

**UNITED  
NATIONS**

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**Security Council**

Distr.  
GENERAL

S/AC.26/2004/18  
9 December 2004

Original: ENGLISH

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UNITED NATIONS  
COMPENSATION COMMISSION  
GOVERNING COUNCIL

TWENTY-EIGHTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO  
ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

### Introduction

1. The present report identifies, pursuant to article 41 of the United Nations Compensation Commission's (the "Commission") Provisional Rules for Claims Procedure (S/AC.26/1992/INF.1) (the "Rules"), recommended corrections in the various claims categories since the "Twenty-seventh report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure" (S/AC.26/2004/9) (the "twenty-seventh article 41 report"). Chapter I of this report contains recommended corrections concerning claims in category "A", where the panel of Commissioners has concluded its work. Chapters II and III contain recommended corrections concerning claims in category "D" and category "C" Palestinian "late claims", respectively, where the panels of Commissioners continue their work. Chapter IV provides information concerning requests by claimants for corrections to approved awards under article 41 of the Rules, including a report of the secretariat's review to determine whether or not these requests warrant action under article 41. Annexes I to III to this report contain tables showing the aggregate corrected awards, by country and by instalment, based on the recommendations contained herein. Annex IV contains tables showing the secretariat's review of requests for corrections to claims in categories "D", "E" and "F" undertaken since the twenty-seventh article 41 report and annex V contains a cumulative table of article 41 corrections to claim awards up to the fifty-third session of the Governing Council.

#### I. RECOMMENDED CORRECTIONS CONCERNING CLAIMS IN CATEGORY "A"

2. Recommendations for corrections to category "A" claims include the following kinds of corrections: duplicate claims, reinstatement of claims previously identified as duplicates and higher to lower amounts.

##### 1. Duplicate claims

3. The Commission received information from the Government of the Philippines that four claims, which it had submitted in category "A", were potentially duplicate claims. Having reviewed these claims, the secretariat confirms that they are, indeed, duplicates. It should be noted that, when notifying the Commission of these duplicate claims, the Government of the Philippines returned to the Compensation Fund the full amount of the awards issued for such duplicate claims. The Executive Secretary has concluded that no compensation should have been awarded with regard to the four claims in question confirmed as duplicates.

4. Accordingly, as set forth in table 1 below, it is recommended that the awards for these claims be corrected. Table 1 identifies the country concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 1. Category “A” corrections: duplicate claims

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Philippines	Fourth	1	(4,000.00)
	Fifth	3	(12,000.00)
<u>Total</u>		4	(16,000.00)

2. Reinstatement of claims previously identified as duplicates

5. One claim from Sri Lanka, which had been erroneously identified as a duplicate claim, should be reinstated since additional information received from the Government of Sri Lanka demonstrates that the claim is not, in fact, a duplicate.

6. In addition, during its review of the “Canadian criteria” late claims, the secretariat identified a category “A” claim from Pakistan resolved in the sixth instalment that had been erroneously identified as a duplicate claim. This claim should be reinstated as it is not, in fact, a duplicate.

7. Accordingly, as set forth in table 2 below, it is recommended that the award for these claims be corrected. Table 2 identifies the country concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 2. Category “A” corrections: reinstatement of claims previously identified as duplicates

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Pakistan	Sixth	1	4,000.00
Sri Lanka	Fifth	1	4,000.00
<u>Total</u>		2	8,000.00

3. Higher to lower amounts

8. Decision 21 (S/AC.26/Dec.21 (1994)) of the Governing Council states that “any claimant who has selected a higher amount in category ‘A’ (US\$4,000 or US\$8,000) and has also filed a category ‘B’, ‘C’ or ‘D’ claim will be deemed to have selected the corresponding lower amount under category ‘A’”. As a result of further information received from the Government of India, one claim submitted by the Government of India has been identified as having been filed for a higher amount in category “A” by a claimant who had also filed a claim in category “C”. The award for this category “A” claim should be reduced to the amount appropriate to the proper status of the claim. It should be noted that, when notifying the Commission that this claim should have been awarded the lower amount, the

Government of India returned to the Compensation Fund the excess amount previously awarded in respect of the claim.

