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FROM CONFLICT TO REPARATIONS: THE COUNCIL OF EUROPE'S REGISTER OF DAMAGE FOR UKRAINE

Abstract: *Russia's full-scale invasion of Ukraine has brought unprecedented human, material and infrastructural losses. In response to the need for an international reparations mechanism, the Council of Europe established the Register of Damage for Ukraine (RD4U), mandated to receive, process and record claims relating to damage, loss or injury caused by Russia's aggression against Ukraine since 24 February 2022.*

While the RD4U represents the first Register of its kind within the framework of the Council of Europe and one of the few worldwide, it also raises certain concerns. These include unfortunate past examples of compensation mechanisms in other conflicts; the difficulty of obtaining the aggressor's consent to compensate for damages; issues regarding the financing of the mechanism; concerns related to standards of proof and data security. This article discusses these potential challenges and concludes that although the RD4U and the broader attempts to establish a fully operational compensation mechanism for Ukraine must be welcomed, it is important to ensure that this initiative takes into account the errors of the past and avoids resulting in yet another powerless international mechanism.

Keywords: Council of Europe; Register of Damage for Ukraine; reparations for damages caused by armed conflict; international responsibility of States; Russia's aggression against Ukraine

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INTRODUCTION

Russia's full-scale invasion of Ukraine, which began on 24 February 2022, is considered by some to be the largest armed conflict in Europe since World War II. In the first several months alone, the number of Ukrainian citizens fleeing to Europe surpassed 5.3 million.[1] As of February 2026, more than 5.37 million Ukrainian refugees have been recorded across Europe, with total global displacement estimated at over 5.9 million.[2] In addition, more than 3.7 million people remain internally displaced within Ukraine, while 12.7 million people have been identified by the UN High Commissioner for Refugees as being in need of urgent assistance and protection services.[3]

Constant attacks by the Russian armed forces have led to widespread death and suffering. As of 31 January 2026, the number of civilian casualties amounted to 15,172 people – including 766 children – since the war began, and more than 41,000 individuals have been reported as injured (including more than 2,540 children).[4]

There are more than 200,000 recorded instances of war crimes, as well as numerous cases of torture, inhumane treatment and sexual violence, together with vast destruction of residential buildings and critical infrastructure across the country and other immense economic losses.[5]

In February 2025, the Kyiv School of Economics launched a report which analysed damages sustained by various sectors in Ukraine. According to the authors, the total damage inflicted on Ukraine's infrastructure due to Russia's full-scale invasion has reached nearly USD 170 billion. Since early 2024, this figure has increased by USD 12.6 billion due to continued destruction from missile strikes and other hostilities. The five most affected sectors remain housing, infrastructure, energy, assets

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[1] L. Harding, *'We couldn't stand it': the Ukrainians travelling for days to flee Russian bombs and rockets*, The Guardian, 8 March 2022, available at: https://www.theguardian.com/world/2022/mar/08/we-couldnt-stand-it-the-ukrainians-travelling-for-days-to-flee-russian-bombs-and-rockets; Frontex, *5.3 million Ukrainians have entered EU since the beginning of the invasion*, 2 June 2022, available at: https://www.frontex.europa.eu/media-centre/news/news-release/5-3-million-ukrainians-have-entered-eu-since-the-beginning-of-the-invasion-HbXkUz (both accessed 31 March 2026).

[2] Operation Data Portal, *Ukraine Refugee Situation*, available at: https://data.unhcr.org/en/situations/ukraine (accessed 31 March 2026).

[3] UNHCR, *Ukraine*, available at: https://tinyurl.com/ykrwzzuf (accessed 31 March 2026).

[4] Statista, *Number of civilian casualties in Ukraine during Russia's invasion verified by OHCHR from February 24, 2022 to January 31, 2026*, available at: https://www.statista.com/statistics/1293492/ukraine-war-casualties/ (accessed 31 March 2026).

[5] European Union, *Holding Russia Accountable*, available at: https://tinyurl.com/4dc7dbw3 (accessed 31 March 2026).

of enterprises and industry, agriculture and land resources.[6] At the moment, with the intensification of attacks, the total number is likely to be significantly higher.

