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UNITED NATIONS  
COMPENSATION COMMISSION  
GOVERNING COUNCIL

Decision concerning the thirtieth instalment of “E4” claims taken by the Governing Council of the United Nations Compensation Commission at its 144th meeting, on 10 March 2005

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 merged “E4” panel of Commissioners concerning the thirtieth instalment “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 19 Kuwaiti companies,<sup>1</sup>

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 merged “E4” 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,

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<sup>1</sup> The text of the report appears in document S/AC.26/2005/4.

Noting that, where more than one category “C” or category “D” claim was submitted for the losses of the same Kuwaiti company, the merged “E4” 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 stand alone 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>
10	9	24,278,539	3,688,055

3. 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,

4. 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 <sup>2</sup>:

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<sup>2</sup> In conformity with the provisions of article 40, paragraph 5 of the Rules, information concerning the identities of individual claimants and the amount to be paid to each individual claimant will not be made public, but will be provided to the Palestinian Authority 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 thirtieth instalment report

<u>Submitting entity</u>	<u>Number of individual claims</u>	<u>Amount claimed for corporate losses in individual claims (USD)</u>	<u>Amount of compensation (USD)</u>
Palestine	20	24,278,539	3,500,210

5. 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 two individual claimants (claim numbers: 1854452 and 3013963) have been reduced by a total amount of USD 121,271,

6. Notes also that the amounts of compensation to be paid to one individual claimant (claim number: 3013917), for the losses reviewed by the panel of Commissioners in the report, has been reduced by a total amount of USD 66,574 to take into account compensation that the individual claimant has already received in category "C",

7. Approves also the recommendations by the panel of Commissioners, with respect to two stand alone claims for losses sustained by Kuwaiti companies for which compensation was recommended in the report and recommendations concerning the twenty-ninth instalment of "E4" claims (S/AC.26/2003/14) and approved in decision 193 (S/AC.26/Dec.193 (2003)), which were re-examined by the panel of Commissioners in order to take into account related claims filed by individuals asserting losses in respect of the same Kuwaiti companies, as referred to in paragraph 43 of the report and recommendations, and accordingly,

8. Decides, pursuant to decision 123, to approve the revised recommended awards concerning the two claims included in the report. The aggregate revised amounts awarded, based on the recommendations contained in annexes IV and V to the report, are as follows:

Table 3. Twenty-ninth instalment "E4" claims revisions

<u>Country</u>	<u>Number of claims with revised awards</u>	<u>Previous total award (USD)</u>	<u>Revised total award (USD)</u>
Kuwait	2	5,945	30,903

9. Decides further that the revised total awards per instalment, based on the recommendations contained in annexes IV and V of the report and recommendations, are as follows:

Table 4. Revised awards for category “E4” claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Revised total award (USD)</u>	<u>Amount of net effect (USD)</u>
Twenty-nine	58,703,291	58,728,249	24,958

10. Recalls that, in addition to implementing the revised awards set out in paragraph 7 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,

11. 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<sup>3</sup>:

Table 5. Distribution of awards to individual claimants applying bilateral committee determinations made pursuant to article 2 of the guidelines annexed to decision 123 to recommended revisions to awards

<u>Country or other submitting entity</u>	<u>Number of individual claims</u>	<u>Amount claimed for corporate losses in individual claims (USD)</u>	<u>Previous total award (USD)</u>	<u>Revised total of amount of compensation (USD)</u>	<u>Amount of additional compensation/ amount of overpayment (USD)</u>
Jordan	2	145,993	5,945	15,452	9,507
Palestine	2	608,726	-	15,452	15,452

12. Notes that the panel of Commissioners made no recommendations with respect to four “E4” claims, as discussed in paragraphs 32 to 34 of the report,

13. Approves also the recommendations made by the panel of Commissioners, with respect to one non-Kuwaiti “E2” corporate claim covered by the report and, accordingly,

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<sup>3</sup> In conformity with the provisions of article 40, paragraph 5 of the Rules, information concerning the identities of individual claimants and the amount to be paid to each individual claimant will not be made public, but will be provided to each submitting entity separately.

14. Decides, pursuant to article 40 of the Rules, to approve the amount of the recommended awards concerning this claim. The aggregate amount awarded, based on the recommendations contained in annex III to the report, is as follows:

Table 6. Recommended awards for “E2” corporate claims

<u>Country</u>	<u>Number of claims recommended for payment</u>	<u>Number of claims not recommended for payment</u>	<u>Amount of compensation claimed (USD)</u>	<u>Amount of compensation recommended (USD)</u>
United Kingdom	-	1	629,149	nil

15. Reaffirms that when funds become available payments shall be made in accordance with decision 227 (S/AC.26/Dec.227 (2004)),

16. Recalls that when payments are made in accordance with decision 227, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), Governments and other submitting entities 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,

17. Recalls also that, with respect to the stand alone claims, the submitting entities 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,

18. 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 other submitting entity.

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