna Tsvetkova against the State of
Finland, represented by the State Council, regarding the imposition of an
obligation to purchase a plot of land and a residential house, as well as the
recovery of compensation for non-pecuniary damage

on the appeal by Alexander Valentinovich Tsvetkov and Elena Viktorovna
Tsvetkova against the contested decision No.
ag
ainst the ruling of the judge of the Dzerzhinsky District Court of St Petersburg
dated 9 July 2024, the appeal ruling of the St Petersburg City Court dated 3
September 2024 and the ruling of the Third Court of Cassation of General
Jurisdiction dated 21 April 2025,

having heard the report of V.A. Petrushkin, Judge of the Supreme Court
of the Russian Federation, and having heard A.V. Tsvetkov, who upheld the
arguments of the cassation appeal,

A.V. Tsvetkov and E.V. Tsvetkova brought the aforementioned claim before the court, stating in their grounds that, due to the continuing discriminatory actions against citizens of the Russian Federation by the Republic of Finland, they were deprived of the opportunity to enter the territory of that state, which infringed upon their right to property and caused moral suffering.

By a ruling of the judge of the Dzerzhinsky District Court of St Petersburg dated 9 July 2024, the claim was dismissed.

By an appeal ruling of the St Petersburg City Court dated On 3 September 2024, the ruling of the court of first instance was upheld.

By the ruling of the Third Cassation Court of General Jurisdiction dated 21 April 2025, the ruling of the judge of the Dzerzhinsky District Court of St Petersburg dated 9 July 2024 and the appeal ruling of the St Petersburg City Court dated 3 September 2024 were upheld.

In their cassation appeal, A.V. Tsvetkov and E.V. Tsvetkova request that the aforementioned judicial acts be set aside.

By a ruling of a judge of the Supreme Court of the Russian Federation dated 25 July 2025, A.V. Tsvetkov and E.V. Tsvetkova were refused leave to have their cassation appeal heard at a hearing of the Judicial Panel on Civil Cases of the Supreme Court of the Russian Federation.

By a ruling of the Deputy President of the Supreme Court of the Russian Federation, Y.V. Glazov, dated 6 March 2026, the ruling of the judge of the Supreme Court of the Russian Federation dated 25 July 2025 was set aside, and the cassation appeal of A.V. Tsvetkov and E.V. Tsvetkova, together with the case file, was referred for consideration at a hearing of the Judicial Panel for Civil Cases of the Supreme Court of the Russian Federation.

Having examined the case materials and discussed the arguments of the cassation appeal and the explanations regarding the cassation appeal, the Judicial Panel for Civil Cases of the Supreme Court of the Russian Federation finds the appeal to be admissible.

In accordance with Article 390¹⁴ of the Civil Procedure Code of the Russian Federation, the grounds for the Judicial Panel of the Supreme Court of the Russian Federation to quash or amend judicial decisions on appeal are material violations of substantive law and/or procedural law which have affected the outcome of the case and without the rectification of which it is impossible to restore and protect the infringed rights, freedoms and legitimate interests, as well as the protection of public interests safeguarded by law.

The Judicial Panel for Civil Cases of the Supreme Court of the Russian Federation finds that such violations occurred during the consideration of the present case.

As established by the court and evident from the case file, in 2017, A.V. Tsvetkov and E.V. Tsvetkova acquired, under a contract of sale, a plot of land measuring 1.2840 hectares and a house built in 2014 situated thereon, located at the address: [REDACTED], for the price of €180,000.

From 2017 until 6 July 2023, the claimants freely used their property.

On 6 July 2023, whilst crossing the border of the Republic of Finland at the Nuijamaa border control point, administrative decisions were issued against A.V. Tsvetkov and E.V. Tsvetkova, administrative decisions were issued requiring them to leave the country by 20:00 on 7 July 2023, due to the adoption on 29 September 2022 Decision No. UM/2022/199, pursuant to which restrictions based on nationality were unilaterally introduced on the entry into the country of Russian citizens holding a Schengen visa for tourist purposes and on the transit of Russians to other Schengen Agreement countries.

Exceptions are provided for family members of citizens of the Republic of Finland and third-country nationals permanently residing in the Republic of Finland, family members of citizens of a Member State of the European Union, transport sector employees, business travellers, property owners arriving for business, study or medical treatment, staff of diplomatic and consular missions, as well as for specific compelling personal reasons (attendance at a funeral or serious illness of a close relative).

Even where these grounds apply, interviews will be conducted at border control. Russians who own property in the Republic of Finland will be able to enter the country if they provide evidence that their visit is necessary to maintain their property in good condition.

