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Fortis**

EXPERIENCES OF COUNTRIES THAT HAVE UNDERGONE ARMED CONFLICTS IN SUPPORTING CIVILIAN POPULATIONS AFFECTED BY HOSTILITIES AND MASS HUMAN RIGHTS VIOLATIONS

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This section analyses the experiences of other countries that have faced the challenges of post-conflict recovery, in particular with regard to protecting the rights of civilians who have suffered from unlawful deprivation of personal liberty and other mass human rights violations.

We focus in greater detail on the practices of selected countries in South America (Chile, Colombia, Argentina, and Peru) and the Balkans (Croatia, Bosnia and Herzegovina, and Kosovo), as well as Syria.

Undoubtedly, the context of armed conflicts or domestic authoritarian policies in these countries, as well as the stages of recovery, the timeframes of the confrontations, and the introduction of relevant legislation, differ considerably from the situation in Ukraine. Nevertheless, certain practices may prove useful in shaping Ukraine's protection architecture. Drawing on this experience may also help to avoid mistakes and undesirable risks.

A) South America

A1. Chile

Chile confronted mass human rights violations during the military dictatorship of General Augusto Pinochet (1973–1990), when thousands of individuals were detained, subjected to torture, enforced disappearances, or extrajudicial killings. This caused profound social and legal consequences for the affected civilians and their families.

Following the restoration of democracy in the 1990s, the state began developing strategic policies for recovery and support of persons who had

suffered gross human rights violations, including enforced disappearances and unlawful deprivation of personal liberty. At the same time, this path was neither simple nor consistently followed in most respects. Reparations measures were repeatedly subjected to criticism.¹

Despite this, the experience of the Republic of Chile is regarded as one of the most comprehensive and substantive, and its policy response to deep humanitarian trauma shares many features with the challenges that Ukraine already faces and will continue to face.

In 2019–2020, Chile experienced a series of violent actions by authorities against civilian protests, leading to numerous human rights violations and, as a consequence, to the reactivation of public dialogue on adequate reparations. However, within the scope of the present study, the primary focus is on the recovery stages of the post-dictatorship period.

Given the purpose of this study, a detailed analysis of each individual stage and reparations mechanism in Chile is not undertaken. Instead, a general overview is offered, highlighting selected practices that may be relevant for Ukraine.

National Transitional Justice Mechanisms in Chile

To establish recovery processes, search for the disappeared, and provide redress to victims between 1990 and 2009, Chile created a series of specialised mechanisms, including:²

- The National Commission on Truth and Reconciliation (Rettig Commission, 1990–1991), established to document human rights violations, including enforced disappearances and killings during the dictatorship.

1 Carla Cubillos-Vega. Reparation Policy in Gendered Political Violence: Gendered Torture During the Dictatorship and the Recent “Social Explosion” in Chile. *Journal of Human Rights and Social Work* <https://doi.org/10.1007/s41134-023-00248-1>, 2023. URL: https://pmc.ncbi.nlm.nih.gov/articles/PMC10200696/pdf/41134_2023_Article_248.pdf; also: Amnesty International. Chile: Four years after social unrest, impunity persists, October 2023. URL: <https://www.amnesty.org/en/latest/news/2023/10/chile-four-years-social-unrest-impunity>

2 International Commission on Missing Persons (ICMP). Chile: Where are the missing?, n.d. URL: <https://icmp.int/the-missing/where-are-the-missing/chile/>

- The National Corporation for Reparation and Reconciliation (1992–1995), created as a continuation of the Rettig Commission’s mandate. The Corporation was responsible for implementing reparations measures and establishing victim status in cases where the Rettig Commission had been unable to do so due to insufficient evidence or information. Basic reparations measures included pensions, compensation payments, educational grants, and access to comprehensive medical care, including support for identification processes and the return of remains, as well as financial assistance to families.
- The Round Table for Dialogue (1999), established to engage the Armed Forces in national dialogue on human rights violations committed during the dictatorship and to collect information on the fate of disappeared persons. The Commission on Political Prisoners and Torture (Valech Commission, 2003), whose mandate was aimed at broadening the circle of recognised victims and extending access to reparations to political prisoners as well; the Commission documented cases of unlawful detention and torture, and on the basis of its findings, legislation provided for lifelong pensions, medical and educational benefits, and compensation for children born during detention or detained together with their parents.
- The National Institute of Human Rights and the Advisory Commission for the Classification of Disappeared Detainees, Victims of Political Executions, and Political Imprisonment and Torture (Valech II Commission, 2009), authorised to examine new cases not recognised by preceding commissions; relatives of persons recognised by this Commission received the same entitlements as those recognised by the Rettig Commission and the National Corporation for Reparation and Reconciliation.

Accordingly, in Chile, recognition of victim status was not achieved through judicial proceedings, but rather through inclusion in official registers compiled by the relevant commissions. In effect, inclusion in such a register was the gateway to reparations measures.

Reparations Mechanisms

An overview of reparations procedures as of 2011 was prepared by the International Center for Transitional Justice.³

Financial reparations were established, in particular, by Law No. 19.123 of 1992, by which the state introduced regular monthly monetary payments for civilians officially recognised as having suffered enforced disappearances, political imprisonment, or torture, and in certain cases, for members of their families as well. The model adopted provided for lifetime pension payments rather than a one-time lump sum compensation, with a fixed amount determined by law and independent of any individual assessment of harm. For certain categories, additional payments were also provided, including in cases of children born during unlawful detention. Administration was carried out through national social protection and pension mechanisms.

Building on Law No. 19.123, also in 1992, the Chilean state approved a specialised programme of medical support and psychosocial rehabilitation — the Programa de Reparación y Atención Integral de Salud (PRAIS). The Ministry of Health was designated as the primary implementing body. Within the PRAIS framework, affected persons and their family members received free and long-term access to medical, psychiatric, and psychosocial care, including psychological rehabilitation. The programme was integrated into the national healthcare system, ensuring sustained support and eliminating the need to repeatedly establish a causal link between health conditions and the fact of unlawful detention or disappearance, provided that

3 International Center for Transitional Justice (ICTJ). What is Transitional Justice?, March 2011. URL: <https://static.pmg.org.za/docs/110331ictj.pdf>

administrative recognition of victim status had been granted. In 2010, the programme's operation was extended until 2025.

Reparations policy also encompassed educational measures characterised as genuine redress rather than general social assistance. Affected persons and their children (up to 35 years of age) were entitled to scholarships, exemptions from tuition fees, and priority access to public educational programmes. In addition, the state provided access to housing and social programmes through general social protection mechanisms, thereby integrating reparations into permanent state policy.

A characteristic feature of the recovery process in Chile is the involvement of victims themselves in the formulation of reparations policies and measures.⁴

At the same time, after several decades of implementation of these mechanisms, many persons who suffered during the dictatorship noted that their voices and demands had remained insufficiently heard within the traditional frameworks of justice and reparations, despite the existence of formal instruments.⁵

Thus, even this brief overview demonstrates that the process of identifying the circle of victims may extend over decades and depends to a considerable degree on the state's initial approach to defining the categories of persons recognised as victims. In addition, the speed and completeness of fact-finding are affected by access to information, the level of awareness among victims themselves regarding applicable procedures, and the general approach to the assessment of evidence.

A2. Argentina

The civilian population of Argentina suffered significant human rights violations during the period 1976–1983, when the country was ruled by a military junta. During this ### A2. Argentina

The civilian population of Argentina suffered severe human rights violations during the period 1976–1983, when a military junta ruled the country. During this time, approximately 30,000 persons were subjected to enforced disappearances or were killed. The majority were unlawfully detained, subjected to torture in clandestine detention centres, and subsequently killed or made to disappear.⁶ More than 500 infants born in captivity were transferred to families connected to the regime.⁷

Following the restoration of democracy in 1983, President Alfonsín initiated Latin America's first comprehensive state response to the mass crimes committed by the previous regime.

Documentation and Truth-Telling

In 1983, by presidential decree, the National Commission on the Disappearance of Persons (CONADEP) was established. Over nine months of work, the Commission documented 8,961 confirmed cases of enforced disappearance, identified 340 clandestine detention centres, and produced the report "Never Again" (Nunca Más).⁸ The report provided the foundation for criminal prosecutions and the official acknowledgement of the scale of the repression.

4 Penn Capital-Star. This is why reparations are always about more than money (opinion), Pennsylvania – Capital Star, 2021.

URL: <https://penncapital-star.com/commentary/this-is-why-reparations-are-always-about-more-than-money-opinion/>

5 Marit de Haan. A virtuous model of reparation emerging in Chile, JusticeInfo.Net. 2022. URL: <https://www.justiceinfo.net/en/105681-virtuous-model-reparation-emerging-chile.html>

6 ICTJ. Argentina. URL: <https://www.ictj.org/where-we-work/argentina>

7 The Guardian. Man kidnapped by Argentina's military regime as baby is reunited with relatives, 2025. URL: <https://www.theguardian.com/world/2025/jul/07/man-kidnapped-by-argentinas-military-regime-as-baby-is-reunited-with-relatives>

8 Comisión Nacional sobre la Desaparición de Personas (CONADEP). Nunca Más: Informe de la Comisión Nacional sobre la Desaparición de Personas. Buenos Aires: EUDEBA,

In the initial phase, reparations initiatives were closely linked to processes of documentation and acknowledgement of the facts of the repression — including systematic work on restoring the identities of disappeared persons, tracing data on the missing, memorialisation programmes, and other transitional justice measures.

In 1985, the Trial of the Juntas took place — the first trial in history in which a democratically elected government brought criminal charges against former heads of state for crimes committed against their own population. Nine former military commanders were convicted.⁹ However, criminal prosecutions were then almost entirely suspended for nearly two decades.

Reparations Legislation for Victims of Unlawful Detention

Argentina developed a multi-tiered framework of reparations legislation. The following are examples of several reparations instruments:

- Law No. 24.043 (1991)¹⁰ provided for lump-sum payments to persons who had been unlawfully deprived of their liberty by executive order or in connection with the declaration of a state of siege, regardless of whether a judicial sentence had been issued. The amount of the payment was calculated on the basis of the number of days of imprisonment and equalled one-thirtieth of the monthly salary of the

highest-grade civil servant for each day of detention (Art. 4). The law did not require proof of harm sustained — it was sufficient to confirm the fact of unlawful deprivation of liberty and that the individual had not previously received compensation for such deprivation through judicial or other means (Art. 1). Applications were processed by the Ministry of the Interior (Art. 3). Payments were made in six semi-annual instalments (Art. 7).

- Law No. 24.411 (1994)¹¹ extended the right to a lump-sum extraordinary monetary payment to family members of persons subjected to enforced disappearance or killed in analogous circumstances. The amount of the payment was equivalent to 100 times the monthly remuneration of Grade A civil servants (Art. 1). To receive the payment, applicants were required either to file a criminal complaint or to apply to a court — which would examine the complaint through expedited proceedings and issue a ruling — or to apply to the National Commission on the Disappearance of Persons, or to the Deputy Secretariat for Human Rights of the Ministry of the Interior (Art. 3). Applications were subject to a time limit of 180 days from the date of entry into force of the law.
- Law No. 25.914 (2004)¹² regulated the rights of children born during the unlawful imprisonment of their mothers, or of those who had been held

1984. URL: <https://www.desaparecidos.org/nuncamas/web/investig/articulo/nuncamas/nmas0001.htm>

9 Juicio a las Juntas Militares (Causa 13, 1985): judgment of the National Appeals Chamber in Criminal and Correctional Matters of Argentina of 9 December 1985. Ley 23.049 (1984) — subordinated military courts to civilian jurisdiction. Official reference of the Ministry of Justice of Argentina: <https://www.argentina.gob.ar/noticias/juicio-las-juntas-la-primera-condena-al-terrorismo-de-estado>

10 Argentina. Ley N° 24.043 “Beneficios a las personas que hubieran sido puestas a disposición del Poder Ejecutivo Nacional durante la vigencia del estado de sitio o siendo civiles hubiesen sufrido detención en virtud de actos emanados de tribunales militares”. 27 de noviembre de 1991. Texto actualizado. URL: <https://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/442/texact.htm>

11 Argentina. Ley N° 24.411 “Beneficios que tendrán derecho a percibir por medio de sus causahabientes, personas que se encuentren en situación de desaparición forzada o que hubiesen fallecido como consecuencia del accionar de las fuerzas armadas, de seguridad, o de cualquier grupo paramilitar”. 7 de diciembre de 1994. URL: <https://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/793/norma.htm>

12 Argentina. Ley N° 25.914 “Establécense beneficios para las personas que hubieren nacido durante la privación de la libertad de sus madres, o que siendo menores hubiesen permanecido detenidos en relación a sus padres, siempre que cualquiera de éstos hubiese estado detenido y/o desaparecido por razones políticas”. 4 de agosto de 2004. URL:

in detention together with their parents. The amount of the payment was equivalent to 20 times the monthly remuneration of Grade A, Level 8 civil servants within the National System of Administrative Professions. Where a beneficiary had suffered serious or very serious bodily harm, or had died, the amount of the benefit was increased by 50, 70, or 100 per cent, respectively (Art. 4). Applications for benefits were to be submitted to the Ministry of Justice, Security and Human Rights (Art. 3).