In November 2022, the UN General Assembly adopted Resolution A/RES/ES-11/5 "Furtherance of remedy and reparation for aggression against Ukraine", where it recognised that Russia must be held accountable for its violations of international law in Ukraine, including by way of making reparations.[7] Additionally, the Resolution recognised the need for an international reparations mechanism and recommended setting up an international register of damage as a first step.[8]

Following this Resolution, the Council of Europe, an institution that since the very start of the Russian aggression against Ukraine has taken decisive, multifaceted actions in response,[9] agreed to serve as the platform for creating such a mechanism. In May 2023, at the Council of Europe's Summit of Heads of State and Government held in Reykjavik, the decision to establish the Register of Damage for Ukraine (RD4U or Register) was announced.[10] It is the first Register of its kind within the framework of the Council of Europe and one of a few worldwide.

The Register is an important step towards accountability for the damage and suffering caused by Russia's aggression against Ukraine, and it represents one of the first practical steps for holding Russia accountable for its actions. It also paves the way for a future comprehensive international compensation mechanism. Agapova also points out that "establishing the Register sets a precedent for international responses to aggression, highlighting the importance of collaborative mechanisms in addressing complex geopolitical challenges."[11]

Although the author strongly welcomes the creation of the RD4U, as well as other steps taken by the international community to hold Russia accountable for the damage caused to the country and its people, this article will outline certain concerns and reflections about potential challenges that the international community may face and should take into account when establishing such a mechanism. For this purpose, the article is divided into three sections. The first one provides a brief

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[6] D. Andrienko et al., *Report on Damages to Infrastructure from the Destruction Caused by Russia's Military Aggression Against Ukraine as of November 2024*, February 2025, available at: https://kse.ua/wp-content/uploads/2025/02/KSE_Damages_Report-November-2024---ENG.pdf (accessed 31 March 2026).

[7] UM General Assembly Resolution A/RES/ES-11/5, *Furtherance of remedy and reparation for aggression against Ukraine*, 14 November 2022, available at: https://digitallibrary.un.org/record/3994481?v=pdf (accessed 31 March 2026).

[8] *Ibidem*.

[9] A. Mężykowska, *Establishment of the Registry of Damage: The first element in ensuring Russia's financial accountability for the aggression against Ukraine*, 12(3) ESIL Reflections (2023).

[10] Committee of Ministers, *Fourth Summit of Heads of State and Government of the Council of Europe*, available at: https://www.coe.int/en/web/cm/reykjavik-summit (accessed 31 March 2026).

[11] O. Agapova, *International register of damage: The guarantee of recovering justice in Ukraine*, 10(1) Journal of Liberty and International Affairs 97 (2024), p. 104.

description of the RD4U, including its structure and functioning. The second describes the process of claims analysis, while the third identifies possible challenges related to both the RD4U and the future compensation mechanism.

1. GENERAL REMARKS ABOUT THE RD4U'S FUNCTIONING

The RD4U was established within the framework of the Council of Europe by Resolution CM/Res(2023)3, which created the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.[12] Such partial agreements allow cooperation between both Council of Europe members and other countries and intergovernmental organisations. This approach (previously used in some other Council of Europe initiatives, e.g. the Pompidou Group and the EPAS) allows the Council of Europe to extend cooperation way beyond its members. As of today, 44 States and the European Union have joined the Register – 41 as participants and 4 as associate members (i.e. Australia, the EU, Japan and the USA).[13]

Participants of the Register have full membership rights, including voting rights in the Conference of Participants, and commit themselves to making annual assessed contributions to the Register's budget. Associate Members are not required to make annual contributions. They do not have voting rights in the Conference but can participate, make written and verbal statements and are encouraged to make voluntary contributions to the Register's budget. However, there is an exception to the rule – if an associate member voluntarily contributes an amount equivalent to what its assessed contribution would have been had it joined as a participant, it is granted full voting rights for that specific financial year.[14]

The Register is responsible for receiving and processing claims and related evidence. This includes categorising, classifying and organising claims based on defined criteria. Through its Board, the Register assesses claims and determines their eligibility. Eligible claims are recorded in the Register for future examination and evaluation.[15]

[12] Council of Europe, *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*, 12 May 2023, available at: https://tinyurl.com/2s4dbw9b (accessed 31 March 2026).

