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COMPENSATION FOR DAMAGE CAUSED BY THE AGGRESSION AGAINST UKRAINE: VICTIMS-CENTRED APPROACH IN LIGHT OF HUMAN RIGHTS STANDARDS

Abstract. Compensation for damage, loss or injury caused by the aggression of the Russian Federation against Ukraine constitutes an integral part of a duty to provide war reparations, which after the World War II was transferred from merely inter-state relationships into responsibility of the state to bear legal consequences of its internationally wrongful acts towards all effected persons and entities. The obligation to make war-related reparations under international law is rooted in: (1) a violation of the *jus ad bellum*, namely an unlawful use of force in international relations; (2) a breach of international humanitarian law – a violation of the *ius in bello*; and (3) severe violations of international human right law in armed conflicts. The right to remedy and reparations for victims of such violations is currently enshrined in key international instruments of universal and regional nature. The human rights-oriented perspective of general international law as well as the needs-based approach to human rights implementation has been profoundly explored and brightly described by Prof. Petro Rabinovych, which is of a significant value to the topic of this research.

The years of full-scale aggression of the Russian Federation against Ukraine, alongside with other recent war conflicts around the world, drastically challenged the application of the abovementioned norms and principles of international law and the Post-World War II international legal order as such. Recalling the obligations of all states to maintain international peace based on freedom, equality, justice and respect for human rights, in its Resolution A/RES/ES-11/5 the UN General Assembly paved the way to establishing of an international mechanism for reparation for the aggression against Ukraine and the creation of an international register of damage as its first essential step.

This article *is aimed* to identify key features of the Register of Damage for Ukraine as the first component of a future international compensation mechanism considering the characteristics of modern mass claims processing tools and to disclose substantial elements and principles of the victims-centred approach in Register's work through human rights perspective.

Being a unique *ad hoc* international instrument, the Register follows the key principles of war-related mass claims processing tools, which typically refer to the tribunals, commissions and other mechanisms created to resolve disputes among large number of parties who suffered damages in the aftermath of armed conflicts or other international violent upheaval. They are impartial independent binding instruments established by international agreements. The Register has been created by enlarged partial agreement within the institutional framework of the Council of Europe, that ensures its international legitimacy and authoritative nature. The Register's role is to assess and determine the eligibility of claims and to record eligible claims for the purposes of their future

examination and adjudication by the Claims Commission which is yet to be established. Considering that victims of severe human rights violations may have very limited access to evidence, mass claims mechanisms apply lenient evidentiary standard ("relaxed standards of proof" for fact-finding based on a test of "plausibility"). In this connection, the Register applies *a prima facie standard* of review of the evidence and information when deciding on eligibility of claims.

A defining feature of the Register of Damage for Ukraine as the first component of a future international compensation mechanism is an overarching victim-centred perspective. The victim-centred approach is rooted in principles of reparation under international human rights law (in particular, the principle of due recognition of victimhood; procedural principle of effective victim participation and the responsiveness of judicial and administrative processes to the needs of victims; due consideration of the victims' situation in any given case and – more broadly – the principles of proportionality and non-discrimination). Considering the so-called Riga Principles, the victim-centred approach in the Register's operations emphasises the importance of recognising and addressing the needs and rights of victims/survivors of Russia's aggression against Ukraine and ensures their active engagement in the claims process. It is specified through several fundamental principles, such as inclusivity, participation, security and accessibility. A victim-centred approach along with the human rights perspective are the cornerstones of every element of the Register's work on its pathway to restorative justice.

Keywords: compensation for war-related damage; war reparations; international mass claims mechanisms; international human rights law; Register of Damage for Ukraine; victim-centred approach.

Compensation for damage, loss or injury inflicted by the aggression against Ukraine constitutes an integral part of war reparations. Due to significant development of the concept of war reparations specifically after the World War II, the duty to provide such reparations were transferred from merely inter-state relationships into much broader area of the state responsibility to bear legal consequences of its internationally wrongful acts towards all effected persons and entities. Recognising rights of war-effected population to benefit from remedies and reparation and adopting a victim-oriented perspective in war reparations process, the international community reaffirms the international legal principles of accountability, justice and the rule of law[1].

The human rights-oriented perspective of general international law as well as the needs-based approach to human rights implementation has been profoundly explored and brightly described by Prof. Petro Rabinovych[2]. The ideas and scientific achievements of Prof. P. Rabinovych, developed over the years, are extremely relevant today and are consistently being developed by the Lviv Human

[1] Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, United Nations General Assembly Resolution 60/147, 16 December 2005, Preamble <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> (accessed 01.06.2025).

[2] See: П Рабінович, 'Людяність: міжнародні стандарти правового захисту (до 65-річчя завершення Нюрнберзького процесу)' [2011] 10 Право України 349–357; П Рабінович, 'Універсальні стандарти людяності як концептуальні засади антропоцентричного праворозуміння' [2021] 1 Право України 76–87; П Рабінович, А Держипільська, 'Розвиток ідей професора Герша Лаутерпахта щодо відповідальності за вчинення злочинів проти людяності у сучасному міжнародному кримінальному праві (до 75-річчя перемоги над нацистським режимом у Другій світовій війні)' [2020] 8 Право України 212–222; П Рабінович, А Наконечна, 'Потребовий підхід у дослідженні правових явищ: вітчизняний та іноземний досвіди' [2022] 74 Вісник Львівського університету. Сер. юридична 23–30 and others.

Rights Laboratory, which was initiated and headed by the Professor since 1996 and now bears his name. The outstanding scientist could not remain aloof from the problems of gross human rights violations caused by the war against Ukraine and responsibility for the internationally wrongful acts. For this purpose, under the leadership of Prof. P. Rabinovych, a series of translations of UN resolutions on countering the aggression of the Russian Federation with the commentaries to them was launched, including those resolutions which laid the foundation for a future international compensation mechanism for the aggression against Ukraine[3].

