
REPORT •

Capacity-Building Event

Compensations for Survivors of Aggression in Ukraine, International Mechanisms and Other Justice Avenues

Organised by





A project of

THE
NUHANOVIC
FOUNDATION
CENTRE FOR WAR REPARATIONS

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1. Introduction



Panel 1: Compensatory and Reparation Mechanisms. Professor Luke Moffett (Queen's University Belfast) on the screen, Dr. Niké Wentholt (University of Humanistic Studies), Veronika Skorobogatko (T.M.C. Asser Institute)

1.1 Context and background for the capacity training

From November 6 — 8 2024, Ukraine Legal Network held a major professional gathering that brought together leading experts in international law, practicing lawyers, and representatives of non-profitable organizations and government institutions involved in the compensation process for victims of aggression in Ukraine. This event was not limited to information sharing — it became a fully-fledged platform for open dialogue, collaboration, and strengthening professional connections.

1.2 Objectives of the training programme

During the training, our goal was to equip Ukrainian lawyers with knowledge about the compensation mechanisms available to victims of international crimes committed in Ukraine. The topics covered were extensive, beginning with the compensation mechanism developed and currently implemented by the Council of Europe. The Register of Damage for Ukraine as a foundational step toward eventual compensation, as well as future funding, were explained to participants.

1.

Introduction

Additionally, we organised panels on key aspects of Universal Jurisdiction, the role of the International Criminal Court (ICC) and its Trust Fund for Victims, and the importance of national court proceedings. These sessions aimed to provide a comprehensive overview of the legal avenues and resources available to support victims in seeking justice and reparation.

The ultimate goal is to **create a pro-bono team of lawyers dedicated to helping Ukrainian victims in their efforts for redress and enable them to claim compensations**. This team will be equipped with the necessary knowledge and skills to navigate compensation mechanisms and legal frameworks effectively.

1.3

Audience and key stakeholders involved

In total 20 Ukrainian lawyers attended the event, 15 attended in person and 5 joined online. Six lawyers traveled from Ukraine, while 9 were from the Netherlands and neighbouring countries.. The speakers included legal experts, academia, representatives from the Ukraine government as well as EU institutions, colleagues from International Criminal Court, NGOs, and professionals experienced in compensation mechanisms and frozen assets.



Panel 1: Compensatory and Reparation Mechanisms.

2.

Daily Breakdown of Panels



Dr. Niké Wentholt (University of Humanistic Studies)

2.1

Day 1

Overview and Highlights

Day 1 of the event started with the welcoming speech of Hope Rikkelman, the director of The Nuhanovic Foundation and Olesia Zaiets, ULN's project officer, who shared the vision and mission of the Foundation, the goals and perspectives of the event, setting the tone of professionalism and fruitful cooperation.

Panel 1

Topic:

Compensatory and Reparation Mechanisms

Speakers/Experts:

Prof. Luke Moffett, Dr. Nike Wentholt, Veronika Skorobogatko

Content Summary:

Professor Luke Moffett from Queen's University Belfast joined online to discuss reparations in international and human rights law, analyzing relevant cases and theories and comparing the experiences of Colombia, Peru, Iraq, and Northern Ireland. He presented the 2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UNBPG) that declare reparations to be intended to 'promote justice by redress'. Despite the normative guidance, in practice reparations in transitional societies are complex administrative legal constructions, often shaped by and entangled with political, social and moral contentions. Importantly, reparations in transitional societies do not solely arise

2. Daily Breakdown of Panels

out of the need to comply with international norms, but through the pressure of victims with the support of civil society allies leveraging redress claims through political action, litigation and social mobilisation.

Dr. Niké Wentholt from the University of Humanistic Studies in Utrecht emphasized the importance of considering victims' experiences at each stage of the reparations process. She drew parallels with court rulings on reparations for the Srebrenica Genocide to highlight the benefits of a survivor-centered approach. Dr. Wentholt spoke about the Dutch presence during the Srebrenica Genocide and the subsequent court cases that held the Dutch State liable for the damages. She emphasized the importance of shifting the conversation from the Dutch soldiers' perspective to that of the Bosniak survivors. Two cases in the Netherlands were discussed as an example of the initiated civil procedures for compensations.

Veronika Skorobogatko from the T.M.C. Asser Institute, based in The Hague, presented historical examples of reparation mechanisms, such as the UN Compensation Commission after the Iraq-Kuwait war and truth commissions in Latin America. She shared lessons for Ukraine that could be drawn from these examples.

