

Reparation Before Rhetoric: A Victim Registry, Claims Windows and Payment Rules

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Series: Transitional Justice, Economic & Social Transition — research papers accompanying [the Transitional Justice, Economic & Social Transition working blueprint](#). **Paper T1.**

Transitional Justice series, paper T1 — policy companion to the Third Republic transitional-justice model laws. Draft for review.

1. The question

After a democratic transition on the mainland, how should the new state turn its acknowledgment of victims into money, records and services that actually reach people — in an order that is fair, within a budget that is honest, and on a timetable that the oldest victims can survive?

Apologies, memorials and truth reports matter, but they are cheap to announce and easy to leave unfinished. This paper argues that a reparation program should be judged by three operational instruments: who is on the register, how long the claims window stays open, and what rules govern payment. It does not redraft the model legislation; it proposes how that legislation should be implemented.

2. The hub position

The Transitional Justice, Economic & Social Transition hub (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/transitional-justice-economic-social-transition/>) treats truth-finding, individual responsibility and institutional reform as separate tracks, rejects both collective guilt and blanket impunity, and asks that verified wrongs be linked through a chain from finding to correction to remedy. It requires remedies to carry "trackable implementation status" and says priority criteria for scarce resources must be public and reviewable. The hub also states that the final legal bases for remedies and compensation are still under research — the gap this paper addresses.

The legislation itself is the Model Transitional Justice and Victim Reparation Act v1.2 (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-transitional-justice-victim-reparation-act-draft/>). It already provides for applications by victims and relatives (Art. 7), a duty on the authority to retrieve state records itself (Art. 8), an explicitly stated administrative standard of proof (Art. 9), restitution first, then compensation, rehabilitation, satisfaction and non-recurrence (Arts. 12–17), interim relief for the elderly, seriously ill and impoverished (Art. 18), priority by urgency rather than influence (Art. 19), instalments, audits and a bar on unenforceable unlimited commitments (Art. 22), and review in court (Art. 23). It deliberately leaves deadlines, amounts, and payment mechanics to a future legislature (Art. 28). The Seven-Law package's L03 model act (Chinese edition, <https://freechina.live/zh-governance-public-policy/third-republic-governance-blueprints/seven-law-transition-package/l03-transitional-justice-accountability-reparations/>) adds that the Truth Commission keeps one national victims registry with evidence grades and a correction procedure, shared with the reparations body so that no conflicting parallel lists exist (Art. 21); that recovered illicit proceeds are the first source of the reparations fund (Art. 39-9; Arts. 52–53); and that it, too, sets no general claims deadline.

3. Evidence and comparative options

The international baseline. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, adopted as General Assembly resolution 60/147 on 16 December 2005, define victims to include immediate family and dependants, call for reparation that is "proportional to the gravity of the violations and the harm suffered," list five forms of reparation, ask states to consider national programs where liable parties cannot pay, and warn that domestic time limits should not be unduly restrictive (<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>).

ROC (Taiwan): sequential statutes, unit-based schedules. The 228 Memorial Foundation, created in October 1995 after the compensation statute was promulgated that April (<https://228.org.tw/introduction>), approved 2,264 cases between 1995 and 2006 and paid about NT\$7.2 billion to 9,420 victims and relatives, with a stated maximum of NT\$6 million (<https://www.228.org.tw/en/operation>). A second statute in 1998 created a foundation for those wrongly tried for sedition and espionage under martial law; it operated for 15 years, closed in March 2014 and transferred 10,067 case dossiers to what became the National Human Rights Museum (https://www.moc.gov.tw/en/information_196_94263.html). The 2022 rights-restoration statute (<https://www.president.gov.tw/File/Doc/293a8346-728e-41e1-ad62-ca0a238d0d45>) sets a six-year application window extendable twice by two years, fixes NT\$12 million for death by execution or disappearance, prices detention through base units on a duration schedule, pays property loss on a declining-percentage scale, deducts earlier payments for the same cause, and requires personal-injury awards to be paid within one year and property compensation within three, possibly in instalments. By end-2025 its foundation had accepted 3,133 life-and-liberty claims and paid 2,710, accepted 351 property claims and approved only 36, and approved 4,470 of 4,971 reputation-restoration certificates (<https://newtalk.tw/news/view/2026-02-02/1018115>). Official reporting separates annulment, record-clearing, compensation decisions and actual receipt as distinct stages (<https://freechina.live/third-republic/primary-evidence-historical-research-foundation/research-updates-version-history/>). The lesson: decisions are not delivery, and property claims are slow and contentious.

