

# JUDICIAL AND EXTRAJUDICIAL PROCEEDINGS TO COMPENSATE FOR DAMAGES CAUSED BY ARMED CONFLICTS: EXPERIENCE OF UKRAINE

## PROCESSOS JUDICIAIS E EXTRAJUDICIAIS DE INDENIZAÇÃO POR DANOS CAUSADOS POR CONFLITOS ARMADOS: EXPERIÊNCIA DA UCRÂNIA

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**Abstract:** The purpose of this study is to analyze existing judicial and extrajudicial methods of applying to compensate for damages caused by armed conflicts on the example of Ukrainian legislation. The research methodology is based on the systematic approach, and therefore, system-structural and system-functional methods of scientific cognition. The application of the comparative and legal method of the research made it possible to identify the positive practice of other countries, as well as to clarify international standards in this area. Considerable attention has been paid to the practice of implementing the tort exception by Ukrainian courts. The authors have emphasized their attention on the peculiarities of applying to compensate for damages within civil and criminal proceedings. The administrative procedures established in Ukraine for the purpose to compensate for damages caused by the armed aggression of the Russian Federation have been clarified. On the basis of the conducted analysis, the authors have offered general recommendations to improve the mechanism of legal regulation to compensate for damages caused to Ukraine as a result of armed aggression.

**Keywords:** Armed conflict. Damages. Endamage. Administrative proceedings. Refundment. Compensation.

**Resumo:** O objetivo deste estudo é analisar os métodos judiciais e extrajudiciais existentes de pedido de indenização por danos causados por conflitos armados no exemplo da legislação ucraniana. A metodologia de pesquisa baseia-se na abordagem sistemática e, portanto, nos métodos sistêmico-estruturais e sistêmico-funcionais da cognição científica. A aplicação do método comparativo e jurídico da pesquisa possibilitou identificar a prática positiva de outros países, bem como esclarecer as normas internacionais nesta área. Considerável atenção tem sido dada à prática de implementar a exceção de responsabilidade civil pelos tribunais ucranianos. Os autores têm enfatizado sua atenção sobre as peculiaridades do pedido de indenização por danos morais no âmbito do processo civil e criminal. Os procedimentos

administrativos estabelecidos na Ucrânia com o objetivo de compensar os danos causados pela agressão armada da Federação Russa foram esclarecidos. Com base na análise realizada, os autores ofereceram recomendações gerais para melhorar o mecanismo de regulamentação legal para compensar os danos causados à Ucrânia como resultado da agressão armada.

**Palavras-chave:** Conflito armado. Danos. Processo administrativo. Restituição. Indenização.

## 1. Introduction

The formation of proper and effective mechanisms for bringing the state to liability for the launching and waging of an aggressive war by the Russian Federation, as well as war crimes, is one of the key topics of the post-war recovery of Ukraine and the construction of a new world security system. The armed conflict in Ukraine is unprecedented in terms of scale in Europe in the XXI century, as well as the number of war crimes. The steps taken by national law enforcement agencies and the military and political leadership of Ukraine in the area of recording war crimes and bringing the Russian Federation to liability have already revealed a number of systemic problems within legal tools of protecting states from armed aggression. The issue of bringing the aggressor state to liability is comprehensive, since on the one hand it is about the international liability of the aggressor state, and on the other hand, it is about the criminal liability of officials guilty of war crimes. An important conclusion was the realization of the need to develop, first of all, the national legal regime for bringing people guilty of war crimes to liability under the martial law.

The responsibility of the aggressor state within international law is perceived as an obligation to compensate for damage and restore the state that existed before the violation of international law. Therefore, the central element of the researched problem is the formation of a comprehensive mechanism to compensate for damages caused by the war crimes of the Russian Federation. Shahbazian, A. points out: “despite increasing armed conflicts and resulting damages for civilians, including foreign investors, no specific regime has been envisaged in international law to compensate for damages arising from armed conflicts” (Shahbazian, 2022, p. 11). [Despite increasing armed conflicts and resulting damages for civilians, including foreign investors, no specific regime has been envisaged in international law to compensate for damages arising from armed conflicts.].