Outcomes and Action Points:

Experts highlighted the significant challenges involved in implementing reparations programs, especially in the context of ongoing conflicts and resource limitations. Many countries face difficulties in setting up and adequately funding such initiatives. The panel emphasized the importance of establishing a dedicated budget line specifically for reparations and prioritizing victims' needs. They also underscored the critical need to establish the truth, thoroughly document cases, and lay a solid foundation for future actions. It was suggested that combining both non-judicial and judicial mechanisms could enhance the effectiveness of these efforts.



Veronika Skorobogatko (T.M.C. Asser Institute)

2.

Daily Breakdown of Panels

Panel 2

Topic:

Register of Damage for Ukraine: Mandate, Status, Challenges and Future

Speakers/Experts:

Petra Neumann and Iryna Kiryeyeva

Content Summary:

Speakers presented essential information on the Register of Damage for Ukraine (RD4U), including the application process and evidence requirements. They also highlighted the potential for future cooperation between the Register and civil society organizations, not only to improve evidence collection and victim engagement but also to develop joint awareness campaigns on compensation opportunities.

Iryna Kiryeyeva from the Register provided detailed clarification on eligibility criteria for claims for compensation and described the whole application process together with relevant legal aspects.

Petra Neumann announced the launching of the new Coordination Platform aimed at building partnerships with civil society organisations to support claimants in the process of submitting claims to the Register.

Outcomes and Action Points:

Participants highlighted the importance of clear guidance, particularly for Ukrainians living abroad, and better coordination with NGOs supporting victims. The discussion underscored the Registry's efforts to develop a comprehensive compensation mechanism, with practical implementation details.

2.2

Day 2

Overview and Highlights

Panel 3

Topic:

Compensation through other international and national mechanisms, such as International Criminal Court, UJ proceedings

Speakers/Experts:

Julie Bardeche, Asa Solway, Valerie Gabard, Maarten Bolhuis

Content Summary:

Julie Bardeche, Senior Legal Advisor at REDRESS, highlighted victims' rights and reparation options under the International Criminal Court (ICC) and presented the ICC's new guide for Ukraine.

Victims have several ways to engage with proceedings at ICC. First, they can submit

2.

Daily Breakdown of Panels

information to the Office of the Prosecutor through a dedicated portal on the ICC website. It's often helpful to work with civil society organizations experienced in ICC interactions, as they can provide valuable guidance. Importantly, once information is submitted, there is no guarantee of follow-up; you may not be contacted, asked for further information, or called to testify, and you lose control over the submitted information.

Victims can also participate directly in the proceedings by expressing their views to the judges if their interests are affected. To participate formally, victims must contact the ICC's Victim Protection and Reparation Section (VPRS) for guidance and complete an application form. However, these applications are only considered after an arrest has been made, beginning in the pre-trial phase. Typically, applications are not processed or submitted to the pre-trial chamber until judicial proceedings are underway, and it's often unclear how long investigations may take.

Victims who prefer not to participate formally can still provide information on violations they've experienced or witnessed, and may also participate as witnesses. Victims have the right to legal representation at the ICC, either through the Public Counsel for Victims or a legal representative appointed by the VPRS.

Only lawyers registered on an approved list can represent victims before the ICC.

If the defendant is found guilty, victims can apply for reparations, which at the ICC include not only financial compensation but also restitution, rehabilitation (such as psychosocial and medical support), and other forms of reparation.

Asa Solway and **Valerie Gabard**, co-founders of UpRights NGO, discussed the ICC's role and limitations, Ukraine's progress in ratifying the Rome Statute, and the challenges Ukrainian judges face in such cases.

Under international law and the ICC Statute, state parties to the ICC are obligated to arrest individuals indicted by the ICC and transfer them to the Court. This obligation is generally accepted, but in practice, compliance is inconsistent. For example, Mongolia and, in past cases, other state parties in relation to the situation in Sudan and the arrest of President Omar al-Bashir, have failed to fulfil this obligation. Although immunity issues were once raised as an argument, these concerns have largely been resolved in favour of the ICC's jurisdiction.

The ICC's powers to enforce compliance are limited. When a state fails to carry out an arrest, the Court can issue a finding of non-compliance, which can be reported to the Assembly of States Parties (ASP).