By a ruling of the Arbitration Court of St Petersburg and the Leningrad Region dated 2 October 2023, the claim filed by A.V. Tsvetkov, and E.V. Tsvetkova against the Republic of Finland, represented by the State Council, seeking an order to purchase a plot of land with a residential house and compensation for non-pecuniary damage, was returned pursuant to Article 129(1)(1) of the Arbitration Procedure Code of the Russian Federation.

By the ruling of the Thirteenth Arbitration Court of Appeal dated 20 December 2023, the decision of the Arbitration Court of St Petersburg and the Leningrad Region dated 2 October 2023 was left unchanged.

By a ruling of the Arbitration Court of the North-West District dated 11 March 2024, the decision of the court of first instance and the appeal ruling were upheld.

By a ruling of a judge of the Supreme Court of the Russian Federation dated 16 May 2024, the application by A.V. Tsvetkov and E.V. Tsvetkova for the cassation appeal to be referred for consideration at a hearing of the Judicial Panel on Economic Disputes of the Supreme Court of the Russian Federation was dismissed.

As it was not possible to resolve the dispute through arbitration proceedings, the plaintiffs brought a similar claim before a court of general jurisdiction.

The court of first instance, in refusing to accept the statement of claim, relied on paragraph 1 of part 1 of Article 134 of the Civil Procedure Code of the Russian Federation and proceeded on the basis that a foreign state enjoys jurisdictional immunity, and the plaintiffs had not provided evidence of any limitation thereof based on the principle of reciprocity.

The court of appeal and the cassation court of general jurisdiction agreed with these conclusions of the court of first instance.

The Judicial Panel on Civil Cases of the Supreme Court of the Russian Federation considers that the conclusions of the lower courts cannot be accepted on the following grounds.

In accordance with Article 15 of the Constitution of the Russian Federation, the Constitution of the Russian Federation has supreme legal force, direct effect and applies throughout the territory of the Russian Federation. Laws and other legal acts adopted in the Russian Federation must not contradict the Constitution of the Russian Federation (Part 1).

Generally recognised principles and norms of international law and international treaties of the Russian Federation form an integral part of its legal system (Article 15(4) of the Constitution of the Russian Federation).

In accordance with subparagraph (a) of paragraph 3 of Article 2 of the International Covenant on Civil and Political Rights of 16 December 1966 each State Party to this Covenant undertakes to ensure to any person whose rights and freedoms recognised in this Covenant are violated an effective remedy, even if the violation has been committed by persons acting in an official capacity.

Article 2 of the Constitution of the Russian Federation establishes that the human being, and his or her rights and freedoms, are the highest value. The recognition, observance and protection of the rights and freedoms of the human being and the citizen are the duty of the State.

In accordance with Article 18 of the Constitution of the Russian Federation, the rights and freedoms of the individual and the citizen are directly applicable. They determine the meaning, content and application of laws, the activities of the legislative and executive authorities and local self-government, and are guaranteed by the administration of justice.

Pursuant to Part 1 of Article 35 of the Constitution of the Russian Federation, the right to private property is protected by law.

Everyone has the right to own property and to possess, use and dispose of it, either individually or jointly with others (Article 35(2) of the Constitution of the Russian Federation).

No one may be deprived of their property except by a court decision (Article 35(3) of the Constitution of the Russian Federation).

In accordance with Article 46(1) of the Constitution of the Russian Federation, everyone is guaranteed judicial protection of their rights and freedoms.

Thus, the human and civil rights and freedoms enshrined in the Constitution of the Russian Federation must be recognised and observed; it is these that determine the meaning, content and application of laws, and if they are violated, the state undertakes to provide an effective legal remedy for their restoration.

An individual's right to effective legal remedies is provided for not only by international treaties to which the Russian Federation and the Republic of Finland are parties, but also by the universally recognised principles and norms of international law.

This right of the individual corresponds to the State's obligation to ensure, within its legal system, the existence and effectiveness of such remedies.

Article 1 of Federal Law No. 297-FZ of 3 November 2015 'On the jurisdictional immunities of a foreign state and the property of a foreign state in the Russian Federation' (hereinafter referred to as the Law on Jurisdictional Immunities of a Foreign State and Property of a Foreign State in the Russian Federation) provides that a foreign state enjoys jurisdictional immunities in respect of itself and its property, subject to the provisions of this Law (Part 2).

Article 2 of this law defines judicial immunity as the obligation of a court of the Russian Federation to refrain from involving a foreign state in legal proceedings (Part 4).