9. In addition, as a result of checks carried out to identify matching claims, the secretariat found that three claims submitted by the Palestinian Authority under the “late claims” programme matched three claims previously submitted by the Government of Jordan that had been filed for higher amounts in category “A”. The awards for these category “A” claims should be reduced to the amounts appropriate to the proper status of the claims. It should be noted that the excess amounts previously awarded in respect of the claims will be deducted from any recommended compensation in respect of the matching Palestinian “late claims”.

10. Accordingly, as set forth in table 3 below, it is recommended that the awards for these claims be corrected. Table 3 identifies the countries concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 3. Category “A” corrections: higher to lower amounts

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
India	Fourth	1	(1,500.00)
Jordan	Third	1	(3,000.00)
Jordan	Fourth	1	(3,000.00)
Jordan	Sixth	1	(1,500.00)
<u>Total</u>		4	(9,000.00)

#### 4. Summary

11. In summary, the recommended corrections related to award amounts in category “A” concern ten claims submitted by five Governments resulting in a net decrease in the total amount awarded of USD 17,000. Of these, USD 8,000 increased the total amount awarded for two claims, while USD 25,000 decreased the total amount awarded for eight claims. The recommendations with respect to the third, fourth, fifth and sixth instalments of category “A” claims, by country and by instalment, are provided in tables 1 to 5 of annex I to this report.

#### II. RECOMMENDED CORRECTIONS CONCERNING CLAIMS IN CATEGORY “D”

12. Following an inquiry from the Government of Jordan and as a result of information provided by the secretariat, the “D1” panel of Commissioners reviewed a claim that was included in the “Report and recommendations made by the “D1” panel of Commissioners concerning part one of the fifteenth instalment of individual claims for damages above USD 100,000 (category ‘D’ claims)” (S/AC.26/2002/30), which recommendations were approved by the Governing Council in decision 175 (S/AC.26/Dec.175 (2002)).

13. As a result of its review, the panel concluded that clerical and computational errors were made in the processing of the claim that warrant correction under article 41 of the Rules. Specifically, the secretariat, in valuing the goodwill component of the claimant's D8/D9 (individual business) loss claim, used the wrong currency and, therefore, entered an incorrect amount in the valuation worksheet for the claim. The evidence provided by the claimant in support of this claim item indicated that the historical value of the goodwill of the claimant's business was KWD 15,000. However, the amount of USD 15,000 was erroneously entered in the valuation worksheet for the claim.

14. As a result of this clerical and computational error, the panel recommended compensation in the amount of USD 35,988.38 for the claimant's D8/D9 losses. The panel reviewed the file and concluded that the correct amount of compensation recommended for the D8/D9 losses should have been USD 43,184.49 (making allowance for the risk factors for legal risk and evidentiary deficiencies pursuant to the category "D" methodology for D8/D9 losses). Following the recommendation of the panel, the Executive Secretary has concluded that the previously approved award should be corrected pursuant to article 41 of the Rules.

15. Three further corrections concern three claims submitted through the Government of Kuwait. The claims were filed by three sisters for D7 (real property) losses. The claimants had been constructing identical villas on adjoining plots of land in Kuwait at the time of Iraq's invasion and occupation of Kuwait. They had asserted that they had sustained various losses related to the construction of their properties, including the theft of building materials and increased construction contract costs after the liberation of Kuwait. The "D1" panel reviewed two of the claims and the "D2" panel reviewed the third claim. Although the claimed amounts and alleged losses for the three claims were almost identical, the two panels differed in their recommendations concerning their claims. As a consequence, the claimants submitted a request for correction through the Government of Kuwait pursuant to article 41 of the Rules. The results of the review by the "D1" panel and the "D2" panel of the requests for correction are set forth in the following paragraphs.

16. Following an inquiry from the Government of Kuwait and as a result of information provided by the secretariat, the "D1" panel of Commissioners reviewed two of the above claims that were included in the "Report and recommendations made by the 'D1' panel of Commissioners concerning the seventh instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2000/25), which recommendations were approved by the Governing Council in decision 111 (S/AC.26/Dec.111 (2000)).