A defining feature of the Argentine model is the standardised calculation of compensation – without individual assessment of damages. This simplified administration and reduced bureaucratic barriers, though it did not account for the specific harm suffered in individual cases. It is also notable that the reparations system was introduced incrementally for different categories of victims, with intervals of several years between measures, and that different public authorities administered the programmes at different times.

Search for and Identification of Missing Persons

Argentina developed and established the National Genetic Data Bank (BNDG),¹³ created by Law No. 23.511 (1987) with the aim of identifying children appropriated by the regime. The Bank stores genetic material from the families of disappeared persons for comparison in cases where the identity of a child is established. By 2025, the organisation “Grandmothers of Plaza

de Mayo”¹⁴ had made 140 confirmed identifications of stolen grandchildren. This mechanism is unique in global practice and is of particular relevance to the context of Ukraine, where cases of deportation and the transfer of children for adoption to Russia have been documented.

Resumption of Criminal Prosecutions

Following years of criticism and pressure from international institutions and organisations,¹⁵ in 2003 the Argentine Congress, after prolonged debate, annulled the amnesty laws (Punto Final and Obediencia Debida), which since 1986–1987 had effectively blocked any criminal prosecution. In 2005, the Supreme Court confirmed the constitutionality of this decision.¹⁶ Since then, prosecutors have initiated hundreds of criminal proceedings.

As of June 2022, Argentina had conducted 278 trials for crimes against humanity, resulting in 1,080 convictions and 161 acquittals. At the same time, as of December 2021, only 27% of sentences had been upheld by the Supreme Court – due to systemic delays at the appellate stage, a shortage of appointed judges, and obstacles arising from the pandemic.¹⁷

Situation in 2026

At the same time, in 2026 – fifty years after the establishment of the military regime in Argentina, and notwithstanding the country’s significant and

<https://servicios.infoleg.gob.ar/infolegInternet/anexos/95000-99999/97981/norma.htm>

13 Banco Nacional de Datos Genéticos (BNDG) – established by Law No. 23.511 (1987), reorganised by Law No. 26.548 (2009), which limited the functions of the BNDG exclusively to cases of crimes against humanity committed in Argentina prior to 10 December 1983. URL: <https://www.argentina.gob.ar/ciencia/bndg/normativa>

14 Abuelas de Plaza de Mayo. URL: <https://www.abuelas.org.ar>

15 Amnesty International. ARGENTINA. The Full Stop and Due Obedience Laws and International Law, 2021. URL: <https://www.amnesty.org/fr/wp-content/uploads/2021/06/amr130042003en.pdf>

16 Human Rights Watch. Argentina: Amnesty Laws Struck Down, 2006. URL: <https://www.hrw.org/news/2005/06/14/argentina-amnesty-laws-struck-down>

17 Memoria Abierta; CELS. Process of Memory, Truth and Justice..., op. cit. P. 2–3. Data from the Prosecutorial Office for Crimes against Humanity: <https://www.fiscales.gob.ar/lesa-humanidad/desde-2006-se-dictaron-278-sentencias-por-crmenes-de-lesa-humanidad-en-todo-el-pais-por-las-que-fueron-condenadas-1070-personas/>

practical steps towards overcoming the legacy of that regime — experts warn of a degree of regression, signs of which are currently observable. These include, for example: the stalling of criminal investigations, the weakening of reparations mechanisms, and restrictions on access to archival materials from the period of the dictatorship, as well as the dissolution of institutions dedicated to the preservation of historical memory and archives, the search for missing persons, and the promotion of human rights.¹⁸

Key Findings

The Argentine experience demonstrates the possibility of establishing effective reparations mechanisms even decades after the end of repression. Among the most important lessons are: (1) an administrative (rather than exclusively judicial) pathway for recognition of victim status; (2) a standardised calculation of compensation without individual assessment of damages; (3) separate legislation for children born or held in captivity; (4) a scientific and technical mechanism for the identification of deported/abducted children; (5) the irreversibility of the rejection of amnesty laws when there is sufficient political will.

For Ukraine, this model is relevant in that it demonstrates how a state can enshrine reparatory rights for civilian victims in legislation, even when full criminal investigation and accountability proceed separately and in parallel. Perhaps even more valuable is the lesson that efforts in the field of restorative justice and victim support must be sustained continuously, and that civil society and the international community must remain vigilant and periodically analyse state policy at any given moment.

A3. Colombia

The overview of Colombia’s reparations practices is based on the study “Reparative Justice. From Principles to Practice: Challenges in Implementing Reparations for Mass Violations in Colombia,” 2015¹⁹ and more recent sources containing information on developments over the past ten years.

The following are selected excerpts from the report of that study (hereinafter — the Report), translated into Ukrainian, which may be relevant to the situation in Ukraine.

Colombia’s internal armed conflict has lasted more than 50 years and has resulted in more than 300,000 killings and enforced disappearances, the displacement of more than 6 million people, and thousands of cases of forced recruitment of minors, sexual and gender-based violence, and other grave violations.

Despite a degree of settlement having been achieved in recent decades, the situation in the country remains tense.²⁰

Reparations Legislation for Victims of Unlawful Detention

In 2011, the government enacted the Law on Victims and Land Restitution (Ley 1448 “por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones,” adopted on 10 June 2011 [hereinafter — Law 1448]). Among other provisions, this law offers comprehensive reparatory solutions designed to meet international standards, including those described above. It was in-

18 UNHCR. Argentina: Alarming setbacks in transitional justice on 50th anniversary of coup d’état, warn UN experts, 19 March 2026. URL: <https://www.ohchr.org/en/press-releases/2026/03/argentina-alarming-setbacks-transitional-justice-50th-anniversary-coup-detat>

19 From Principles to Practice. Challenges of Implementing Reparations for Massive Violations in Colombia, International Center for Transitional Justice (ICTJ), 2015. URL: https://www.ictj.org/sites/default/files/ICTJ_Report_ColombiaReparationsChallenges_2015.pdf

20 Daniela Suárez Vargas, Luke Moffett. Reparations in Colombia: Redressing civilian harm in the midst of armed conflict, Lieber Institute for Law and Land Warfare, September 2024. URL: <https://lieber.westpoint.edu/reparations-colombia-redressing-civilian-harm-midst-armed-conflict>

tended to operate for ten years — until 2021 — but in late 2019 its validity was extended by a further decade, until 2031.²¹

A dedicated register (RUV) was established to record victims. As of September 2024, applications for recognition as victims had been submitted to the register by 9,758,000 individuals, of whom more than 7.6 million are eligible to participate in the reparations programme.²²

Matters relating to the protection of victims are administered by the dedicated Victims' Unit, which forms part of the Department of Social Welfare (under the President). In addition, various coordination structures have been created to ensure the participation of local and provincial authorities. Finally, Law 1448 also includes a framework for victim participation through representatives at the local, provincial, and national levels. For these purposes, the government has adopted a number of implementing regulations.

This law defines the concept of “victims” broadly and contains no specific provisions for civilians unlawfully deprived of their liberty in connection with the armed conflict; however, it applies to them as well.

The Victims' Unit has also sought to distinguish between primary humanitarian assistance and reparations (compensation), by assessing the specific needs and circumstances of such individuals.

The law provides for the payment of compensation to victims of gross human rights violations (which include enforced disappearances, kidnapping, bodily harm resulting in varying degrees of disability, torture, sexual violence, and the forced recruitment of minors), as well as to displaced families; the establishment of a comprehensive psychosocial and medical assistance programme; a housing restitution programme through subsidies (for certain victims); debt relief, access to educational and vocational training, and access to employment (for certain victims); and exemption from compulsory military service for young men. These programmes do not have

universal coverage, and medical services are further limited in terms of the types and quantity of available services.

The large number of victims and the open registration process have threatened the state's capacity to fully implement the adopted policy. The government has also maintained that one contributing factor is the Constitutional Court's obligation to pay compensation in cash rather than in the form of subsidies.

Other reparations programmes, such as those in Peru and Chile, include access to medical care or scholarships that extend beyond the standard compensation programmes established for each citizen. Given its smaller victim population and stronger economy, Chile has been able to implement this policy effectively.

Notwithstanding this, Colombia's state programme includes the right to housing restitution, assistance in obtaining loans, vocational training, and access to employment in the public sector, under certain conditions. Those who have suffered multiple human rights violations may also be eligible for increased compensation.

A particularly notable and progressive feature of the compensation programme is the Individual Comprehensive Reparation Plan. These plans are based on individual interviews conducted by staff of the Victims' Unit with each person. During these interviews, an assessment is made of the various consequences suffered by the victim, which are then matched against the programmes to which the victim may have access for assistance, rehabilitation, reparation, compensation, satisfaction, and guarantees of non-recurrence. The interviews are conducted by specialists (social workers, psychologists, and lawyers) known as “reparation liaisons” (enlaces de reparación), who are both qualified and highly motivated.

In addition, victims are offered guidance on investing their compensation funds, with a focus on four core areas: 1. Technical or vocational educa-

21 Cámara de Representantes de Colombia. Ley de Víctimas va hasta el 2031, n.d. URL: <https://www.camara.gov.co/ley-de-victimas-va-hasta-el-2031>

22 Daniela Suárez Vargas, Luke Moffett. Reparations in Colombia: Redressing civilian harm in the midst of armed conflict, Lieber Institute for Law and Land Warfare, September 2024. URL: <https://lieber.westpoint.edu/reparations-colombia-redressing-civilian-harm-midst-armed-conflict>

tion for victims or their children; 2. Establishing or strengthening a business; 3. Purchasing or improving housing; 4. Acquiring rural property. At the same time, the programme does not place any obligation to invest in any of these areas.

With respect to rehabilitation, Law No. 1448 provides for the delivery of legal, medical, psychological, and social services. It establishes a rehabilitation programme with both individual and collective components, open to all persons who fall within the broad definition of “victim” set out in Article 3 of the Law.

The law also establishes a Comprehensive Psychosocial and Medical Support Programme for Victims, designed to provide interdisciplinary services free of charge. Within the scope of this programme, the costs of medication and transport to the relevant centres are covered for the entire period during which such services are necessary for victims. The programme includes individual and family therapy, as well as measures implemented at the community level.

The implementation of these legislative provisions is further specified by dedicated secondary legislation. Decree No. 4800 of 2011 assigns responsibility for implementing the programme to the Ministry of Health and Social Protection. In this context, the Ministry’s functions are limited to the design, coordination, and monitoring of the programme, while the direct provision of services and practical implementation are entrusted to local authorities and agencies. The Ministry spent eighteen months developing the programme and began its implementation in 2014.

In parallel, the Victims’ Unit implements a separate intervention framework with more narrowly defined and practical objectives. This approach is based on nine sessions of group therapy and is aimed at strengthening victims’ own capacities to cope with the consequences of the trauma they

have experienced. However, the capacity of this mechanism remains limited due to insufficient funding, which hampers the ability to respond to the considerable level of demand from victims. At the same time, the law fails to account for the long-term psychosocial consequences of extreme violence, which often manifests cyclically rather than as an isolated symptom that can be resolved through a single course of treatment. In this regard, the authors of the report once again point to the positive practice of Chile, where the rehabilitation programme (Programa de Reparación y Atención Integral de Salud) is directed at providing long-term (lifelong) psychological support to victims of gross human rights violations.

The law also separately provides for a collective reparations programme for affected groups and satisfaction measures, though these fall outside the scope of the present overview and will not be examined in detail.²³

Challenges in the Implementation of Reparations Programmes

Despite the fact that, at the legislative level, Colombia has established rather comprehensive and appropriate measures, the actual implementation of rights restoration for victims is complicated by a number of factors that are also relevant to Ukraine. These include:

- difficulties in proving that a violation occurred (particularly in the absence of judicial convictions or verified evidence-gathering mechanisms);
- the lack of expedited procedures for obtaining or being recognised with victim status;
- logistical barriers to accessing services in remote regions of the country;
- the shortage or absence of resources and expertise among local authorities to adequately assist such victims.