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Daily Breakdown of Panels



Panel 2: Compensation through other international and national mechanisms, such as International Criminal Court, UJ proceedings. Julie Bardeche (REDRESS), Maarten Bolhuis (Vrije Universiteit Amsterdam), Asa Solway (UpRights NGO), Valerie Gabard (UpRights NGO)

The ASP, composed of representatives from ICC member states, meets annually to discuss and address issues related to the ICC's functioning, including non-compliance. However, the ASP lacks strong enforcement mechanisms, so discussions and resolutions often lack significant legal weight.

There are potential avenues to address non-compliance domestically. As treaty signatories, some states might face internal legal obligations to comply with the ICC, though the effectiveness of domestic legal remedies varies widely by country. In Mongolia, for instance, it would be challenging to enforce such obligations at a national level.

Another recent angle involves the United Nations. Given its cooperative relationship with the ICC, the UN Secretary-General

may face scrutiny for engaging with indicted individuals, such as Russian officials accused of war crimes, despite the UN's commitment to ICC principles.

While the ICC's enforcement authority is limited, there are other forms of pressure. Some states, reluctant to be publicly criticised by the ICC, have declined or withdrawn invitations to indicted officials to avoid the reputational damage associated with non-compliance. Though not a strong deterrent, it can create challenges for officials in conducting international relations.

A notable example occurred in South Africa, where the judiciary independently issued a warrant for Al-Bashir's arrest during his visit. Although he ultimately left the country before being detained, this response set a precedent.

2.

Daily Breakdown of Panels

Additionally, South African NGOs mobilized to advocate for the government to uphold its obligations to the ICC, leading to an increased public and judicial commitment to compliance. As a result, Vladimir Putin decided not to attend the BRICS Summit in South Africa last year, likely due to similar pressures.

Maarten Bolhuis, Assistant Professor of Criminology at Vrije Universiteit Amsterdam, discussed universal jurisdiction's application to hold international crimes accountable, focusing on prerequisites, limitations and successful cases across Europe.

Mr. Bolhuis explained that in certain legal systems, the response to international crimes may involve both criminal and civil procedures. It was noted that criminal proceedings can be initiated depending on the nature of the charges, and in some jurisdictions, victims are permitted to join as civil parties within a criminal case. It is also possible to start civil case separately but it will depend on the crime and charges.

For instance, in France, the case of the Syrian company Lafarge highlights a preference for addressing underlying civil claims within criminal investigations, which compels prosecutors to examine the root causes and associated responsibilities. Universal jurisdiction plays a crucial role in handling these

cases, but it often requires the presence of the suspect within the country. In addition, the availability of evidence, witness testimonies, and national legal complexities impact the feasibility of prosecuting international crimes. Several countries, including the Netherlands, have dedicated war crimes units, which specialize in addressing such cases.

In some countries Syria- and Iraq-related cases began emerging around five years ago, though progress has been slow and sporadic. Although more recently, the number of adjudicated cases and also convictions has increased.

Panel 4

Topic:

Repurposing of Frozen Assets: Challenges and Opportunities

The second panel of the day, moderated by **Illia Chernohorenko** from the University of Oxford, focused on the challenges and opportunities of repurposing frozen assets. Mykola Yurlov, Deputy Director of the Department of International Cooperation and Representation at Ukraine's Ministry of Justice, delivered an introductory speech, outlining the importance of international cooperation.

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Speakers/Experts:

**Mykola Yurlov, Lyra Nightingale,
James Patrick Sexton, Victoria Kerr.
Yuliia Ziskina.**

Moderator:

Illia Chernohorenko

Content Summary:

Mykola Yurlov opened the panel with a rhetorical question: should Russia's frozen assets be repurposed? He firmly believes they should be. Representing the Ukrainian government, Yurlov emphasized that this perspective is shared by prominent figures in academia, including international law scholars like Philip D. Zelikow, Christian J. Tams, and Philippe Sands. He emphasised that when a state commits an act of aggression—an internationally wrongful act by initiating an aggressive war—it is required to first cease this wrongful action and then to address the obligation of compensation.

The International Law Commission, reflecting broad acceptance among states, has determined that there is enough state practice and opinion to conclude that the rule of countermeasures in international law has crystallized and is an established rule. This principle allows all states, on the basis of *erga omnes* obligations, to take action, as the prohibition on the use of force is an obligation with an *erga omnes* nature. Both *erga omnes* and another concept of

specially affected states, give to countries the right to temporarily suspend their obligation to protect Russian state assets until Russia ceases its internationally wrongful acts. These acts include not only waging an aggressive war but also the obligation to provide compensation for this wrongdoing.