[13] The full list can be found at https://rd4u.coe.int/en/membership (accessed 31 March 2026).

[14] *Ibidem*.

[15] RD4U, *Mandate and Functions*, available at: https://www.rd4u.coe.int/en/mandate-and-functions (accessed 31 March 2026).

To be recorded in the Register, claims must relate to damage, loss or injury caused to natural or legal persons or the State of Ukraine (including its regional and local authorities, state-owned or controlled entities) which occurred:[16]

- on or after 24 February 2022
- in the territory of Ukraine, within its internationally recognised borders, including territorial waters
- as a result of internationally wrongful acts of the Russian Federation in or against Ukraine.

The Register is not an institution that examines claims for the purpose of compensation attribution. Those functions will belong to a future international compensation mechanism: the International Claims Commission for Ukraine (ICCU). The Convention establishing the ICCU was adopted on 16 December 2025. Once it receives 25 ratifications by States or regional integration organisations, it will enter into force and the Commission will be formally established. The ICCU will examine, assess and decide upon claims and determine the amount of compensation due to victims.[17] Its decisions will be transferred to a compensation fund – the third and final element of the compensation mechanism. Once the full compensation mechanism is operational, the work of the Register will continue as part of it, and all recorded claims and evidence will be transferred to it.

The Register opened for the submission of claims on 2 April 2024. As of March 2026, claims could be submitted in 15 categories, all of them available only to natural persons: 1) A1.1 (involuntary internal displacement); 2) A1.2 (involuntary displacement outside of Ukraine); 3) A2.1 (death of an immediate family member); 4) A2.2 (missing immediate family member); 5) A2.3 (serious personal injury); 6) A2.4 (sexual violence); 7) A2.5 (torture, inhuman or degrading treatment or punishment); 8) A2.6 (deprivation of liberty); 9) A2.7 (forced labour or service); 10) A2.8 (forcible transfer or deportation of children); 11) A2.9 (forcible transfer or deportation of adults); 12) A3.1 (damage or destruction of residential property); 13) A3.2 (damage or destruction of non-residential immovable property); 14) A3.3 (loss of housing or residence); 15) A3.6 (loss of access or control of immovable property in the temporarily occupied territories).[18] As of April 2026, claims by States (category B) and legal entities (category C) can also be submitted, bringing the number of claims to 21. Twenty-two more claim categories are to be opened in future.

[16] *Ibidem*. These are three eligibility criteria. The fourth one relates to the subject-matter – the claim must fall within one of the categories defined by the RD4U.

[17] Council of Europe, *Frequently Asked Questions – Convention establishing an International Claims Commission for Ukraine*, available at: https://www.coe.int/en/web/portal/convention-establishing-an-international-claims-commission-for-ukraine (accessed 31 March 2026).

[18] RD4U, *Submit a claim*, available at: https://rd4u.coe.int/en/submit-a-claim (accessed 31 March 2026).

Such division of categories reflects the whole spectrum of possible harms caused by Russia's aggression. As can be seen, they range from displacement and injuries to property damage and loss of housing. One can assume that the categories were created based on a balance between "classic" violations of international humanitarian law (e.g. destruction of property and civilian losses) and human rights-based harms (e.g. sexual violence and deprivation of liberty). In this way, all possible types of harm are documented, especially those that take place in connection with Russia's aggression against Ukraine (e.g. forced deportation of children). Additionally, future adjudication is facilitated by grouping similar claims, thus enhancing the efficiency of the mechanism.

Besides, one can notice that the list also includes some novel categories, such as loss of access to health care and loss of access to education (A4.1 and A4.2, respectively). This undoubtedly marks a significant evolution in the practice of mass-claims mechanisms. While previous mechanisms (e.g. Iraq–Kuwait or the UNRoD) focused primarily on economic losses, physical damage and displacement – rarely addressing systemic violations of social rights – the RD4U expands the understanding of reparations, aligning them with understandings of human rights obligations during armed conflicts. Another important consequence is that in this way, the RD4U acknowledges the long-term societal impact of Russia's aggression against Ukraine. At the same time, these categories raise complex questions about evidence finding (threshold of proof) and causation.