²³ These types of redress are described in greater detail in the Report, pp. 18–21.

In 2024, a revised version of Law 1448 was adopted (Ley 2421 de 2024), which, among other things, focuses on more durable solutions for the protection and support of victims, broadens the definition of “victim,” and clarifies provisions regarding participation in reparations processes for those who have suffered gross human rights violations in connection with the conflict – including events of enforced disappearances and kidnapping. The new formulation also covers those who are located outside the country, irrespective of their migration status, as well as relatives of persons who were killed, disappeared, or suffered serious harm as a result of the conflict.²⁴

Accordingly, the Colombian experience demonstrates that a comprehensive reparations system for civilians who have suffered enforced disappearances or abduction requires a combination of legislative guarantees, individual assistance plans, psychosocial and medical support, and an effective victim registration mechanism. For programmes to function effectively, careful calculation of financial and human resources is essential, and account must be taken of the fact that the recovery process is protracted and will evidently require decades.

A4. Peru

Between 1980 and 2000, Peru experienced an armed conflict between state security forces and the insurgent groups Shining Path (Sendero Luminoso) and the Túpac Amaru Revolutionary Movement (Movimiento Revolucionar-

io Túpac Amaru – MRTA). According to estimates by the Truth and Reconciliation Commission (CVR), approximately 69,280 individuals were affected by the conflict.²⁵

The conflict was accompanied by systematic torture, enforced disappearances, sexual violence, forced recruitment of children, mass displacement, and – particularly significant for the purposes of this study – the systematic practice of unlawful deprivation of liberty: individuals were detained without warrants and subjected to interrogation under torture in police and military facilities.

Between 2001 and 2003, the CVR conducted extensive documentation work and interviewed 17,000 witnesses and victims. The Commission established that 54% of victims were killed by Shining Path, while 37% died as a result of actions by the state’s armed forces and police; moreover, state agents were held responsible for 75% of documented cases of torture. Among those killed and missing, over 75% were speakers of Quechua and other indigenous languages.

According to data from the National Registry of Missing Persons and Burial Sites (RENADE), the number of persons missing in connection with the conflict stood at approximately 22,000 as of 2021.²⁶

The CVR recommended the establishment of a Comprehensive Reparations Programme.²⁷

24 Id. Daniela Suárez Vargas, Luke Moffett. Reparations in Colombia: Redressing civilian harm in the midst of armed conflict, Lieber Institute for Law and Land Warfare, September 2024. URL: <https://lieber.westpoint.edu/reparations-colombia-redressing-civilian-harm-midst-armed-conflict>

25 Comisión de la Verdad y Reconciliación (CVR). Informe Final. Lima: CVR, 2003. Conclusions and statistics. URL: <https://www.cverdad.org.pe/ingles/ifinal/conclusiones.php>

26 Serrano A. Enforced Disappearance in Peru: A Step towards a National Policy to Search for Disappeared Persons. The Age of Human Rights Journal. 2022. No. 18. P. 545–569. DOI: <https://doi.org/10.17561/tahrj.v18.6898>. URL: <https://revistaselectronicas.ujaen.es/index.php/TAHRJ/article/view/6898/6823>

27 ICTJ. Hatun Willakuy: Abbreviated Version of the Final Report of the Truth and Reconciliation Commission of Peru. New York: ICTJ, 2014. URL: https://www.ictj.org/sites/default/files/ICTJ_Book_Peru_CVR_2014.pdf; also: ICTJ. Reparations in Peru: From Recommendations to Implementation. New York: ICTJ, 2013. URL: https://www.ictj.org/sites/default/files/ICTJ_Report_Peru_Reparations_2013.pdf

Comprehensive Reparations Plan (PIR) and the Victims Registry (RUV)

In 2005, Congress enacted Law No. 28592, establishing the Comprehensive Reparations Plan (PIR).²⁸ The Law defines a broad category of victims – including those who suffered arbitrary detention, enforced disappearance, torture, sexual violence, forced displacement, and other violations.

To administer the PIR, a Reparations Council was established within the Ministry of Justice and Human Rights, responsible for maintaining the Unified Victims Registry (RUV). Registration in the Registry is carried out through an administrative procedure – without the need to initiate judicial proceedings or to establish the guilt of a specific individual.²⁹ The Registry itself did not function continuously. Intake of applications was suspended in 2011, partially resumed in 2016–2017,³⁰ and thereafter continued on an indefinite basis.

As of 2026, the Registry includes more than 251,000 individual victims.³¹

The Reparations System (PIR)

The PIR provides for seven forms of reparation:³²

- (1) Individual economic reparations – a one-time payment of 10,000 soles (approximately USD 2,700) to victims registered in the RUV. The amount was established by Decree No. 051-2011-PCM.³³ As an example, as of December 2024, 87,263 victims had received payments totalling over 333 million soles.³⁴
- (2) Collective reparations – funding of infrastructure and social projects in affected communities, implemented through CMAN.
- (3) Health reparations – free access to medical services for victims registered in the RUV.
- (4) Educational reparations – scholarships and tuition waivers through the REPARED programme under the state scholarship scheme Beca 18.³⁵
- (5) Housing reparations – subsidies through the social housing programme Techo Propio.³⁶

28 Peru. Ley N° 28592 “Ley que crea el Plan Integral de Reparaciones”. 29 de julio de 2005. URL: <https://www.gob.pe/institucion/congreso-de-la-republica/normas-legales/1496834-28592>

29 Consejo de Reparaciones – Registro Único de Víctimas (RUV). Ministerio de Justicia y Derechos Humanos. URL: <https://www.gob.pe/16780-ministerio-de-justicia-y-derechos-humanos-consejo-de-reparaciones>

30 Lugar de la Memoria (LUM): <https://lum.cultura.pe/noticias/registro-único-de-víctimas-de-la-violencia-será-reabierto> and Coordinadora Nacional de Derechos Humanos: <https://derechoshumanos.pe/tag/ruv/>

31 Registro Único de Víctimas (RUV). Cifras del Registro Único de Víctimas. Consejo de Reparaciones, Ministerio de Justicia y Derechos Humanos del Perú. URL: <http://www.ruv.gob.pe/CifrasRUV.pdf>

32 Peru. Ley N° 28592 “Ley que crea el Plan Integral de Reparaciones”. 29 de julio de 2005. URL: <https://leyes.congreso.gob.pe/Documentos/Leyes/28592.pdf>

33 Peru. Decreto Supremo N° 051-2011-PCM que regula el Programa de Reparaciones Económicas Individuales. URL: <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-los-lineamientos-para-el-programa-decreto-supremo-n-051-2011-pcm-655963-4/>

34 Ministerio de Justicia y Derechos Humanos del Perú. Official communiqué on the results of the Economic Reparations Programme. December 2024. URL: <https://www.infobae.com/america/agencias/2024/12/02/peru-ordena-reparaciones-para-mas-de-150-afectados-durante-el-periodo-de-violencia-interna/>

35 The State scholarship programme “Beca 18” was introduced in 2012 by the Humala government and provides full funding for higher education (tuition, accommodation, meals, textbooks) for young people from the poorest sections of the population. The programme is managed by the National Scholarship and Educational Credit Office (PRONABEC).

36 At the same time, according to various sources, due to various bureaucratic obstacles and shortcomings in the income verification system, prioritisation criteria, and so on,

- (6) Symbolic reparations – memorialisation, official recognition, public commemoration; in 2015, the state Museum of Memory (Lugar de la Memoria, la Tolerancia y la Inclusión Social – LUM) was opened in Lima.³⁷
- (7) Civil reparations – restoration of civil status documents and records.

Despite the well-established findings of the CVR and the proposed reparations system, even a decade after the publication of the report, a significant portion of the Peruvian elite continued to deny direct state responsibility for the violations committed. Competing narratives and the lack of societal acknowledgement remain one of the key factors impeding the implementation of reforms and reparations.³⁸

In 2013, the International Center for Transitional Justice (ICTJ) published a separate report specifically addressing the issue of reparations in Peru.³⁹ The study's findings indicate that, while reparations policy encompasses several key areas – individual monetary compensation, collective repara-

tions for communities, symbolic recognition measures, and programmes providing access to basic social services – the collective component is the most developed. This component is frequently conflated with development approaches, while individual payments and other forms of redress remain limited; the author's overall conclusion is that effective reparations must combine material compensation, official acknowledgement of harm, and institutional reform, rather than being reduced to social assistance. Studies conducted in 2019 demonstrated similar trends.⁴⁰

As of 2023, data from Peru's Ombudsman's Office indicate that only 7% of victims had received educational reparations, and 7.6% had received housing assistance.⁴¹ Accordingly, some victims seek to vindicate their right to just satisfaction against the state before international bodies. Notably, the Inter-American Court of Human Rights recently issued a judgment awarding compensation to the family of a woman who had undergone forced sterilisation in the 1990s, which ultimately led to her death. The compensation awarded amounted to USD 340,000.⁴²

as of 2021 only approximately 30% of those in need of housing were able to avail themselves of this programme. See, e.g.: Belli Ferro, Fiorella; Orensanz, Mora. Public housing, Private priorities: The invisible dynamics in low-income housing allocation in urban Peru, the case of CSP–Techo Propio. Massachusetts Institute of Technology (MIT), Master in City Planning thesis, 2021. URL: https://www.academia.edu/122345132/Public_housing_Private_priorities_The_invisible_dynamics_in_low_income_housing_allocation_in_urban_Peru_the_case_of_CSP_Techo_Propio

37 LUM – Lugar de la Memoria, la Tolerancia y la Inclusión Social (Place of Memory, Tolerance and Social Inclusion) – a State memorial museum in Lima, opened in 2015. Dedicated to the documentation and reflection on events of the armed conflict of 1980–2000. Combines museum, educational, and archival functions, and preserves testimonies of victims and materials concerning crimes of the conflict.

38 ICTJ. "Victims of Peru's Internal Conflict Still Await Reparations". URL: <https://www.ictj.org/latest-news/victims-peru%E2%80%99s-internal-conflict-still-await-reparations>

39 ICTJ. Reparations in Peru: From Recommendations to Implementation. New York: ICTJ, 2013. URL: https://www.ictj.org/sites/default/files/ICTJ_Report_Peru_Reparations_2013.pdf

40 Julie Guillerot. Reparations in Peru: 15 Years of Delivering Redress. Queen's University Belfast, 2019. URL: <https://reparations.qub.ac.uk/assets/uploads/Peru-Report-ENG-LR-2.pdf>

41 Defensoría del Pueblo. "Balance del cumplimiento de las recomendaciones del Informe Final de la Comisión de la Verdad y Reconciliación". 28 de agosto de 2023. URL: <https://www.defensoria.gob.pe/defensoria-del-pueblo-presento-balance-del-cumplimiento-de-las-recomendaciones-del-informe-final-de-la-comision-de-la-verdad-y-reconciliacion/>

42 Al Jazeera. "Human rights court orders reparations for forced sterilisation case in Peru". 6 March 2026. URL: <https://www.aljazeera.com/news/2026/3/6/human-rights-court-orders-reparations-for-forced-sterilisation-case-in-peru>

Search and Identification of Missing Persons

In 2016, Peru enacted Law No. 30470⁴³ — a dedicated instrument addressing the search for persons who disappeared between 1980 and 2000. A distinctive feature of this search mechanism was that the state assumed corresponding obligations irrespective of whether criminal prosecution or establishment of individual responsibility had taken place. This is the so-called “humanitarian approach”, which expands access to truth for family members of those killed and missing — after decades of waiting. At the same time, as of 2021, of approximately 22,000 missing persons, the whereabouts of 7,404 remained unknown or undetermined, while the whereabouts of 6,664 were reportedly known but supported by no legal evidence.⁴⁴

Challenges in the Implementation of Reparations Programmes

In summary, Peru has established relatively comprehensive and multi-layered mechanisms to ensure just redress for those who suffered during the internal conflict of 1980–2000. Nevertheless, like most other states, this reparations system has encountered numerous challenges: uneven implementation across various programmes, insufficient funding, protracted decision-making or inconsistency in its application, and similar obstacles.

The Peruvian Ombudsman’s Office has repeatedly called on the government to adopt a dedicated National Reparations Policy with its own budget line — yet to date, reparations programmes remain embedded within general social mechanisms and dependent on annual budgetary decisions.⁴⁵ Peru

also offers a systemic lesson: more than 24 years after the conflict, the state has still not discharged its reparations debt, and among registered victims are thousands of elderly persons who risk dying without receiving redress.¹

Key Findings for Ukraine

Peru offers Ukraine several important lessons: (1) the combination of individual and collective reparations — particularly relevant for communities that experienced mass violence; (2) multi-layered reparations programmes encompassing various aspects of redress and accounting for individual needs; (3) the importance of regular review of existing mechanisms and procedures; (4) the risk of substituting reparations with social programmes and the attendant dependence on prevailing political will.