Therefore, there is an objective need to develop both national and international legal procedures for the formation of the right to claim, its application for compensation, as well as the formation of sources, where such compensation will be made from. It is worth noting that it

is not only about protecting the interests of Ukrainian citizens, but also of foreign citizens who carried out business activities and owned property on the territory of Ukraine. The creation of such effective and efficient mechanisms will make it possible to form a new image of Ukraine's investment attractiveness and to strengthen the liability of the aggressor countries in the future at the economic level.

The presented research includes a consideration, first of all, of national legal procedures established in Ukraine with the purpose of bringing the aggressor state and war criminals to liability. At the same time, an attempt was made to outline the problems of international cooperation in this area, and those steps that must be taken to ensure the restoration of violated human rights in Ukraine.

## **2. The Purpose and Methodology of the Research**

The purpose of this study was to generalize the existing judicial and extrajudicial proceedings to compensation for damages caused by armed conflicts on the example of the legislation of Ukraine in order to identify the advantages and disadvantages of using each of them in terms of the ongoing war and post-war recovery.

The methodology of this research is based on the systematic method of scientific cognition, which allowed us to comprehensively highlight judicial and administrative (extrajudicial) methods to compensate for damages caused by armed conflicts on the example of the national legislation of Ukraine. These methods have been studied in terms of their functional relationships within the system of protecting human rights defined by international law. Due to the deductive method we have formed an idea about the existing procedures in Ukraine to compensate for damages caused by the armed conflict and the dynamics of their change during a full-scale war. The comparative and legal method made it possible to reveal specifics of legal regulation of procedures to compensation for damages caused by armed conflicts at the international and national levels.

The works of specialists focused on the material and procedural aspects of bringing the aggressor state and war criminals to liability for launching and waging an aggressive war, as well as compensation for damages caused by such crimes are the scientific and theoretical basis of the research. The informational and regulatory basis of the work consists of acts of national law regulating relations in the sphere of compensation for damages caused by the armed aggression of the Russian Federation, generalization of the practice of the European Court of Human

Rights (hereinafter referred to as the ECHR), political and legal journalism, open sources of documentary information, official registers and databases in the Internet.

### 3. Results and Discussion

#### *Regulatory basis for bringing the aggressor country to liability for war crimes against Ukraine*

Ukraine has established since 2014 a special legal regime for temporarily occupied territories, as well as a procedure for ensuring the rights and freedoms of Ukrainian citizens living on temporarily occupied territories. The experience of establishing the legal regime of the temporarily occupied territory, as well as the time and place of its implementation on the territories of the state in terms of constant changes in the scrimmage line and the line of hostilities is quite unique.

Ukraine established at the legislative level the provision that the Russian Federation, as an occupying state, is responsible for violations in regard to the protection of the rights of the civilian population. Thus, compensation for material and moral damage caused as a result of the temporary occupation to the state of Ukraine, legal entities, public associations, citizens of Ukraine, foreigners and stateless persons is fully entrusted to the Russian Federation as the occupying state. At the same time, the state of Ukraine promotes compensation for material and moral damage to the Russian Federation by all possible means (Law of Ukraine No. 1207-VII, 2014, paragraph 9, Art. 5).

The Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine” recognizes a number of territories, namely the Autonomous Republic of Crimea and the city of Sevastopol, some territories of Ukraine, which are part of Donetsk and Luhansk regions, as occupied by the Russian Federation. At the same time, the dates of commencement of the legal regime of temporarily occupied territories for the specified administrative and territorial units are indicated (Law of Ukraine No. 1207-VII, 2014). In accordance with the Resolution of the Cabinet of Ministers of Ukraine “Some issues of forming the list of territories, where hostilities are being (were) or temporarily occupied by the Russian Federation”, the list of other territories that are temporarily occupied or were occupied, and / or territories, where active hostilities are being (were) conducted from February 24, 2022, is approved by the Ministry of Reintegration of Temporarily Occupied

Territories together with the Ministry of Defense of Ukraine based on the suggestions of the relevant regional and Kyiv city military administrations (Resolution No. 1364, 2022).

Such steps made it possible to establish the legal regime of the temporarily occupied territories for the period of occupation, as well as to additionally regulate the issue of the liability of the aggressor country for violations of human rights and fundamental freedoms provided by the European Convention on Human Rights (hereinafter — the Convention) and the International Covenant on Civil and Political Rights (hereinafter referred to as Covenant).