17. As a result of its review, the panel concluded that clerical errors were made in the processing of the claims that warrant correction under article 41 of the Rules. Specifically, the secretariat had failed (a) to bring to the attention of the panel the claimed loss for the theft of building materials from the construction sites; and (b) to review the loss in accordance with the category "D" methodology for D7 losses. Consequently, no award was made in respect of this loss item in either of the two claims reviewed by the panel. On the basis of the evidence provided by the claimants, the loss is compensable under the category "D" methodology for D7 losses.

18. As a result of these clerical errors, the panel recommended compensation in the amount of USD 46,237.02 for each of the claimants' D7 losses. The panel reviewed the file and concluded that the correct amount of compensation recommended for each of the claimants' D7 losses should have been USD 101,681.66. Following the recommendation of the panel, the Executive Secretary has concluded that the previously approved awards should be corrected pursuant to article 41 of the Rules.

19. The "D2" panel of Commissioners reviewed the third claim mentioned at paragraph 15, supra. The claim was included in the "Report and recommendations made by the 'D1' panel of Commissioners concerning part two of the eighth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2001/25), which recommendations were approved by the Governing Council in decision 141 (S/AC.26/Dec.141 (2001)).

20. As a result of its review, the panel concluded that clerical errors were made in the processing of the claim that warrant correction under article 41 of the Rules. Specifically, the secretariat failed to identify the previous decisions of the "D1" panel concerning the identical claims for the loss items "increase in costs after liberation" and "salaries paid to a supervisor, engineer and site caretaker" in the related D7 loss claims submitted by the claimant's two sisters.

21. As a result of this clerical error, the panel recommended compensation in the amount of USD 94,571.52 for the claimant's D7 losses. The panel reviewed the file and concluded that the correct amount of compensation recommended for the claimant's D7 losses should have been USD 99,086.50. Following the recommendation of the panel, the Executive Secretary has concluded that the previously approved award should be corrected pursuant to article 41 of the Rules.

22. Following an inquiry from the Government of Kuwait and as a result of information provided by the secretariat, the "D2" panel of Commissioners reviewed a claim that was included in the "Report and recommendations made by the 'D2' panel of Commissioners concerning the tenth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2002/1) (the "tenth instalment 'D' report"), which recommendations were approved by the Governing Council in decision 146 (S/AC.26/Dec.146 (2002)).

23. As a result of its review, the panel concluded that clerical and computational errors were made in the processing of the claim that warrant correction under article 41 of the Rules. Specifically, the secretariat, in valuing the loss of income component of the claimant's D8/D9 (individual business) loss claim, used the wrong currency and, therefore, deducted an incorrect amount from the final recommended award for the D8/D9 losses to make allowance for the award previously made to the claimant in respect of his C8 losses. The amount of USD 21,861 was erroneously deducted from the recommended award for the claimant's D8/D9 losses, instead of the correct amount of KWD 21,861.

24. As a result of this clerical and computational error, the panel recommended compensation in the amount of USD 304,464.00 for the claimant's D8/D9 losses. The panel reviewed the file and concluded that, after deduction of the correct amount and the application of further adjustments, the correct amount of compensation recommended for the D8/D9 losses should have been USD

300,126.69. Following the recommendation of the panel, the Executive Secretary has concluded that the previously approved award should be corrected pursuant to article 41 of the Rules.

25. Following an inquiry from the Government of Kuwait and as a result of information provided by the secretariat, the “D2” panel of Commissioners reviewed a claim that was included in the tenth instalment “D” report, which recommendations were approved by the Governing Council in decision 146 (S/AC.26/Dec.146 (2002)).

26. As a result of its review, the panel concluded that clerical and computational errors were made in the processing of the claim that warrant correction under article 41 of the Rules. Specifically, the secretariat, in valuing the loss of income component of the claimant’s D8/D9 (individual business) loss claim, entered an incorrect amount in the valuation worksheet for the claim. The evidence provided by the claimant in support of this claim item indicated that the value of the claimant’s losses was KWD 63,913. However, the amount of KWD 63,313 was erroneously entered in the valuation worksheet for the claim.