As of January 2026, the Register had received 100,000 claims, of which over 30,000 have already been processed and recorded.[19] The largest shares relate to displacement and the damage or destruction of residential property, underscoring the vast human suffering and material losses caused by Russia's ongoing aggression against Ukraine.

2. THE PROCESS OF ANALYSING CLAIMS

Complaints can be submitted via the Diia portal, Ukraine's mobile application and web portal for the provision of public services. Now it is the only channel through which claims to the RD4U can be submitted.

After submission, the process entails three stages:[20]

1. **Screening** – the submitted files are checked for malware and viruses. The Register then confirms that the files can be opened and read. An advantage of

[19] RD4U, *Register of Damage receives 100,000 claims submitted by individuals affected by Russia's aggression against Ukraine*, 19 January 2026, available at: https://tinyurl.com/3vxuwack (accessed 31 March 2026).

[20] For a detailed overview of the whole process, *see* RD4U, *Rules Governing the Submission, Processing and Recording of Claims*, RD4U-Board(2024)04-final-EN, available at: https://tinyurl.com/5n6z4byw (accessed 31 March 2026).

the complaint system is the possibility to resubmit a claim if it presents certain digital issues (e.g. if the Register cannot decipher the text in a document).

2. **Processing** – the Secretariat receives the claim and reviews it under four eligibility criteria. During this process, claims are divided into various groups according to type, size and similarity of legal and factual issues, among other criteria. This guarantees consistency in the Secretariat's treatment of complaints and improves the effectiveness of the RD4U. At this stage, the Secretariat may request clarification or additional information from a claimant. Once the review is complete, the Secretariat prepares recommendations for the Board and forwards them together with the claims to the Board.
3. **The Board's Consideration and Decision** – this step is the most important in the Register's work, comprising in-person meetings of the Board to consider claims and to decide on a single question: whether to record a claim in the Register. Additionally, the Board meets virtually or exercises its decision-making in writing.

   The Board does not conduct independent investigations, deploy fact-finding missions or engage in OSINT-based evidence-gathering. It is empowered solely to determine the eligibility of claims to be recorded in the Register based on evidence submitted by victims (claimants) and the Secretariat's recommendations. Adjudicative powers are left to an institution that is yet to be created: the ICCU.

   Following the Board's analysis, it may decide on one of four possible outcomes: 1) record the claim in the RD4U; 2) return the claim to the Secretariat with instructions for further processing; 3) reject the claim without prejudice, which allows the claimant to resubmit the claim with additional information or after changes are made; or 4) reject the claim with prejudice, which precludes resubmission of the same claim. The Board's decision is final. Once issued, the claimant is notified of the decision through Diia.
4. **Recording of Claims** occurs after a positive decision by the Board. As soon as the next two elements of the compensation mechanism are established, the Register will forward them for future examination and adjudication.

3. POSSIBLE CHALLENGES IN THE RD4U'S FUNCTIONING

The author envisages several challenges in both the RD4U and the whole compensation mechanism for Ukraine's implementation and operation: 1) the unfortunate experience of compensation mechanisms prior to the creation of the RD4U; 2) the will of the aggressor, which may be a cornerstone in the mechanism's implementation;

3) financing of the mechanism; and 4) data security concerns. Each of these challenges is discussed below.

The first challenge refers to other (partially unsuccessful) attempts to establish compensation mechanisms following international conflicts. The UN has already created similar procedures, e.g. the UN Compensation Commission (UNCC) for Iraq's invasion of Kuwait and the UN Conciliation Commission for Palestine (UNCCP). The UNCC, although generally considered a successful compensation instrument, having processed millions of claims and paid billions of USD to individuals, Western and Kuwaiti corporations and governments for losses using proceeds from Iraqi oil sales, essentially provided victor's justice. The UNCCP, in turn, thoroughly documented Palestinian refugees' losses, but ultimately failed to either provide compensation or to secure the return of refugees.[21]

The compensation mechanism for Ukraine that is being created is structurally similar to the Kuwaiti model. However, the creators of the former have tried to address the shortcomings of the latter in order to create a truly effective compensation tool for victims of the aggression against Ukraine. For example, victims are able to submit complaints directly to the RD4U without interference from national authorities, and the mechanism shows a strong victim-orientated approach. This helps reduce bureaucratic barriers and enhance victim's accessibility to the mechanism. An additional advantage is the possibility to submit a claim in Ukrainian, which helps those individuals who do not speak English from being precluded from claim submission for lack of foreign language skills. In future, the Register plans to add an option to submit claims in English as well.

