

# Register of Damage Caused by the Aggression of the Russian Federation against Ukraine



## Annual Activity Report (2023)



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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dommages causés par l'agression de la  
Fédération de Russie contre l'Ukraine*

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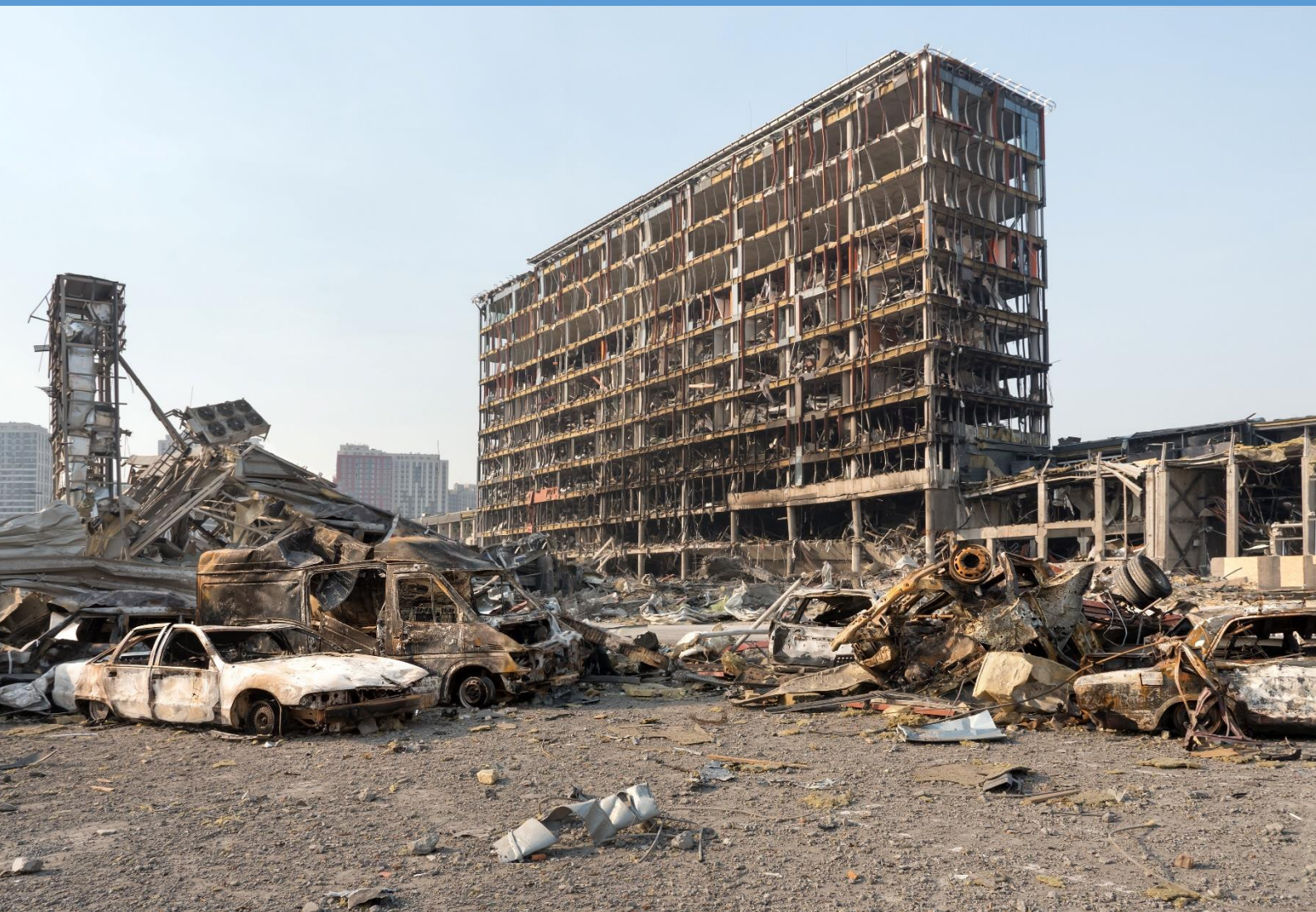
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*4th Council of Europe Summit of Heads of State and Government, Reykjavik, 16-17 May 2023*

## INTRODUCTION

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Since 24 February 2022, Russia's war of aggression against Ukraine has led to widespread death and suffering. There are thousands of recorded instances of torture, inhumane treatment and sexual violence, vast destruction of residential buildings and critical infrastructure across the country, as well as immense economic losses. The aggression has impacted every region of the country and reversed 15 years of development progress.

The Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine ("Register") was established within the framework of the Council of Europe by [Resolution CM/Res\(2023\)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine](#). The Statute of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, defining the Register's mandate, functions, governance structure and participation was adopted by the same Resolution. The historic decision to set up the Register was announced at the [4th Council of Europe Summit of Heads of State and Government](#) held in Reykjavik on 16-17 May 2023.

The Register was created as a response to United Nations General Assembly Resolution A/RES/ES-11/5 "[Furtherance of remedy and reparation for aggression against Ukraine](#)" of 14 November 2022, whereby the General Assembly recognised that Russia must be held to account for its violations of international law in Ukraine, including by way of making reparation. The resolution recognised the need for an international reparations mechanism and recommended the setting up of an international register of damage as a first step.

The Register is an important step towards accountability for damage and suffering caused by Russia's aggression against Ukraine and represents one of the first practical steps to hold Russia accountable for its acts. It also paves the way towards a future international comprehensive compensation mechanism.

The Register has its seat in The Hague, the Netherlands, and a [Host State Agreement](#) was concluded with the Government of the Netherlands in July 2023. The Register will also have a satellite office in Kyiv, Ukraine.





*The Conference of Participants meeting for the third time and electing seven members of the Board of the Register of Damage, Strasbourg, 16 November 2023*

# MANDATE AND FUNCTIONS

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**T**he Register shall serve as a record of eligible claims filed by individuals, entities, and the State of Ukraine for compensation of damage, loss and injury caused by Russian aggression in Ukraine, as well as of evidence underlying such claims. It will provide a fully digital platform into which claimants can submit their claims and evidence.

Claims shall be made in relation to damage, loss or injury that was caused:

- on or after 24 February 2022;
- in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters;
- by the Russian Federation's internationally wrongful acts in or against Ukraine.

The Register shall receive and process information on claims of damage and evidence; categorise, classify and organise such claims; assess and determine the eligibility of claims for inclusion in the Register; and record the eligible claims for the purposes of their future examination and evaluation.

To facilitate this process, the Register is developing a set of rules and procedures, including a list of categories of claims (which is meant to be comprehensive), claim forms, evidentiary rules for each category and other necessary information.

The Register does not have any functions related to examination of the substance of claims submitted to it, including determination of responsibility and allocation of any payments or compensation – this will be the task of a future compensation mechanism that will be established by a separate international instrument. The Register is mandated to facilitate and participate in the work to establish such a mechanism.

Once the compensation mechanism is established, the work of the Register will continue as part of this new structure, and all the recorded claims and evidence will be transferred to it.



# PARTICIPATION

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**T**he Register is established through an [Enlarged Partial Agreement](#) which is a form of international cooperation within the framework of the Council of Europe that is open to both Council of Europe member and non-member States.

The Register seeks a truly global membership and any State that voted in favour of United Nations General Assembly Resolution [“Furtherance of remedy and reparation for aggression against Ukraine”](#) may become a Participant or an Associate Member by simply notifying the Secretary General of the Council of Europe about their intention to join by a letter or a Note Verbale. Any other State may join the Register, subject to approval by the Conference of Participants.

At the end of the year, 43 States and the European Union were [parties](#) to the Enlarged Partial Agreement on the Register – 39 were Participants and 5 were Associate Members (see full list in Annex 1).

States that are Participants of the Register have full membership rights, including voting rights in the Conference of Participants, and they commit themselves to making annual assessed contributions to the Register’s budget. Associate Members are not required to make annual contributions. They do not have the right to vote in the Conference but can participate and make written and verbal statements. Associate Members are encouraged to make voluntary contributions to the Register’s budget. If an Associate Member makes a contribution equivalent to their assessed contribution (had it been a Participant) they have full voting rights for the relevant financial year. In 2023, Albania, Canada, the European Union, and the United States made such contributions.