The years of full-scale aggression of the Russian Federation against Ukraine, alongside with other recent war conflicts around the world, drastically challenged the implementation of the norms and principles of international law and the Post-World War II international legal order as such. Recalling the obligations of all states 'to refrain from use of force against the territorial integrity or political independence of any State' and maintain 'international peace founded upon freedom, equality, justice and respect for human rights', the United Nations General Assembly adopted its Resolution A/RES/ES-11/5 of 14 November 2022 "Furtherance of remedy and reparation for aggression against Ukraine"[4], which paved the way to establishing of the international compensation mechanism to address the act of aggression committed against Ukraine. In this regard the aforementioned UN GA Resolution: (a) emphasised that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts in or against Ukraine, including making reparation for the injury, and for any damage, caused by such acts; (b) recognised the need for the establishment of an international mechanism for reparation; and (c) recommended the creation of an international register of damage in co-operation with Ukraine[5]. Scientific commentary of aforementioned UN GA Resolution developed by Prof. S. Rabinovych has been published in "Law of Ukraine" Journal (2024)[6].

This article *is aimed to* identify key features of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine *(hereinafter – the Register of Damage for Ukraine, the Register)* as the first component of a future international compensation mechanism considering the characteristics of modern mass claims processing tools and to disclose substantial elements and principles of the victims-centred approach in Register's work through human rights perspective.

The Register has been established as a first step of *ad hoc international compensation mechanism* specifically aimed to address damage, loss and injury

[3] *Наукові коментарі до резолюцій Генеральної Асамблеї ООН з питань протидії збройній агресії Російської Федерації проти України* (Праці Лабораторії прав людини і громадянина імені академіка Петра Рабіновича, П Рабінович гол ред, Медицина і право 2024) Серія II. Коментарі законодавства. Випуск 13 63.

[4] United Nations General Assembly Resolution A/RES/ES-11/5 "Furtherance of remedy and reparation for aggression against Ukraine" (14 November 2022) <https://digitallibrary.un.org/record/3994481?v=pdf> (accessed 01.06.2025).

[5] Ibid. paras 2, 3, 4.

[6] С Рабінович, 'Науковий коментар до Резолюції Генеральної Асамблеї ООН ES-11/5 "Сприяння правовому захисту та забезпечення відшкодування шкоди у зв'язку з агресією проти України", ухваленої 14 листопада 2022 р.' [2024] 8 Право України 24–30.

inflicted by the aggression of the Russian Federation in or against Ukraine. Being a unique international instrument, it is grounded on the key principles of so-called *war-related mass claims processes,* which typically refer to the tribunals, commissions and other mechanisms created to resolve disputes among large number of parties[7] suffered damages in the aftermath of international armed conflicts or other violent upheaval. Among "modern" mass claims processes based on international law are, *inter alia,* the United Nations Compensation Commission, United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory, Iran-U.S. Claims Tribunal, Eritrea-Ethiopia Claims Commission[8].

The "modern" international mass claims mechanisms make up an eclectic distinct group, characterised by important shared *features* ("fundamental procedural and substantive characteristics")[9]. Notably, mass claims mechanisms are impartial independent binding dispute resolution instruments which do not serve as mediation or conciliation mechanisms or advisory or review bodies (like trust and reconciliation commissions)[10]. Being international law instruments, they are created by international agreements. The Register of Damage for Ukraine has been established by enlarged partial agreement within the institutional framework of the Council of Europe[11]. As declared by so-called Riga Principles, the international legitimacy and authoritative nature of the Register of Damage for Ukraine as a mass claims processing tool should be enhanced, including by taking due account of the case law of the European Court of Human Rights and other applicable international law[12].

Worth to highlight that the abovementioned Resolution CM/Res(2023)3 refers to the Statute of the Council of Europe (ETS No. 1), which in its preamble underlines *"the pursuit of peace based upon justice"*[13]. In other words, establishing of the Register as the first element of a future international compensation mechanism which is aimed to bring an aggressor state to responsibility for the internationally wrongful acts through reparations is prerequisite for ensuring a just and lasting peace for Ukraine and for the continent as such.

[7] See: H M Holtzmann, 'Mass Claims' (Oxford Public International Law, Max Planck Encyclopedias of International Law, 2008) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1891> (accessed 01.06.2025).

[8] See: *Research Handbook on International Claims Commissions* (C Giorgetti, P W Pearsall, H Ruiz-Fabri (eds), Edward Elgar Publishing 2023) 75–112, 127–149.

[9] See: L Brilmayer, C Giorgetti, L Charlton, *International Claims Commissions: Righting Wrongs after Conflict* (Edward Elgar Publishing 2017) 5–10.

[10] L Brilmayer, C Giorgetti, L Charlton (n 9) 6, 10.

[11] 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 (Adopted by the Committee of Ministers on 12 May 2023 at the 1466th meeting of the Ministers' Deputies and amended on 27 September 2023 at the 1476th meeting of the Ministers' Deputies) <https://rd4u.coe.int/documents/358068/372244/CM_Res%282023%293+-+Statute.pdf/2cebbb65-c86d-61c6-06c2-dca378ecd900?t=1708702115594> (accessed 01.06.2025).

[12] Declaration of the Informal Conference of Ministers of Justice of the Council of Europe "On the occasion of the Conference: "On the Path to Justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families, and Supporting the Resilience of its Justice System", 11 September 2023, Riga, Latvia <https://rm.coe.int/moj-declaration-riga-principles-final-en/1680ac8728> (accessed 01.06.2025).

[13] Resolution CM/Res(2023)3 (n 11).

International mass claims mechanisms are *ad hoc* institutions specifically created to address damage caused by international violent upheaval, such as use of force against another state, other situations of an armed conflict or a revolution[14]. Thus, as usual, they are 'retrospective and back-looking institutions' which are often 'a part and parcel of the peace process that all parties undertake to restore peace and trust after a significant crisis'[15]. The Register has been established for the specific purpose to address the consequences of the aggression against Ukraine and its people, which led to widespread death, suffering and destruction. The uniqueness of the Register of Damage for Ukraine also derives from the fact that the Register operates at the time of active phase of the war against Ukraine which is not abating. It shall facilitate a submission of well-grounded claims supplemented by sufficient evidence of war crimes including torture, serious personal harm, sexual violence, property damage. Clearly, for the moment, no deadlines are put on claimants for submission of their claims considering that new damages constantly occur.

