

RD4U-Board-CLD(2025)04

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

**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)**

17 March 2025

The Hague

[www.RD4U.claims](http://www.RD4U.claims)

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## Technical Summary

<b>1. RCMS Group ID</b>	<b>G-A2.1-000002</b>
2. Date of submission to the Board	17 March 2025
3. Category of Claims in the Group	A2.1
4. Description	Claims concerning combatants with information from the Register of Civil Status Acts confirming death and the family relationship between deceased and Claimant
<b>5. Number of Claims</b>	<b>328</b>
6. Submitted by Claimants on their own behalf	328
7. Submitted by Representatives using Digital Authority	0
8. Submitted by a parent or guardian	0
9. Submitted through CPAS	0
10. Data from integrated registers or databases	<ul style="list-style-type: none"> <li>• Demographic Register</li> <li>• Register of Civil Status Acts</li> </ul>
11. External data	No
12. Use of mass claims processing methods and techniques	Grouping
13. Use of AI in processing	No
14. Executive Director's Recommendation	To record all Claims in the Register

## **I. Introduction**

1. This Group comprises 328 claims (the “Claims”) in Category A2.1 – Death of an Immediate Family Member.
2. The Claims have been reviewed by the Secretariat in accordance with Article 19 of the Claims Rules.

## **II. Methodology**

3. The following criteria were applied by the Secretariat to identify the Claims in this Group:
  - a. the Claims were filed by natural persons who are Ukrainian nationals;
  - b. the Claims concern the death of an immediate family member in the territory of Ukraine;
  - c. the family relationship is confirmed by an entry in the State Register of Civil Status Acts (Register of Civil Status Acts);
  - d. the death is confirmed by an entry in the Register of Civil Status Acts;
  - e. the deceased were members of the Ukrainian Armed Forces or the Ukrainian Territorial Defence;
  - f. as per the Claimants’ submissions, the death was caused by (i) active hostilities, (ii) shelling (air strike, artillery, mortar, small arms, other types of shelling), (iii) violent actions during stay in temporarily occupied territories, in combat zones/potential combat zones; (iv) violent actions due to unlawful imprisonment or abduction, (v) torture, inhuman or degrading treatment or punishment; or (vi) other events linked to the internationally wrongful acts of the Russian Federation; and
  - g. the Claims fulfil the general requirements set out in Articles 10 and 13 of the Claim Rules, as well as the technical requirements prescribed by Article 17 of the Claims Rules.
4. The Board has also reviewed the Secretariat’s reliance on the Register of Civil Status Acts and data contained therein. Considering that it is an official register established and regulated under Ukrainian law, the Board finds it appropriate to rely on data from the Register of Civil Status Acts to the extent proposed by the Secretariat in addition to evidence contained in the relevant Claims, in accordance with Article 19(3) of the Claims Rules.

## **III. The Board’s Assessment**

5. Article 6.5(c) of the Statute of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (the “Statute”) provides that the Board has the 'ultimate authority in determining the eligibility of claims to be recorded in the Register, based on the recommendation of the Executive Director. In accordance with Article 2.1 of the 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 any have adjudicative functions with respect to such claims, including determination of responsibility and amount of compensation.

6. On this basis, the Board considers that in the performance of its functions under the Statute, its role is limited to ascertaining whether the criteria for the eligibility of claims submitted, as laid down in Article 2.2 of the Statute and Article 18 of the Claims Rules, have been met. This determination is made applying a *prima facie* standard of review of the evidence and information in the recommendation of the Executive Director.
7. The Board notes that the Claims in this Group are for the deaths of individuals who were members of the Ukrainian Armed Forces or Territorial Defence and who participated in the hostilities. Therefore, they qualify as combatants under international humanitarian law.<sup>1</sup>
8. The Board recalls the well-established principle in international law that States that are responsible for an internationally wrongful act are under an obligation to make full reparation for the injury caused.<sup>2</sup> This principle applies to violations of the *jus ad bellum*, including acts of aggression.<sup>3</sup>
9. The UN General Assembly recognises that the invasion of the Russian Federation of Ukraine amounts to an act of aggression.<sup>4</sup> UN General Assembly Resolution ES-11/5 further recognises that the Russian Federation "must be held to account for any violations of international law in or against Ukraine, including its aggression in violation of the Charter of the United Nations of all of its internationally wrongful acts in or against Ukraine [...], and that it must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts including making reparation for the injury, including any damage, caused by such acts."<sup>5</sup>
10. It is not a settled issue under international law whether the deaths of combatants, killed during an international armed conflict constituting an act of aggression, trigger an obligation of the aggressor State to make reparation for the damage, loss or injury caused by such deaths.<sup>6</sup> The deaths in the cases presented in this Group 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, a violation which has been expressly recognised by the Resolutions of the UN General Assembly referred to above.