The main differences between the past compensation mechanisms and the RD4U are described in Table 1.

The second and third challenges concern implementation and budgeting. Although the mechanism has received significant support from foreign partners (both in Europe and beyond) and its operation is meant to be binding, the possibility to be a true compensation mechanism will ultimately depend on Russia's willingness to cooperate. The Council of Europe, the EU and individual States are not capable of covering war damages estimated to be over USD 524 billion caused by a third country (Russia).[22]

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[21] For more about both mechanisms, *see, inter alia*, A. Gattini, *The UN Compensation Commission: Old Rules, New Procedures on War Reparations*, 13(1) European Journal of International Law 161 (2022); J. Franco, *The Palestine Commission: the forgotten chapter in United Nations peacemaking and peacekeeping in the Arab-Israeli conflict*, 60(5) Middle Eastern Studies 763 (2024).

[22] R. Siddiqui, *The $524 Billion Question: Can Europe's New Commission Make Russia Pay?* Modern Diplomacy, 16 December 2025, available at: https://moderndiplomacy.eu/2025/12/16/the-524-billion-question-can-europes-new-commission-make-russia-pay/ (accessed 31 March 2026).

Table 1. Comparison of the RD4U and compensation mechanisms of the past*

Mechanism	Legal basis	Mandate and scope	Submission system	Evidence	State Cooperation	Financing	Some weaknesses
UNCC (Iraq–Kuwait)	UNSC Res. 687 (1991)	Compensation for Iraq's invasion of Kuwait	State-consolidated submissions; no direct individual access to the UN	Standardised categories; simplified evidence analysis	Full cooperation imposed on Iraq by the UNSC	Iraqi oil revenues	"Victor's justice"; arbitrary evaluation in some cases; collective punishment
UNCCP (Palestine)	UNGA Res. 194 (1948)	Economic rehabilitation of Palestinian refugees; overseeing compensation; other tasks	No individual claims process	Extensive documentation, but no effective outcome	Eventually was paralysed by incompatible demands of the parties	No compensation fund ever created	More symbolic function than operational
UNRoD (Wall in OPT)	UNGA Res. ES-10/17 (2007)	Register of damage caused by the Wall in the Occupied Palestinian Territory	Claims submitted directly to the UNRoD	Standardised claim form along with supporting evidence; holistic analysis; difficulty in obtaining evidence	Extremely limited cooperation from Israel	No financial compensation	Purely a documentation tool; lack of transparency; lack of participation from Palestinian and international civil society organisations (CSOs) in the claims process
Eritrea–Ethiopia Claims Commission (EECC)	Algiers Peace Agreement (2000)	Inter-state claims for loss, damage or injury by governments against each other	No individual access; claims submitted by States only and on behalf of individuals	Strict standards of proof; adversarial proceedings	Cooperation varied and was accompanied by political tensions	Funded by parties of the conflict	Expedited procedures; limited participation of victims; political tensions persisted and neither of the parties paid
CRPC in Bosnia & Herzegovina	Dayton Peace Agreement (1995)	Consider and rule on property claims of displaced Bosnians	Direct access for victims	Strict standards of proof, but heavy caseload	No enforcement mandate	Original plan – financed by the sale of abandoned properties, the State and donors, but it was never established	Slow processing due to heavy caseload; administrative bottlenecks; lack of enforcement and compensation
Rd4U	CoE Resolution CM/Res(2023)3	Recording damage from Russia's aggression; first step of compensation mechanism	Direct individual submissions; State submissions to be launched soon	Digital evidence; flexible standards; Board does not "investigate" but may request clarification	No cooperation from Russia expected	Funded by participating States	Cybersecurity risks; political uncertainty of future compensation

* To read more about these claiming mechanisms and their weaknesses, see, *inter alia*, C. Giorgetti, P.W. Pearsall, H. Ruiz-Fabri (eds.), *Research Handbook on International Claims Commissions*, Edward Elgar Publishing, Cheltenham: 2023, particularly chapters 5, 6, 7, 14 and 15; J. Franco; A. Mężykowska, *Register of Damage for Ukraine. First Step Towards an International Compensation Mechanism for Victims of Russian Aggression*, in: M. Balcerzak, E. Cała-Wacinkiewicz (eds.), *Legal Perspectives on the Russia-Ukraine War*, Routledge, Abingdon: 2025, pp. 74–88.