27. As a result of this clerical and computational error, the panel recommended compensation in the amount of USD 869,824.00 for the claimant’s D8/D9 losses. The panel reviewed the file and concluded that the correct amount of compensation recommended for the D8/D9 losses should have been USD 871,900.12. Following the recommendation of the panel, the Executive Secretary has concluded that the previously approved award should be corrected pursuant to article 41 of the Rules.

28. Following an inquiry from the Government of Kuwait and as a result of information provided by the secretariat, the “D2” panel of Commissioners reviewed a claim that was included in the tenth instalment “D” report, which recommendations were approved by the Governing Council in decision 146 (S/AC.26/Dec.146 (2002)).

29. As a result of its review, the panel concluded that clerical and computational errors were made in the processing of the claim that warrant correction under article 41 of the Rules. Specifically, the secretariat carried out its valuation of the loss of income component of the claimant’s D8/D9 (individual business) loss claim on the basis that the claimant was entitled to an indemnity period of seven months for loss of income, whereas, under the category “D” methodology for D8/D9 losses, the claimant was actually entitled to an indemnity period of 12 months, as he provided evidence that his business resumed after the liberation of Kuwait.

30. As a result of this clerical and computational error, the panel recommended compensation in the amount of USD 55,657.00 for the claimant’s D8/D9 losses. The panel reviewed the file and concluded that the correct amount of compensation recommended for the D8/D9 losses should have been USD 68,155.27. Following the recommendation of the panel, the Executive Secretary has concluded that the previously approved award should be corrected pursuant to article 41 of the Rules.

31. Accordingly, as set forth in table 4 below, it is recommended that the awards for these claims be corrected. Table 4 identifies the countries concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 4. Category “D” corrections

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Jordan	Fifteenth, part one	1	7,196.11
Kuwait	Seventh	2	110,889.28
Kuwait	Eighth, part two	1	4,514.98
Kuwait	Tenth	3	10,237.08
<u>Total</u>		7	132,837.45

32. In summary, the recommended corrections in category “D” concerns seven claims submitted by two Governments resulting in a net increase of the total amount awarded of USD 132,837.45. Of these, the total amount awarded for six claims was increased by USD 137,174.76 and the total amount awarded for one claim was decreased by USD 4,337.31. The recommendations with respect to the seventh, part two of the eighth, the tenth and part one of the fifteenth instalments of “D” claims, by country and by instalment, are provided in tables 1 to 5 of annex II to this report.

### III. RECOMMENDED CORRECTIONS CONCERNING CATEGORY “C” PALESTINIAN LATE CLAIMS

33. Recommendations for corrections to 40 category “C” Palestinian late claims have arisen from clerical errors, as reported in the following paragraphs.

34. Four corrections relate to category “C” claims that were included in the “Report and recommendations made by the panel of Commissioners concerning the first instalment of Palestinian ‘late claims’ for damages up to USD 100,000 (category ‘C’ claims)” (S/AC.26/2003/26) (the “first Palestinian late claims report”). In that report, the claims were reported as having met the threshold eligibility requirement. However, as a result of a clerical error, the secretariat failed to identify issues in respect of which additional information from the claimants was necessary for the panel to be able to make a determination with respect to the claims and to send “reasons review” notifications to the claimants requesting this additional information.

35. Having been informed of the clerical error, the panel instructed the secretariat to send “reasons review” notifications to the claimants. On the basis of the claimants’ responses and other information contained in the claim files, the panel concluded that the claims should be determined to be ineligible. Consequently, a correction resulting in a deduction in the total amount of USD 37,640.13 should be made in respect of these four claims. At the request of the secretariat, the Palestinian Authority withheld payment of this amount and is in the process of returning it to the Compensation Fund.

36. Three further corrections relate to category “C” claims, two of which were included in the first Palestinian late claims report and one of which was included in the “Report and recommendations made by the panel of Commissioners concerning the second instalment of Palestinian ‘late claims’ for damages up to USD 100,000 (category ‘C’ claims)” (S/AC.26/2004/3). In those reports, the claims

were reported as having met the threshold eligibility requirement. However, as a result of a clerical error, the secretariat failed to bring to the attention of the panel certain irregularities in some of the documents submitted by the claimants in support of their reasons for late filing.