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<sup>1</sup> This group does not include claims concerning members of the Armed Forces that do not qualify as combatants, such as medical and religious personnel.

<sup>2</sup> International Law Commission, 'Articles on the Responsibility of States for Internationally Wrongful Acts', Yearbook of the International Law Commission (2001) vol II(2) (ARSIWA), art 31.

<sup>3</sup> See *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) (Merits)* [2005] ICJ Rep 168, 257 [259]; UNSC Resolution 687 (1991) UN Doc S/RES/687.

<sup>4</sup> UNGA Res ES-11/1 (28 March 2022) UN Doc A/RES/ES-11/1.

<sup>5</sup> UNGA Res ES-11/5 (14 November 2022) UN Doc A/RES/ES-11/5.

<sup>6</sup> When addressing a claim by the Democratic Republic of the Congo for the loss of lives of members of its armed forces as a result of an unlawful use of force by Uganda, the International Court of Justice emphasised that "the more lenient evidentiary standard employed in view of the difficulty of obtaining documentary evidence in the DRC [...] does not apply with equal force to the loss of life of military personnel" and subsequently dismissed the claim for lack of evidence. See *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) (Merits)* [2022] ICJ Rep 13, 71 [165]. The United Nations Compensation Commission awarded compensation with respect to combatants in certain cases, in particular those concerning death and serious personal injury of Kuwaiti military personnel that was not integrated into the coalition forces. See UNCC, Governing Council, Recommendations Made by the Panel of Commissioners Concerning Individual Claims for Serious Personal Injury or Death (Category "B" Claims) (26 May 1994) UN Doc S/AC.26/1994/1, 14-15.

11. The Board recalls that the mandate of the Register under Article 1(1) of the Statute extends to claims for damage, loss and injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine, but is limited to recording claims that fulfil the eligibility criteria on a prima facie basis. Therefore, the Board decides that such claims in this category can in principle be recorded in the Register if they otherwise meet the applicable eligibility criteria. Decisions on the merits of these claims and the underlying legal principles are for a future Claims Commission.
12. Pursuant to Article 18 of the Claims Rules, claims shall be eligible for recording if they meet the following criteria:
  - a. the claims are submitted by or on behalf of an eligible Claimant;
  - b. the claims are for damage, loss or injury that occurred on or after 24 February 2022;
  - 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; and
  - d. the claims are for damage, loss or injury that was caused by the Russian Federation's internationally wrongful acts in or against Ukraine.
13. Claims cannot be recorded in the Register if they are manifestly unfounded.
14. The Claimants in this Group are natural persons of Ukrainian nationality, submitting Claims on their own behalf. All Claims concern deaths that occurred on or after 24 February 2022 based on the date of event indicated by the Claimants, as well as the date of death recorded in the Register of Civil Status Acts. All deaths in this Group occurred within the internationally recognised borders of Ukraine.
15. All Claims contain data from the Register of Civil Status Acts and concern deaths caused by (i) active hostilities, (ii) shelling (air strike, artillery, mortar, small arms, other types of shelling), (iii) violent actions during stay in temporarily occupied territories, in combat zones/potential combat zones; (iv) violent actions due to unlawful imprisonment or abduction, (v) torture, inhuman or degrading treatment or punishment; or (vii) other events linked to the internationally wrongful acts of the Russian Federation.
16. The Board considers that a relevant entry in the Register of Civil Status Acts constitutes proof of the existence of a necessary immediate family relationship between the Claimant and the deceased person as required by para. 3.3 of Claim Form A2.1 (i.e. parent, child, or spouse), as well as proof of death of the latter.
17. The Board therefore determines that the eligibility criteria in Article 18 of the Claims Rules for recording the Claims in the Register are met.

#### IV. Decision

18. Pursuant to Articles 21(7) and (8) of the Claims Rules, the Claims in Group **G-A2.1-000002**, as listed in RCMS, shall be recorded in the Register.



Robert Spano  
Chair of the Board of the Register of Damage for Ukraine

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