Chile: commission list as gateway, pension as backbone. Law 19.123 (1992) created a reparation corporation and a reparation pension for relatives of people executed or disappeared, with eligibility anchored to the Rettig and later Valech commission findings and administered by the national social-security institute (<https://www.chileatiende.gob.cl/fichas/136808/1/pdf>). A pension uses existing payment infrastructure but ties the state to decades of liabilities.

Argentina: lump sums, then no deadline. Law 24.411 (1994) grants heirs of the disappeared and killed a benefit benchmarked to a public-service salary grade; its application deadline was repealed, and a 2015 law provides that such requests do not expire (<https://www.argentina.gob.ar/normativa/nacional/norma-793/actualizacion>).

South Africa: a closed list and a cut-down promise. In April 2003 the government announced a once-off R30,000 payment to victims designated by the Truth and Reconciliation Commission (<https://www.thenewhumanitarian.org/news/2003/04/15/apartheid-victims-receive-reparations-govt>), well below the commission's recommendation of annual grants over six years (<https://www.dailymaverick.co.za/article/2013-11-06-over-r1-billion-in-fund-yet-apartheid-victims-still-await-compensation.md>). A decade later the reparations fund held over R1 billion while eligible victims waited, and victims' advocates estimated tens of thousands were excluded because statement-taking had closed after two years (<https://www.dailymaverick.co.za/article/2013-11-06-over-r1-billion-in-fund-yet-apartheid-victims-still-await-compensation.md>).

Germany: court rehabilitation, periodic payments, open windows. Victims of East German political prosecution obtain judicial rehabilitation, then capital compensation per month of detention and a monthly payment for detention of at least 90 days (<https://www.berlin.de/lageso/versorgung/soziales-entschaedigungsrecht/opfer-von-sed-unrecht/>). In October 2019 the Bundestag removed application deadlines from the rehabilitation laws (<https://www.bundestag.de/dokumente/textarchiv/2019/kw43-de-opfer-ddr-662502>); from July 2025 the monthly payment rose to €400, lost its hardship test and became

indexed to pensions (<https://www.bundestag.de/parlament/sed-opferbeauftragte/informationsuebersicht-zu-den-gesetzesanderungen-1042460>).

Comparative options. The cases cluster around three choices. *Registry*: a commission-closed list (South Africa, Chile's gateway) versus a standing administrative register open to new evidence (ROC (Taiwan) foundations, Germany). *Window*: fixed and short, fixed with extensions, or no deadline (Argentina since 2015, Germany since 2019). *Payment*: one lump sum, unit-based schedules with ceilings, or periodic pensions. Closed lists and short windows have repeatedly excluded the people with the least access to information; open-ended pensions without ceilings create fiscal exposure that model Art. 22 expressly forbids.

