

Committee of Legal Advisers on Public International Law (CAHDI)

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It is really a great honour to be here today. I always very much enjoy coming to CAHDI and I would like to begin by sincerely thanking you all for the kind invitation to speak today about the Board of the Register of Damage for Ukraine. It has been almost three years since we were elected, so I think it is a timely opportunity to reflect on the work that we have done so far.

Today, I would like to talk about three issues. First, I would like to provide some information about the mandate and objective of the Board. Then, I would like to focus on some of the work that we have done so far. Finally, I would like to take a broader perspective and briefly step back and identify a few issues that may merit future consideration.

First, as regards to the work of the Board, as you know, the [Register of Damage Caused by the Aggression of the Russian Federation against Ukraine](#) (or RD4U, for short) was created through an Enlarged Partial Agreement (EPA) of the Council of Europe with the mandate to serve, as explained in Art. 1 of its [Statute](#), “as a record, in documentary form, of evidence and claims information on damage, loss or injury caused, on or after 24 February 2022, in the territory of Ukraine within its internationally recognised borders extending to its territorial waters, to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities, state-owned or controlled entities, by the Russian Federation’s internationally wrongful acts in or against Ukraine.” The [Statute](#) was adopted by the Committee of Ministers (CM) in May 2023 and responds and implements United Nations General Assembly resolution ES-11/5 of 14 November 2022 on the [Furtherance of Remedy and Reparation for Aggression Against Ukraine](#).

Importantly, as expressly provided in Article 2(5) of the [Statute](#), the Register constitutes the first component of a broader compensation mechanism, to be complemented in due course by a Claims Commission and a Compensation Fund. It

is also worth noting that the Register for Ukraine draws on the model of the [United Nations Register of Damage](#) (UNRoD), established in 2007 following the issuance in July 2004 of the advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory by the International Court of Justice, and in accordance with the subsequent General Assembly Resolution A/RES/ES-10/17 of 15 December 2006. UNRoD is currently based in Vienna and was created as a subsidiary organ of the UN General Assembly.

Forty-four states and the EU have joined the Register so far, 41 as participants and four as associate, as the EPA allows. Those associate members are Japan, the US, Canada, and Australia. The Register was established for an initial period of three years, but it was agreed to review the function of the Register and it was extended indefinitely by a [CM Resolution](#) in July 2025. The Register sits in The Hague, in the Netherlands, so Board Members are lucky to travel often to The Hague for meetings. As you know, the [Register](#) is made up of three organs: the [Conference of the Parties](#) (COP), which is the plenary organ, the [Executive Director](#) with the Secretariat, who does the day-to-day work of the Register, and the [Board](#). I have the honor to be the Vice-Chair of the Board, which is composed of seven members elected for three years. The Chair is Robert Spano, former president of the European Court of Human Rights. The other members are Veijo Heiskanen from Finland, Aleksandra Mężykowska from Poland, Lucy Reed from the US, Norbert Wühler from Germany, and Yulia Kyrpa, who sits in the place reserved for a member from Ukraine.

The Board meets regularly, generally quarterly, in The Hague in person, and we now also have meetings online about every six weeks. We provide [Quarterly Reports](#) to the COP on the numbers of claims received and recorded, which are available, together with all the other documents I have mentioned, on the website of the Register – www.rd4u.coe.int.

What does the Board do? Article 6 of the [Statute](#) provides that Board has the responsibility for the exercise of the Register's function. Article 6.5 also specifically provides that the Board proposes "the rules and regulations governing the work of the Register and implements them as appropriate, including, in particular, as regards the determination of the categories of claims, the procedures for receiving, processing and recording of claims, the format of the claims forms and the requirements for evidence with respect to each category of claims" for approval to the COP. The Board registers and records eligible claims for the purpose of the future examination and adjudication. Therefore, the Board itself does not examine or evaluate claims it receives on the merits, and neither does it assess their value or order any payment. The mandate is to record all eligible claims made in relation to damage, loss of injury caused (under

Article 2.2 of the [Statute](#)) (a.) on or after 24 February 2022; (b.) in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters; and (c.) by the Russian Federation's internationally wrongful acts in or against Ukraine. Claims can be submitted by individuals, entities, and the state of Ukraine.

Pursuant to our mandate, one of the Board's initial tasks was to establish both the [claims categories and the corresponding claim forms](#). To this end, we developed three main categories. Category A comprises claims submitted by natural persons; Category B encompasses claims brought by the State of Ukraine; and Category C includes claims by legal entities other than those falling within Category B. Each of these categories is further divided into a number of subcategories. For example, with respect to claims by natural persons, these subcategories include, inter alia, claims arising from involuntary displacement inside or outside Ukraine; claims related to violations of personal integrity; claims related to the loss of property, income, and livelihood; and loss of access to public services. Claims by the State of Ukraine, in turn, cover areas such as damage to or destruction of critical and non-critical infrastructure; loss of historical, cultural, and religious heritage; damage or destruction to residential immovable property; environmental harm; humanitarian public expenditures; and demining activities, among others.