B) The Balkans

Following the dissolution of the Socialist Federal Republic of Yugoslavia in the early 1990s, the former Yugoslav republics — Croatia, Bosnia and Herzegovina, and Kosovo (at that time an autonomous province within Serbia) — found themselves at the centre of a series of armed conflicts accompanied by mass human rights violations, ethnic cleansing, enforced disappearances, and arbitrary deprivation of liberty of civilians. The Croatian Homeland War (1991–1995) began following Croatia’s declaration of independence and the armed aggression of Yugoslav federal forces and Serbian formations; the Bosnian War (1992–1995) claimed approximately 100,000 lives and was

43 Peru. Ley N° 30470 “Ley de Búsqueda de Personas Desaparecidas durante el Período de Violencia 1980–2000”. 22 de junio de 2016. URL: <https://cdn.www.gob.pe/uploads/document/file/1539337/1.%20LEY%20N%C2%B0%2030470.pdf.pdf?v=1610382689>

44 Serrano A. Enforced Disappearance in Peru: A Step towards a National Policy to Search for Disappeared Persons. The Age of Human Rights Journal. 2022. No. 18. P. 545–569. DOI: <https://doi.org/10.17561/tahrj.v18.6898>. URL: <https://revistaselectronicas.ujaen.es/index.php/TAHRJ/article/view/6898/6823>

45 Defensoría del Pueblo del Perú. “Defensoría del Pueblo insta al Estado a aprobar políticas nacionales y estrategias con presupuesto para resarcir a víctimas del periodo de violencia 1980–2000”. Agosto 2023. URL: <https://www.defensoria.gob.pe/defensoria-del-pueblo-insta-al-estado-a-aprobar-politicas-nacionales-y-estrategias-con-presupuesto-para-resarcir-a-victimas-del-periodo-de-violencia-1980-2000/>

marked by the genocide at Srebrenica and civilian internment camps; the armed conflict in Kosovo (1998–1999) concluded with a NATO military operation and subsequent international administration of the territory until Kosovo's declaration of independence in 2008.

All three conflicts occurred in circumstances where the affected parties formally held or were in the process of acquiring the status of independent states; however, mechanisms for civilian protection and reparations systems were established only after the cessation of active hostilities – with the participation of international tribunals and mechanisms, foremost among them the International Criminal Tribunal for the former Yugoslavia (ICTY). The Balkan experience is directly relevant for Ukraine as an example of post-conflict recovery following armed aggression in which the unlawful deprivation of liberty of civilians was employed as a systematic instrument, with victims being civilians possessing particular ethnic, political, or geographical identities.

An analysis of the Balkan experience is of particular interest for Ukraine for several reasons: first, the nature of the confrontations was largely inter-state in character; the events occurred relatively recently (in the 1990s); and the legal systems of these countries bear considerable similarities to Ukraine's own. In 2021, Croatia enacted a dedicated law designed to regulate the legal status and social benefits and guarantees for civilians who suffered as a result of the Homeland War of 1991–1995. Accordingly, this analysis will focus in detail on the Croatian legislative framework.

B1. Croatia

From 1991 to 1995, Croatia suffered armed aggression that resulted in between one-quarter and one-third of its territory falling under occupation. At the same time, the first signs of mass armed confrontation emerged as early as 1990, when the so-called “Log Revolution” (Balvan revolucija) occurred in August – a reaction by the Serbian population in certain districts of the Croatian Republic in response to the policy shift following the victory of the Croatian Democratic Union in the elections.⁴⁶

As a result, the civilian population suffered mass human rights violations: killings, torture, unlawful deprivation of liberty, and sexual violence. The fall of the city of Vukovar in November 1991 became a symbol of the tragedy, as did the mass executions at Ovčara (a hamlet near Vukovar), where, according to ICTY-documented evidence, more than 200 wounded patients from the hospital were killed.⁴⁷

Legislative Framework for the Protection of Civilian War Victims

One of the specialized legislative instruments was the Act on the Protection of Military and Civilian Persons with War-Related Disabilities,⁴⁸ which Croatia introduced as early as 1992, subsequently amending it on a number of occasions. This Act applied exclusively to those victims who acquired a disability as a result of the armed conflict, and simultaneously covered both military personnel and civilians.

46 Domovinski rat (Homeland War portal). Rebel Serbs Start the Log Revolution: They Did Not Want to Live in a Democratic Croatia. URL: <https://domovinskirat.hr/2021/08/17/rebel-serbs-start-the-log-revolution-they-did-not-want-to-live-in-a-democratic-croatia/>

47 International Criminal Tribunal for the former Yugoslavia (ICTY). Case Information Sheet: Mrkšić et al. (IT-95-13/1). URL: <https://www.icty.org/en/case/mrksic>; also: International Criminal Tribunal for the former Yugoslavia (ICTY). Vukovar Hospital Case: Prosecutor Seeks Deferral of ICTY Proceedings Instituted in Serbia Against M. URL: <https://www.icty.org/en/press/vukovar-hospital-case-prosecutor-seeks-deferral-icty-proceedings-instituted-serbia-against-m>

48 Zakon o zaštiti vojnih i civilnih invalida rata (Law on the Protection of Military and Civilian Invalids of War, Croatia, 1992 as amended). URL: <https://www.zakon.hr/z/864/zakon-o-zastiti-vojnih-i-civilnih-invalida-rata>. The Law also extends its application to participants in and victims of the Second World War.

Under this Act, civilian persons with war-related disabilities were entitled to disability pensions and allowances (depending on the disability category), to medical treatment and rehabilitation and partial reimbursement for treatment, and to educational benefits for children (free textbooks, scholarships) – but not to vocational retraining.

Civilian war victim status was established following a medical commission review (analogous to the MSEC/ECOPFO in Ukraine) – in cases where the loss of work capacity was 20% (disability category X (tenth))⁴⁹ or more as a result of a wound or injury, and at least 60% loss of work capacity as a result of illness, where the onset, development, or deterioration of the illness was “a direct consequence of cruel treatment or deprivation of liberty by terrorists or members of the Yugoslav People’s Army from 17 August 1990.”⁵⁰

The text of this Act does not make entirely clear which authority takes the final decision on granting the status. The competent authority is presumably the Ministry of Croatian Defenders (Ministarstvo hrvatskih branitelja),⁵¹ while the services themselves are provided by county administrative bodies and local-level psychosocial support centres to which the relevant powers have been delegated. The Ministry of Labour and Social Welfare is designated as responsible for the implementation of the rights established under this Act for civilian persons (Art. 5 of the Transitional Provisions under Nos. 57/92).

Art. 9 of this Act sets out the list of persons to whom it does not apply: aides or collaborators of enemy military and paramilitary formations, or persons convicted by a final court judgment for participation in enemy military and paramilitary formations or for threatening the constitutional order and security of the

Republic of Croatia, as well as members of their families; and also those who sustained wounds during the Homeland War in order to evade military service.

Accordingly, this Act extended its application to both military personnel and civilians who acquired a disability as a result of participation in or combat operations during the Second World War, as well as during the Homeland War of 1991–1995. Civilians generally received a somewhat narrower range of social benefits and guarantees compared to military personnel.

In 2021 – twenty-five years after the conclusion of the Homeland War – Croatia adopted a new specialized Act on Civilian War Victims during the Homeland War.⁵²

As the title indicates, this Act specifically regulates the protection of civilian persons who sustained harm as a result of the armed conflict of 1991–1995. The Act also applies to foreign nationals who, at the time of sustaining their injury, had permanent or temporary residence in the territory of the Republic of Croatia, or where the person on whose behalf they are applying to exercise rights under this Act had permanent or temporary residence in the territory of the Republic of Croatia at the time of sustaining the injury, and where they are not exercising those rights from the country of which they are citizens or in which they have permanent residence at the time of filing the application, as well as citizens of the Republic of Croatia who also hold foreign citizenship, provided they are not exercising such rights from another country of which they are citizens.

The grounds for civilian persons to receive benefits are: the acquisition of a war-related disability, and the death or disappearance of a family mem-

49 Under Croatian legislation, there are 10 disability groups (see, e.g., Article 15 of the aforementioned Law on the Protection of Military and Civilian Invalids of War): Group I – persons with disabilities with 100% loss of working capacity who require external care and assistance for normal life; Group II – 100% loss of working capacity; Group III – 90% loss of working capacity; Group IV – 80% loss of working capacity; Group V – 70% loss of working capacity; Group VI – 60% loss of working capacity; Group VII – 50% loss of working capacity; Group VIII – 40% loss of working capacity; Group IX – 30% loss of working capacity; Group X – 20% loss of working capacity.

50 Ibid., Article 8

51 Ministarstvo hrvatskih branitelja <https://branitelji.gov.hr/>

52 Zakon o civilnim stradalnicima iz Domovinskog rata (Law on Civilian Victims of the Homeland War), adopted by the Croatian Parliament on 15 July 2021 (entered into force on 31 July 2021). URL: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_07_84_1555.html

ber (Art. 8 of the Act). Under this Act, a person is also considered to have acquired a disability where they suffered at least a 20% loss of work capacity as a result of a wound or injury sustained through imprisonment in a camp, prison, or other enemy facility by members, aides, or collaborators of enemy military and paramilitary formations in the period from 17 August 1990 to 30 June 1996, or through other forms of deprivation of liberty connected with the circumstances of the Homeland War. Ultimately, this Act expands the range of benefits available to civilian war victims compared to the previous Act,⁵³ but these benefits generally apply only to those with confirmed permanent changes in health status.

Overall, it is fairly evident — given the timeframe of this Act's adoption — that it makes no provision for crisis stabilization programmes, psychological support, or accompanying services.

In the context of analysing Croatia's experience, it is also important to note separately the Act on Victims of Sexual Violence in the Homeland War, adopted in 2015.⁵⁴ It was one of the first legislative instruments in Europe at the level of a law specifically protecting victims of conflict-related sexual violence (CRSV). It provides for a one-time financial compensation and monthly payments, free psychological assistance and medical support, and exempts victims from the obligation to prove the guilt of the perpetrator in court (administrative recognition of status is sufficient). The Act received international recognition as a model to be emulated.⁵⁵

Search for Missing Persons and Recovery of Remains⁵⁶

Following the war of 1991–1995, more than 5,000 persons in Croatia were considered missing, and as of today, approximately two-thirds of them have already been accounted for. The process of search and identification is based on a combination of exhumations, forensic investigations, and the mandatory application of DNA analysis, which has been used systematically since the early 2000s.

To address this issue, the state established a specialized institutional framework, including a dedicated directorate within the structure of the Ministry of Veterans (Directorate on Detained and Missing Persons), as well as an inter-agency Commission on Missing Persons that coordinates the process of search, exhumation, and identification.

Since 1996, Croatia has cooperated closely with the International Commission on Missing Persons (ICMP), which provides technical expertise, supports the implementation of DNA technologies, supplies software, and delivers training for specialists. Within the framework of this cooperation, monitoring of exhumations is also carried out, support is provided to organizations of families of the missing, and since 2004 a joint DNA identification project has been implemented, including the collection of samples and the exchange of DNA profiles.

International cooperation also plays an important role in the search for missing persons, particularly the conclusion of bilateral agreements with

53 For instance, a monetary payment for civilian victims (novčana naknada), a one-time financial allowance, a home care supplement, priority in employment, priority in placement in social care facilities, the right to use veterans' centre services, the right to psychosocial assistance, the right to legal assistance, special length-of-service credit, exemption from court and notary fees, reimbursement of transport and burial expenses for exhumed and identified missing civilians.

54 Zakon o pravima žrtava seksualnog nasilja u Domovinskom ratu (NN 64/2015, 98/2019). URL: <https://www.zakon.hr/z/794/zakon-o-pravima-zrtava-seksualnog-nasilja-za-vrijeme-oruzane-agresije-na-republiku-hrvatsku-u-domovinskom-ratu>

55 United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. "Croatia: Bill to Compensate Survivors of Wartime Rape a Welcome Step in Addressing the Legacy of Sexual Violence in Conflict". 7 April 2015. URL: <https://www.un.org/sexualviolenceinconflict/press-release/croatia-bill-to-compensate-survivors-of-wartime-rape-a-welcome-step-in-addressing-the-legacy-of-sexual-violence-in-conflict/>

56 Based on ICMP material. "Republic of Croatia". URL: <https://icmp.int/the-missing/where-are-the-missing/republic-of-croatia/>

Serbia (1996), Montenegro (2017), and Bosnia and Herzegovina (2018), as well as participation in regional initiatives for the exchange of information and coordination of the search for missing persons.