Under the law of State responsibility, the obligation to make reparations exists independently of the responsible State's consent. The Draft Articles on State Responsibility (ARSIWA) provide that "full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation or satisfaction, either singly or in combination" (Art. 31).[23] Moreover, Art. 32 highlights that the responsible State may not rely on the provisions of its internal law as justification for failing to comply with its obligations under this part. Even though one may claim that ARSIWA is a non-binding instrument, it is widely considered a reflection of customary international law.[24] Additionally, the Permanent Court of International Justice (PCIJ) claimed that "that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed."[25]

Because of Russia's refusal to pay reparations, as well as possible vetoes on any UN Security Council decisions to secure reparations, Ukraine and international allies are exploring other possible sources of funding.[26] One suggestion is to use frozen Russian assets. Following Russia's full-scale invasion of Ukraine in February 2022, the G7, EU countries and Switzerland froze approximately EUR 300 billion in Russian State assets.[27] Although Art. 49 ARSIWA allows an injured State to take countermeasures against the State responsible for an internationally wrongful act in order to induce that State to comply with its obligations and restore compliance with international law between the parties to the conflict,[28] there are some legal, economic and political objections to this idea.

The first objection concerns the State immunity, since under normal circumstances State assets are protected and cannot be used. There are exceptions, for instance, under Art. 42 ARSIWA, which establishes that

> [a] State is entitled as an injured State to invoke the responsibility of another State if the obligation breached is owed to: (a) that State individually; or (b) a group of States including that State,

[23] International Law Commission, *Responsibility of States for Internationally Wrongful Acts*, 2001.

[24] *See*, *inter alia*, ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Rep 2004, para. 163.

[25] PCIJ, *Factory in Chorzów case (Germany v. Poland)*, Judgment, 13 September 1928, PCIJ (ser. A) No. 17, p. 47.

[26] Committee of Ministers, *Committee of Ministers approves draft convention establishing an International Claims Commission for Ukraine*, 22 October 2025, available at: https://www.coe.int/en/web/portal/-/committee-of-ministers-approves-draft-convention-establishing-an-international-claims-commission-for-ukraine (accessed 15 March 2026).

[27] A. Vohra, *Russia's frozen assets – everything you need to know*, DW, 17 December 2025, available at: https://www.dw.com/en/russias-frozen-assets-everything-you-need-to-know/a-75180873 (accessed 31 March 2026).

[28] *See* fn 23.

> or the international community as a whole, and the breach of the obligation: (i) specially affects that State; or (ii) is of such a character as radically to change the position of all the other States to which the obligation is owed with respect to the further performance of the obligation.[29]

If we consider that G7 countries and the EU (including EU Member States individually) are "specially affected" by Russia's aggression against Ukraine, due to threats to European and regional security, disruption of global trade, the significant refugee flow into these countries or by Russia's seizure of assets of foreign companies,[30] then countermeasures taken by these countries can be justified.

If, however, we consider these States to not be "specially affected", then the question becomes whether they can still invoke international responsibility as third parties. According to Art. 48 ARSIWA,

> [a]ny State other than an injured State is entitled to invoke the responsibility of another State [...] if: (a) the obligation breached is owed to a group of States including that State, and is established for the protection of a collective interest of the group; or (b) the obligation breached is owed to the international community as a whole.[31]

In our particular case, Russia's actions violated *jus cogens* norms and *erga omnes* obligations (the prohibition of aggression). Based on this approach, one may agree that third States can take countermeasures against Russia to accelerate the termination of the aggression and guarantee reparations to Ukraine.[32]

Moiseienko admits that "[t]he considerations that are likely to weigh most heavily on governments' minds are economic and political, not legal."[33] He shares concerns about the potential impact of confiscatory measures on foreign investors' confidence in the European financial system, the risk of setting a precedent that can be used for seizing central bank reserves in other contexts and potential

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[29] *Ibidem*.