The opinion that frozen Russian assets should be withheld as leverage, or due to fear of further escalation, is unfounded—such hesitation has only intensified the crisis for Ukraine and beyond. The indecision among key stakeholders persists, and it falls to us—government officials, academic scholars, and civil society—to unite and advocate for decisive action on this issue.

Lyra Nightingale, Legal Advisor at REDRESS, started with the question: 'what exactly are sanctions?' Sanctions are a political tool typically consisting of two main components: asset freezes and travel bans. An asset freeze means that funds and economic resources are unavailable to the targeted individual or entity, while travel bans prevent them from entering certain countries. There are various types of sanctions, such as anti-corruption sanctions and country-specific sanctions.

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Daily Breakdown of Panels



Panel 4: Repurposing of Frozen Assets: Challenges and Opportunities. Illia Chernohorenko (University of Oxford), Lyra Nightingale (REDRESS), Victoria Kerr (REDRESS), James Patrick Sexton (T.M.C. Asser Institute)

For example, in the UK, there is a Russian sanctions regime that has targeted about 2,000 individuals and entities involved in the ongoing conflict. Sanctions are most effective when multiple countries, such as the US, Europe, the UK, and Canada, coordinate their efforts. When these nations align, they can effectively block access to entire markets, making the sanctions much more impactful.

It's also important to distinguish between private assets and sovereign assets. Private assets refer to those owned by individuals or companies, such as the

Chelsea Football Club or luxury yachts, while sovereign assets are those owned by the Russian Federation or the Russian Central Bank. These two categories are treated differently under the law, with distinct legal frameworks applying to each.

James Patrick Sexton, a PhD researcher at the T.M.C. Asser Institute, explained the EU's approach to Russian Central Bank assets frozen by EU sanctions.

EU sanctions differ somewhat from those of the US or the UK because the European

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Union, as an international organization with multiple member states, requires consensus for sanctions to be created. This means that all member states must agree on the sanctions, and while they are created at the EU level, each individual state must enforce them domestically. For example, although sanctions are decided in Brussels, the Netherlands is responsible for enforcing them domestically.

Regarding the EU's approach to Russian Central Bank assets, the EU froze approximately €200–210 billion of assets at the onset of the full-scale invasion of Ukraine. These assets are held in companies in Belgium, known as central securities depositories, which manage the funds. In March 2022, the EU established a "freeze and seize" task force, aimed at identifying assets subject to freezing and determining if they could be seized. Since February 2022, the EU has implemented 15 sanctions packages, marking the most extensive sanctions in the Union's history. It is important to add that as from 2025, every member state has to criminalize the circumvention of sanctions.

As far as frozen Russian Central Bank assets are concerned, the companies in Belgium holding the Russian central bank's funds typically do not retain assets for such extended periods. Furthermore, under normal circumstances, EU law requires these companies to reinvest the

funds to prevent them from losing value. This has created an unusual situation where these companies have gained billions worth of interest from the assets since February 2022. Naturally, this raises concerns, as these companies could be seen as profiting from holding Russian Central Bank assets. The EU recognized the issue and decided that 99.7% of the profits generated from these frozen assets would be redirected to Ukraine. It is anticipated that this will amount to around €3-4 billion per year, with the first €1.5 billion already sent to Ukraine.

Victoria Kerr, Consultant Legal Officer at REDRESS, provided an overview of UK initiatives, including high-profile cases like those of Chelsea FC and Petr Aven. She also introduced REDRESS's upcoming principles for repurposing assets for war victims' reparation.

In March 2022, Roman Abramovich announced his intention to sell Chelsea FC and allocate the proceeds, amounting to £2.5 billion, "for the benefit of all victims of the war in Ukraine." Shortly thereafter, he was subjected to UK sanctions due to his close ties with Putin's regime. With his assets frozen, the sale of Chelsea FC proceeded under a licence issued by the Office of Financial Sanctions Implementation on May 24, 2022. The licence stipulated that the funds will be directed towards a foundation dedicated to "exclusively

2.

Daily Breakdown of Panels

humanitarian purposes supporting all victims of the conflict in Ukraine and its consequences.”