37. Having been informed of the clerical error, the panel reviewed the documents and concluded that the claims should be determined to be ineligible. Consequently, a correction resulting in a deduction in the total amount of USD 102,667.34 should be made in respect of these three claims. At the request of the secretariat, the Palestinian Authority withheld payment of this amount and is in the process of returning it to the Compensation Fund.

38. Three further corrections relate to category "C" claims that were included in the first Palestinian late claims report and were reported as having met the threshold eligibility requirement. However, as a result of a clerical error, the secretariat failed to identify and bring to the attention of the panel the fact that each of the claimants' respective husbands had filed claims in category "A" and/or category "C" during the regular filing period. This information, which has a direct bearing on the reasons asserted by the claimants for late filing, was not identified by the secretariat in a timely manner and was not brought to the attention of the panel.

39. Having been informed of the clerical error, the panel considered the information in respect of the related claims and concluded that the claims should be determined to be ineligible. Consequently, a correction resulting in a deduction in the total amount of USD 72,067.84 should be made in respect of these three claims. At the request of the secretariat, the Palestinian Authority withheld payment of this amount and is in the process of returning it to the Compensation Fund.

40. A further 26 corrections relate to category "C" claims that were included in the First Palestinian late claims report. In that report, the claims were reported as having met the threshold eligibility requirement. However, as a result of a clerical error, the secretariat failed to bring to the attention of the panel information concerning a specific fact pattern that was relevant to this group of claims. All 26 claims involve a similar fact pattern, namely, claimants who hold Jordanian passports and who remained in Kuwait during the regular filing period for which the panel developed specific guidelines. However, due to a clerical error on the part of the secretariat, the presence of this fact pattern in these claims was not brought to the panel's attention.

41. Having been informed of the clerical error, the panel further considered the claims and concluded that they should be determined to be ineligible. Consequently, a correction resulting in a deduction in the total amount of USD 376,969.63 should be made in respect of these 26 claims. At the request of the secretariat, the Palestinian Authority withheld payment of this amount and is in the process of returning it to the Compensation Fund.

42. Four further corrections relate to category "C" claims that were included in the first Palestinian late claims report. In that report, the claims were reported as having met the threshold eligibility requirement. However, as a result of a clerical error, the secretariat failed to bring to the attention of the panel information concerning the residence of the claimants during the regular filing period.

Information on each of the claim files demonstrates that, during the regular filing period, one claimant was resident in Kuwait, one claimant in Jordan, one claimant in the Syrian Arab Republic and the remaining claimant in Yemen. Therefore, in accordance with the guidelines established by the panel, each of the claimants had had a full and effective opportunity to file their respective claims during this period.

43. Having been informed of the clerical error, the panel concluded that the claims should be determined to be ineligible. Consequently, a correction resulting in a deduction in the total amount of USD 53,735.77 should be made in respect of these four claims. At the request of the secretariat, the Palestinian Authority withheld payment of this amount and is in the process of returning it to the Compensation Fund.

44. Accordingly, as set forth in table 5 below, it is recommended that the awards for 40 claims be corrected. Table 5 identifies the submitting entity concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 5. Corrections to category “C” Palestinian late claims’ awards

<u>Submitting entity</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect USD</u>
Palestinian Authority	First	39	(610,305.03)
	Second	1	(32,775.68)
<u>Total</u>		40	(643,080.71)

45. In summary, the recommended corrections related to award amounts in category “C” Palestinian late claims concern 40 claims submitted by one submitting entity resulting in a net decrease of the total amount awarded of USD 643,080.71. The recommendations with respect to the first and the second instalments of category “C” Palestinian late claims, by country and by instalment, are provided in tables 1 to 2 of annex III to this report.

#### IV. REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS

46. During the period under review, the secretariat has continued its review of requests from Governments and international organizations for corrections to claims in categories “D”, “E” and “F”, submitted under article 41 of the Rules. The requests and the Executive Secretary’s conclusions with respect to those requests are outlined below.