[30] N. Could-Davies et al., *On Proposed Countermeasures Against Russia to Compensate Injured States for Losses Caused by Russia's War of Aggression Against Ukraine*, International Institute for Strategic Studies, 20 May 2024, paras. 43-46, available at: https://www.iiss.org/research-paper/2024/05/on-proposed-countermeasures-against-russia-to-compensate-injured-states-for-losses-caused-by-russias-war-of-aggression-against-ukraine/ (accessed 31 March 2026).

[31] *See* fn 23.

[32] *See*, among other authors, A. Moiseienko, *Legal: The Freezing of the Russian Central Bank's Assets*, 34(4) European Journal of International Law 1007 (2023); M.T. Veber, *EU sanctions and Russia's frozen assets*, November 2025, available at: https://tinyurl.com/yr2vdtbn (accessed 31 March 2026).

[33] A. Moiseienko, *Frozen Russian State Assets: The Key to Enforcing the Largest Financial Debt of Our Times*, Verfassungblog, 4 April 2025, available at: https://verfassungsblog.de/frozen-russian-state-assets/ (accessed 31 March 2026).

threats to security and peace between third countries.[34] Overall, we can agree that the possibility to use assets is legally available, but taking into account various reasons (some of which have been mentioned above), the international community has shown disagreement with using Russia's frozen assets.[35]

The fourth challenge is related to aspects inherent to mass-claims processing, particularly regarding standards of proof and evidence verification. In its functioning, the RD4U will have to strike a balance between ensuring accessibility for victims and the submission of reliable and verifiable documents. Submitting claims through Diia is a good way to facilitate victims' access, but at the same time, the RD4U requires sophisticated authentication tools, the possibility to cross-reference national registries and penalties for false claims and other matters.

The UNCC faced a similar issue and resolved it by adopting somehow relaxed standards of proof for certain categories of claims. It adopted presumptions of harm and allowed witness testimony to be presented instead of written documents and personal explanations without the support of written documents.[36]

Consequently, the Secretariat and Board should develop a clear evidentiary threshold, adopt transparent methodology for evidence analysis and establish a heightened cross-check process using satellite images, OSINT and State registries. The last source has already been implemented, as the RD4U can automatically verify data (such as kinship and deaths) directly from some national databases.

The last challenge concerns potential threats to the data analysed and stored within the RD4U. Although on its website the Register claims to ensure the protection of claims and information submitted, maintaining strict confidentiality in accordance with Art. 11 of its Statute,[37] claimants will be required to explicitly consent to the collection, processing, storage and transfer of their personal data and confidential information when submitting claims to the Register.[38]

The nature of the Register – recording claims for compensation for damage, loss and injury inflicted by Russia's actions in Ukraine – necessarily means storing sensitive private data such as the victims' personal information, detailed documentation of destruction and injuries and evidence of war crimes and other violations of international law. This makes it a potential target of hostile cyber-attacks by either

[34] *Ibidem.*

[35] A. Moiseienko, *Seizing Foreign Central Bank Assets: A Lawful Response to Aggression?* SSRN, 2023, pp. 63–65, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4420459 (accessed 31 March 2026).

[36] B. Karnaukh, T. Khutor, *Evidentiary Standards of the UN Compensation Commission: Takeaways for Ukraine*, 7(3) AJEE Journal 1 (2024), pp. 10–12.

[37] *See* fn 12.

[38] RD4U, *General*, available at: https://tinyurl.com/5n856fnj (accessed 31 March 2026).

Russia or an affiliated actor aiming to destroy or compromise evidence, intimidate claimants, undermine the credibility of the future compensation mechanism or disrupt its functioning.