The international mass claims mechanisms engage the concept of international responsibility of the state as a sovereign entity and a subject of international law[16]. It declares that a state responsible for the internationally wrongful act (action or omission) is under an obligation to make full reparation for the injury (which includes any damage, whether material or moral) caused by such unlawful act. The compensation as a form of reparation shall cover any financially assessable damage including loss of profits insofar as it is established[17]. At present, the duty to provide war reparations under international law is rooted in: (1) a violation of the *jus ad bellum,* namely an unlawful use of force in international relations contrary to Art. 2 (4) of the United Nations Charter; (2) a breach of international humanitarian law (IHL) – violation of the *ius in bello*[18]; (3) severe violations of international human right law (IHRL)[19].

Currently, the right to remedy and reparations for victims of violations of IHRL and IHL is enshrined in key international instruments of universal and regional nature, in particular, Art. 8 of the Universal Declaration of Human Rights; Art. 2 of the International Covenant on Civil and Political Rights; Art. 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Art. 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 39 of the Convention on the Rights of the Child; Art. 3 of the Hague Convention respecting the Laws and Customs of War on Land (Convention IV, 1907); Art. 91 of the Protocol

[14] L Brilmayer, C Giorgetti, L Charlton (n 9) 7.
[15] Ibid. 9.
[16] Ibid. 9.
[17] Articles of the Responsibility of States for Internationally Wrongful Acts, International Law Commission, Annex to the United Nations General Assembly Resolution 56/83, 12 December 2001, Art. 36 <https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf> (accessed 01.06.2025).
[18] P Sullo, J Wyatt, 'War Reparations' (Max Planck Encyclopedias of International Law, 2015) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e432?rskey=DkhBO9&result=1&prd=OPIL> (accessed 01.06.2025).
[19] See also: С Рабінович (н 6) 24.

Additional to the Geneva Conventions, and relating to the Protection of Victims of International Armed Conflicts; Art. 68 and Art. 75 of the Rome Statute of the International Criminal Court[20].

The obligation to provide compensation as a form of reparations is specified in 2001 Articles on Responsibility of States for Internationally Wrongful Acts and the 2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of IHRL and Serious Violations of IHL as well as the 2011 Guidelines of the Council of Europe Committee of Ministers on Eradicating Impunity for Serious Human Rights Violations[21]. Being "a soft law" legal documents by legal nature they are deeply rooted in customary international law.

The aforementioned legal standards are fully applicable to the Register of Damage for Ukraine, which is aimed to record claims related to damage, loss or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine. Notably, the Heads of State and Government of the Council of Europe in Declaration in support of the Enlarged Partial Agreement on the Register (Appendix I to the Reykjavík Declaration) condemned all violations of international law, *including IHRL and IHL,* in particular attacks against civilians and civilian objects, including civilian infrastructure, cultural and religious heritage and the environment of Ukraine. They convinced of the exigent necessity to ensure comprehensive accountability in the context of the Russian Federation's aggression against Ukraine[22]. In its decision in category A2.1 – Death of an Immediate Family Member concerning the combatants, the Register's Board recalls a well-established principle in international law that the states that are responsible for an internationally wrongful act are under an obligation to make full reparation for the injury caused. This principle applies to violations of *the jus ad bellum,* including acts of aggression[23]. Along with this, the claims categories eligible for recording in the Register cover severe violations of IHRL, IHL and laws and customs of war[24].

Finally, international mass claims processes, whether arbitral or administrative in nature, are structured and act as adjudicative bodies and incorporate the essence of principles of fair trials in their proceedings[25] and due process elements. They are governed by procedural rules that typically are referred to in the constituting instruments and aimed to result in fair proceedings. For this purpose, the mass

[20] Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims … (n 1).
[21] See: Resolution CM/Res(2023)3 (n 11).
[22] Reykjavík Declaration "United round our values". Reykjavík Summit of the Council of Europe, 16–17 May 2023, 10 <https://edoc.coe.int/en/the-council-of-europe-in-brief/11619-united-around-our-values-reykjavik-declaration.html> (accessed 01.06.2025).
[23] Board Decision. Category A2.1 – Death of an Immediate Family Member. Group G-A2.1-000002 (combatants, death & kinship verified by Register of Civil Status Acts). Register of Damage for Ukraine <https://www.rd4u.coe.int/en/documents> (accessed 01.06.2025).
[24] Categories of Claims Eligible for Recording (Register of Damage for Ukraine) <https://www.rd4u.coe.int/en/documents> (accessed 01.06.2025).
[25] L Brilmayer, C Giorgetti, L Charlton (n 9) 7.

claims mechanisms are entitled to exercise great discretion in formulating a flexible approach to the law of evidence and to be quite lenient in its decisions whether evidence should be admitted. They tend to be both *flexible and permissive* in their treatment to evidence[26]. The relevant, admissible and accurate evidence often accepted by mass claims decision making bodies without any preliminary assessment may prove a sufficient causal link between the activity and damage and, thereof, the action might be attributable to the defendant state[27].

However, considering that victims of violations may have very limited access to evidence, mass claims mechanisms apply *lenient evidentiary standard,* contrary to restrictive standards of proof applied, *inter alia,* by domestic courts. While standard of proof refers to the rule prescribing how much supportive evidence is required for the claim to be sufficiently proven, the burden of proof specifies which of the party must produce it[28]. As usual, burden of proof lies with the claimant, however mass claim body may lower the standards of proof when circumstances require. Respectively, the international mass claims mechanisms have elaborated particular standards of proof such as, but not limited to, satisfactory proof, clear evidence, sufficient evidence of a reliable quality, clear and convincing evidence in support[29], "totality of evidence standard" used to compensate for the difficulty to obtain evidence under specific circumstances[30].