Ukraine has exercised the right to withdraw from the obligations specified in paragraph 3 of the Art. 2, Articles 9, 12, 14 and 17 of the Covenant (International Covenant on Civil and Political Rights, 1973) and Articles 5, 6, 8 and 13 of the Convention (European Convention on Human Rights, 1950), only on certain territories, namely in certain areas of Donetsk and Luhansk regions of Ukraine (Resolution No. 462-VIII, 2015). Therefore, Ukraine bears no responsibility for violations of human rights and fundamental freedoms on the specified territories since May 21, 2015.

Therefore, Ukrainian legislation has established the legal basis for bringing the Russian Federation to liability for violating the conventional human and civil rights and freedoms, as well as the rights of legal entities. However, enshrining such provisions in Ukrainian legislation requires the creation of appropriate legal procedures for the restoration of rights and freedoms. Nowadays, such procedures can be divided into judicial and administrative (extrajudicial). Each of them has its own advantages and disadvantages, which we offer to consider further.

*Judicial procedures to compensate for damages caused by armed conflicts.*

The full-scale invasion of the Russian Federation on the territory of Ukraine and the scope of damages as a result of this caused active discussions about the methods of judicial protection of the rights of individuals and legal entities. Scholars note that the issue of compensation for damages refers to the competence of the national courts of Ukraine (Kolisnyk, 2022), the ECHR (Malovytskyi, 2018), as well as to the International Criminal Court (Baimuratov, 2009).

However, the application of international legal protection tools requires the development of national mechanisms for the formation of the right of claim and its recognition by national judicial institutions.

There are two methods of judicial protection according to the legislation of Ukraine: filing a civil lawsuit against the state of Ukraine to compensate for damages for failure to fulfill the positive obligation to guarantee the rights and freedoms provided by the Convention, and filing a civil lawsuit within criminal proceedings for war crimes. Legal positions of the Supreme Court (hereinafter referred to as the SC), with the beginning of the full-scale invasion of the Russian Federation on the territory of Ukraine, allowed forming the third method — filing a civil lawsuit against the aggressor state and its consideration in the courts of Ukraine. Such actions are possible due to the application of the tort exception. The issue of its application is relevant, so it will be considered in details. Nowadays, it is worth noting the fundamental difference between civil and criminal procedural methods of judicial protection of the rights. The claim within civil proceedings can be made against the state, in criminal proceedings — only against the war criminal. At the same time, the current legislation of Ukraine does not exclude the application of both methods of protection. Thus, a person can receive compensation as a victim of a war crime and file a civil lawsuit to compensate for damages caused as a result of the armed aggression of the Russian Federation in Ukraine.

If the issue of filing a civil lawsuit in criminal proceedings or obtaining compensation for victims has clear legal regulation and does not require the development of additional mechanisms, then the use of the civil procedure for the protection of conventional rights is closely related to the issue of state jurisdiction, within the meaning of the Art. 1 of the Convention.

Thus, during consideration of a civil lawsuit, the court is obliged to find out:

- 1) has Ukraine exercised jurisdiction over territories that are currently liberated, but were occupied for a certain time?
- 2) When did such time periods exactly exist, when Ukraine lost jurisdiction over the territories of active hostilities?

The establishment of those facts is of fundamental importance, since a Member State to the Convention can be responsible only for violations of the rights guaranteed by the Convention that took place on the territory, where the state exercised jurisdiction (European Convention on Human Rights, 1950, Art. 1).

According to regulatory legal acts presented in section 2.1 of this article, the state of Ukraine departed from its obligations under the Convention, and therefore cannot be held responsible for violations of its obligations under it in the specified regions. These acts actually delineate those periods of time and territories during which and where Ukraine did not exercise

effective control over them, and, accordingly, cannot be responsible for the implementation of the norms of the Convention, including those where derogation is prohibited. The issue of defining the concept of effective state control over territories that do not belong to its internationally recognized borders, including those occupied by it, was in sufficient details considered in the decisions of the ECHR (Guide on Article 1 of the European Convention on Human Rights, 2022), works of scholars and do not need additional clarifications. All these positions will be applied to future claims for compensation for violated conventional rights.