Despite these plans, two and a half years later, the funds remain frozen until the new foundation is set up and no financial assistance has reached the victims.

Whether through the proposed foundation or alternative avenues, these funds could be allocated to initiatives such as international compensation mechanism for Ukraine and RD4U or The Trust Fund for Victims at the International Criminal Court.

The presentation by **Yuliia Ziskina**, Senior Legal Fellow at Razom for Ukraine NGO, was a highlight of the day. She addressed myths about the repurposing of frozen Russian assets and discussed the REPO Act, which empowers the U.S. President to transfer Russia’s frozen assets in the U.S. to victims in Ukraine. The act is currently in the implementation phase, and the next 11 weeks are critical for its enactment by the Biden administration, which may mark a major step toward compensating war victims in Ukraine. The Repo Act essentially affirms the President’s authority to seize Russian sovereign assets that are immobilized within the United States and grants the President the power to establish a domestic Ukraine support fund.



Yuliia Ziskina (Razom for Ukraine NGO)

While the President has discretionary authority to seize and transfer these assets, what is mandatory under the Repo Act — and this is crucial — is the requirement for the administration to report to Congress and make public all Russian sovereign assets within the U.S. jurisdiction by October 21st. This includes assets held in U.S. financial institutions, such as the Federal Reserve Bank, as well as correspondent banking accounts and offshore partnerships subject to U.S. sanctions.

Regarding the U.S. context, when we refer to \$5 billion, the actual figure is likely much higher. From sources within the administration, Julia heard estimates ranging from tens of billions to possibly as much as \$50 billion. However, a key challenge is that we don't yet have a clear picture of the total amount and the nature of these seizable reserves. The first step in addressing this is to bring these figures

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Daily Breakdown of Panels

to light, and the Repo Act is the first piece of legislation globally that mandates this transparency.

Many argue that seizing Russia's frozen reserves is unlawful under international law. While this legal argument persists, it largely serves as a pretext for avoiding a difficult decision. In fact, after over two years of discussion, G7 governments are well aware of the legal nuances and have reviewed numerous expert opinions. What truly hinders action is political hesitation, not legal complexity. Claiming legal concerns merely shuts down the conversation, but what is urgently needed is political will and a clear understanding of the consequences if these assets aren't soon allocated for Ukraine.

Two main legal arguments commonly arise: sovereign immunity and the reversibility of countermeasures. Let's address countermeasures first. Under international law, countermeasures are a self-help tool that allows states to enforce international obligations when institutions like the UN Security Council fail to act. When a state's actions violate fundamental international norms, countermeasures allow any state to act against it to stop the violation and seek reparations. Although these measures might typically be unlawful, their wrongfulness is negated by the egregious nature of the misconduct. Asset freezes and seizures are examples of

countermeasures, often misclassified as sanctions; legally, they revoke a sovereign's control over its property in response to serious violations of international law. In other words, an aggressor cannot exploit the law to protect assets while disregarding international norms. Seizing Russian assets to fund reparations would not only serve as compensation for Ukraine but also incentivize Russia to cease hostilities and return to compliance with international norms. On these grounds, the countermeasures would be lawful.

As for sovereign immunity, it is largely irrelevant in this context. Sovereign immunity prevents national courts from judging or seizing another state's assets through judicial means. Here, however, asset seizures would be implemented by the executive branches of government as political acts, independent of the judiciary. Sovereign immunity does not apply between states when responding to breaches of international obligations. Instead, states rely on customary practices of reciprocal respect. So, while state assets are typically protected from seizure, this protection does not stem from sovereign immunity but rather from mutual international respect and agreements. Countermeasures can lawfully override these protections temporarily. In summary, while individuals and private entities operate under one set of legal standards, states operate under different rules in the international realm.

2.

Daily Breakdown of Panels



Participants during post-event photo-op

2.3

Day 3

Overview and Highlights

On the third and final day of the event, our team of lawyers had the unique opportunity to visit the International Criminal Court (ICC) in The Hague. Participants immersed themselves in the court's history and jurisdiction. The tour provided a clear understanding of the ICC's functions and the types of cases it handles, including crimes against humanity, genocide, and war crimes.

During the visit, the participants were delivered a presentation by **Franziska Eckelmans**, Legal Adviser at the Trust Fund for Victims, who outlined the Fund's mandate and its support mechanisms for

victims of international crimes. This was especially valuable since the ULN team also works directly with victims, allowing us to see how the international community assists those who have suffered serious human rights violations.

