



RD4U-Board(2024)18-final-EN

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

**CLAIM FORM AND RULES
Claims category A2.2
Missing immediate family member**

The Hague

www.RD4U.claims

CLAIM FORM AND RULES

Claims category A2.2. Missing immediate family member

Adopted by the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 2 July 2024.

Approved by the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 8 July 2024.

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

1. This Claim Form shall be used by Claimants to submit Claims in category of Claims **A2.2. Missing immediate family member**. It contains specific rules applicable to the category in question, a description of the information and Evidence Claimants are required to submit, as well as additional information and Evidence that may be submitted to support the Claim.
2. In accordance with Article 10 of the Claims Rules, this Claim Form shall be available in digital form in Diia. The Secretariat shall ensure that this Claim Form is reproduced in Diia in an efficient, flexible and user-friendly way, bearing in mind peculiarities of digital forms in general.
3. For Claims in category A2.2, the following rules shall apply in addition to the Claims Rules:
 - 3.1. Category A2.2 is for Claims in relation to mental pain and anguish caused by the disappearance of an immediate family member in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters on or after 24 February 2022 caused by the Russian Federation's internationally wrongful acts in or against Ukraine. This category shall include Claims in relation to a missing person whose last known whereabouts were outside of the territory of Ukraine, but the disappearance of whom is directly linked to an event that occurred in the territory of Ukraine.
 - 3.2. Claims related to the pecuniary consequences of the disappearance of an immediate family member, including loss of income or support from such a family member, shall be submitted in other appropriate categories.
 - 3.3. A "missing person" for the purposes of this category is an individual whose whereabouts are unknown and who has been reported as missing. An individual that has been registered as missing in Ukraine's Unified Register of Persons Missing Under Special Circumstances shall be considered to be a missing person.
 - 3.4. Claims in category A2.2 can be submitted by or on behalf of the missing person's immediate family member or other family member who has a legitimate interest to submit the Claim.

- 3.5. An “immediate family member” for the purposes of this category shall mean:
- a. The missing person’s parent (biological, legally recognised adoptive parent or stepparents (spouse of a parent));
 - b. The missing person’s spouse (by way of legal marriage) or civil partner,
 - c. The missing person’s child (biological, legally recognised adopted child or stepchild (child of a spouse)).
- 3.6. For the purposes of this category, a civil partner is an individual, regardless of gender, who at the time of the disappearance of the missing person maintained a long-term close relationship with the missing person, lived and maintained household together with the missing person, had common major expenditures, or provided assistance to one another and maintained other elements of family relationship. A civil partner shall submit Evidence proving the existence of a civil partnership with the missing person.¹
- 3.7. A missing person’s family member other than immediate family member shall establish a legitimate interest to submit the Claim by submitting Evidence proving the existence of close ties and elements of dependence other than normal ties of affection with the missing person.²
- 3.8. Eligible Claimants may submit separate Claims for the same missing person.
- 3.9. Claims on behalf of minor children or persons under guardianship shall be submitted in accordance with the Rules on the Use of Representatives.
- 3.10. Should a missing person be found, or be declared deceased, the Claimant is required to submit relevant information to the Register by updating the relevant Claim.
4. **“Disclaimer, Information and Instructions for the Claimants for category A2.2”** contained in this Claim Form shall be reproduced verbatim in digital form in Diia. The Secretariat shall also publish it on the Register’s website.

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¹ Documents that may establish the civil partnership of the Claimant with the missing person may include court decision/s, certificates of inheritance, wills, documentation of co-habitation, financial records (joint bank accounts, joint credit card statements, mortgage contracts, bank guarantees, shared bills, evidence of shared expenses), correspondence addressed to both individuals at the same address (letters, packages, official documents), social media and digital presence (public digital presence as a couple such as joint social media accounts, shared photos, status updates, or online interactions), photos, videos, healthcare and insurance records (listing as emergency contacts, beneficiaries or dependants), documents proving the right to receive surviving dependant's pension or benefits etc.

² Documents that may establish existence of close ties and additional elements of dependence with the missing person may include court decision(s), certificates of inheritance, wills, family registration records, documentation of co-habitation, financial records (joint bank accounts, joint credit card statements, contracts, bank guarantees, shared bills, evidence of shared expenses), correspondence addressed to both individuals at the same address (letters, packages, official documents), social media and digital presence (public digital presence as a couple, shared photos, status updates, or online interactions), photos, videos, healthcare and insurance records (listing as emergency contacts, beneficiaries or dependants), documents proving the right to receive surviving dependant's pension or benefits, etc.

Disclaimer, Information, and Instructions for the Claimants for category A2.2

(1) This Claim Form is for the submission of a Claim to the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine **in category A2.2 – Missing Immediate Family Member**.

