



RD4U-Board(2024)32-EN

**REGISTER OF DAMAGE
CAUSED BY THE AGGRESSION OF
THE RUSSIAN FEDERATION
AGAINST UKRAINE**

CLAIM FORM AND RULES

Claims category A2.5

Torture or inhuman or degrading treatment or punishment

The Hague

www.RD4U.claims

CLAIM FORM AND RULES

Claims category A2.5. Torture or inhuman or degrading treatment or punishment

Adopted by the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 18 October 2024.

Approved by the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 6 November 2024.

Capitalised terms in this Claim Form shall have the meaning ascribed to them in Article 1 of the Rules Governing the Submission, Processing and Recording of Claims of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine.

1. This Claim Form shall be used by Claimants to submit Claims in category of Claims **A2.5 – Torture or inhuman or degrading treatment or punishment**. It contains specific rules applicable to the category in question, a description of the information and Evidence Claimants are required to submit, as well as additional information and Evidence that may be submitted to support the Claim.
2. In accordance with Article 10 of the Claims Rules, this Claim Form shall be available in digital form in Diia. The Secretariat shall ensure that this Claim Form is reproduced in Diia in an efficient, flexible and user-friendly way, bearing in mind peculiarities of digital forms in general.
3. For Claims in category A2.5, the following rules shall apply in addition to the Claims Rules:
 - 3.1. Category A2.5 is for Claims for torture or inhuman or degrading treatment or punishment committed in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters, on or after 24 February 2022, caused by the Russian Federation’s internationally wrongful acts in or against Ukraine and perpetrated by individual(s) or group(s) of individuals who are or were under the control of the Russian Federation. This category shall include Claims in relation to torture or inhuman or degrading treatment or punishment committed outside of the territory of Ukraine, but which are directly linked to an event that occurred in the territory of Ukraine.
 - 3.2. “Torture” means any act by which severe pain or suffering, whether physical or mental, intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of, someone in a position of authority, power or control.
 - 3.3. “Inhuman treatment or punishment” means any act that causes intense mental or physical suffering inflicted intentionally by or at the instigation of, or with the consent or acquiescence of, someone in a position of authority, power or control.
 - 3.4. “Degrading treatment or punishment” means any act that humiliates or debases a person, undermining their dignity and self-respect inflicted intentionally by or at the instigation of, or with the consent or acquiescence of, someone in a position of authority, power or control.

- 3.5. Claims related to serious personal injury¹ as a consequence of torture or inhuman or degrading treatment or punishment may be included in this category or may be submitted as Claims in category A2.3 – Serious personal injury.
- 3.6. Claims in this category shall include expenses directly related to the serious personal injury as a consequence of torture or inhuman or degrading treatment or punishment, including the costs of medical treatment and rehabilitation borne by the Claimant (if a Claim for serious personal injury is submitted in this category).
- 3.7. Claims related to other pecuniary consequences of torture or inhuman or degrading treatment or punishment such as loss of income or gainful employment, shall be submitted in other relevant categories.
- 3.8. Claims related to sexual violence, deprivation of liberty, forced labour or service, forcible transfer or deportation of children or adults, or other violations of international human rights law, international humanitarian law or laws and customs of war shall be submitted in those categories.²
- 3.9. Claims on behalf of minor children or persons under guardianship shall be submitted in accordance with the Rules on the Use of Representatives.
4. **“Disclaimer, Information and Instructions for the Claimants for category A2.5”** contained in this Claim Form shall be reproduced verbatim in digital form in Diia. The Secretariat shall also publish it on the Register’s website.

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Disclaimer, Information, and Instructions for the Claimants for category A2.5

- (1) This Claim Form is for the submission of a Claim to the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine in **category A2.5 – Torture or inhuman or degrading treatment or punishment**.
- (2) The determination of whether your Claim is eligible to be recorded in the Register is made by the Board of the Register. Such a determination does not mean that the substance of the Claim or its valuation has been examined, any compensation has been awarded, or any payment to you is due. Examination of your Claim and award of any compensation will be carried out by a future compensation mechanism (within the meaning of the Statute of the Register) that is yet to be established.
- (3) Before submitting the Claim, you are encouraged to consult the information about the Register on its website at www.RD4U.claims or www.RD4U.coe.int and the various rules and instructions related to the submission of Claims, in particular – Rules Governing the Submission, Processing and Recording of Claims, Claim Form and Rules: Claims category A2.5 – Torture or inhuman or degrading treatment or punishment, as well as Frequently Asked Questions.
- (4) All Claims must be submitted by using Claim Forms approved by the Register for each category of Claims. This Claim Form is to be used for the submission of Claims by natural persons for torture or inhuman or degrading treatment or punishment that occurred on or after 24 February 2022 in the territory of Ukraine within its internationally recognised borders as a

¹ As defined in Claim Form A2.3 – Serious personal injury.