The necessity of processing and deciding significant numbers of claims, coupled with the need to speed up payments of compensation and the difficulties usually faced by victims in finding documentary evidence, led to innovative approaches in the recent mass claims processes. Among them is the introduction of the concept of *"relaxed standards of proof"* for fact-finding based on *a test of what is "plausible"*[31], instead of applying traditional legal standards of proof such as those based on *"the preponderance-of-the-evidence rule"*[32]. The "plausibility standard" was first explicitly mentioned in the Rules of Procedures for the Claims Resolution Process ("CRT Procedural Rules") adopted in 1997 by the Claims Resolution Tribunal of the Holocaust Victim Assets Litigation. It says that the Claimant must show that it is plausible in the light of all the circumstances that he or she is entitled to compensation (Art. 22 CRT Rules of Procedures)[33]. Also, in order to balance the situation in accordance with the victim's ability to prove the damage suffered,

[26] L Brilmayer, C Giorgetti, L Charlton (n 9) 167–168.
[27] Ibid. 175–176.
[28] Ibid. 167, 182.
[29] Ibid. 182–183; M J Matheson, *International Civil Tribunals and Armed Conflict* (Martinus Nijhoff, 2012) 153 (citing *Congo v. Uganda,* Judgment of 19 December 2005, 83, 123, 136, 146, 175, 208).
[30] L Brilmayer, C Giorgetti, L Charlton (n 9) 184.
[31] See: H M Holtzmann (n 7).
[32] D Rosenberg, 'The Causal Connection in Mass Exposure Cases: A "Public Law" Vision of the Tort System' [1984] 97 Harvard Law Review 849–929.
[33] Rules of Procedure for the Claims Resolution Process (CRT-I Rules) (Adopted on October 15, 1997 by the Board of Trustees of the Independent Claims Resolution Foundation), VIII Evidence, Art. 22 <https://www.crt-ii.org/_crt-i/rules_procedure.html> (accessed 01.06.2025).

international adjudicatory bodies have relied on *presumptions and circumstantial evidence*, 'when they lead to consistent conclusions as regards the fact of the case'[34].

Therefore, considering that victims of violations may have very limited access to evidence, the researchers conclude that flexibility of evidentiary standards in mass claims processing is not optional, it is necessity. It is an only way to ensure just and timely reparations to affected population since 'unpunished violations of human rights law impose a burden on the community and undermine the authority of human rights norms for the future'[35].

Worth noting that the amount of evidence which are under revision of the mass claims processes makes the proceedings almost impossible by ordinary means. In this regard modern mass claims mechanisms have elaborated methodologies and techniques for mass claims processing to facilitate reviewing of large numbers of claims as swiftly as circumstances permit. These include grouping of claims, statistical modelling and sampling, computerised matching of claims, and application of standardised verification and valuation procedures[36]. Depending on the nature and number and types of claims the Register also may use mass claims processing techniques and tools such as computer-assisted data processing, data analysis and sampling, including with the use of artificial intelligence[37].

According to its Statute, the Register's role is to assess and determine the "eligibility of claims for inclusion in the Register" and to record eligible claims for the purposes of their future examination and adjudication. The Register does not have adjudicative functions with respect to such claims, including determination of responsibility and amount of compensation[38]. As rightly stated by Prof. Luke Moffet, the Register as such is a repository, not delivery compensation element[39].

The Register decides that the claims are eligible for recording if they meet the following criteria[40]:

(a) the claims are submitted by or on behalf of an eligible claimant *(Ratione personae)*. All natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities, state-owned or controlled entities might be recognised as eligible claimants. Among individuals both civilians and combatants may claim the damage caused by the Russian aggression against Ukraine. Also, an immediate family member may submit a claim if the deceased

[34] O Amezcua-Noriega, 'Reparation Principles under International Law and their Possible Application by the International Criminal Court: Some Reflections' Briefing Paper No.1 (Reparations Unit, University of Essex, 2011) 6 <https://biblioteca.corteidh.or.cr/tablas/r26681.pdf> (accessed 01.06.2025) (citing *IACtHR, Gangaram Panday v. Suriname,* Merits, reparations and costs, Judgment of 21 January 1994, Series C No. 16, para. 49.)

[35] L Brilmayer, C Giorgetti, L Charlton (n 9) 177.

[36] Ibid. 176.

[37] Rules Governing the Submission, Processing and Recording of Claims ("Claims Rules") Art. 20. Register of Damage for Ukraine <https://www.rd4u.coe.int/en/documents> (accessed 01.06.2025).

[38] Statute of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine. Art 2.1. Appendix to Resolution CM/Res(2023)3 (n 11).

[39] L Moffet, 'Reparations for War in Ukraine: A Harm-Based Approach' (OpinioJutis, 12.07.24) <https://opiniojuris.org/2024/07/12/reparations-for-war-in-ukraine-a-harm-based-approach> (accessed 01.06.2025).

[40] Rules Governing the Submission, Processing and Recording of Claims (n 37) Art. 18.

or disappeared person was involved in the war (military actions) or maintained law and order. In this regard the Register stated that the deaths in such cases are a direct consequence of a violation of the prohibition of the use of force under Article 2(4) of the UN Charter and customary international law[41]. A future compensation commission could potentially take this into account when deciding on such claim[42].

(b) The claims are for damage, loss or injury that occurred on or after 24 February 2022 *(Ratione temporis)*. It is worth highlighting that, considering the strong position of Ukrainian civil society and policymakers, the Parliamentary Assembly of the Council of Europe calls on the Participants and Associate Members of the Register to extend the eligibility of claims to include those dating back to 2014, rather than limiting it to claims from 24 February 2022. This broader scope would ensure that all victims of Russian aggression, including those impacted by the annexation of Crimea, the war in the east of Ukraine, and other acts of aggression, can seek justice and compensation[43].

(c) The claims are for damage, loss or injury that occurred in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters *(Ratione loci)*. It means, among others, that the damage caused by the aggression of the Russian Federation in the temporarily occupied territories of Ukraine *(hereinafter – TOT)* also may be claimed to the Register. On 29 January 2025, the General Prosecutor's Office of the Russian Federation designated the Register as an "undesirable organisation" due to, *inter alia,* denial by the Register that Donetsk, Luhansk, Kherson, and Zaporizhzhia regions belong to Russia. Such a decision, being legally invalid outside the Russian domestic regulatory framework and condemned by international institutions[44], leads to a prohibition of any type of activities of such an organisation within jurisdiction of the Russian Federation. Taking part in activities of the Register may put those residing in TOT at risk of administrative or criminal liabilities. However, it does not prevent other claimants from submitting claims related to damage, loss and injury occurred in TOT due to Russia's aggression. In particular, hundreds of claims in category A3.1 which were related to damage or destruction of residential immovable property in TOT have been already submitted to the Register and recorded as eligible[45].