Part 1 of Article 4 of the said law stipulates that the jurisdictional immunities of a foreign state and its property, to the extent granted in accordance with this federal law, may be restricted on the basis of the principle of reciprocity if it is established that

restrictions on the granting of jurisdictional immunities to the Russian Federation and its property in a foreign state in respect of which and whose property the issue of jurisdictional immunities has arisen.

The federal executive authority responsible for formulating and implementing state policy and regulatory and legal regulation in the sphere of the Russian Federation's international relations shall, in accordance with the procedure established by the procedural legislation of the Russian Federation, issue opinions on matters concerning the granting of jurisdictional immunities to the Russian Federation and its property in a foreign state (Article 4(2) of the Law on Jurisdictional Immunities of a Foreign State and Property of a Foreign State in the Russian Federation).

As provided for in Article 417(1) of the Civil Procedure Code of the Russian Federation, when considering a claim, the court may, on its own initiative or at the request of a party, apply the principle of reciprocity in accordance with the Law on Jurisdictional Immunities of a Foreign State and Property of a Foreign State in the Russian Federation, if, in the course of the proceedings, it is established that the scope of jurisdictional immunities granted by the Russian Federation in a foreign state does not correspond to the scope of jurisdictional immunities granted to that foreign state under the legislation of the Russian Federation in the resolution of the dispute.

The balance between the scope of jurisdictional immunities granted to the Russian Federation in a foreign state and the scope of jurisdictional immunities granted to that foreign state in the Russian Federation shall be determined by the court on the basis of evidence submitted by the parties and the conclusions of state bodies (part 2).

A reasoned decision of the court on the application of the principle of reciprocity and, in accordance therewith, the limitation of the jurisdictional immunities of a foreign state in the consideration of a specific dispute shall be set out in the court's decision adopted following the conclusion of the proceedings (part 3).

It follows from the foregoing that the current legal framework does not preclude the possibility of restricting the jurisdictional immunity of a foreign state on the basis of the principle of reciprocity.

Pursuant to Article 5(1) of the Law on Jurisdictional Immunities of a Foreign State and Property of a Foreign State in the Russian Federation, a foreign state does not enjoy judicial immunity in the Russian Federation if it has expressly consented to the exercise of jurisdiction by a court of the Russian Federation in respect of a specific dispute by virtue of: 1) an international treaty; 2) a written agreement that is not an international treaty; 3) a statement made in a court of the Russian

, a written notification to a court of the Russian Federation, or a written notification transmitted to the Russian Federation through diplomatic channels, in the context of legal proceedings concerning a specific dispute.

Article 6 of the Law on Jurisdictional Immunities of a Foreign State and Property of a Foreign State in the Russian Federation provides for cases where a foreign state is deemed to have waived its jurisdictional immunity.

Articles 7–13 of the same law specify the categories of disputes in which foreign states do not enjoy judicial immunity in the Russian Federation.

The fact that a foreign state enjoys jurisdictional immunity should not be regarded as a legal basis for such a state to disregard, within its jurisdiction, the human rights and freedoms provided for not only by the legislation of that state, but also by the universally recognised principles and norms of international law and international treaties binding upon it.

Therefore, if, in a foreign state, the jurisdictional immunities of the Russian Federation are not limited to an extent that would allow the courts of the Russian Federation, in accordance with Article 417⁹ of the Civil Procedure Code of the Russian Federation to hear a case against a foreign state, provided that the foreign state has not waived its jurisdictional immunity, nor is it deemed to have waived such immunity, and there are no grounds for non-application of jurisdictional immunity as provided for by the Law on Jurisdictional Immunities of Foreign States and Property of Foreign States in the Russian Federation, the courts must determine whether, in such a foreign state, the individual's right to effective remedies, including judicial remedies, for the rights that are the subject of the applicant's application to the court of the Russian Federation is ensured. At the same time, any restrictions on access to such remedies provided for by foreign legislation must not result in the deprivation of a person's right to the said remedies, which are provided for in Article 2(1) of the International Covenant on Civil and Political Rights of 16 December 1966, to which both the Russian Federation and the Republic of Finland are parties.

The existence of effective legal remedies within the legal system of a foreign state is presumed.

The absence of such remedies may be evidenced, *inter alia*, by the laws of a foreign state that prevent a person from applying to administrative and/or judicial authorities to protect their rights.

However, the formal assertions of a person whose rights and freedoms may have been violated regarding the impossibility of satisfying their claims do not in themselves indicate the existence of ineffective legal remedies in the foreign state.

Conversely, the existing approaches of the public authorities of a foreign state to the protection of rights may indicate the existence of effective legal remedies in that foreign state.

The existence or absence of such remedies may be demonstrated by the practice of supranational bodies whose competence to receive individual complaints is recognised by that foreign state.