The Register’s budget is funded by annually assessed contributions of Participant States, as well as voluntary contributions. The investment costs related to the start-up of the Register and the development and establishment of its key systems and facilities was covered by voluntary contributions of the Netherlands and the European Union.



*The Board of the Register of Damage at its inaugural meeting, The Hague, 11-15 December 2023*

# GOVERNANCE STRUCTURE

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**T**he bodies constituting the Register of Damage are the Conference of Participants, the Board and the Secretariat, led by the Executive Director.

## Conference of Participants

The Conference of Participants ("COP"), where each Participant and Associate Member is represented, is tasked with designating the Executive Director, appointing the members of the Register's Board, approving the annual Budget and all rules and regulations of the Register. The COP also provides oversight.

During 2023, the COP met three times.

The [constitutive meeting](#) was held on 27 June 2023 in Strasbourg. The COP elected Ambassador Sandy Moss (United Kingdom) as Chair, Ambassador Tanja Gonggrijp (the Netherlands) as first Vice-Chair and Mr Emil Ruffer (Czech Republic) as second Vice-Chair, for a term of office of three years.

The Conference also adopted its [Rules of Procedure](#) and [Rules on the appointment and removal of the members of the Board](#). Mr. Markiyan Kliuchkovskyi (Ukraine) was designated as Executive Director of the Register.

The COP's [second meeting](#), held in Riga on 12 September 2023, was devoted to financial issues, including approving the Register's budget for 2023, and the procedure for the appointment of the members of the Board.

On 16 November 2023, the COP met for its [third meeting](#) in Strasbourg during which it elected seven members to the Register's Board and adopted the Register's annual budget for 2024 and provisionally, for 2025.

## Board

The Register's Board has general responsibility for the exercise of the Register's functions. The Board shall propose the rules and regulations governing the work of the Register (that shall be subsequently approved by the COP) and implement them as appropriate and shall make ultimate determinations with respect to the eligibility of claims to be recorded in the Register.

Seven [Board members](#), working in their personal independent capacities, were appointed at the [third COP meeting](#) on 16 November 2023: Ms Chiara Giorgetti (Italy), Mr Veijo Heiskanen (Finland), Ms. Yulia Kyrpa (Ukraine), Ms Aleksandra Mężykowska (Poland), Ms Lucy Reed (United States), Mr Robert Spano (Iceland) and Mr Norbert Wühler (Germany). The Board members were appointed for a term of office of three years, renewable once.

The appointed Board members have vast expertise in the fields of international law and reparations and have experience from setting up and working with mass claims programs based in international law.

The Board met for its [inaugural meeting](#) on 11-15 December 2023 in The Hague and will continue to meet in person on a quarterly basis and virtually in between. The Board will also provide quarterly reports to COP on the number of claims received and the number of eligible claims recorded in the Register, the relevant categories and the total amount of compensation sought (if applicable).

At its inaugural meeting, the Board adopted its [Rules of Procedure](#) and discussed as a matter of urgency the categories of claims that will be eligible for submission to the Register. The Board elected Robert Spano, former President of the European Court of Human Rights as its Chair, and Professor Chiara Giorgetti of Richmond Law School as Vice-Chair.

The Board considered, *inter alia*, categories of claims that will be eligible for submission to the Register in line with the criteria laid out in the Register's [Statute](#) and in accordance with international law and the Board recognised the need to propose the necessary rules as soon as possible.

The Board decided that the categories of claims are expected to include, in particular, claims related to:

- loss of life, torture and sexual violence, as well as personal injury;
- involuntary displacement and forced relocation of individuals;
- loss of property and revenue, and other forms of economic loss;
- damage to critical infrastructure and other governmental facilities;
- damage to historic and cultural heritage;
- environmental damage;
- and other categories as determined by the Board.



The Board also decided to address, as a matter of urgency, the collection and recording of claims from individuals who have been most affected by the war, as well as claims related to critical infrastructure of Ukraine. Moreover, work is ongoing to address other categories of claims to be brought by Ukrainian authorities, businesses, and other legal entities.

## Secretariat

The Register's Secretariat, led by the [Executive Director](#), ensures the day-to-day operation of the Register and its systems. It will include hands-on work with incoming claims, including their processing and categorisation. The Secretariat is also developing the digital platform of the Register. The Register will have up to 45 staff members, with 10 working in its satellite office in Ukraine.