(d) The claims are for damage, loss or injury that was caused by the Russian Federation's internationally wrongful acts in or against Ukraine *(Ratione materiae)*. In this context, *a principle of causality shall* be applied which states that reparations entail the existence of a causal link between the violation found, the

[41] See: Board Decision. Category A2.1 – Death of an Immediate Family Member. Group G-A2.1-000002 (n 23).
[42] FAQ. Category A2.1 – Death of an Immediate Family Member. Register of Damage for Ukraine <https://rd4u.coe.int/en/a2.1-death-of-an-immediate-family-member#{%22532426%22:[9]}> (accessed 01.06.2025).
[43] PACE Resolution 2598 (2025) Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity. 9 April 2025. Para. 15.5 <https://pace.coe.int/en/files/34286/html> (accessed 01.06.2025).
[44] See: PACE Resolution 2598 (2025) (n 43).
[45] Board Decision. Category A3.1 – Damage or Destruction of Residential Immovable Property Group G-A3.1-000002 (Bakhmut Claims) <https://www.rd4u.coe.int/en/documents> (accessed 01.06.2025).

harm produced, and the reparations sought[46]. Claims cannot be recorded in the Register if they are manifestly unfounded. Deciding on eligibility, the Register applies *a prima facie standard* of review of the evidence and information.

An essential feature of the Register of Damage for Ukraine as the first component of a future international compensation mechanism is *an overarching victim-centred perspective*. As declared in Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, adopting *a victim-oriented perspective,* the international community affirms its human solidarity with victims of violations of international law, including violations of IHRL and IHL, as well as with humanity at large[47].

Victim-centred approach is grounded on *principles of reparation under international human rights law*. First, it's worth underlining the principle of *due recognition of victimhood* which plays an important role in reparations granted by IHRL[48]. The law of responsibility of a state puts an obligation on a responsible state to make full reparation for the injury which includes any damage, whether material or moral, caused by the internationally wrongful act[49]. Within the framework of IHRL, it has been reflected through the recognition that violations may cause mental damage and emotional suffering[50]. Therefore, the international human rights bodies consider the next of kin of direct victims of human rights violations and their dependents as victims in their own rights who are entitled to receive compensation (just satisfaction[51]). Such an approach has been fully incorporated by the Register of Damage for Ukraine, notably an immediate family member or another family member who has a legitimate interest may submit claims in categories A2.1., A2.2. for mental pain and anguish that they suffered due to their family member's death or disappearance[52].

In continuation of the due recognition of victimhood, IHRL has established the *procedural principle of effective victim participation*[53] *and the responsiveness of judicial and administrative processes to the needs of victims*. In particular, it declares that (a) victims should be informed of their rights in seeking redress; of their role and the scope, timing and progress of the proceedings, and of the disposition of their cases, especially where serious crimes are involved and where they have requested

[46] O Amezcua-Noriega (n 34) 5.
[47] Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims … (n 1).
[48] O Amezcua-Noriega (n 34) 6.
[49] Articles of the Responsibility of States for Internationally Wrongful Acts (n 17) Art. 31.
[50] Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, United Nations General Assembly Resolution 40/34, 29 November 1985, Principle 1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse> (accessed 01.06.2025).
[51] See: Rules of the European Court of Human Rights, Just satisfaction claims (Art. 41 of the Convention). Practice direction, issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 28 March 2007 and amended on 9 June 2022 <https://www.echr.coe.int/documents/d/echr/pd_satisfaction_claims_eng> (accessed 01.06.2025).
[52] Claim Form and Rules for Category A2.1 Death of an Immediate Family Member. Claim Form and Rules for Category A2.2 Missing Immediate Family Member. The Register of Damage for Ukraine <https://www.rd4u.coe.int/en/documents> (accessed 01.06.2025).
[53] O Amezcua-Noriega (n 34) 6.

such information; (b) the views and concerns of victims should be presented and considered at appropriate stages of the proceedings where their personal interests are affected; (c) victims should receive proper assistance throughout the legal process; (d) inconvenience to victims should be minimised, privacy of victims and their families and witnesses on their behalf shall be protected and their safety shall be secured to all extent possible; (e) any unnecessary delay in the disposition of cases and the execution of decisions granting awards to victims shall be avoided[54]. The abovementioned requirements also allow for *due consideration of the victims' situation in any given case*. Overall, IHRL requires that under any circumstances including wartime and the aftermath of war, the victims should be treated with humanity and respect for their dignity and human rights[55].

In this context, *the principle of proportionality and the principle of non-discrimination* shall be recalled. According to the former, the reparation should be proportional to the injury caused by the wrongful act (to the gravity of the violations and the harm suffered[56]), even when dealing with gross human rights violations. Consequently, reparation measures should neither enrich nor impoverish the victim of a human rights violation, as they are intended to eliminate the effects of the violations that were committed[57]. In its turn, following the principle of non-discrimination in IHRL, when providing redress for human rights violations, states must implement reparation measures without discrimination on any of the grounds recognised by international law[58]. It refers to all elements of claims' processing and decision-making when special attention shall be paid to the needs of the most vulnerable groups of victims. Consequently, it may lead to justifiable prioritisation in claims consideration and decision as well as compensation payments.

The *victim-centred approach* is central to every aspect of the work of the Register of Damage for Ukraine. This approach emphasises the importance of recognising and addressing the needs and rights of victims of Russia's aggression against Ukraine, ensuring that their voices are heard, and their experiences acknowledged in the process of collection of compensation claims[59]. Enhancing the legitimacy of any mechanism of individual reparations, it promotes empowerment, understanding, accountability, as well as healing and recovery. This commitment reflects a broader understanding of justice that goes beyond mere record-keeping to active engagement of those most affected by the war[60].

The ground for victim-centred approach was laid down by the so-called *Riga Principles* elaborated in order to foster the effective achievement of comprehensive

[54] Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (n 50) Principle 6 (a)-(d).
[55] Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims … (n 1).
[56] Ibid., paras 15, 20.
[57] O Amezcua-Noriega (n 34) 6.
[58] Ibid. 7.
[59] Victim-Centred Approach (The Register of Damage for Ukraine) <https://rd4u.coe.int/en/victim-centred-approach> (accessed 01.06.2025).
[60] Ibid.

accountability through the efficient functioning of the Register of Damage for Ukraine. In line with Riga Principles, the Register prioritises the dignity, respect, and involvement of victims, in a manner consistent with states' obligations to provide remedies and redress to victims, in particular to the most vulnerable, such as women and children. Its organisation, functioning and structure, and rules for eligibility of claims for inclusion in the Register, evidence, and procedures are designed to enable the Register to document, promptly and with due priority, claims for human rights violations and abuses, such as those involving loss of life, enforced disappearance, conflict-related sexual violence, serious injury, torture, arbitrary arrest and detention, while pursuing the timely and efficient registration of other claims, such as damage to property, infrastructure, environment and cultural heritage[61].

