

**Conference of Participants
of the Register of Damage for Ukraine**

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The Hague, 15 January 2024

Quarterly report by the Board of the Register of Damage for Ukraine

On behalf of the Board of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, I have the honour to transmit the Board's first quarterly report to the Conference of Participants in accordance with Article 6(9) of the Statute governing its work which was adopted as an appendix to Resolution CM/Res(2023)3 on 12 May 2023 ('the Statute')

While the Board cannot report on the number of claims received and recorded in the Register until after the launch of the submission of claims, we – the members of the Board – are pleased to have commenced our work and look forward to having close and constructive cooperation with the Conference.

I plan to attend an informal meeting to be organised by the Register and the Chair of the Conference with Participants and Associate Members in Strasbourg on 9 February 2024. It will be an opportunity for us to informally exchange views on the work of the Register and the Board in between the formal meetings of the Conference.

Yours sincerely,



Robert Spano

Chair of the Board of the
Register of Damage for Ukraine

Quarterly Report 2023/1
by the Board of the Register of Damage
Caused by the Aggression of the Russian Federation against Ukraine
to the Conference of Participants

Inaugural Board meeting

1. The Board of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (hereinafter referred to respectively as “the Board” and “the Register”) held its inaugural meeting in The Hague, the Netherlands from 11 to 15 December 2023 with all Board members present.
2. On the agenda were administrative matters and formalities; organisation of the Board’s work; briefing by the Executive Director and the Register’s Secretariat on ongoing work; plans and vision for the Register; proposal on eligible categories of claims by the Government of Ukraine; substantive matters related to claims and claims categories; meeting with the Chair of the Conference of Participants of the Register (hereinafter referred to as “Conference of Participants”); and scheduling.

Organisation of the Board’s Work

Rules of Procedure

3. The Board adopted the Board’s Rules of Procedure (Board-RD4U(2023)03) in accordance with Article 6(7) of the Statute.

Election of Chair and Vice-Chair

4. In accordance with Article 6(7) of the Statute, the Board shall appoint a Chair and a Vice-Chair from among its members for a term of office of three years, renewable once. In accordance with Rule 2(3) of the Board’s Rules of Procedure, the Board selected the Chair and Vice-Chair by consensus and proceeded to appoint Robert Spano as Chair and Chiara Giorgetti as Vice-Chair.

Conflicts of interests and the use of staff to assist with the work of the Board Members

5. The Board decided that administrative and substantive support to the Board shall be provided by the Register’s Secretariat.
6. The Board decided that Board Members shall not be involved in any other matters or assignments related to the ongoing invasion of Russia in Ukraine. Board Members shall disclose any involvement in assignments with respect to the Russian Federation or Ukraine, in accordance with applicable conflicts of interests’ rules.
7. The Register’s Secretariat will prepare draft rules on conflicts of interests and disclosure based on these principles, which the Board will discuss and approve at its next meeting.

Proposal on eligible categories of claims by the Government of Ukraine

8. Deputy Minister of Justice of Ukraine Iryna Mudra presented the Ukrainian Government's proposal on claims categories to the Board.
9. The Board expressed gratitude to the Deputy Minister for her presentation. The Board decided to consider the proposal in the development of the Register's rules and regulations, including claims categories in accordance with the Register's Statute.
10. The Board recognised the need to adopt the list of categories, as well as other rules and regulations governing the Register's work, and to endeavour to propose the necessary rules and regulations as soon as possible.

Substantive matters related to claims and claims categories

11. The Board considered the proposal on categories of claims presented by the Government of Ukraine and discussed it with special focus on category A, namely claims by individuals. The Board decided that the category "damage to and destruction of residential immovable property" will be part of the test launch of claims submission planned for early April 2024.
12. The Board also decided to issue a public statement to provide provisional guidance on claims categories (Annex I) that was published on 14 December 2023.

Meeting with the Chair of the Conference of Participants

13. Ambassador Sandy Moss, Chair of the Conference of Participants, gave an overview of the setting up of the Enlarged Partial Agreement on the Register and of the work of the Conference of Participants. This was well-received.

Scheduling

14. The Board decided to meet in The Hague on the following dates in 2024:
 - 27 February to 1 March;
 - 10 to 14 June;
 - 2 to 6 September; and
 - 16 to 20 December.
15. The Board decided that it will be more efficient, at the phase of drafting various rules and regulations of the Register, to have shorter but more frequent meetings, and complement in-person sessions with regular virtual meetings to discuss ongoing work.
16. In particular, the Board will meet virtually at the end of January and in early February with a view to drafting and proposing the necessary rules as soon as possible.
17. The Board decided that the rules and regulations necessary for the launch of submission of claims should be the focus of its 2nd meeting (27 February – 1 March).

