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Decision concerning instalment twenty-three (A) of “E4” claims taken by the Governing Council
of the United Nations Compensation Commission at its 129th meeting, on 26 June 2003

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure (the “Rules”), the report and recommendations made by the panel of Commissioners concerning instalment twenty-three (A) of “E4” claims, submitted pursuant to Governing Council decision 123 (S/A.C.26/Dec.123 (2001)) concerning the treatment of stand alone claims filed by individuals seeking compensation for direct losses sustained by 111 Kuwaiti companies,¹

Recalling that, pursuant to paragraph 1 (b) of decision 123, stand alone claims for which the individual claimant has been found by the category “D” panels of Commissioners to have authority to file a claim on behalf of the company in respect of losses sustained by Kuwaiti companies are to be identified and processed in category “E4” as Kuwaiti corporate claims,

Recalling also that, pursuant to decision 123, the “E4A” panel of Commissioners reviewed in this report claims submitted in category “C” and “D” by non-Kuwaiti individuals, in relation to losses sustained by a Kuwaiti corporate entity where the Kuwaiti company has not filed a claim in category “E” for such losses,

¹ The text of the report appears in document S/AC.26/2003/14.

Noting that, where more than one category “C” or category “D” claim was submitted for the losses of the same Kuwaiti company, the “E4A” panel of Commissioners has considered the claims together in order to review the consolidated losses of the company,

Noting also that the category “D” panels of Commissioners found that all of the individual claimants who have filed category “C” or “D” claims included in this instalment have shown authority to file the claim on behalf of the Kuwaiti company,

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to decision 123 and article 40 of the Rules, to approve the amounts of the recommended awards concerning the Kuwaiti corporate claims covered in the report. The aggregate amount awarded, based on the recommendations contained in annex I of the report, is as follows:

Table.1 Recommended awards for stand alone claims

<u>Number of Kuwaiti corporate claims recommended for payment</u>	<u>Number of Kuwaiti corporate claims not recommended for payment</u>	<u>Amount of compensation claimed (USD)</u>	<u>Amount of compensation recommended (USD)</u>
105	5	148,172,826	38,891,974

3. Notes that, as referred to in paragraph 16 of the report, one Kuwaiti corporate claim was withdrawn by the claimant in the course of the Panel’s review of this instalment,

4. Recalls that, in addition to implementing the awards set out in paragraph 2 above, pursuant to paragraph 1 (e) of decision 123, the Executive Secretary will, within the limits of duly registered claims, carry into effect the decisions of the bilateral committees constituted pursuant to the guidelines annexed to decision 123 when payment is made,

5. Recalls also that paragraph 1 (g) of decision 123 directs the Executive Secretary to make payments on behalf of the Government of the State of Kuwait, pursuant to the irrevocable delegation of authority annexed to decision 123, to the Governments and other submitting entities of the portions of awards of compensation to which category “C” and/or “D” claimants are entitled, as determined by the bilateral committees under the guidelines, as follows:²

² In conformity with the provisions on confidentiality in the Rules (article 30, paragraph 1, and article 40, paragraph 5), information concerning the amount to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

Table 2. Distribution of awards to individual claimants applying bilateral committee determinations made pursuant to article 2 of the guidelines annexed to decision 123 to recommended awards in the report

<u>Country or international organization</u>	<u>Number of individual claims</u>	<u>Amount claimed for corporate losses in individual claims (USD)</u>	<u>Amount of compensation (USD)</u>
Austria	2	319,870	nil
Canada	3	1,067,509	557,629
Egypt	2	200,692	61,779
India	3	8,021,540	1,335,198
Jordan	109	128,280,137	30,534,516
Lebanon	1	67,266	26,907
Netherlands	1	542,837	196,793
Spain	1	204,250	33,965
Syrian Arab Republic	9	5,662,863	2,540,779
United Kingdom	1	595,156	120,411
Yemen	1	1,604,287	697,733
UNRWA Gaza	2	1,606,419	246,420
<u>Total</u>	135	148,172,826	36,352,130

6. Notes that, pursuant to the determinations of the bilateral committees as to the entitlement of individual claimants to the losses of Kuwaiti companies, the amounts of compensation recommended by the Panel to be paid to nine claimants have been reduced by a total amount of USD 1,718,125,

7. Notes also that the amounts of compensation to be paid to 18 individual claimants, for the losses reviewed by the “E4A” panel of Commissioners in the report, have been reduced by a total amount of USD 821,719 to take into account compensation that the individual claimants have already received in category “C” and in one case, for compensation that the individual claimant had received from his Kuwaiti partner,

8. Reaffirms that when funds become available payments shall be made in accordance with decision 197 (S/AC.26/Dec.197 (2003)),

9. Notes that the amount of compensation to be paid to one claimant (claim number JO 3004552) will be reduced by the amount of 61,986.08, leaving an amount of compensation to be paid of USD 45,567.92, to take into account an overpayment previously received by the claimant in relation to a category “C” claim,

10. Recalls that when payments are made in accordance with decision 197, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), Governments and international organizations shall distribute amounts received to the designated individual claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

11. Recalls also that the submitting Governments and international organizations have accepted the responsibility for fulfilling the payment and reporting requirements set out in decisions 18 and 48 (S/AC.26/Dec.48 (1998)) further to article 18 of the guidelines annexed to decision 123,

12. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to each respective Government and international organization.