This concern should be especially preoccupying since Russia has been actively using hybrid warfare globally.[39] For instance, some authors highlighted that Russia has been employing large-scale and well-planned hybrid war operations both in Ukraine and in other conflicts by using specific narratives to psychologically influence the civilian population and/or carry out other destructive actions directed at the opposing State(s) and government(s).[40]

Additionally, each piece of the immense number and variety of data processed by the Register (e.g. photos, videos, documents, medical and property records and geolocation data) brings its own vulnerabilities, thus requiring a very complex security architecture. Such complexity increases the risk of platform weaknesses, inconsistencies in data handling and gaps in the file-validation system.[41] Mass-claims mechanisms have historically struggled with such issues, and the RD4U is no exception. Ensuring that every uploaded file is authentic, safe and properly stored requires continuous maintenance and updates.

Although the functioning of the RD4U is not subject to the General Data Protection Regulation (GDPR), it is still beneficial for the Register to take into account the GDPR's principles, as foreseen in Art. 5, in order to guarantee the most efficient treatment of personal data, especially taking into account the amount of sensitive data received and stored by the Register.

Long-term storage presents another layer of vulnerability. The RD4U is intended to operate for many years, as claims continue to be submitted, processed and stored. The digital world evolves significantly over such extended periods, while encryption standards become outdated and cyber-attack techniques become more sophisticated. The database must be accompanied by a robust IT team capable not only of anticipating potential future problems (which is likely impossible to do), but also ensuring continuous technical auditing and adapting to emerging threats.

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[39] D. Milmo, *Russian cyber-attacks against Nato states up by 25% in a year, analysis finds*, The Guardian, 16 October 2025, available at: https://www.theguardian.com/world/2025/oct/16/russian-cyber-attacks-against-nato-states-up-by-25-in-a-year-analysis-finds (accessed 31 March 2026).

[40] M. Banasik, *Russia's Hybrid War in Theory and Practice*, 2(1) Journal on Baltic Security 157 (2016), pp. 177–178; J. Hajduk, T. Stępniewski, *Russia's Hybrid War with Ukraine: Determinants, Instruments, Accomplishments and Challenges*, 78(2) Studia Europejskie 37 (2016), p. 48–49.

[41] For more on Big Data threats, see, *inter alia*, E. Damiani, *Big Data Threat Landscape and Good Practice Guide*, January 2026, particularly part 4, available at: https://www.enisa.europa.eu/sites/default/files/publications/Big%20Data%20Threat%20Landscape.pdf (accessed 31 March 2026).

CONCLUDING REMARKS

Overall, we cannot but welcome the creation of the RD4U and the efforts to create a fully operational compensation mechanism for Ukraine. It represents a significant innovation in the field of international reparations. Unlike other compensation mechanisms, it is a victim-centred mass-claims register with a fully digital and nationally integrated submission system. These features reflect an extraordinary attempt to avoid the structural weaknesses that rendered earlier mechanisms under-inclusive, non-transparent or ultimately ineffective.

At the same time, it is an ambitious endeavour – to address even partially the many needs of the victims of Russia's aggression against Ukraine inevitably involves dealing with multiple legal and operational challenges, as outlined in the previous sections, that will shape its long-term effectiveness.

The creation of detailed claim categories, both usual (e.g. regarding injuries and property damage) and novel ones (regarding access to health care or education), shows an evolution in the understanding of the possible harm caused by armed conflicts which undoubtedly will set a precedent for future mechanisms. Simultaneously, this necessitates well-defined standards of evidence and methodology for verification that are capable of addressing realities of the highly technological world and the dangers of Russia's hybrid warfare.

On top of this, the RD4U has to operate in complete lack of cooperation from Russia, the responsible State, which has historically undermined the effectiveness of similar mechanisms. Thus, Ukraine and the international community are trying to find ways to address Russia's non-cooperation (using Russia's frozen assets and issuing reparations loans), but these measures remain politically and legally contested.

The officials responsible for developing the internal regulations of the Register have both a significant responsibility and an opportunity to ensure that this effort considers the errors of the past and does not result in yet another powerless international mechanism. Although the Register is merely a database at the moment, for it to succeed it must be accompanied by an institution capable of granting compensation awards to the victims, as well as the ICCU and the relevant fund which hopefully will come about in the near future, enabling the Register to fulfil its intended role as the first step of a compensation mechanism for Ukraine.