We developed standardized claim forms for each subcategory of claims, setting out the requirements for submission of claims. Not all the categories are currently opened for filing. In line with our prioritization strategy, we have initially focused on individual claims. At present, sixteen categories, all relating to natural persons, have been opened for submission. We also gave priority to claims for critical infrastructure of Ukraine and we anticipate opening claims in the B and C categories in the near future.

Across the sixteen categories currently open for submission, we have received more than 128,000 claims to date. Of these, the three main categories of claims we have received relate to involuntary internal displacement, with over 42,000 claims; damage to or destruction of residential immovable property, with over 39,000 claims; and loss of access to or control over immovable property in the temporarily occupied territories, with approximately 15,000 claims. We have also recently opened a category concerning involuntary displacement outside Ukraine, which is the first to encompass claims submitted by individuals currently residing abroad.

We have also begun the process of reviewing and recording these claims. To date, the Board has adopted 30 decisions, resulting in the recording of more than 30,000 claims. I would like to offer an overview of how the process operates. Before doing so, however, allow me to highlight two points. First, the system is highly digitalized: claim forms are available online and submissions are made electronically. In many respects, this is the first claim process to function almost entirely in a digital - and highly secure - environment. Second, the system is also designed to ensure a high degree of transparency. All the information, claims categories, claim forms and Board's decisions are publicly available online, in the Register's [website](#).

Turning to the review process itself, this is conducted on a continuous basis. The Board began recording claims in December 2024 and meets in person approximately every three months, complemented by regular online work conducted through a secure digital platform. Indeed, a new set of claims has already been circulated for review, so I know that I will have more work awaiting me when I return home.

Let me turn to three categories of decisions that are, in my view, particularly illustrative of the Board's work so far. The first category of decisions concerns claims relating to damage to or destruction of residential immovable property (Category A3.1). This was the first category we opened, largely because of the availability of supporting data provided by Ukraine, which enables us to verify such claims in a systematic manner. More specifically, these claims relate to property recorded in the State Register of Rights to Immovable Property and reflected in Ukraine's Register of Damaged and Destroyed Property (RDDP). In terms of evidence, the Board relies primarily on these two sources, complemented by claimants' statements indicating how the damage occurred, which include aerial or artillery shelling, or from combat activities in frontline or adjacent areas. Once claims are received, they are processed through a specific methodology within the claims management system. Rather than conducting individual determinations, the Board applies a group or "mass claims" approach. The Secretariat undertakes an initial verification to ensure that eligibility criteria are satisfied, and additional safeguards are in place to identify and prevent duplicative claims.

In its first decision concerning this category, the Board clarified the scope of its function under the Statute. It emphasized that its role at this stage is limited to determining whether the admissibility criteria for recording claims are met, specifically, with regard to the temporal scope, geographic location and attribution of the act that resulted in the damage, injury or loss to the Russian Federation. This assessment is conducted on a *prima facie* basis, reflecting the fact that the Register's mandate is limited to the recording of claims, and does not extend to the adjudication or compensation of claims. Applying this *prima facie* standard of review of the evidence and information available, and following the recommendation of the Executive Director, the Board then decided to record the claims in this category.

A second decision by the Board in the same category relating to residential immovable property (Category A3.1) focuses on a distinct subset of cases. On 12 December 2024, the Board examined claims relating to damage to and destruction of private immovable property in Bakhmut, a city that suffered sustained and intense shelling. In this instance, the claims were grouped not only by subject matter but also by a defined temporal frame, covering in the first instance the period from 1 May 2022 to 20 May 2023. In addition to the documentary evidence drawn from the relevant registers, the Board also considered satellite imagery derived from open sources. On the basis of the evidence submitted with the claims, as well as corroborating external data like the satellite imagery, and following the recommendation of the Executive Director, the

Board determined that the claims met the applicable criteria and proceeded to record them.

A second category of decisions relates to a different category of claims we recorded, and namely those concerning violations of personal integrity, including claims involving the death of immediate family members (Category A2.1). The Board began examining these claims in March 2025. The evidentiary basis in such cases includes, in particular, information drawn from existing civil status registers confirming both the death of the individual concerned and the family relationship with the claimant. As with other categories, the Board applied grouping as mass-claims methodology, rather than conducting individual determinations. We adopted a *prima facie* standard of review of the evidence and information that were submitting, consistent with its limited role under the Statute—namely, to ascertain whether the criteria for eligibility for recording are met, rather than to adjudicate the claims. The claimants were natural persons of Ukrainian nationality, and the claims were verified using data contained in the registers. Following the recommendation of the Executive Director, the Board determined that the claims met the applicable criteria and decided to record these claims.