At the same time, the Committee of Ministers of the Council of Europe adopted on March 6, 2022 the Resolution excluding Russia from the Council of Europe, including out of all institutions of the Council of Europe, in particular the ECHR. The ECHR decided in its Resolution of March 22, 2022 (Resolution of the European Court of Human Rights, 2022) that the Russian Federation will cease to be the High Contracting Party to the Convention from September 16, 2022. The ECHR remains competent to consider claims directed against the Russian Federation, provided that they relate to events that took place before September 16, 2022.

Mechanisms for the protection of violated human rights, including compensation payments after September 16, 2022, currently remain open. As well as the issue of implementing of the ECHR decisions taken in individual and interstate cases against the Russian Federation. There is currently no mechanism of forced recourse to the implementation of the ECHR decisions, and the voluntary implementation of decisions by the aggressor country is doubtful.

*Restrictions of the judicial immunity of the aggressor state: the practice of the Supreme Court*

The protection of human rights violated as a result of an armed conflict while filing a civil lawsuit against the aggressor state in the national jurisdiction requires overcoming the following particular obstacles: immunity from the jurisdiction of another state and the act of State doctrine, according to which “national courts must refrain from judicial prosecuting the validity of official acts carried out by a foreign state within its own territory, except if it commits violations of international norms with broad consensus of international society, such as, for example, a case of genocide” (Iglesias, 2022).

Ukraine has developed certain conclusions during the years of the armed conflict, which allow overcoming the judicial immunity of the aggressor state. We are talking about the legal positions of the SC expressed in relation to the events of the annexation of Crimea and the

occupation of parts of Donetsk and Luhansk regions before the start of the full-scale invasion. Those conclusions are subject to application by the courts precisely to similar legal relations, namely in cases regarding compensation for moral damage caused as a result of a family member's death due to armed aggression of the Russian Federation and as a result of forced displacement from temporarily occupied territories. However, those legal conclusions can be used to overcome the judicial immunity of the aggressor state in other categories of cases considered by the SC.

The reasoning and experience of the SC are extremely important for solving the debate about the possibility and admissibility of overcoming the judicial immunity of the aggressor state in armed conflicts and war, which exists in scientific literature (Finke, 2010) and international judicial practice (Resolution in case No. 308/9708/ 19, 2022).

The SC assumed that the Art. 12 of the UN Convention on Jurisdictional Immunities of States and Their Property (2004), which establishes the grounds for limiting jurisdictional immunity ("tort exception"), is applied by the courts of Ukraine in accordance with customary international law as a codified set of customary norms of international law.

Ukraine is in the status of individual self-defense in the sense of the Art. 51 of the UN Charter, which is the basis for deviating from international and legal obligations and norms of international law on the basis of the Art. 21 of the Articles on Responsibility: "the wrongfulness of an act of a State is precluded if it the act constitutes a lawful measure of self-defense taken in conformity with the Charter of the United Nations" (Responsibility of States for Internationally Wrongful Acts. 2001). Therefore, overcoming the judicial immunity of the aggressor state is a mean of self-defense (Resolution in case No. 760/17232/20-ts, 2022).

Regarding the legitimacy of considering lawsuits against the Russian Federation by the courts of Ukraine under national legislation, the SC noted that according to Part 3 of the Art. 124 of the Constitution of Ukraine, the jurisdiction of the courts of Ukraine extends to any legal dispute and any criminal accusation. In the cases provided by law, courts also consider other cases (Constitution of Ukraine, 1996).

The tort exception according to the Art. 12 of the 2004 Convention is applied in terms of considering cases related to damage to health, life and property, if such damage was caused completely or in part on the territory of the state of the court and if the person who caused the damage was at that time on the territory of the state of the court. To apply the tort exception, the court must establish, and the plaintiff must prove the following circumstances: 1) the place of an action / omission on the territory of the state of the court; 2) the presence of the author of an



action / omission (an agent or official of a foreign state) on the territory of the state of the court at the time of committing an action / omission; 3) the fact of causing death, physical harm to a person, damage to property or its loss; 4) causal connection between actions / omission and causing death, physical harm to a person or property damage or loss (Finke, 2010; Dickinson, 2013; Resolution in case No. No. 308/9708/19, 2022). The legislation of the state of the court should provide liability for the committed action / omission (Resolution in case No. 308/9708/19, 2022).