(2) The determination of whether your Claim is eligible to be recorded in the Register is made by the Board of the Register. Such a determination does not mean that the substance of the Claim or its valuation has been examined, any compensation has been awarded, or any payment to you is due. Examination of your Claim and award of any compensation will be carried out by a future compensation mechanism (within the meaning of the Statute of the Register) that is yet to be established.

(3) Before submitting the Claim, you are encouraged to consult the information about the Register on its website at www.RD4U.claims or www.RD4U.coe.int and the various rules and instructions related to the submission of Claims, in particular – Rules Governing the Submission, Processing and Recording of Claims, Claim Form and Rules: Claims category A2.2 – Missing Immediate Family Member as well as Frequently Asked Questions.

(4) All Claims must be submitted by using Claim Forms approved by the Register for each category of Claims. This Claim Form is to be used for the submission of Claims by natural persons for an immediate family member who has gone missing on or after 24 February 2022 in the territory of Ukraine within its internationally recognised borders as a result of the Russian Federation's internationally wrongful acts in or against Ukraine – **Claims category A2.2**. This Claim Form can also be used for the submission of Claims in relation to a missing person whose last known whereabouts were outside of the territory of Ukraine, but the disappearance of whom is directly linked to an event that occurred in the territory of Ukraine. If you wish to submit a Claim for a different type of loss, damage or injury, you should use the Claim Form for the relevant Claims category. Category A2.2 covers Claims in relation to mental pain and anguish caused by the disappearance of an immediate family member. Claims in this category can be submitted by eligible Claimants – parent, spouse or civil partner, child of the missing person, or other family member who has a legitimate interest to submit a Claim.

(5) Claims related to the pecuniary consequences of the disappearance of an immediate family member such as loss of income or support, shall be submitted in other appropriate categories. Accordingly, you should not submit Evidence with respect to pecuniary aspects of this Claim.

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

(7) You will be required to submit certain information and Evidence in support of your Claim. Some information will be drawn from various existing electronic sources, including Ukraine's Unified Register of Person Missing Under Special Circumstances.

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

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

(10) You should ensure that the files submitted as part of your Claim are accessible, readable and not infected with computer viruses or any form of malicious software. If the Register identifies any files submitted by you as inaccessible, unreadable or infected, your Claim may not be recorded in the Register.

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

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

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

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Preliminary Questions
1. Language of Claim submission (Ukrainian or English)
2. Category of Claim
I. Claimant Identification
3. Full name
4. Gender
5. Date of Birth
6. Nationality
7. ID document/Passport number
8. Ukrainian Tax ID number
9. Ukrainian Demographic Register Entry number
10. Claimant's Registered Address
11. Claimant's Current Address
12. Contact phone number(s)
13. Email address
14. Claimant Sub-Group (<i>such as member of the military, territorial defence, law enforcement, emergency/utilities/critical infrastructure worker, medical personnel</i>)
15. Has the Claimant been convicted of a crime in relation to Russian aggression against Ukraine
16. Is the Claimant subject to sanctions or other equivalent restrictive measures imposed by a government or an international organisation
17. If the Claim is submitted through a Representative, equivalent ID information about such Representative
18. If the Claim is submitted through a Centre for Provision of Administrative Services in Ukraine, information required under Article 7 of the Rules on the Use of Representatives
II. Identification of the missing family member
19. Full name
20. Gender
21. Date of birth
22. Nationality
23. ID document/passport number
24. Ukrainian Tax ID number
25. Registered address
26. Missing person Sub-Group (<i>such as member of the military, territorial defence, law enforcement, emergency/utilities/critical infrastructure worker, medical personnel</i>)
27. Had the missing family member been convicted of a crime in relation to Russian aggression against Ukraine
28. Was the missing family member subject to sanctions or other equivalent restrictive measures imposed by a government or an international organisation
III. Relationship to the missing family member
29. Claimant's relationship to the missing family member
IV. Event
30. Approximate date of disappearance
31. Last known whereabouts
32. Type of event surrounding the disappearance
33. Description of the disappearance
34. Entry in the Register of missing persons
35. Information about relevant law enforcement Investigation (if applicable)
V. Other Legal Proceedings
36. Information about relevant court cases or law enforcement investigations (if applicable)
VI. Additional evidence

37. Additional evidence with respect to the Claimant's identity
38. Additional evidence with respect to the identity of the missing family member
39. Additional evidence with respect to the Claimant's relationship to the missing family member
40. Additional evidence with respect to the disappearance
41. Additional evidence with respect to other aspects of the Claim
VII. Check and submission
42. Check and confirmation of data
43. Verification of identity prior to submission
44. Agreement to transmit personal data
45. Submission of the Claim

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