Let me highlight a particular subgroup within these claims, which raises especially interesting legal questions, namely, claims relating to deceased combatants. These claims are supported, as in other cases, by information drawn from the Register of Civil Status Acts confirming both the death and the family relationship between the deceased and the claimant. The inclusion of such claims required careful consideration by the Board. We emphasized that our function under the Statute is limited to ascertaining whether the eligibility criteria for recording are met, on the basis of the available evidence. At the same time, we recalled the well-established principle of international law that a State responsible for an internationally wrongful act is under an obligation to make full reparation for the injury caused. However, it is not a settled question under international law whether the deaths of combatants in the context of an international armed conflict involving an act of aggression give rise to an obligation of the responsible state to provide reparation for the resulting damage, loss, and injury caused by such death. A particularly contested issue is whether, and to what extent, a State that violates the prohibition on the use of force is required to compensate not only for harm caused to civilians and civilian objects, but also for damage suffered by the armed forces of the injured State. The relevant jurisprudence is not uniform. For example, both the International Court of Justice in *Armed Activities* (DRC v. Uganda) and the Eritrea–Ethiopia Claims Commission have addressed related questions, but without producing a fully settled position. In light of these uncertainties, the Board considered it appropriate to record such claims. In doing so, it ensured that they are preserved within the Register, leaving it to a future Claims Commission to determine whether, and to what extent, compensation may be due in respect of combatant deaths. The Board reaffirmed this position in subsequent decisions, adopted in June 2025 and thereafter.

The third category of decisions that I would like to briefly highlight concerns claims relating to internally displaced people (IDPs). The Board has adopted several decisions on this issue, including in June 2025 covering over 3,000 individuals; in September 2025, in Decision 14, also relating to more than 3,000 IDPs; and in Decision 27 addressing claims concerning over 5,000 IDPs. These decisions were based on claims submitted by individuals registered in IDPs database and holding IDPs certificates attesting their single, ongoing displacement.

I began by indicating that I would highlight three categories of decisions, but allow me to add what could be described a “third and a half” update. The most recent decision we adopted concerns claims relating loss of access or control of immovable property in the temporarily occupied territories, and specifically Mariupol. I think these are particularly significant and illustrate well the evolving and complex nature of claims addressed by the Board. These claims are based on demographic and property registers, as well as a list of territories under occupation.

Finally, let me turn to my third and final point and offer a brief look ahead. As I noted, the Board was initially elected for three years and so it is scheduled to be renewed in November. I certainly hope that we will all be renewed. Much has been accomplished so far, but there is still a lot of work that remains to be done, in light of the more than 128,000 claims submitted so far, and of course, claims continue being submitted. Looking forward, it is anticipated that the functions of the Board will be absorbed within the Claims Commission currently in the process of being established. In that regard, it was particularly interesting for me to hear the update today on the status of the ratification of the [Convention establishing an International Claims Commission for Ukraine](#).

On the point of the Claims Commission, let me briefly highlight two important developments. The first one relates to the case *Ukraine and the Netherlands v. Russia*, decided by the European Court of Human Rights in July 2025 (for background see [here](#)). In that judgment, the Court made clear that any award of compensation under the Convention “must have due regard to the establishment of the Register of Damages and the ongoing discussions concerning a future compensation mechanism.” This finding is particularly relevant in light of the significant number of pending cases against Russia at the Court. As is well known, Russia ceased to be a member of the Council of Europe in September 2022, which raises serious challenges in terms of enforcement. At the same time, there is a clear interest, both within CAHDI and more broadly within the Council of Europe, in ensuring that individuals retain meaningful avenues to obtain just satisfaction, while avoiding fragmentation and ensuring coherence in approaches to reparation. I understand that as of September 2025, there are over 8,000 individual applications pending before the Court against Russia. Some of these applications fall within the temporal scope of the Register and the future Claims Commission, which begins on 24 February 2022, and until the time when Russia ceases to be a member of the Council, i.e. 16 September 2022. This

overlap raises important questions as to how these different mechanisms may interact and the possible relationship between the Court and the future Claims Commission.

Let me turn to the second development which I also consider particularly significant. Closely linked to the judgment of the European Court of Human Rights is Article 19 of the [Claims Commission Convention](#). This provision stipulates that, “in their decision-making, the Panels and the Council shall take into account, as appropriate, relevant judgments and awards by courts or tribunals, and other adjudicative bodies established under international law.”

Taken together, these two developments may point to a potential avenue for greater coordination. They suggest the possibility, at least in principle, of channeling certain cases currently pending before the European Court of Human Rights towards the future Claims Commission for the purposes of compensation, in particular where such cases fall within the Commission’s mandate, both *ratione temporis* and *ratione materiae*. This raises a broader question as to whether a more integrated approach to reparation might be envisaged. In addition to human rights claims, one might also consider whether claims arising from investment treaty arbitration (for example, cases brought by Ukrainian investors under the Russia–Ukraine BIT in relation to losses in occupied territories) could, in some form, be aligned with the work of the Claims Commission. While complex, such an approach could contribute to a more comprehensive and coordinated framework for reparation. I think these are issues that would benefit additional consideration and reflection.

Thank you for your attention. It has been both a pleasure and a privilege to address this distinguished body.