18. The Board requested the Register's Secretariat to prepare various background papers and documents related to claims and claims processes ahead of its 2nd meeting, including:

- a “map” of rules and regulations of the Register;
- background papers related to claims intake systems, existing or proposed databases and registers in Ukraine that can serve as sources of evidence, and emergency aid packages provided by the Government of Ukraine to people in Ukraine in the context of the war;
- an overview of types/groups of available evidence with respect to various claims categories;
- an overview of the estimated size and scope of claims related to critical infrastructure, and examples of the evidence and information that could be expected;
- a list of claims categories with focus on category A (claims by individuals);
- draft claims form(s) for certain category A claims; and
- a compilation of information (on an ongoing basis) on the potential number of claims/claimants in the respective categories.

19. The Board also established a Working Group consisting of Chiara Giorgetti, Yulia Kyrpa and Veijo Heiskanen to focus on the issue of establishing general “eligibility” criteria and the ambit of the Register's work in the context of international law, and the Register's Secretariat was asked to prepare elements for further discussion.

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Annex I

[published on 14 December 2023]

The Board of the Register of Damage for Ukraine holds its inaugural meeting

At its inaugural meeting in the Hague (11-15 December), the Board of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (RD4U) elected its Chair and Vice-Chair, 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, Partner at Gibson, Dunn & Crutcher and former President of the European Court of Human Rights, as its Chair, and Dr Chiara Giorgetti, Professor at Richmond Law School, as Vice Chair.

It also received a comprehensive briefing by Register's Executive Director Markiyani Kliuchkovskiy on the work carried out in developing the various systems and functions of the Register and the preparation for the start date for submitting claims in spring 2024. The Board particularly welcomed the extensive preparatory work already undertaken by the Executive Director and Register's secretariat. Deputy Minister of Justice of Ukraine Iryna Mudra presented a proposal for categories of claims, which was adopted by the Government of Ukraine on 1 December 2023. Deputy Minister Mudra expressed the wish of the Ukrainian Government that the Board adopt the categories of claims as soon as possible.

The Board made the following statement:

"The Register of Damage for Ukraine is a very important initiative to ensure justice and accountability for Ukraine and we are pleased to have commenced our work. We considered categories of claims that will be eligible for submission to the Register of Damage for Ukraine in line with the criteria laid out in the Register's Statute and in accordance with international law. We are grateful to Deputy Minister Mudra for presenting the proposal of the Government of Ukraine at our meeting.

We will consider the proposal as we develop rules and regulations of the Register including claims categories in accordance with the Register's Statute. We recognise the need to adopt the list of categories, as well as other rules and regulations governing the Register's work and will endeavour to propose the necessary rules as soon as possible.

The categories 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.*

We intend 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. We will determine the start date for submitting claims, currently planned for the spring of 2024, in due course.”

About the Board of the Register of Damage for Ukraine

The Board is one of the principal bodies of the Register. It proposes the rules and regulations governing the work of the Register. It is ultimately responsible for deciding on the eligibility of claims to be recorded in the Register and which will then await consideration by a future compensation mechanism. The Board will hold its meetings as frequently as will be required, but at least on a quarterly basis. The next meeting of the Board is planned for late February-early March 2024.

The Board members are Robert Spano (Iceland, Chair), Chiara Giorgetti (Italy, Vice-Chair), Veijo Heiskanen (Finland), Yulia Kyrpa (Ukraine), Aleksandra Mężykowska (Poland), Lucy Reed (United States) and Norbert Wühler (Germany). The rules and regulations of the Register proposed by the Board are subject to approval by the Conference of Participants.

About the Register of Damage for Ukraine

The Register was established as a response to United Nations General Assembly Resolution ES-11/5 “*Furtherance of remedy and reparation for aggression against Ukraine*” (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 payment of 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 established under the auspices of the Council of Europe and shall serve as a record, in documentary form, of evidence and claims information on damage, loss or injury caused by Russia’s aggression against Ukraine. The Register shall receive and process claims for damage and related 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 further examination by a future compensation mechanism. The Register has its seat in The Hague, the Netherlands, and will have a satellite office in Kyiv, Ukraine. To date, 43 countries and the European Union are participating in the Register.

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