##### 1. Category “D” claims

47. During the period under review, the secretariat reviewed a total of 350 requests from 11 Governments and one international organization for corrections to claims in category “D”. The requests and their submitting entities are set forth in table 1 of annex IV to this report. Having carefully reviewed all aspects of the requests, the Executive Secretary has concluded that no correction

of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

## 2. Category “E” claims

48. During the period under review, the secretariat reviewed a total of eight requests from six Governments for corrections to claims in category “E”. The requests and their submitting entities are set forth in table 2 of annex IV to this report. Having carefully reviewed all aspects of the requests, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

## 3. Category “F” claims

49. During the period under review, the secretariat reviewed one request from one Government for corrections to claims in category “F”. The requests and their submitting entities are set forth in table 3 of annex IV to this report. Having carefully reviewed all aspects of the requests, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

50. In addition, during the period under review, the secretariat has received 75 requests for article 41 corrections with respect to claims in categories “D”, “E”, and “F” from the Governments of France, India, Jordan, Kuwait, the Netherlands, Turkey and the United Kingdom as well as from UNDP Washington. The responses of the Executive Secretary to these requests have not yet been conveyed to the claimant countries due to the fact that the secretariat’s review of the specific claims in question, and, where appropriate, consultations with the respective panels of Commissioners remain ongoing. Details concerning these requests, and the Executive Secretary’s recommendations to the Governing Council with respect thereto will be contained in upcoming article 41 reports to the Governing Council.

Annex I

## RECOMMENDED CORRECTIONS CONCERNING CATEGORY "A" CLAIMS

1. Based on the recommended corrections reported in paragraphs 2 to 11 of this report, supra, the category "A" claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. Third instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Jordan	91,944,000.00	91,941,000.00	(3,000.00)

Table 2. Fourth instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
India	147,282,000.00	147,280,500.00	(1,500.00)
Jordan	17,444,500.00	17,441,500.00	(3,000.00)
Philippines	27,412,500.00	27,408,500.00	(4,000.00)

Table 3. Fifth instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Philippines	17,968,000.00	17,956,000.00	(12,000.00)
Sri Lanka	69,706,500.00	69,710,500.00	4,000.00

Table 4. Sixth instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Jordan	17,572,000.00	17,570,500.00	(1,500.00)
Pakistan	46,419,000.00	46,423,000.00	4,000.00

2. Based on the above corrections, the revised category "A" claim total recommended awards by instalment are as follows:

Table 5. Recommended corrected total awards for category “A” claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Third	532,142,000.00	532,139,000.00	(3,000)
Fourth	732,845,500.00	732,837,000.00	(8,500)
Fifth	773,160,000.00	773,152,000.00	(8,000)
Sixth	317,139,500.00	317,142,000.00	2,500

Annex II

## RECOMMENDED CORRECTIONS CONCERNING CATEGORY "D" CLAIMS

1. Based on the recommended corrections reported in paragraphs 12 to 32 of this report, supra, the category "D" claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. Seventh instalment category "D" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Kuwait	127,725,246.22	127,836,135.50	110,889.28

Table 2. Part two of the eighth instalment category "D" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Kuwait	29,067,587.05	29,072,102.03	4,514.98

Table 3. Tenth instalment category "D" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Kuwait	281,551,235.07	281,561,472.15	10,237.10

Table 4. Part one of the fifteenth instalment category "D" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Jordan	14,792,918.65	14,800,114.76	7,196.11

2. Based on the above corrections, the revised category "D" claim total recommended awards by instalment are as follows:

Table 5. Recommended corrected total awards for category "D" claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Seventh	131,692,078.66	131,802,967.94	110,889.28
Eighth, part two	32,838,650.19	32,843,165.17	4,514.98
Tenth	281,551,235.07	281,561,472.15	10,237.10
Fifteenth, part one	129,121,634.76	129,128,830.87	7,196.11

Annex IIIRECOMMENDED CORRECTIONS CONCERNING  
CATEGORY "C" PALESTINIAN LATE CLAIMS

1. Based on the recommended corrections reported in paragraphs 33 to 45 of this report, supra, the aggregate corrected awards for category "C" Palestinian late claims by instalment are as follows:

Table 1. First instalment category "C" Palestinian late claims corrections

<u>Submitting entity</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Palestinian Authority	15,748,962.93	15,138,657.90	(610,305.03)

Table 2. Second instalment category "C" Palestinian late claims corrections

<u>Submitting entity</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Palestinian Authority	7,781,051.70	7,748,276.02	(32,775.68)