A key milestone was the adoption in 2019 of a specialized law on persons missing during the Homeland War (2019).⁵⁷ This Act comprehensively regulated the issue of missing persons, enshrined the rights of their families — including the right to truth, to information, and to participation in processes — established procedures for registration, search, identification, and reburial of remains, and provided for mechanisms of international co-operation.

Key Findings

Croatia’s experience demonstrates a gradual but systematic construction of a reparations architecture over nearly three decades. Key achievements include: a separate Act for civilians (2021), a specialized Act on victims of sexual violence (2015) with administrative recognition of status without the need to prove the perpetrator’s guilt in court, and a comprehensive Act on missing persons (2019) with institutional backing (a dedicated directorate within the Ministry of Veterans, a DNA database, and bilateral agreements with neighbouring states).

Three elements are directly relevant to Ukraine: 1) the model of administrative recognition of victim status without a court conviction of the perpetrator — this is critically important for those who suffered in filtration camps and during unlawful detention; 2) the Act on CRSV victims as a separate legislative instrument with a specialized procedure; 3) the institutional model for searching for missing persons — a dedicated directorate, manda-

tory DNA identification, and bilateral agreements. However, Croatia’s experience also demonstrates the risk of excessive delay: the foundational Act for civilians was adopted twenty-five years after the start of the conflict, meaning thousands of victims never lived to see protection. For Ukraine, where the conflict is still ongoing, this warning is particularly significant.

B2. Bosnia and Herzegovina

In 1991, the population of Bosnia and Herzegovina (hereinafter — BiH) was approximately 4.4 million persons, the largest share of whom were Bosniaks (Bosnian Muslims) — 44%, Serbs — 31%, and Croats — 17%, with 8% identifying as Yugoslavs.

Following Bosnia’s declaration of independence in April 1992, Bosnian Serbs, who opposed the creation of a state with a Muslim majority, launched a military campaign aimed at seizing territory and “cleansing” it of Bosnian Muslims.⁵⁸ The war lasted until 1995 and resulted in approximately 104,000 persons being killed in Bosnia and Herzegovina (BiH), of whom approximately 70,000 were Bosniaks; more than 2.2 million persons were displaced (i.e., more than half of the pre-war population), and numerous other mass violations of human rights were committed. Among the gravest crimes was the genocide at Srebrenica in July 1995, when Serbian forces killed up to 8,000 Bosniak men and boys, as well as mass executions, civilian detention camps (Omarska, Keraterm, Trnopolje), systematic sexual violence, and enforced disappearances.

The war ended following NATO airstrikes, which compelled the Bosnian Serbs to come to the negotiating table. In December 1995, the Dayton Agreement was signed, formally establishing peace and defining a new po-

⁵⁷ Zakon o osobama nestalim u Domovinskom ratu (NN 70/2019), entered into force 01.08.2019. URL: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_07_70_1444.html; English translation (ICMP): <https://www.icmp.int/wp-content/uploads/2021/11/Croatian-Law-on-Missing-Persons-translation-ENG.pdf>

⁵⁸ United States Holocaust Memorial Museum. Bosnia and Herzegovina, 1992–1995, Background. 2013. URL: <https://www.ushmm.org/genocide-prevention/countries/bosnia-herzegovina/1992-1995>

litical structure for the country. In practice, however, many of the declaratory provisions of the Agreement proved impossible to implement.⁵⁹

Legislation on the Protection of Civilian War Victims and the Reparations System

The key problem in BiH is the absence of a single state-level law on reparations for civilian war victims. Due to the complex state structure established by the Dayton Agreement (1995), reparations legislation exists separately at the level of the two entities — the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS) — and the Brčko District. As a result, victims effectively receive different volumes of rights depending on their place of residence and ethnic affiliation — a situation that Amnesty International, Human Rights Watch, and the OSCE have repeatedly criticized.⁶⁰

a) The Federation of Bosnia and Herzegovina (FBiH)

The Basic Act of 1999 and Its Amendments

Until 2024, the protection of civilian war victims in the FBiH was governed by the Act on the Fundamentals of Social Protection, Protection of Civilian War Victims, and Protection of Families with Children.⁶¹ This Act was not a specialized instrument for war victims — it combined provisions

on social protection, the protection of civilian war victims, and the protection of families with children, which complicated targeted support. In its original 1999 version, civilian war victim status was recognized on the condition of at least 60% bodily harm resulting from torture, assault, rape, or other crimes committed during the conflict.

The 2006 Amendments

A key milestone was the adoption of the Act Amending and Supplementing the Act on the Fundamentals of Social Protection, Protection of Civilian War Victims, and Protection of Families with Children, which entered into force on 1 September 2006.⁶² This instrument introduced substantial changes to the legal regulation of civilian war victim status, in particular:

1. It recognized survivors of sexual violence and rape as a separate category of civilian war victims (amendments to Art. 54 of the basic Act) — an outcome of a prolonged advocacy process by civil society organizations, survivors' associations, and with the support of international organizations (the 2006 release of the film *Grbavica*, which drew public attention to the issues of survivors of wartime sexual violence — CRSV, exerted a significant influence);⁶³
2. It recognized civilian war victim status also for persons with bodily harm below 60% or with significant impairment of health, thereby

59 Al Jazeera. Bosnia's war, 30 years on: How did the atrocities happen? 2025. URL: <https://www.aljazeera.com/news/2025/12/15/bosnias-war-30-years-on-how-did-the-atrocities-happen>

60 OSCE Mission to Bosnia and Herzegovina; Council of Europe; EU Delegation; UN in BiH. Nearly 30 years following the end of the war in Bosnia and Herzegovina, war victims remain neglected. Joint Op-Ed. 18 January 2024. URL: <https://bih.osce.org/mission-to-bosnia-and-herzegovina/561697>

61 Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodice sa djecom (Law on the Foundations of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, FBiH, 1999 as amended). URL: <https://advokat-prnjavorac.com/Zakon-o-osnovama-socijalne-zastite-zastite-civilnih-zrtava-rata-i-zastite-porodice-sa-djecom.html>

62 Zakon o izmjenama i dopunama Zakona o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodice sa djecom (Law on Amendments to the Law on the Foundations of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, FBiH, 2006), entered into force 01.09.2006. Text of amendments: URL: <https://www.fbihvlada.gov.ba/bosanski/zakoni/2006/zakoni/28bos.htm>; also: Savez Paraplegičara FBiH. URL: <https://paraplegicari.org/zakon-o-osnova-ma-socijalne-zastite-zastite-civilnih-zrtava-rata-i-zastite-porodice-sa-djecom-fbih/>

63 Global Survivors Fund. Country Briefing: Bosnia and Herzegovina. May 2022. URL: https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Country_Briefings/CB_BiH_EN_May2022_WEB.pdf

broadening the circle of persons who could seek protection; such persons were granted the right to a monthly monetary allowance amounting to 70% of the established base amount;

3. It extended the definition of civilian war victims to include persons in whom bodily harm or deterioration of health manifested after the cessation of hostilities (latency periods, delayed onset of conditions, etc.);
4. It established that the costs of proceedings for the recognition of civilian war victim status are borne by the conducting authority rather than by the applicant;
5. It established a funding arrangement: 50% of personal disability assistance was financed from the federal budget and 20% from cantonal budgets (in subsequent amendments, this ratio was revised to 70/30).

At the same time, this Act as amended in 2006 had a number of significant shortcomings: it remained a non-specialized instrument, forming part of the general social protection act; the threshold for recognition of status remained high for most categories (60%); and access to benefits was limited by application deadlines and an income threshold. These very limitations became the driving force behind the development of a new standalone Act adopted in 2023.

The New Act on the Protection of Civilian War Victims (2023)

On 1 August 2023, the Parliament of the FBiH adopted a new specialized Act on the Protection of Civilian War Victims in the Federation of BiH.⁶⁴ The Act

entered into force on 1 January 2024 – almost thirty years after the end of the war. It is the first separate legislative instrument specifically regulating the protection of civilian persons who suffered as a result of the war.

The Act establishes that civilian war victim status is recognized in respect of a person who sustained at least 20% bodily injury (loss of work capacity) as a result of war events, torture, inhuman and degrading treatment, unlawful punishment, unlawful deprivation of liberty, or the explosion of remnants of war materiel, provided that at the time of the injury the person was a civilian (Art. 6 of the Act).⁶⁵

Another important innovation of the 2023 Act was its recognition of children born as a result of wartime rape as a separate category of victims.⁶⁶

This Act also sought to address a number of other problematic gaps. Its innovations included:

- Abolition of the time limit for filing applications for recognition of status as a victim of sexual violence and as a child born of wartime rape – such applications may henceforth be submitted without any time restriction (Art. 29 of the Act).
- Expansion of the range of benefits for civilian war victims: personal disability assistance, monthly monetary allowance, care allowance, orthopaedic assistance and family disability allowance, priority medical care (including sanatorium rehabilitation), priority in employment and housing, as well as psychological and legal assistance.⁶⁷
- Abolition of the means test for receipt of family disability allowance in connection with the death or disappearance of a family member –

64 Zakon o zaštiti civilnih žrtava rata u Federaciji Bosne i Hercegovine, Broj 01-02-1-361-01/23, 04. augusta 2023. URL: <https://fbihvlada.gov.ba/bs/9-zakon-o-zastiti-civil-nih-zrtava-rata-u-federaciji-bosne-i-hercegovine>

65 Ibid., Article 6.

66 TRIAL International. Federation of Bosnia and Herzegovina Adopts the Law on the Protection of Civilian Victims of War. 9 August 2023. URL: <https://trialinternational.org/latest-post/federation-of-bosnia-and-herzegovina-adopts-the-law-on-the-protection-of-civilian-victims-of-war/>; also: [Paragraf.ba](https://www.paragraf.ba/dnevne-vijesti/03052024/03052024-vijest5.html). Donijeto prvo rješenje kojim se priznaje status civilne žrtve rata djetetu rođenom iz zločina ratnog silovanja. 3 May 2024. URL: <https://www.paragraf.ba/dnevne-vijesti/03052024/03052024-vijest5.html>

67 Balkan Insight. Bosnia’s Federation to Extend Benefits for Civilian War Victims. 2 June 2022. URL: <https://balkaninsight.com/2022/06/02/bosnias-federation-to-extend-benefits-for-civilian-war-victims/>; also: [Paragraf.ba](https://www.paragraf.ba). Zakon o zaštiti civilnih žrtava rata u Federaciji Bosne i Hercegovine: Prvi put nakon 30 godina u FBiH posebnim

previously this allowance was reduced by 50% for persons with incomes above the average wage.⁶⁸

- Removal of the restriction on travel abroad: the previous Act provided for the suspension of payments if a recipient left BiH for more than three months — the new legislation abolishes this restriction.⁶⁹

The protection of civilian war victims is a shared competence of the Federation and the cantons (Art. 3 of the Act). Funding is provided from the federal (70%) and cantonal (30%) budgets. Cantons are given the possibility of additionally expanding the range of rights depending on their financial capacity. The decision on recognition of civilian war victim status is taken on the basis of the opinion of the expert commission of the Federal Ministry of Labour and Social Policy; the decision itself is rendered by the social work centre at the person's place of residence.⁷⁰

In May 2024, the first-ever decision recognizing a child born of wartime rape as a civilian war victim was issued — a significant practical step in the implementation of the Act.⁷¹

b) The Republika Srpska (RS)

The Republika Srpska has separate legislation in force. Previously, the protection of civilian war victims was governed by the general Act on the Protection of Civilian War Victims (Zakon o zaštiti civilnih žrtava rata RS), which provided for recognition of status on the condition of at least 60% bodily harm and only for persons with residence in the RS. The deadline for filing applications was limited to 2007.⁷²

In 2018, the National Assembly of the RS adopted the Act on the Protection of Victims of Wartime Torture (Zakon o zaštiti žrtava ratne torture), which entered into force on 5 October 2018.⁷³ The Act recognizes a separate category of civilian war victims — persons who suffered torture (including sexual violence) in connection with the armed conflict on the territory of the former Socialist Federal Republic of Yugoslavia. It provides for the right to a monthly monetary allowance (ranging from 130 to 300 convertible marks, approximately 65 to 155 euros, depending on the severity of the torture), the right to health insurance, exemption from medical charges, sanatorium rehabilitation, and assistance with employment.⁷⁴