4. Recommended design

1. **One registry, two functions.** The national victims registry kept under L03 Art. 21 is the only list; the Compensation Commission (Reparation Act Art. 20) records each award decision against the same registry entry, with the factual basis, standard of proof and evidence grade (Arts. 9, 11). Public naming and entry on the commemorative roll remain consent-based (Art. 25).
2. **Evidence comes to the applicant.** Truth Commission findings create a rebuttable presumption of eligibility; the Compensation Commission must request state files under the Archives Openness Act before any refusal for lack of documents (Arts. 8, 10).
3. **Rolling windows with a guaranteed floor.** Claims open in waves by violation category, each open at least ten years, with no window closing before 24 months after the relevant archives are declassified. Death and disappearance claims carry no deadline.
4. **Fast track first.** Applicants over 75, terminally ill or in documented poverty receive a fixed interim payment within 90 days of a complete application, credited against the final award (Arts. 18–19).
5. **Published unit schedules.** Compensation is set by statute-published base units for death, disappearance, detention by duration, torture, forced labour and lost education or employment, adjusted by severity bands, never by individual negotiation (Art. 13). Property loss follows a separate declining-percentage scale, with restitution in kind first (Art. 12).
6. **Payment rules.** Personal-harm awards are paid within 12 months of a final decision; property compensation may be paid in instalments over at most five years. Instalment schedules are fixed at award, indexed to inflation, and inheritable.
7. **One harm, one payment.** Prior awards for the same harm are deducted, but no applicant is required to repay earlier relief as a condition of rehabilitation of name.
8. **Stage-by-stage public reporting.** Quarterly statistics report separately: applications accepted, decisions, refusals, withdrawals, awards issued and funds actually received.
9. **Ceilings and reserves.** Recovered illicit proceeds are booked to the fund first (L03 Art. 39-9; Arts. 52–53); each budget year then sets an appropriation ceiling and a reserve; where claims exceed it, payment order follows Provision 4 and then application date, never political prominence.
10. **Appeal without cost.** Free legal aid for administrative review, with court review of final decisions (Art. 23).

5. Open questions and risks

- **Scale.** Mainland caseloads are unknown but likely to dwarf every comparator; ROC (Taiwan) and foreign figures above are comparative evidence only. Unit values must be set against a fiscal model (see T4).
- **Famine and policy-disaster harm.** Model Art. 6 lists the 1958–1961 famine; whether mass-harm categories receive individual awards or collective measures is undecided.
- **Proof standard.** Too strict excludes victims whose records were destroyed; too loose invites fraud. The draft standard needs testing on sample files.
- **Lump sum or pension.** Pensions protect the elderly but bind future budgets; lump sums are final but may be spent quickly.

- **Interaction with restitution and lustration.** Property claims (T2) and perpetrator liability (T3) will compete for the same administrative and fiscal capacity.
- **Data security.** A national register of victims is itself sensitive and must be protected against misuse.

6. Cross-links

- Hub: Transitional Justice, Economic & Social Transition — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/transitional-justice-economic-social-transition/>
- October 1 policy proposal — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-october-1-national-day-of-suffering-and-freedom-policy-proposal/>
- Transitional Justice Legal Package v1.2 — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-third-republic-transitional-justice-legal-package/>
- Truth Commission Act — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-truth-commission-act-draft/>
- Archives Openness Act — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-archives-openness-act-draft/>
- Victim Reparation Act — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-transitional-justice-victim-reparation-act-draft/>
- October 1 Memorial Day Act — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-october-1-memorial-day-act-draft/>
- Seven-Law L03, Transitional Justice, Accountability, Personnel Vetting and Victim Reparations Act (Chinese) — <https://freechina.live/zh-governance-public-policy/third-republic-governance-blueprints/seven-law-transition-package/l03-transitional-justice-accountability-reparations/>
- Legislative Notes and Implementation Roadmap — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/en-transitional-justice-legislative-notes-roadmap-v1-1/>
- ROC (Taiwan) comparative practice — <https://freechina.live/third-republic/primary-evidence-historical-research-foundation/transitional-justice-victim-remedies-political-archives/>
- Sibling papers: T2 Property Restitution and Its Limits; T3 Lustration, Amnesty and Truth: Drawing Lines That Courts Can Defend; T4 Paying for Transition (forthcoming).

In this series: [Property Restitution and Its Limits](#) · [Lustration, Amnesty and Truth](#) · [Paying for Transition](#).

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