It is also worth noting the shortcomings of the judicial method of protecting the rights of individuals and legal entities: duration in time, the actual absence of judicial international and legal procedures for seeking compensation for damages, the irregularity of the procedures for the actual enforcement of a court decision. It is worth noting that the use of the judicial method of protecting the violated rights of individuals and legal entities and their restoration contains a number of risks both for the national judicial system and for international judicial institutions. As of February 2023, more than 150,000 residential buildings, 84,200 units of agricultural machinery, 1,216 health care institutions, 3,170 preschool, secondary and higher educational institutions, 305 gas stations, 27 shopping centers, 2,930 trade facilities, 511 administrative buildings were damaged, destroyed or captured (KSE, 2023). The given number of objects of property rights makes it possible to imagine the approximate number of appeals for judicial protection in Ukraine, as well as the terms of their consideration. In regard to international judicial institutions, we note that there are currently five inter-State applications lodged by Ukraine against Russia and over 8,500 individual applications concerning the events in Crimea, Eastern Ukraine and the Sea of Azov pending before the European Court of Human Rights. (Factsheet – Armed conflicts, 2023). All these court cases are pending.

Therefore, one of the key tasks is to prevent the submission of mass lawsuits to national and international judicial institutions. Therefore, it is currently advisable to work out administrative procedures for applying to compensate for damages.

#### *Administrative procedures to compensate for damages caused by the aggressor country*

Establishing administrative procedures to compensate and / or reimburse for damages caused by an aggressor country is a positive obligation of a Member State to the Convention to guarantee human rights.

The absence of such mechanisms may be grounds for applying to the ECHR for the protection of the violated right and the payment of appropriate compensation. It is important to note that according to the practice of the ECHR, in case of a violation of the state's positive obligation to develop compensation mechanisms for the violation, in particular the right to peaceful possession of property and conducting an objective and effective investigation of the violation of this right, the compensation should not include reimbursement of the actual cost of the damaged (destroyed) property (Resolution in case No. 265/6582/16-p2019).

Thus, the mechanism for providing and determining the amount of monetary assistance and monetary compensation for damaged and destroyed residential buildings (apartments) as a result of a military emergency caused by the armed aggression of the Russian Federation was determined in 2013 (Resolution No. 947, 2013). Citizens of Ukraine, foreigners and stateless persons can receive the specified compensation. At the same time, payment of compensation is not provided for land plots, and the actual amount of such compensation is no more than UAH 300,000. Despite the disproportionality of the paid compensation for the value of the lost property, the named mechanism is currently the only effective tool for obtaining funds for the destroyed property. It should be noted that receiving the specified compensation does not prevent the application for compensation of material and moral damage to the court.

At the same time, the issue of paying compensation to legal entities remains unresolved.

On February 23, 2023, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On compensation for damage and destruction of certain categories of immovable property as a result of hostilities, acts of terrorism, sabotage caused by the armed aggression of the Russian Federation against Ukraine, and the State Property Register damaged and destroyed as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine" (Law of Ukraine No. 2923-IX, 2023). This Law establishes administrative and legal mechanisms for receiving compensation by individuals (owners, investors, lawful heirs) for destroyed / damaged real estate. According to the provisions of this Law, the recipient of compensation may also be associations of co-owners of multi-apartment buildings regarding the restoration of damaged common property of an apartment building. At the same time, this Law does not establish the procedure for applying for compensation for foreigners who had housing in Ukraine. Besides, the procedure for applying for compensation for damaged real estate by legal entities has not been regulated. We consider it positive that there is the settlement of the issue of receiving compensation by investors of residential construction objects, in respect of

which the right to perform construction works has been obtained, but which has not been put into operation.

Law No. 2923-IX differentiates the types of compensation for destroyed and damaged real estate. In particular, it is provided that compensation for the destroyed object of real estate will be carried out through: 1) the provision of monetary funds; 2) funding the purchase of premises / house (including funding the purchase of such premises / house that will be built in the future, or investment / financing of its construction) by using a housing certificate (Law of Ukraine No. 2923-IX, 2023, Art. 8). Compensation for the damaged real estate object will be provided by performing construction-related works on the damaged real estate object for the purpose of its restoration (including the development of project documentation for construction, conduction of its examination, performance of construction works) and / or provision of construction products for such works (Law of Ukraine No. 2923-IX, 2023, Art. 10). The Law also provides the creation and maintenance of the Register of Damaged and Destroyed Property (hereinafter — the Register) (Law of Ukraine No. 2923-IX, 2023, Art. 14), the information to be entered into it, technical characteristics and rights and duties of the Register's administrator are described in details. At the same time, there is no regulation of the issue of its compatibility with the State Property Register of damaged and destroyed as a result of hostilities, acts of terrorism, sabotage caused by the military aggression of the Russian Federation, the operation of which is provided by the Procedure for submitting information notice on immovable property damaged and destroyed as a result of hostilities, terrorist acts, sabotage caused by the military aggression of the Russian Federation (Resolution No. 380, 2022).