However, the RS Act has been subjected to significant criticism by international organizations (Amnesty International, TRIAL International)

zakonom uređeni status i prava civilnih žrtava rata. 3 August 2023. URL: <https://www.paragraf.ba/dnevne-vijesti/03082023/03082023-vijest2.html>

68 Paragraf.ba. Zakon o zaštiti civilnih žrtava rata u Federaciji Bosne i Hercegovine: Prvi put nakon 30 godina u FBiH posebnim zakonom uređeni status i prava civilnih žrtava rata. 3 August 2023. URL: <https://www.paragraf.ba/dnevne-vijesti/03082023/03082023-vijest2.html>

69 Sarajevo Times. The Law on the Protection of Civilian War Victims was adopted by the House of Peoples. 1 August 2023. URL: <https://sarajevotimes.com/the-law-on-the-protection-of-civilian-war-victims-in-the-federation-adopted-by-the-house-of-peoples/>

70 Zakon o zaštiti civilnih žrtava rata u Federaciji Bosne i Hercegovine, Arts. 3, 47. URL: <https://fbihvlada.gov.ba/bs/9-zakon-o-zastiti-civilnih-zrtava-rata-u-federaciji-bosne-i-hercegovine>

71 Paragraf.ba. Donijeto prvo rješenje kojim se priznaje status civilne žrtve rata djetetu rođenom iz zločina ratnog silovanja. 3 May 2024. URL: <https://www.paragraf.ba/dnevne-vijesti/03052024/03052024-vijest5.html>

72 Amnesty International UK. Bosnia and Herzegovina: Make reparations for wartime rape. URL: <https://www.amnesty.org.uk/knowledge-hub/all-resources/bosnia-and-herzegovina-make-reparations-wartime-rape/>

73 Zakon o zaštiti žrtava ratne torture (Law on the Protection of Victims of Wartime Torture, Republika Srpska, 2018), entered into force 5 October 2018. URL: <https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-za%C5%A1titi-%C5%BErtava-ratne-torture>; text of the Law: <https://www.pravobih.com/zakon-o-zastiti-zrtava-ratne-torture-republike-srpske-t357.html>

74 N1 Info. Ko su po zakonu u RS žrtve torture? 28 May 2021. URL: <https://n1info.ba/vijesti/ko-su-po-zakonu-u-rs-zrtve-torture/>

and survivors’ associations on account of several substantial limitations: residence: only persons who have or had (immediately prior to departure abroad) residence in the territory of the RS or the Brčko District are eligible for status. Accordingly, persons of other ethnic affiliations who were held in Serbian detention camps on the territory of the RS but who reside in the FBiH after the war cannot avail themselves of this Act;⁷⁵ a five-year time limit for filing applications (Art. 38 of the Act) – this period expired in October 2023, which is at odds with the recommendations of the UN Committee against Torture, which insists that statutes of limitations should not apply to claims for reparation for torture;⁷⁶ a limited range of admissible evidence: Art. 16 of the Act in effect restricts evidence of torture to that issued by institutions and bodies of the RS, potentially excluding documents from other levels of government within BiH or from international organizations.⁷⁷

As of 2021, 272 persons had been granted the status of victim of wartime torture under this Act, of whom 168 were entitled to a monthly monetary allowance.⁷⁸

In 2024, the RS Government took a positive step by including victims of wartime torture in the sanatorium rehabilitation programme, allocating 500,000 convertible marks (approximately 255,000 euros) for this pur-

pose. Previously, this programme had been available only to war veterans with disabilities and to the families of fallen defenders.⁷⁹

A Specific Negative Practice of the RS

Following the filing by a significant number of war crimes victims of lawsuits seeking compensation for harm sustained, RS courts applied statutes of limitations to dismiss such claims and subsequently imposed substantial court costs on the victims. This practice was characterized by the UN Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence as “unacceptable and contrary to international standards of protection of victims of gross violations of human rights.”⁸⁰

c) The Brčko District

In July 2022, the Brčko District Assembly adopted its own Act on the Protection of Civilian War Victims. At the same time, in contrast to the FBiH Act of 2023, this instrument provided only symbolic recognition of status without establishing specific material benefits, such as healthcare or educational support.⁸¹

International organizations, including the Council of Europe, the EU, the OSCE, and the UN, in a joint statement of 18 January 2024, emphasized the need to establish a unified, state-level reparations system for all war victims

75 Balkan Insight. Abandoned by the State: Bosnia’s Wartime Torture Victims. 6 May 2019. URL: <https://balkaninsight.com/2019/05/06/abandoned-by-the-state-bosnias-wartime-torture-victims/>

76 Zakon o zaštiti žrtava ratne torture RS, Art. 38; also: Snaga Lokalnog. Izazovi i implementacija Zakona o zaštiti žrtava ratne torture Republike Srpske. 2024. URL: <https://snagalokalnog.ba/izazovi-i-implementacija-zakona-o-zastiti-zrtava-ratne-torture-republike-srpske/>

77 Al Jazeera Balkans. Udruženja žrtava: Zakon o zaštiti žrtava ratne torture u RS-u diskriminatorski. 29 June 2018. URL: <https://balkans.aljazeera.net teme/2018/6/29/udruzenja-zrtava-zakon-o-zastiti-zrtava-ratne-torture-u-rs-u-diskriminatorski>

78 N1 Info. Ko su po zakonu u RS žrtve torture? 28 May 2021. URL: <https://n1info.ba/vijesti/ko-su-po-zakonu-u-rs-zrtve-torture/>

79 TRIAL International. Republika Srpska to Include War Torture Victims in Medical Rehabilitation Efforts. 14 March 2024. URL: <https://trialinternational.org/latest-post/republika-srpska-to-include-war-torture-victims-in-medical-rehabilitation-efforts/>

80 TRIAL International. Double jeopardy for wartime torture victims of Bosnia and Herzegovina. 26 September 2022. URL: <https://trialinternational.org/latest-post/double-jeopardy-for-wartime-torture-victims-of-bosnia-and-herzegovina-after-having-their-compensation-claims-rejected-they-are-forced-to-pay-high-court-fees/>

81 United Nations in Bosnia and Herzegovina. Commends the Adoption of a New Law on Civilian Victims of War by the Brcko District Assembly. 21 July 2022. URL: <https://bosniaherzegovina.un.org/en/191376-united-nations-bosnia-and-herzegovina-commends-adoption-new-law-civilian-victims-war-brcko>; also: TRIAL International. Legislation Pertaining to Children Born of War in Bosnia and Herzegovina. January 2023. URL: <https://trialinternational.org/latest-post/legislation-pertaining-to-children-born-of-war-in-bosnia-and-herzegovina/>

in BiH that would replace the existing “patchwork” of different entity laws and ensure equal access to support regardless of place of residence or ethnic affiliation.⁸² At the state level, attempts to adopt a unified Act on the Protection of Victims of Wartime Torture are being blocked by the Republika Srpska, which opposes any transfer of competences to the state level, citing the constitutional order established by the Dayton Agreement.⁸³

The Act on Missing Persons and the Missing Persons Institute

In 2004, BiH adopted the Act on Missing Persons (Zakon o nestalim osobama, Official Gazette of BiH, No. 50/04).⁸⁴ The Act codified the right of families of missing persons to the truth regarding the fate of their loved ones and the right to receive information on the progress of the investigation. It also imposed on the state obligations concerning the search for and identification of missing persons, irrespective of their ethnic, religious, or national affiliation.⁸⁵

On the basis of the Act, the Missing Persons Institute of BiH (MPI) was established in 2005 and became fully operational in 2008. The Institute is a permanent state body — in contrast to the practice of other countries where

such functions were entrusted to temporary commissions or international organizations. The MPI is responsible for coordinating the search for and identification of missing persons throughout the territory of BiH, ensuring the protection of mass grave sites, and involving the families of missing persons in this work.⁸⁶

The Act also provided for the establishment of a Central Register of Missing Persons and a Fund for the Support of Families of Missing Persons. The Register was established in 2011 in cooperation with the International Commission on Missing Persons (ICMP); however, as of 2025, only approximately half of the roughly 35,000 names entered have undergone the verification process, and the Fund for the Support of Families — which is critically important for providing material assistance to families — has not been established, despite repeated calls for its introduction.⁸⁷

The cooperation with the ICMP, which since 1996 has assisted BiH in developing institutional and technical capacities — including the introduction of DNA identification — plays an important role in the process of searching for the missing. Thanks to this process, approximately 80% of the approximately 31,500 persons considered missing have been identified.⁸⁸ At the same time, as of 2025, approximately 7,600 persons remain missing, and ap-

82 OSCE Mission to Bosnia and Herzegovina et al. Nearly 30 years following the end of the war in BiH, war victims remain neglected. 18 January 2024. URL: <https://bih.osce.org/mission-to-bosnia-and-herzegovina/561697>

83 Balkan Insight. Abandoned by the State: Bosnia's Wartime Torture Victims. 6 May 2019. URL: <https://balkaninsight.com/2019/05/06/abandoned-by-the-state-bosnias-wartime-torture-victims/>

84 Zakon o nestalim osobama (Law on Missing Persons of Bosnia and Herzegovina, 2004). URL: <https://ihl-in-action.icrc.org/case-study/bosnia-and-herzegovina-identification-missing-persons>

85 International Commission on Missing Persons (ICMP). Tackling the issue of missing people in Bosnia and Herzegovina: 1996–2019, IHL in Action (ICRC). URL: <https://ihl-in-action.icrc.org/case-study/bosnia-and-herzegovina-identification-missing-persons>

86 Anadolu Agency. Bosnia's missing persons institute offers hope, stands as global model. 12 July 2025. URL: <https://www.aa.com.tr/en/europe/bosnia-s-missing-persons-institute-offers-hope-stands-as-global-model/3628724>

87 ICMP. Implement the Law on Missing Persons. URL: <https://icmp.int/news/implement-the-law-on-missing-persons/>; also: ICMP. Sustaining the Process of Accounting for Missing Persons in Bosnia and Herzegovina. URL: <https://icmp.int/news/sustaining-the-process-of-accounting-for-missing-persons-in-bosnia-and-herzegovina/>

88 ICMP. Bosnia and Herzegovina. URL: <https://icmp.int/the-missing/where-are-the-missing/bosnia-and-herzegovina/>

proximately 1,300 unidentified sets of remains are held in mortuaries across the country.⁸⁹

BiH also participates in regional cooperation on the search for missing persons: in 2014, BiH, Serbia, Croatia, and Montenegro signed the Declaration on the Role of the State in Resolving the Issue of Missing Persons, and within the framework of the Berlin Process in 2022, a regional database of missing persons of the Western Balkans was launched.⁹⁰

Victims of Sexual Violence in Armed Conflict

Despite the scale of wartime sexual violence (estimated at between 20,000 and 50,000 victims by various sources), access to reparations and support for survivors remains extremely limited. In the FBiH, the 2006 amendments to the Social Protection Act recognized survivors of sexual violence as a separate category, and the 2023 Act expanded their rights and abolished time limits for filing applications. In the RS, by contrast, there was for a long time no relevant legislation at all, and the 2018 Act on the Protection of Victims of Wartime Torture contains the above-mentioned limitations that impede access to protection.

At the state level, a comprehensive act on victims of sexual violence has not yet been adopted. In 2019, the UN Committee against Torture issued its decision in the case of *A. v. BiH*, obliging the state to issue a public apology to the victim of wartime rape, to ensure the payment of the awarded com-

pensation, and to establish an effective, state-level reparations system for all victims of war crimes. As of 2024, this decision remains unimplemented.⁹¹

Statistics on compensation through court proceedings are striking: according to OSCE comprehensive monitoring programme data, compensation was awarded in only 19 of nearly 700 war crimes cases examined.⁹²

Key Findings

BiH’s experience is a cautionary example of how a complex state architecture and a lack of political will can block the formation of a unified and effective reparations system. The key lessons for Ukraine are: 1) the application of a unified, timely, and non-discriminatory approach to ensuring the protection of civilians who have suffered as a result of the armed conflict; 2) the importance of timely adoption of legislation — the delay in BiH resulted in some victims dying without ever having received recognition or protection; 3) separate regulation for victims of sexual violence as a systemic crime of conflict — in particular, with regard to granting appropriate status to children born of wartime rape.