At the end of the visit, we had the opportunity to visit the court gallery, where we learned about the courtroom structure and the judicial process.

3. Conclusion



Participants

Summary:

This comprehensive training program was designed to equip Ukrainian lawyers with the essential knowledge and practical tools required to effectively support victims in their pursuit of justice and compensation.

Given the unique and pressing needs of Ukrainians affected by the ongoing conflict, this training addressed critical legal, procedural, and strategic aspects to enhance the effectiveness of victim representation and advocacy.

Feedback & Evaluation:

At the end of the training, we requested feedback from participants regarding the training content and trainers' evaluation. Participants were given feedback forms in order to evaluate their experience during the workshop. A rating scale of five and ten points was used, along with open-ended questions in order to evaluate various aspects of training and trainer.

This feedback from participants provided crucial insights and learnings, allowing ULN to better design its initiatives in the future.

4.

Objectives & Next Steps

Through this event, our objectives were to empower Ukrainian legal professionals to assist victims by providing in-depth training on compensation and justice-seeking mechanisms, and the establishment of sustainable frameworks for reparations. This initiative will also foster collaborative exchanges among legal experts, practitioners, and organizations working at both national and international levels to ensure cohesive and informed support for Ukraine.

We also established a collaborative dialogue. The event fostered a network of engagement among Ukrainian and international legal practitioners, strengthening shared expertise and unified efforts.

Next Steps:

- **Ongoing Training Programs:** Plan and organize follow-up online sessions to ensure continued skill development for Ukrainian lawyers, adapting content based on evolving legal and political contexts. Ensure effective communication by utilizing all available channels, as the group of lawyers is dispersed across different countries.
- **Establishing a Support Network:** Create a network of trained lawyers and partner organizations to facilitate knowledge-sharing and collective advocacy.
- **Engagement in Dialogue with NGOs:** Foster collaboration with lawyers, who attended the event and are from Ukrainian NGOs that work closely with victims in Ukraine and on the frontlines. Explore new avenues for mutual cooperation and support.
- **Collaborative Analysis:** Work with partners to review the learning outcomes and develop pathways for effectively applying these insights.
- **International Outreach Initiatives:** Develop future plans and partnerships to bolster international awareness, support, and resources for Ukraine's legal and victim compensation needs.

5.

Appendix

Appendix 1

Feedback from participants



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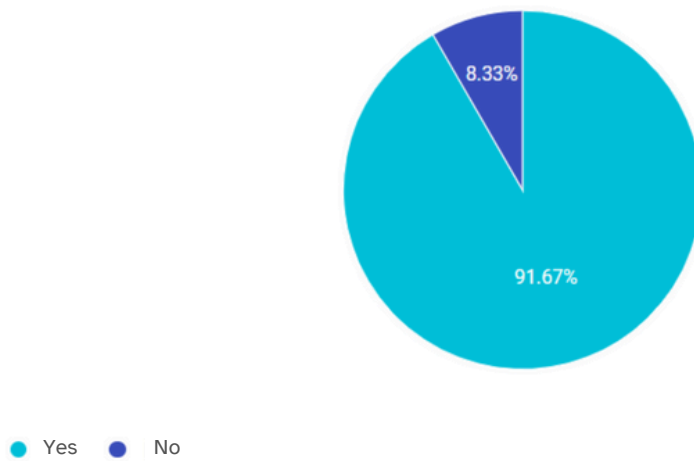
Appendix

Appendix 1

Feedback from participants

Did the event meet your expectations?

Answer given: 12 Missed: 0



Options	Response rate	Number of responses
Yes	91.67%	11
No	8.33%	1

5.

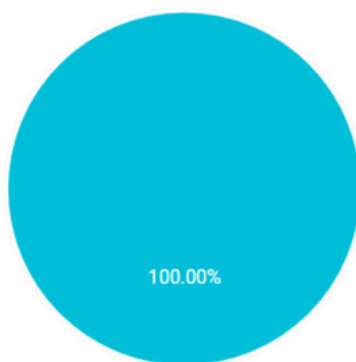
Appendix

Appendix 1

Feedback from participants

Did you gain new knowledge and insights during the event?

Answer given: 12 Missed: 0



● Yes ● No

Options	Response rate	Number of responses
Yes	100.00%	12
No	0.00%	0



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