In order to ensure its practical impact and implementation in daily operations the Register has specified *the victim-centred approach* through a number of fundamental principles such as *inclusivity, participation, security and accessibility*[62].

In line with t*he principle of inclusivity*, the Register is committed to pursuing inclusive justice for all those who suffered from the aggression against Ukraine including individuals, legal entities and the state of Ukraine. Incorporating an anti-discrimination clause in its activities, the Register aims to ensure that any disadvantage that may be caused by gender, disability, ethnicity, religion, sexual orientation, marital or displacement status, age or other factor does not reduce the prospects of justice.

Aimed at covering wide scope of damage, loss and injury caused by Russia's aggression against Ukraine, the Register has adopted 43 categories of claims eligible for recording[63]. These include claims related to involuntary displacement and violation of personal integrity, loss of access to education and healthcare, damage to critical and non-critical infrastructure, environmental damage, loss of historic, cultural and religious heritage, humanitarian expenditures, property damage and destruction, and economic losses.

Currently, in june 2025, out of 43 categories of claims 10 are opened for submission to the Register via web portal Diia. They cover the most vulnerable groups of war-effected people who suffered from involuntary internal displacement; death or disappearance of an immediate family member; serious personal injury; sexual violence; torture; deprivation of liberty; forced labour or service; damage or destruction of residential, and non-residential immovable property. As of June 2025, over 30,000 individuals have already submitted their claims to the Register in these categories.

By aligning with *the principle of participation of victims/survivors,* the Register allows the victims and survivors of the war to directly participate in the reparation

[61] Declaration of the Informal Conference of Ministers of Justice of the Council of Europe … (n 12).
[62] Victim-Centred Approach (n 59).
[63] Categories of Claims Eligible for Recording (n 24).

process and let their statements and personal stories be heard and valued through the submission of claims. As was already described above, victims of human rights violations may have very limited access to any evidence related to their suffering, thus the Register applies lenient evidentiary standards, and the claimants may submit a claim in the absence of comprehensive documentary evidence like police reports or conclusions of forensic expertise. Also, the Register tends to avoid re-traumatisation of victims who have experienced trauma and, for this purpose, facilitates claims submission, inter alia, through a possibility to submit a "multiple" claim in categories A2.3 – A2.7 bypassing a repetition of statements or testimonies related to severe violations of human rights.

According to the *principle of security*, the Register intends to incorporate the highest standards of data protection following the Principles on the Protection of Personal Data in the Work of the Register of Damage for Ukraine[64] aligned with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Protocol amending the Convention (CETS No. 223). Claiming war-related damage may require a submission of the most sensitive information about the victims/survivors and the circumstances of harmful events. The Register is committed to ensuring the security of all information and data submitted by the claimants. The claims submission process requires the explicit consent of the claimants for sharing their personal data with the Register. Overall, consent of the data subject is the primary legal basis in the Register's work[65]. The data submitted are also well-protected from the cyber threats being stored at the secured servers in the EU[66].

Accessibility of the claims submission process to every victim is of paramount importance. The need to receive and process a significant number of claims requires the Register to rely on modern technology and receive all claims and information in digital form via Diia web portal. The Register in collaboration with the Diia team ensures user-friendly digital solutions including an interface for the submission of claims which do not require special knowledge. However, the most vulnerable claimants who have no proper access to digital tools will receive assistance in the submission of their claims through the Centers for Provision of Administrative Services[67].

Accessibility of required evidence for victims/survivors of human rights violations and other claimants is also in the focus of the Register's actions. For this purpose, the Register ensures its integration and interoperability with Ukrainian domestic registers and databases. However, for different reasons, victims of the war of aggression against Ukraine might not have reported damage, loss or injury

[64] Principles on the Protection of Personal Data in the Work of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine <https://www.rd4u.coe.int/en/documents> (accessed 01.06.2025).
[65] Ibid. Principle 1. Lawfulness, Fairness and Transparency
[66] Register's Claims Data Unaffected by Recent Cyberattack in Ukraine (20.12.2024) <https://rd4u.coe.int/en/-/register-s-claims-data-unaffected-by-recent-cyberattack-in-ukraine> (accessed 01.06.2025).
[67] See: Rules on the Use of Representatives. Art. 7 <https://rd4u.coe.int/en/documents> (accessed 01.06.2025).

within national criminal justice or any administrative mechanisms, and therefore any evidence and information on the circumstances of the claim officially documented at the domestic level is lacking. The absence of claims' related data in domestic inventories does not prevent victims from claiming damage and submitting any other available evidence in support of their claims.

The Register is also committed to (a) ensuring availability of information on the claims submission process to war-affected populations with a focus on the most vulnerable groups; (b) disseminating information on the claims' submission process via diverse communication channels; and (c) elimination of any barriers and limitations in access to reliable information on the Register (including language, location of potential claimants, technology (il)literacy, the diverse needs and (dis)abilities of users, etc.).

Central to the Register and its Kyiv Office is the development and implementation of an extensive complex *outreach programme* designed to promote awareness about the Register among war-effected people, regional and local authorities, legal aid providers, civil society organisations, all those who assist victims of the aggression against Ukraine. For this purpose, the Register's Civil Society Coordination Platform has been launched[68]. The Platform, *inter alia,* contributes to the implementation of Riga Principles, namely *civil society engagement* which emphasises that civil society and non-governmental organisations, including human rights defenders, as well as victims and victim rights organisations should be meaningfully consulted by relevant national and international bodies[69].

In this context, the Executive Director of the Register, Markiyan Kliuchkovskyi, underlines that

> Engaging directly with civil society organisations is crucial in making the claims process of the Register even more accessible to war victims. Our discussions on submission procedures and the victim-centred approach, which lies at the core of the Register's work, help us understand victims' concerns and how best to strengthen capacity building to support them[70].