B3. Kosovo

The armed conflict in Kosovo⁹³ lasted throughout 1998–1999, although its active phase had begun as early as 1996, when the Kosovo Liberation Army (KLA) carried out armed attacks on Serbian officials and police. Despite the

89 Anadolu Agency. Bosnia’s missing persons institute offers hope, stands as global model. 12 July 2025. URL: <https://www.aa.com.tr/en/europe/bosnia-s-missing-persons-institute-offers-hope-stands-as-global-model/3628724>

90 ICMP. Western Balkans. URL: <https://icmp.int/what-we-do/geographic-programs/western-balkans/>

91 OSCE Mission to Bosnia and Herzegovina et al. Nearly 30 years following the end of the war in BiH, war victims remain neglected. 18 January 2024. URL: <https://bih.osce.org/mission-to-bosnia-and-herzegovina/561697>

92 Ibid.

93 Kosovo declared its independence from Serbia in 2008. In its Advisory Opinion issued on 22 July 2010, the Court concluded that “the declaration of independence of Kosovo adopted on 17 February 2008 does not violate international law” — URL: <https://www.icj-cij.org/case/141>. As of 2026, a number of States have not recognised Kosovo’s independence, including Serbia, Russia, and Ukraine. In 2016, Kosovo concluded a Stabilisation and Association Agreement with the European Union <https://web.archive>.

relatively brief duration of the conflict, it became one of the tragic examples of mass ethnic cleansing, human rights violations (torture, killings, rape, forced displacement) and the commission of other war crimes perpetrated by Serbian and Yugoslav government forces against Kosovo Albanians.

During the conflict in Kosovo, Serbian forces killed more than 10,300 civilians, nearly 8,700 of whom were Albanians.⁹⁴ In the period from 24 March to 12 June 1999 alone, between 850,000 and 900,000 Albanians (approximately 90% of Kosovo's Albanian population) were forcibly displaced from their homes. At the same time, the Kosovo Liberation Army also committed crimes against Serbs, Roma, and other civilians.⁹⁵ At the time the war in Kosovo ended in 1999, between 4,400 and 4,500 persons were considered missing. Today, approximately 1,700 persons have still not been identified or located.⁹⁶

Historical Context

The causes of the Kosovo war of the late 1990s lay in centuries-long Serbian–Albanian interethnic conflict. This conflict intensified particularly during the twentieth century, when Albanians sought autonomy and, later, independence from Serbia, while Serbs, who exercised de jure and de facto authority over the territory within Yugoslavia, resorted to various forms of oppression of the Albanian population.⁹⁷

Following the Second World War, the Albanian population of Kosovo was granted a degree of autonomy. However, in 1989–1990 this autonomy was substantially curtailed, triggering mass protests. Initially, Kosovo's Ibrahim Rugova sought to defend the rights of the Albanian population through peaceful means; however, after peaceful negotiations failed to yield the desired results, the Kosovo Liberation Army (KLA) formed on the territory of Kosovo in the mid-1990s. As noted above, members of this formation carried out armed attacks on Serbian police and Yugoslav authorities. This provoked a harsh response from Serbian and Yugoslav forces, and in 1998 the conflict escalated into open warfare with mass casualties and the expulsion of hundreds of thousands of people.

International negotiations produced no results, and in March 1999 NATO launched Operation Allied Force. Following 77 days of air strikes, Milošević agreed to the Alliance's terms, enabling some refugees and forcibly displaced persons to return home.⁹⁸

Interethnic tensions continue on the territory of Kosovo.

Legislative Framework for the Protection of Civilians

In 2011, Kosovo adopted the Law on the Status and Rights of Martyrs, Invalids, Veterans, and Members of the KLA and Civilian Victims of War and their Families (Law 04/L-054),⁹⁹ which provides for monthly payments, free ac-

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.078.01.0001.01.ENG&toc=OJ:L:2016:078:TOC. Kosovo is not currently a member of the United Nations.

94 Heinrich-Böll-Stiftung. "Go to Clinton!" A Kosovar historian reconstructs the massacres of the Kosovo War. 3 April 2025. URL: <https://www.boell.de/en/2025/04/03/go-clinton-kosovar-historian-reconstructs-massacres-kosovo-war>

95 Human Rights Watch. Under Orders: War Crimes in Kosovo. New York: Human Rights Watch, October 2001. URL: https://www.hrw.org/sites/default/files/report_pdf/kosovo_full_low.pdf.

96 ICMP. Kosovo. URL: <https://icmp.int/the-missing/where-are-the-missing/kosovo/>

97 EBSCO Research Starters. Kosovo Conflict. EBSCO Information Services. URL: <https://www.ebsco.com/research-starters/history/kosovo-conflict>

98 The Borgen Project. What Was the Kosovo Conflict? The Borgen Project. URL: <https://borgenproject.org/what-was-the-kosovo-conflict/>

99 Zakon o statusu i pravima mučenika, invalida, veterana i boraca OVK i civilnih žrtava rata (Law 04/L-054). URL: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2793&lan-gid=2>. The English version of this law, available at the link referenced, is the official version published on the Kosovo government website.

cess to medical care, and educational benefits. In the same year, the Law on Missing Persons (Law 04/L-023, 2011)¹⁰⁰ was enacted, establishing the State’s obligation to maintain a register of missing persons and to conduct exhumations.

A distinctive feature of Law 04/L-054 is that it defines a relatively broad and differentiated range of persons falling within its scope. The primary focus of the law is on martyrs and active members of the Kosovo Liberation Army. With respect to civilians, Article 3 of the Law defines four distinct statuses:

- 1.10. Civilian Victim of War — a person who was killed or wounded by enemy forces in the period from 27 February 1998 to 20 June 1999, as well as persons who suffered as a consequence of the war within three (3) years after the war ended from explosive devices left over from the war;
- 1.12. Civilian Hostage of War — a civilian person who, during the war, was arrested and imprisoned in enemy camps for at least three (3) days, respectively seventy-two (72) hours;
- 1.8. Civilian Invalid of War — a person whose organism has been damaged by at least 40% due to wounds received from weapons, or disease acquired in camps or prisons during the recent war in Kosovo from 27 February 1998 to 20 June 1999, and any other person whose

organism has been damaged by at least 40% as a result of explosive devices left over after the end of the war;

- 1.14. Missing Civilian Person — a person whose whereabouts are unknown to his or her family members and who, based on reliable information, was reported missing during the period from 1 January 1998 to 31 December 2000 as a consequence of the Kosovo war of 1998–1999.¹⁰¹

Thus, a civilian hostage of war — that is, a civilian internee/hostage of war — under Kosovo legislation is any civilian person who was unlawfully deprived of personal liberty by the opposing party for more than 72 hours. This definition does not require any condition relating to the release of such a person.

Protection is also extended to the relatives of direct victims, including the relatives of civilian hostages of war — but not the civilian hostages themselves (at least as this follows from the wording of the law). At the same time, civilian victims themselves may avail themselves of the benefits and guarantees provided under the law only on the condition that they have sustained a disability entailing a loss of working capacity of not less than 40%. This threshold is thus even higher than that applicable in Croatia, where disability for civilians is defined at 20% loss of working capacity.

¹⁰⁰ Zakon o nestalim osobama (Law No. 04/L-023). URL: <https://old.kuvendikosoves.org/common/docs/ligjet/Law%20on%20missing%20persons.pdf>. The English version of this law, available at the link referenced, is the official version published on the Kosovo government website.

¹⁰¹ 1.10. Civilian Victim of War — the person who has died or got wounded, by the enemy forces from period 27.02.1998 up to 20.06.1999, as well as the persons who have suffered as a consequence of the war within three (3) years after the war ended from explosive devices left out from the war;
 1.12. Civilian Hostage of the war — the civilian person, who during the war has been arrested and imprisoned in enemy camps for at least three (3) days respectively seventy two (72) hours;
 1.8. Civilian Invalid of War — the person, whose organism has been damaged at least 40% due to a wounds received from weapons, disease acquired in the camps or prisons during the recent war in Kosovo, since 27.02.1998 till 20.06.1999, and other persons, whose organism has been damaged at least 40% as a result of explosive devices left after the end of war;
 1.14. Missing Civilian Person — a person whose whereabouts is unknown to his or her family members and who based on reliable information was reported missing during the period between 1 January 1998 and 31 December 2000, as a consequence of the war in Kosovo during 1998-1999.

The status of civilian victim of war and civilian invalid of war is granted by municipal administrative bodies. The criteria for granting such status are determined by subordinate legislation. At the same time, the law provides for the establishment of an Office for the Issues of the Categories Emerged from War,¹⁰² which maintains a register of war victims, issues certificates, and provides organisational support to other institutions operating in furtherance of the provisions of this law.

Notably, the law provides for the imposition of fines on institutions and public officials for non-compliance with its requirements (Article 21).

In sum, although Kosovo's legislation provides for certain benefits for civilians who suffered as a result of the war, the reparations system is rather limited and fragmented and does not cover the full range of victims.

Moreover, the government ceased accepting applications from civilian victims or their relatives relatively quickly, and a significant portion of the population – minorities in particular – was entirely unaware of the possibility of applying for benefits.¹⁰³ Access to reparations for the Serbian population that suffered as a result of KLA actions remains a separate and ongoing problem.

Search and Identification of Missing Persons

As already noted, in 2011 Kosovo enacted a specific Law 04/L-023 for the search and identification of missing persons. It applies to persons who were reported missing in the period from 1 January 1998 to 31 December 2000 as a consequence of the Kosovo war of 1998–1999. The law established a special Government Commission on Missing Persons.

Like most countries that have faced mass disappearances of their citizens, Kosovo cooperates with the International Commission on Missing

Persons (ICMP) through its government commission. At the same time, the process remains incomplete. Bodies went unexhumed for extended periods owing to security and political reasons. Many families are unable to obtain confirmation of the fate of their loved ones – and consequently legal recognition of the fact of death or disappearance – which blocks access to compensation and other rights.

Specific International Justice Mechanisms

In view of the complexity of the interethnic conflict in the Balkans and in Kosovo in particular, several international mechanisms are operative with respect to Kosovo, designed to ensure that a broader range of victims of war crimes have access to protection of their rights and to the restoration of justice through judicial proceedings.

Two such parallel mechanisms are described below:

1. EULEX – the EU Rule of Law Mission (2008 – present), which supports the work of courts and prosecutorial offices, including in war crimes cases. Following Kosovo's declaration of independence in 2008, the EU launched the EULEX mission, which assumed a number of functions from the UN Interim Administration Mission. Its mandate was to strengthen the police, prosecution, and courts, ensuring their effectiveness, multinational composition, and independence from political influence. Until 2018, international judges and prosecutors directly handled cases, including war crimes and corruption, after which these functions were transferred to Kosovo's own bodies. Today, EULEX monitors court proceedings, supports the penitentiary system, coordinates efforts to locate missing persons, and cooperates with local law enforcement and international structures such as

¹⁰² Office for the Issues of the Categories Emerged from War, Article 17 of Law 04/L-054.

¹⁰³ Humanitarian Law Center Kosovo. War reparations for civilian victims: What access for communities? Pristina: HLC Kosovo, 2016. URL: https://www.hlc-kosovo.org/storage/app/media/Animacionet/HLC_Report_final%20REPARACIJE%20eng.pdf

Interpol and Europol. In addition, the mission remains the second tier of security after the Kosovo Police, with NATO’s KFOR forces constituting the third tier. EULEX thus plays a key role in ensuring the rule of law and stability in the region.¹⁰⁴

2. The Kosovo Specialist Chambers (The Hague, 2015 – present) – a tribunal specifically established to prosecute crimes committed by the KLA against Serbian, Roma, and other civilians throughout 1998–2000.¹⁰⁵ Among those charged are former President of Kosovo and political commander of the KLA Hashim Thaçi, as well as other commanders Kadri Veseli, Jakup Krasniqi, and Rexhep Selimi.¹⁰⁶ This constitutes a unique example in international practice of a mechanism directed against the “victorious” side – that is, against Kosovo’s democratic forces. Through the mechanism of this specialist tribunal, victims of war crimes, including victims of arbitrary detention and other unlawful deprivation of liberty, torture, and similar acts, may obtain reparations.¹⁰⁷

Key Conclusions

Kosovo demonstrates that the existence of legislation alone does not guarantee effective protection: resources, institutional capacity, and political will are also necessary. For Ukraine, Kosovo’s experience may be instructive

in three respects: (1) the relatively precise legislative definition of terminology relating to civilian victims – in particular, the introduction of the concept of “civilian hostage (internee) of war”; (2) the system of fines imposed on institutions and public officials for non-compliance with the requirements of the reparations law; and (3) the formation of alternative mechanisms for providing reparations to civilian victims.

