

RD4U-Board-CLD(2024)02

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

Board Decision

Category A3.1 - Damage or Destruction of Residential Immovable Property

**Group G-A3.1-000002
(Bakhmut Claims)**

12 December 2024

The Hague

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Technical Summary

1. RCMS Group ID	G-A3.1-000002
2. Date of submission to the Board	12 December 2024
3. Category of Claims in the Group	A3.1
4. Description	Claims for properties in Bakhmut damaged or destroyed between 1 May 2022 and 20 May 2023
5. Number of Claims	430
6. Submitted by Claimants on their own behalf	430
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	• Demographic Register • Property Register
11. External data	Satellite imagery, open-source information on Bakhmut
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 430 claims (the “Claims”) in Category A3.1 - Damage or Destruction of Residential Immovable Property. The Claims are listed in Annex 1.
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 damage or destruction to residential immovable property located in the city of Bakhmut, Donetsk Oblast, Ukraine;
 - c. The Claims concern properties included in the State Register of Property Rights to Immovable Property (“Property Register”);
 - d. As per the Claimants’ submissions, all events causing the destruction or damage took place between 1 May 2022 and 20 May 2023;
 - e. As per the Claimants’ submissions, all damage or destruction was caused by (i) aerial attacks, (ii) artillery shelling, (iii) combat in (pre)frontal areas, or (iv) damage sustained while under occupation; and
 - f. The Claims fulfil the technical requirements and eligibility criteria in Articles 10, 13 and 17 of the Claims Rules.
4. The Board has reviewed the criteria and the methodology applied by the Secretariat to identify and select the Claims in the Reparations Claims Management System (“RCMS”) for inclusion in this Group. Moreover, the Board has assessed the verification conducted by the Secretariat to ensure that the Claims meet the eligibility criteria, including the techniques applied to exclude potential duplicate claims.
5. The Board has also reviewed the Secretariat’s reliance on external data such as satellite imagery. The Board is satisfied that such data may be considered in addition to the supporting evidence filed with the Claims in accordance with Article 19(3) of the Claims Rules.

III. The Board’s Assessment

6. 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.
7. 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.

8. In accordance with 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.
9. Claims cannot be recorded in the Register if they are manifestly unfounded.
10. The Claimants in this Group are natural persons of Ukrainian nationality, submitting Claims on their own behalf. All Claims concern damage or destruction that occurred between 1 May 2022 and 20 May 2023 based on the date of event indicated by the Claimants. All damage or destruction claimed for by the Claimants in this Group occurred in the city of Bakhmut, Donetsk Oblast, which is located within the internationally recognised borders of Ukraine.
11. All Claims are included in the Property Register and concern damage or destruction caused by (i) aerial attacks, (ii) artillery shelling, (iii) combat in frontal or prefrontal areas, or (iv) damage sustained while under occupation.
12. The Board has previously determined in Board Decision RD4U-Board-CLD(2024)01 that entry in the Ukrainian Property Register is proof of the Claimant's ownership of the damaged or destroyed property.
13. The Board determines that based on the evidence submitted with the Claims, as well as external data, including satellite imagery, the properties in the city of Bakhmut have been almost entirely destroyed between May 2022 and May 2023, as a result of the internationally wrongful acts of the Russian Federation.
14. 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

15. Pursuant to Articles 21(7) and (8) of the Claims Rules, the Claims in Group **G-A3.1-000002**, as listed in Annex 1, shall be recorded in the Register.



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