In this regard Dr. Robert Spano, Chair of the Board of the Register, a former President of the European Court of Human Rights, emphasising the importance of each victim's participation in the process, summarises:

> How can we encourage those who have suffered harm to submit a claim to the Register? There are four answers: technical, moral, historical, and political. Technically, individual justice requires an individual claim. Morally, each claim is a way of saying "I will not be silent" to the aggressor. Historically, the way these claims are considered will set a precedent.

[68] Together for Justice: Register of Damage for Ukraine Launches Coordination Platform to Strengthen Civil Society Cooperation <https://rd4u.coe.int/en/-/together-for-justice-register-of-damage-for-ukraine-launches-coordination-platform-to-strengthen-civil-society-cooperation> (accessed 01.06.2025).

[69] Declaration of the Informal Conference of Ministers of Justice of the Council of Europe … (n 12).

[70] Board Meets with the Register's Civil Society Coordination Platform in Kyiv to Strengthen Support for Victims, 20 March 2025, Kyiv <https://rd4u.coe.int/en/-/board-meets-with-the-register-s-civil-society-coordination-platform-in-kyiv-to-strengthen-support-for-victims> (accessed 01.06.2025).

And finally, politically, every claim submitted to the Register creates pressure that cannot be ignored. Together, these elements form the foundation for achieving justice[71].

All of the above brings us to *the conclusion,* that the Register of Damage for Ukraine has been specifically created as the first component of a future international compensation mechanism aiming to ensure justice and reparations for all victims of full-scale aggression against Ukraine. While it is far too early for a comprehensive doctrinal analysis of the international compensation mechanism for the aggression against Ukraine which is yet to be established, the Register as a unique *ad hoc* administrative instrument with its distinctive attributes is aligned with the key principles of modern mass claims mechanisms. A victim-centred approach along with the human right perspective are the cornerstones of every element of the Register's work on its pathway to restorative justice. Fair, timely and effective compensation for all those who suffered damage, loss or injury caused by the aggression against Ukraine is a precondition of sustainable, lasting and just peace – peace which we all deserve.

REFERENCES

Bibliography

Authored dooks

1. Brilmayer L, Giorgetti C, Charlton L, *International Claims Commissions: Righting Wrongs after Conflict* (Edward Elgar Publishing 2017).
2. Matheson M J, *International Civil Tribunals and Armed Conflict* (Martinus Nijhoff, 2012)

Edited books

3. *Research Handbook on International Claims Commissions* (C Giorgetti, P W Pearsall, H Ruiz-Fabri (eds), Edward Elgar Publishing 2023).
4. *Naukovi komentari do rezoliutsii Heneralnoi Asamblei OON z pytan protydii zbroinii ahresii Rosiiskoi Federatsii proty Ukrainy* (Pratsi Laboratorii prav liudyny imeni akademika Petra Rabinovycha NDI derzhavnoho budivnytstva ta mistsevoho samovriaduvannia Natsionalnoi akademii pravovykh nauk Ukrainy. P. Rabinovych (hol. red.) Seriia II. Komentari zakonodavstva. Vypusk 13, 2024) (in Ukrainian).

Journal articles

5. Amezcua-Noriega O, 'Reparation Principles under International Law and their Possible Application by the International Criminal Court: Some Reflections' Briefing Paper No. 1 (Reparations Unit, University of Essex, 2011) 6. <https://biblioteca.corteidh.or.cr/tablas/r26681.pdf> (accessed 01.06.2025).
6. Rosenberg D, 'The Causal Connection in Mass Exposure Cases: A "Public Law" Vision of the Tort System' [1984] 97 Harvard Law Review 849–929.
7. Rabinovych P, 'Liudianist: mizhnarodni standarty pravovoho zakhystu (do 65-richchia zavershennia Niurnberzkoho protsesu)' [2011] 10 Pravo Ukrainy 349–357 (in Ukrainian).
8. Rabinovych P, Derzhypilska A, 'Rozvytok idei profesora H. Lauterpakhta shchodo vidpovidalnosti za vchynennia zlochyniv proty liudianosti u suchasnomu mizhnarodnomu kryminalnomu pravi (do 75-richchia peremohy nad natsystskym rezhymom u Druhii svitovii viini)' [2020] 8 Pravo Ukrainy 212–222 (in Ukrainian).

[71] Ibid. (the Meeting's record).

9. Rabinovych P, 'Universalni standarty liudianosti yak kontseptualni zasady antropotsentrychnoho pravorozuminnia' [2021] 1 Pravo Ukrainy 76–87 (in Ukrainian).
10. Rabinovych P, Nakonechna A, 'Potrebovyi pidkhid u doslidzhenni pravovykh yavyshch: vitchyznianyi ta inozemnyi dosvidy' [2022] 74 Visnyk Lvivskoho universytetu. Ser. yurydychna 23–30 (in Ukrainian).
11. Rabinovych S, 'Naukovyi komentar do Rezoliutsii Heneralnoi Asamblei OON ES-11/5 "Spryiannia pravovomu zakhystu ta zabezpechennia vidshkoduvannia shkody u zviazku z ahresiieiu proty Ukrainy", ukhvalenoi 14 lystopada 2022 r.' [2024] 8 Pravo Ukrainy 24–30 (in Ukrainian).

Encyclopaedias

12. Holtzmann H M, 'Mass Claims' (Oxford Public International Law, Max Planck Encyclopedias of International Law, 2008) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1891> (accessed 01.06.2025).
13. Sullo P, Wyatt J, 'War Reparations' (Max Planck Encyclopedias of International Law, 2015) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e432?rskey=DkhBO9&result=1&prd=OPIL> (accessed 01.06.2025).