Memorialisation in the Balkans – Specific Conclusions

During the 2000s and 2010s, civil society across the region promoted the RECOM initiative – the establishment of a regional fact-finding commission on war crimes within the territory of the former Yugoslavia. Despite support from NGOs and victims, no state in the region formally acceded to this mechanism. The initiative nonetheless laid important groundwork for public dialogue and documentation.¹⁰⁸

Although the states that emerged from the dissolution of Yugoslavia have introduced various domestic memorialisation practices, given the practical incompleteness of interethnic and political conflicts, these practices are often superficial or even counterproductive.

The Humanitarian Law Center Kosovo, in its study “Decade of Remembrance” (2024), analysed memorial practices and memory politics in six post-Yugoslav countries – Serbia, Croatia, Bosnia and Herzegovina, Kosovo,

104 EULEX Kosovo: European Union Rule of Law Mission in Kosovo – Civilian Mission, 2020. URL: https://www.eeas.europa.eu/eulex-kosovo/eulex-kosovo-europe-an-union-rule-law-mission-kosovo-civilian-mission_und_en?s=333

105 Kosovo Specialist Chambers & Specialist Prosecutor’s Office. URL: <https://www.scp-ks.org/en/cases>

106 Deutsche Welle (DW). War crimes in Kosovo: 45 years of imprisonment sought for former President Thaçi. Oleksandra Khudiakova, 2026. URL: <https://www.dw.com/uk/voenni-zlocini-u-kosovo-dla-eksprezidenta-taci-vimagaut-45-rokiv-uvaznenna/a-75876318>

107 American Society of International Law (ASIL). Reparation for Victims of International Crimes at the Kosovo Specialist Chambers. ASIL Insights, Volume 29, Issue 10, 2025. URL: <https://asil.org/insights/volume-29-issue-10/>

108 Coalition for RECOM Takes Charge of Creating List of War Victims on the Territory of the Former Yugoslavia. 29 May 2020. URL: <https://www.recom.link/en/coalition-for-recom-takes-charge-of-creating-list-of-war-victims-on-the-territory-of-the-former-yugoslavia/>

Montenegro, and North Macedonia — for the period from 2012 to 2023. A brief analysis of the key findings of the report is presented below.¹⁰⁹

In the view of the researchers, commemorative practices in the region are characterised by systemic one-sidedness. The authors identify four common features: denialism (denial of crimes committed by one's own side), whataboutism (justification of one's own forces' actions by pointing to the crimes of the other side), valorisation (glorification of violence committed by one's own group), and excessive victimhood (exaggeration of the in-group's suffering while disregarding victims from the out-group). These narratives effectively reproduce the propaganda of the 1990s and impede reconciliation.

The study shows that the same events are commemorated in diametrically opposed ways in different countries. For example, Operation Storm of 1995 is observed in Croatia as Victory Day, while in Serbia it is regarded as the greatest tragedy and ethnic cleansing of the Serbian people. Srebrenica is officially commemorated in Bosnia, but in Serbia no official State commemoration is held and most politicians refuse to acknowledge the genocide. In Kosovo, commemorations focus exclusively on crimes against Kosovo Albanians without any mention of Serbian victims. Montenegro and North Macedonia exhibit “selective amnesia” — commemorations are held rarely, and State officials deny or ignore any involvement of their countries in the conflicts.

The report separately examines in detail specific cases, including the struggle to erect a monument to 102 children killed in Prijedor (Bosnia), where the local Serbian authorities blocked this initiative for a decade. It also examines the glorification of convicted war criminal Dario Kordić by

the Croatian Democratic Union of Bosnia and Herzegovina following his release in 2014, as well as the protracted process of erecting a monument to those killed at Kazani in Sarajevo — a crime committed by units of the Army of Bosnia and Herzegovina primarily against Serbian civilians.

The only positive exception identified in the report are non-governmental organisations, which in all countries of the region remain the principal force advocating for inclusive commemoration of all victims regardless of ethnic origin. NGOs are often the sole organisers of commemorations, as in the case of commemorating the victims of Srebrenica in Serbia. However, as the report notes, the NGO sector has not yet attained a level of influence sufficient to change commemorative policy at the State level.

C) Syria

During the rule of the Assad family [1971–2024], Syrians suffered numerous violations of human rights and international humanitarian law (IHL). The Syrian Network for Human Rights documented the killing of 202,021 civilians, including 23,138 children and 12,036 women, as well as the killing of 662 medical personnel and 559 media workers. According to the organisation, 160,123 persons remain missing, including 3,736 children and 8,014 women. A total of 45,032 persons died under torture, including 216 children and 95 women.¹¹⁰

Given that barely more than one year has elapsed since the collapse of the Assad regime, the country has not yet developed and implemented comprehensive domestic mechanisms for the legal and social protection of civilians who suffered, in particular, from crimes of abduction, enforced disappearances, and ill-treatment.

¹⁰⁹Humanitarian Law Center Kosovo. Decade of Remembrance: Memory Politics and Commemorative Practices in Post-Yugoslav Countries. Pristina: HLC Kosovo, 2024. URL: <https://www.hlc-kosovo.org/storage/app/media/Decade-of-Remembrance.pdf>. Pp. 5–6.

¹¹⁰Syrian Network for Human Rights (SNHR). On the first anniversary of the fall of the Assad regime: update on violations and renewed call for accountability, 8 December 2025. URL: <https://snhr.org/blog/2025/12/08/on-the-first-anniversary-of-the-fall-of-the-assad-regime-update-on-the-assad-regimes-violations-and-a-renewed-call-for-accountability-through-a-comprehensive-transitional-justice-process/>

Transitional Justice Mechanisms

In May 2025, two separate commissions were established in the country – the Commission for Transitional Justice and the Commission for Missing Persons.¹¹¹ At present there is no exhaustive information available on the activities of these commissions, making it difficult to describe precisely how they function, what their mandates are, and so forth. From the Facebook page of the Commission for Transitional Justice¹¹² one can learn that the Commission holds dialogue meetings in different parts of the country. Among the objectives of such meetings is to find and develop a shared vision for building transitional justice mechanisms.

For its part, the Commission for Missing Persons, which cooperates with the UN Commission of the same name, holds meetings with victims and their relatives, collects and documents testimonies, establishes practices for the collection and submission of evidence in support of facts relating to persons’ disappearances, responds to applications from relatives, and, in cooperation with the Civil Defence authorities and the Ministry of Interior and Justice, participates in the processes of exhuming buried remains and conducting body identification procedures, inter alia.¹¹³

At the same time, the authorities that came to power after the fall of Assad are employing a number of extralegal methods to pursue and punish supporters and perpetrators of the former regime.¹¹⁴ This is giving rise to

new waves of social instability and, it may be assumed, is slowing the processes of establishing sustainable reparations procedures for victims.

Reparations Procedures and Victim Participation

Notwithstanding this, research¹¹⁵ and current nascent practices in building transitional justice in Syria demonstrate important aspects that are also relevant to Ukraine.

First, this concerns the participation of victims themselves in all stages of transitional justice – from truth-seeking, accountability, and the formation of a memorialisation concept, to the consolidation of the principle of non-recurrence, and including reparations procedures and compensation.

Second, this concerns the comprehensiveness and adequacy of reparations procedures and compensation, combined with an individualised approach. This is connected to the fact that enforced disappearances (and, more broadly, the unlawful deprivation of civilians of their personal liberty) often encompass multiple crimes and human rights violations: violations of the right to personal integrity and freedom of movement, the right to family and private life, various forms and types of torture, sexual violence, and more. In addition, such forms of treatment often vary in their intensity and consequences for individuals depending on aspects of their identity, for ex-

111 Reuters. Syria forms transitional justice and missing persons commissions, 18 May 2025. URL: <https://www.reuters.com/world/middle-east/syria-forms-transitional-justice-missing-persons-commissions-2025-05-18>

112 Syrian Transitional Justice (Facebook page), n.d. URL: <https://www.facebook.com/SyTransitionalJustice>

113 Syrian Missing Persons (Facebook page), n.d. URL: <https://www.facebook.com/SyrMissing>

114 Reuters. Syrians emptied Assad’s prisons – they’re filling up again, abuse is rife, 22 December 2025. URL: <https://www.reuters.com/investigations/syrians-emptied-assads-prisons-theyre-filling-up-again-abuse-is-rife-2025-12-22>

115 Syrians for Truth and Justice / SCM. The victims’ perspective on reparation for enforced disappearance: Syria as a case study, December 2024, p. 11. URL: <https://scm.bz/wp-content/uploads/2024/12/The-perception-of-Syrians-on-reparation-for-enforced-disappearance-and-its-mechanisms-EN-1.pdf>; also: Global Survivors Fund; Association of Detainees and the Missing in Sednaya Prison; Women Now for Development. The perception of Syrians on reparation for enforced disappearance and its mechanisms, August 2023. URL: https://www.globalsurvivorsfund.org/wp-content/uploads/2025/09/GSF_Report_SYRIA_EN_Sept2023_WEB.pdf

ample: gender and sex, age, religious belief, personal convictions, affiliation with or support for a particular political force, nationality, and so on.

Thus, “...reparations must be adequate, prompt, and proportional, and the specified measures should be aimed at fully addressing the material, physical, and moral damage proportionally to the gravity suffered by all parties involved (the disappeared, the killed, their loved ones, and communities).”¹¹⁶

It is also necessary to take into account that different people generally experience different treatment, different durations of captivity, and so on, but even in similar situations they process those experiences differently. Ultimately, both the victims themselves and their relatives have different needs and priorities, which they regard as means of redress and compensation. “While all participants addressed the moral, legal, and monetary dimensions of reparation in one way or another, they expressed these dimensions in different priorities.”¹¹⁷

Therefore, following the provision of initial basic needs that may be common to the majority of victims (for example, clothing, food, hygiene supplies, means of communication, urgent medical and psychological assistance, housing, and funds to enable the person to feel at least some degree of independence and economic self-sufficiency), it is important to assess

individual needs and requests and, where possible, to address them: “[Reparation] should be subject to the evaluation of each [missing] person individually, and based on an assessment of the violations and the harm they experienced. Therefore, some may need financial compensation and others may require a job opportunity, housing, or something else they determine.”¹¹⁸

At times, a request may be particular when considered from the standpoint of the standard range of guarantees that States typically offer: “While all participants highlighted the significance of psychological and emotional support, one participant highlighted her wish to travel somewhere far away so she may forget what she experienced during her brother’s disappearance.”¹¹⁹

Third, this concerns timeliness. It is self-evident that persons returning from captivity require immediate priority support and assistance.¹²⁰

Key Conclusions

The Syrian experience demonstrates that even in the early stages of post-conflict transition, the formation of transitional justice and reparations mechanisms requires not only institutional arrangements but also an orientation towards the needs of victims, timeliness of response, and trust

116 “For instance, the Velásquez Rodríguez Case ruled that enforced disappearances violate multiple rights and necessitate reparations. These reparations must be adequate, prompt, and proportional reparation, and the specified measures should attempt to fully address the material, physical, and moral damages proportionally to the gravities suffered by all parties involved (the disappeared, the killed, their loved ones, and communities)”. Syrians for Truth and Justice / SCM. The victims’ perspective on reparation for enforced disappearance: Syria as a case study, December 2024, p. 11. URL: <https://scm.bz/wp-content/uploads/2024/12/The-perception-of-Syrians-on-reparation-for-enforced-disappearance-and-its-mechanisms-EN-1.pdf>

117 “While all participants addressed the moral, legal, and monetary dimensions of reparation in one way or another, they expressed these dimensions in different priorities.” Ibid., p. 14.

118 “[Reparation] should be subject to the evaluation of each [missing] person individually, and based on an assessment of the violations and the harm they experienced. Therefore, some may need financial compensation and others may require a job opportunity, housing, or something else they determine.” Ibid., p. 15

119 “While all participants highlighted the significance of psychological and emotional support, one participant highlighted her wish to travel somewhere far away so she may forget what she experienced during her brother’s disappearance.” Ibid.

120 In the study cited, a victim of enforced disappearances notes the necessity of timely and prompt reparations, since their provision in the long term may be “delayed and... inadequate.” Ibid., p. 13; also: “These programs should be customized to each person’s specific needs and risks.” Ibid., p. 14.

in legal procedures. For Ukraine, this experience may be instructive in at least three respects: (1) ensuring the participation of victims in the development of truth-seeking policies, reparations, memorialisation, and guarantees of non-recurrence; (2) building a comprehensive and individualised reparations system that combines immediate support, long-term rehabilitation, and various forms of redress depending on the nature of the harm suffered; and (3) integrating the principle of timeliness into support mechanisms for civilians, in particular persons returning from captivity, treating early assistance as a component of the reparations process rather than merely a humanitarian response.