During 2023, the work of the Executive Director and the Secretariat focused on making the Register operational in terms of finding premises (temporary and permanent), recruitment of staff, development of the Register's digital platform for the submission and processing of claims, cooperation and coordination with the Ukrainian governmental authorities, providing substantive support to the Board and outreach to increase the Register's membership.



# KEY DEVELOPMENTS

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## ➤ New York, 14 November 2022

The United Nations General Assembly (UNGA) adopts Resolution A/RES/ES-11/5 "[\*Furtherance of remedy and reparation for aggression against Ukraine\*](#)".

## ➤ Reykjavik, 16-17 May 2023

At the [4th Council of Europe Summit of Heads of State and Government](#), the Register of Damage for Ukraine is established through the [Enlarged Partial Agreement, the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine](#).

## ➤ Strasbourg, 27 June 2023

The Conference of Participants of the Register of Damage holds its [constitutive meeting](#).

The Conference elects Ambassador Sandy Moss (United Kingdom) as Chair, Ambassador Tanja Gonggrijp (the Netherlands) as first Vice-Chair and Mr Emil Ruffer (Czech Republic) as second Vice-Chair, for a term of office of three years.

The Conference also adopts its Rules of Procedure and Rules on the appointment and removal of the members of the Board of the Register of Damage caused by the Aggression of the Russian Federation Against Ukraine.

Mr. Markiyan Kliuchkovskyi (Ukraine) is designated as Executive Director of the Register.

## ➤ Strasbourg, 17 July 2023

The Secretary General of the Council of Europe [signs](#) the [Host State Agreement](#) with the Kingdom of the Netherlands regarding the Seat of the Register of Damage for Ukraine.

➤ **Riga, 11 September 2023**

The Ministers of Justice of Council of Europe member and observer States adopt the “[Riga principles](#)” to achieve comprehensive accountability for the Russian Federation’s aggression against Ukraine.

➤ **Riga, 12 September 2023**

The Conference of Participants devotes its [second meeting](#) to financial issues, including approving the Register’s budget for 2023, and the procedure for the appointment of the members of the Board.

➤ **Strasbourg, 16 November 2023**

At its [third meeting](#), the Conference of Participants elects the seven [members of the Board](#) of the Register of Damage and adopts the Register’s annual budget for 2024 and, provisionally, for 2025.

➤ **The Hague, 11-15 December 2023**

The Board of the Register of Damage holds its [inaugural meeting](#).

The Board adopts its [Rules of Procedure](#) and discusses as a matter of urgency the categories of claims that will be eligible for submission to the Register.

The Board elects Robert Spano, former President of the European Court of Human Rights as its Chair, and Professor Chiara Giorgetti of Richmond Law School as Vice Chair.



# ANNEX 1

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## List of Participants and Associate Members

- |                  |                            |
|------------------|----------------------------|
| › Albania        | › Latvia                   |
| › Andorra        | › Liechtenstein            |
| › Austria        | › Lithuania                |
| › Belgium        | › Luxembourg               |
| › Bulgaria       | › Malta                    |
| › Canada         | › Monaco                   |
| › Croatia        | › Montenegro               |
| › Cyprus         | › Netherlands              |
| › Czechia        | › North Macedonia          |
| › Denmark        | › Norway                   |
| › Estonia        | › Poland                   |
| › European Union | › Portugal                 |
| › Finland        | › Republic of Moldova      |
| › France         | › Romania                  |
| › Georgia        | › San Marino               |
| › Germany        | › Slovak Republic          |
| › Greece         | › Slovenia                 |
| › Iceland        | › Spain                    |
| › Ireland        | › Sweden                   |
| › Italy          | › Switzerland              |
| › Japan          | › Ukraine                  |
|                  | › United Kingdom           |
|                  | › United States of America |

**[www.RD4U.claims](http://www.RD4U.claims)**

Russia's full-scale aggression against Ukraine has led to widespread death and suffering. There are thousands of recorded instances of torture, inhumane treatment and sexual violence, vast destruction of residential buildings and critical infrastructure across the country, as well as immense economic losses. The establishment of the Register of Damage for Ukraine is a significant international effort and the first step towards a mechanism that will ensure justice and compensation for Ukraine and its people.

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