Currently, the Verkhovna Rada of Ukraine has a number of draft laws on the formation of administrative procedures to compensate for damages caused by the aggressor country. One of the first such draft laws was the Draft Law on the Protection of Property Rights and Other Property Rights of the Victims of Armed Aggression (Draft Law of Ukraine dated from March 1, 2021 No. 5177).

The Draft Law establishes procedures for the protection of property rights of individuals and legal entities, individual entrepreneurs, whose property was destroyed, damaged and lost as a result of armed aggression and was on the territory controlled by Ukraine. It is assumed that the compensation for damages will be carried out according to the principle of restitution, that is, the restoration of the property to the state that existed before the violation. Therefore, the objects of compensation include: damaged / destroyed housing and real estate, household items, wheeled vehicles. At the same time, the Draft Law suggests to establish the maximum amount of

compensation. The specific amount / method of compensation will be determined in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

The draft law defines the sources of funding for compensation expenses, which are defined as: the state budget, funds from local budgets, investments, grants, donations and municipal property.

The determination of the legal status of the information to be entered into the State Property Register damaged as a result of armed aggression (hereinafter referred to as the Register) should be considered positive. The data entered into the Register is considered to be that does not require additional substantiation of its authenticity (for example, the submission of primary documents regarding property ownership) and can be used in litigation, including for the protection and restoration of the violated rights of aggrieved, compensation to them material and / or moral damage, losses in full (including lost profit or unearned income) by the aggressor state in the international judicial institutions, the jurisdiction of which is recognized by Ukraine. It is assumed that the data of the Register will be used to form a consolidated claim of Ukraine against the aggressor state with the aim of bringing it to international legal liability for armed aggression against Ukraine.

The issue of providing compensation for damaged property received as an inheritance has been also settled. If such property was damaged before the registration of a lawful heir's rights for it, the lawful heir retains the right to receive compensation.

It is separately worth focusing on determining the methods of compensation, which include: monetary compensation; provision of real estate; carrying out actions for the benefit of the aggrieved (by making a part of the contribution in his / her favor, compensating the payment of interest, etc.) related to providing housing, including, but not exclusively, at the expense of state or local programs for purchasing housing, construction lending programs or purchasing housing under preferential lending programs implemented by banking institutions or other organizations, funds that are created for the purpose of distributing and providing target-oriented grants provided by other states, international organizations, and other programs; provision, exclusively with the consent of the aggrieved, other assets (Draft Law No. 5177, 2021).

#### 4. Conclusions

A number of regulatory legal acts, legal positions and administrative procedures, which may form an integral system of restoring the rights, freedoms and interests of individuals and legal entities under the condition of certain revision, who are subjects of the military aggression of the Russian Federation have been elaborated during the years of the ongoing armed conflict.

Regulatory settlement of issues to compensate for damages to legal entities, as well as the provision of compensation for destroyed/damaged property (except real estate) to individuals, including foreigners and stateless persons remain the key unresolved issues.

Despite the available national and international judicial methods to compensate for damages caused by armed conflicts, it is necessary to pay attention to the development of national procedures: recording the losses incurred, establishing causal connection between hostilities and damaged property, registering and accounting for such property, providing compensation.

Compensation for moral damage according to the legislation of Ukraine is exclusively carried out in court. Therefore, the use of tort exception and the development of appropriate legal positions by the Supreme Court in the relevant types of legal relations are the necessary element of a comprehensive approach to the problems of compensation for damages caused by the aggressive war of the Russian Federation in Ukraine.

Summing up, we emphasize the importance of taking, first of all, national measures aimed at forming procedures to compensate for damages caused by armed conflicts.

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