The absence of effective legal remedies is established by the court on the basis of the evidence it has examined, one of which may be an opinion from the Ministry of Foreign Affairs of the Russian Federation.

In accordance with paragraph 1 of part 1 of Article 134 of the Civil Procedure Code of the Russian Federation, the judge shall refuse to accept a statement of claim if the claim is subject to consideration under constitutional or criminal proceedings, proceedings in cases of administrative offences, or is not subject to consideration in the courts.

In refusing to accept the claim brought by A.V. Tsvetkov and Tsvetkova E.V. against the Republic of Finland, represented by the State Council, the court of first instance, in applying the provisions of the aforementioned rule, failed to take into account that the absence of evidence, including evidence of the limitation of a foreign state's jurisdictional immunity on the basis of the principle of reciprocity, does not constitute grounds for refusing to accept the statement of claim.

Furthermore, such a refusal to accept the statement of claim without examining the circumstances of the case violates the plaintiffs' right to access to the courts and a fair trial, as guaranteed by the Constitution of the Russian Federation.

In this regard, questions concerning the limitation of a foreign state's jurisdictional immunity on the basis of the principle of reciprocity, the absence of jurisdictional immunity by virtue of a foreign state's possible consent to the exercise of jurisdiction by a court of the Russian Federation, and the recognition of a foreign state as having waived its jurisdictional immunity, and on the non-application of judicial immunity in accordance with the Law on Jurisdictional Immunities of a Foreign State and Property of a Foreign State in the Russian Federation have been left unexamined by the courts.

When considering the case, it must be established that there are no effective legal remedies in the foreign state if the court, on the basis of the evidence examined, concludes that such a state, by virtue of the above-mentioned legal provisions, enjoys judicial immunity in the Russian Federation.

In accordance with the Regulations on the Ministry of Foreign Affairs of the Russian Federation (hereinafter referred to as the Russian MFA), approved by Decree of the President of the Russian Federation No. 865 of 11 July 2004 No. 865 (as amended on 5 November 2025), the main tasks of the Russian MFA include ensuring, through diplomatic and international legal means, the protection of the sovereignty, security and territorial integrity of the Russian Federation, and its other interests in the international arena (sub-clause 4 of clause 2), and to facilitate cooperation between executive bodies and legislative and judicial bodies at the federal level and at the level of the constituent entities of the Russian Federation with a view to upholding the principle of the unity of the Russian Federation's foreign policy and fulfilling its international rights and obligations (sub-clause 6 of clause 2). The Russian Ministry of Foreign Affairs, within the limits of its competence and in conjunction with other federal executive bodies, participates in the development and implementation of measures to counter unfriendly actions by foreign states (sub-paragraph 13⁹ of paragraph 6), provides clarifications, within the limits of its competence, on matters of international law in response to requests from state authorities (sub-paragraph 19 of paragraph 6), exercises general oversight over the fulfilment of the Russian Federation's international obligations (sub-paragraph 22 of paragraph 6), and monitors compliance with diplomatic and consular privileges and immunities (sub-paragraph 31 of paragraph 6).

Based on the legal provisions set out above, questions regarding the relationship between the scope of jurisdictional immunities the necessity to apply the principle of reciprocity and, in accordance therewith, to limit jurisdictional immunities of a foreign state, as well as issues concerning the non-application of judicial immunity in other cases, must be resolved by the court following consideration of the specific dispute on the basis of evidence submitted by the parties and the conclusions of state bodies, whose representatives must also be involved in the proceedings.

However, the court did not involve the aforementioned federal executive authority in the proceedings, nor did it request an opinion from a state body regarding the existence of judicial immunity in relation to the dispute under consideration in accordance with Part 2 of Article 417⁽⁹⁾ of the Civil Procedure Code of the Russian Federation.

In view of the foregoing, the Judicial Panel on Civil Cases of the Supreme Court of the Russian Federation finds that the courts have committed violations of the law which are substantial and which can only be remedied by setting aside the contested judicial decisions and re-examining the case.

Pursuant to Articles 390⁽⁴⁾ to 390⁽¹⁶⁾ of the Civil Procedure Code of the Russian Federation, the Judicial Panel on Civil Cases of the Supreme Court of the Russian Federation

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the ruling of the judge of the Dzerzhinsky District Court of St Petersburg dated 9 July 2024, the appeal ruling of the St Petersburg City Court of 3 September 2024 and the ruling of the Third Court of Cassation of General Jurisdiction of 21 April 2025 are set aside; the case file is referred back to the court of first instance for consideration on the merits III BY.

The Chair

~~ТБ~~ Presiding

Judges