² Categories A2.4 – Sexual violence; A2.6 – Deprivation of liberty; A2.7– Forced labour or service; A2.8 – Forcible transfer or deportation of children; A2.9 – Forcible transfer or deportation of adults; and A2.10 – Other violations of international human rights law, international humanitarian law or laws and customs of war.

result of the Russian Federation's internationally wrongful acts in or against Ukraine and perpetrated by individual(s) or group(s) of individuals who are or were under the control the Russian Federation – **Claims category A2.5**. This Claim Form can also be used for the submission of Claims by natural persons for torture or inhuman or degrading treatment or punishment that occurred outside of the territory of Ukraine but is directly linked to an event that occurred in the territory of Ukraine. If you wish to submit a Claim for a different type of loss, damage or injury, you should use the Claim Form for the relevant Claims category.

(5) Category A2.5 covers Claims related to torture or inhuman or degrading treatment or punishment. "Torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of, someone in a position of authority, power or control. "Inhuman treatment or punishment" means any act that causes intense mental or physical suffering inflicted intentionally by or at the instigation of, or with the consent or acquiescence of, someone in a position of authority, power or control. "Degrading treatment or punishment" means any act that humiliates or debases a person, undermining their dignity and self-respect inflicted intentionally by or at the instigation of, or with the consent or acquiescence of, someone in a position of authority, power or control.

(6) Claims in this category can be submitted by or on behalf of the person who was subjected to the torture or inhuman or degrading treatment or punishment.

(7) Claims related to serious personal injury as a consequence of torture or inhuman or degrading treatment or punishment may be included in this category or may be submitted as Claims in category A2.3 – Serious personal injury.

(8) Claims in this category shall include expenses directly related to the serious personal injury as a consequence of torture or inhuman or degrading treatment or punishment, including the costs of medical treatment and rehabilitation borne by the Claimant (if a Claim for serious personal injury is submitted in this category).

(9) Claims related to other pecuniary consequences of the torture or inhuman or degrading treatment or punishment, including loss of income or gainful employment, shall be submitted in other relevant categories.

(10) Your Claim must be submitted to the Register through Diia web portal at www.diia.gov.ua/services/RD4U. The Register will process and review the Claim and the supporting Evidence and decide whether your Claim is eligible for recording in the Register. You will be informed of the Register's decision in due course through Diia.

(11) You will be required to submit certain information and Evidence in support of your Claim. Some information will be drawn from various existing electronic sources.

(12) You will be able to submit additional information and upload files with Evidence to support your Claim consistent with the technical requirements of the Register. You will have a chance to check all information before it is submitted to the Register.

(13) You do not need to complete your Claim all at once, and you will be able to save the draft Claim and complete it at a later stage. However, it is advisable to ensure that all the necessary information is prepared and available to you.

(14) You should ensure that the files submitted as part of your Claim are accessible, readable and not infected with computer viruses or any form of malicious software. If the

Register identifies any files submitted by you as inaccessible, unreadable or infected, your Claim may not be recorded in the Register.

(15) By submitting your Claim and the supporting Evidence and information, you agree to transfer personal data to the Register and authorise the Register to store, process and transfer such personal data in accordance with the Register's Principles on the Protection of Personal Data.

(16) Claims by Russian nationals are not eligible to be recorded in the Register. However, Claims by Russian nationals may be recorded in the Register if they can establish that they also hold another nationality.

(17) By submitting your Claim and the supporting Evidence and information, you confirm that they are a truthful representation of your identity as a Claimant, your nationality, your right to make a Claim and the content of the Claim. You understand that submitting an untruthful or false Claim may result in your Claim being considered as manifestly unfounded and not recorded in the Register.

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Preliminary Questions
1. Language of Claim submission (Ukrainian or English)
2. Category of Claim
I. Claimant Identification
3. Full name
4. Gender
5. Date of Birth
6. Nationality
7. ID document/Passport number
8. Ukrainian Tax ID number
9. Ukrainian Demographic Register Entry number
10. Claimant's Registered Address
11. Claimant's Current Address
12. Contact phone number(s)
13. Email address
14. Claimant Sub-Group (<i>such as member of the military, territorial defence, law enforcement, emergency/utilities/critical infrastructure worker, medical personnel</i>)
15. Has the Claimant been convicted of a crime in relation to Russian aggression against Ukraine
16. Is the Claimant subject to sanctions or other equivalent restrictive measures imposed by a government or an international organisation
17. If the Claim is submitted through a Representative, equivalent ID information about such Representative
18. If the Claim is submitted through a Centre for Provision of Administrative Services in Ukraine, information required under Article 7 of the Rules on the Use of Representatives
II. Event
19. Type of event
20. Date of event
21. Location of the event
22. Description of the event
23. Statements or other Evidence about the event
III. Serious personal injury
24. Description of serious personal injury (if applicable)
25. Medical documentation and records (if any)
IV. Expenses directly related to the serious personal injury
26. Amount of expenses borne by the Claimant
27. Itemisation of the amount of expenses
V. Other Legal Proceedings
28. Information about relevant court cases or law enforcement investigations (if applicable)
VI. Additional evidence
29. Additional evidence with respect to the Claimant's identity
30. Additional evidence with respect to the event
31. Additional evidence with respect to the serious personal injury
32. Additional evidence with respect to expenses directly related to the serious personal injury
33. Additional evidence with respect to other aspects of the Claim
VII. Check and submission
34. Check and confirmation of data
35. Verification of identity prior to submission
36. Agreement to transmit personal data
37. Submission of the Claim

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