Websites

14. Moffet L, Reparations for War in Ukraine: A Harm-Based Approach (OpinioJutis, 12.07.24) <https://opiniojuris.org/2024/07/12/reparations-for-war-in-ukraine-a-harm-based-approach> (accessed 01.06.2025).
15. Board Meets with the Register's Civil Society Coordination Platform in Kyiv to Strengthen Support for Victims, 20 March 2025, Kyiv <https://rd4u.coe.int/en/-/board-meets-with-the-register-s-civil-society-coordination-platform-in-kyiv-to-strengthen-support-for-victims> (accessed 01.06.2025).
16. Register's Claims Data Unaffected by Recent Cyberattack in Ukraine (20.12.2024) <https://rd4u.coe.int/en/-/register-s-claims-data-unaffected-by-recent-cyberattack-in-ukraine> (accessed 01.06.2025).
17. Together for Justice: Register of Damage for Ukraine Launches Coordination Platform to Strengthen Civil Society Cooperation, 1 November 2024 <https://rd4u.coe.int/en/-/together-for-justice-register-of-damage-for-ukraine-launches-coordination-platform-to-strengthen-civil-society-cooperation > (accessed 01.06.2025).
18. Victim-Centred Approach. The Register of Damage for Ukraine <https://rd4u.coe.int/en/victim-centred-approach> (accessed 01.06.2025).

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КОМПЕНСАЦІЯ ЗБИТКІВ, ЗАВДАНИХ АГРЕСІЄЮ ПРОТИ УКРАЇНИ: ПІДХІД, ОРІЄНТОВАНИЙ НА ПОСТРАЖДАЛИХ, У СВІТЛІ СТАНДАРТІВ ПРАВ ЛЮДИНИ

Анотація. Компенсація збитків, втрат чи шкоди, завданих агресією проти України, є невід'ємною частиною воєнних репарацій. Завдяки активному розвитку концепції воєнних репарацій після Другої світової війни, обов'язок надавати такі репарації був перенесений з площини суто міждержавних відносин у набагато ширшу сферу відповідальності держави за міжнародно-протиправні діяння перед постраждалими особами та організаціями та зобов'язань нести негативні юридичні наслідки у разі грубих порушень прав людини. Сьогодні зобов'язання здійснювати репарації, пов'язані з війною, згідно з міжнародним правом зумовлені: 1) порушенням *jus ad bellum,* а саме незаконним застосуванням сили в міжнародних відносинах; 2) порушенням міжнародного гуманітарного права – порушенням jus in bello; 3) серйозними порушеннями міжнародного права прав людини у збройних конфліктах. Право на засоби правового захисту та репарації для жертв таких порушень наразі закріплене в

ключових міжнародних документах універсального та регіонального характеру. Орієнтоване на права людини бачення загального міжнародного права, а також підхід до прав людини, що базується на потребах постраждалих ("потребовий" підхід), були глибоко проаналізовані та яскраво викладені проф. П. Рабіновичем, що в контексті тематики цього дослідження має надзвичайну академічну та праксеологічну цінність.

Роки повномасштабної агресії Російської Федерації проти України, поряд із іншими сучасними воєнними конфліктами, стали викликом для ефективного застосування вищезгаданих принципів і норм міжнародного права та функціонування міжнародного правового порядку, утвердженого після Другої світової війни, як такого. Нагадуючи про зобов'язання всіх держав підтримувати міжнародний мир, заснований на свободі, рівності, справедливості та повазі до прав людини, Генеральна Асамблея ООН Резолюцією A/RES/ES-11/5 проклала шлях до створення міжнародного компенсаційного механізму за шкоду, завдану агресією Російської Федерації проти України, та заснування міжнародного Реєстру збитків для України як його першого важливого етапу. Докладний аналіз вказаної Резолюції ГА ООН представлений проф. С. Рабіновичем у Юридичному журналі "Право України" (2024, № 8).

Ця стаття має на меті визначити ключові особливості Реєстру збитків для України як першого компонента майбутнього міжнародного компенсаційного механізму з урахуванням характеристик сучасних інструментів розгляду масових заяв, а також розкрити суттєві елементи та принципи підходу, орієнтованого на постраждалих, у функціонуванні Реєстру через призму прав людини.

Будучи унікальним міжнародним інструментом *ad hoc,* Реєстр орієнтується на ключові принципи механізмів розгляду масових заяв, пов'язаних із війною. До таких механізмів належать трибунали, компенсаційні комісії та інші інституції, створені для вирішення спорів між великою кількістю сторін, які постраждали внаслідок збройних конфліктів або інших значних міжнародних подій насильницького характеру. Це неупереджені, незалежні обов'язкові інструменти, засновані міжнародними угодами. Реєстр був створений розширеною частковою угодою в межах інституційної рамки Ради Європи, що утверджує його міжнародну легітимність та повноваження. Роль Реєстру полягає в оцінці та визначенні прийнятності заяв та їх включення до Реєстру для цілей майбутнього розгляду по суті та вирішення питання про присудження й розмір компенсації Комісією з розгляду заяв, яку ще належить створити. Враховуючи, що жертви серйозних порушень прав людини можуть мати дуже обмежений доступ до доказів, механізми масових заяв застосовують м'якші ("послаблені") стандарти доказування для встановлення фактів на основі тесту "правдоподібності". З урахуванням такого підходу Реєстр застосовує стандарт *prima facie* для перевірки доказів та інформації під час ухвалення рішення про прийнятність.

Визначальною особливістю Реєстру збитків для України як першого компонента майбутнього міжнародного компенсаційного механізму є підхід, орієнтований на постраждалих. Підхід, що орієнтується на потреби та інтереси постраждалих осіб, ґрунтується на принципах репарацій, закладених міжнародним правом прав людини (зокрема, принцип належного визнання статусу постраждалої особи; процесуальний принцип ефективної участі постраждалих та врахування судовими та адміністративними процесами їх потреб; належний розгляд ситуації постраждалих у кожному конкретному випадку, в широкій перспективі – також принципи пропорційності та недискримінації). Враховуючи так звані Ризькі принципи, підхід, орієнтований на постраждалих, у діяльності Реєстру підкреслює важливість визнання та задоволення потреб і прав постраждалих внаслідок російської агресії проти України, та забезпечує їх активну участь у процесі подання заяв. Він спирається й розкриває себе через базові принципи, такі як інклюзивність, участь, безпека та доступність. Підхід, орієнтований на постраждалих, разом із широкою перспективою, що ґрунтується на правах людини, є основою кожного елемента діяльності Реєстру на шляху до відновлення справедливості.

Ключові слова: компенсація за шкоду, завдану війною; воєнні репарації; міжнародні механізми розгляду масових заяв; міжнародне право прав людини; Реєстр збитків для України; підхід, орієнтований на постраждалих.