Annex IV

REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS  
IN CATEGORIES “D”, “E” AND “F”

1. As reported in paragraph 47 of this report, supra, the secretariat has continued its review of requests from Governments for corrections to claims in category “D” submitted under article 41 of the Rules. The requests reviewed by country or international organization, date of request and instalment are as follows:

Table 1. Category “D” requests for correction reviewed

<u>Country or international organization</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Egypt	1 July 2003	1	Twelfth, part two	181
Egypt	29 September 2003	3	Fourteenth, part two	186
Egypt	29 September 2003	1	Sixteenth, part one	188
Egypt	7 October 2003	1	Twelfth, part one	155
Egypt	30 December 2003	1	Sixteenth, part one	188
France	12 December 2003	1	Fourth, part one	81
France	23 December 2003	1	Eighth, part one	125
France	31 December 2003	1	Fourth, part one	81
India	17 June 2003	1	Twelfth, part two	181
India	16 December 2003	1	Fifteenth, part two	187
India	19 December 2003	1	Fifteenth, part one	175
Jordan	7 May 2002	1	Eleventh	147
Jordan	9 May 2002	2	Eleventh	147
Jordan	12 May 2002	1	Seventh	111
Jordan	28 May 2002	1	Ninth, part one	126
Jordan	8 June 2003	1	Twelfth, part two	181
Jordan	14 July 2003	1	Thirteenth	165
Jordan	10 August 2003	1	Twelfth, part two	181
Jordan	29 September 2003	1	Eleventh	147
Jordan	15 December 2003	1	Fifteenth, part two	187

<u>Country or international organization</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Jordan	16 December 2003	1	Fifteenth, part two	187
Jordan	22 December 2003	1	Sixth	110
Jordan	22 December 2003	1	Seventeenth, part one	198
Jordan	24 December 2003	1	Third	68
Jordan	24 December 2003	1	Seventeenth, part one	198
Jordan	28 December 2003	1	Fourteenth, part two	186
Jordan	28 December 2003	1	Fifteenth, part two	187
Jordan	30 December 2003	1	Eleventh	147
Jordan	30 December 2003	1	Sixteenth, part one	188
Jordan	30 December 2003	1	Seventeenth, part one	198
Jordan	31 December 2003	1	Thirteenth	165
Jordan	31 December 2003	1	Seventeenth, part one	198
Kuwait	14 December 2002	1	Thirteenth	165
Kuwait	20 January 2003	2	Fourteenth, part one	166
Kuwait	25 January 2003	4	Fifth	97
Kuwait	25 January 2003	1	Eighth, part one	125
Kuwait	25 January 2003	1	Ninth, part two	142
Kuwait	25 January 2003	1	Tenth	146
Kuwait	25 January 2003	1	Eleventh	147
Kuwait	25 January 2003	1	Twelfth, part one	155
Kuwait	27 January 2003	1	Second, part two	59
Kuwait	27 January 2003	3	Fourth, part one	81
Kuwait	27 January 2003	1	Fifth	97
Kuwait	27 January 2003	2	Seventh	111
Kuwait	27 January 2003	1	Eighth, part two	141
Kuwait	27 January 2003	1	Ninth, part one	126
Kuwait	27 January 2003	8	Tenth	146
Kuwait	27 January 2003	6	Eleventh	147

<u>Country or international organization</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Kuwait	27 January 2003	1	Twelfth, part one	155
Kuwait	27 January 2003	3	Fourteenth, part one	166
Kuwait	3 February 2003	1	Fourth, part one	81
Kuwait	3 February 2003	3	Tenth	146
Kuwait	3 February 2003	1	Twelfth, part one	155
Kuwait	3 February 2003	2	Fourteenth, part one	166
Kuwait	3 February 2003	2	Fifteenth, part one	175
Kuwait	12 March 2003	1	Fourth, part one	81
Kuwait	12 March 2003	1	Fifth	97
Kuwait	12 March 2003	2	Tenth	146
Kuwait	12 March 2003	2	Eleventh	147
Kuwait	12 March 2003	1	Twelfth, part one	155
Kuwait	12 March 2003	7	Fourteenth, part one	166
Kuwait	12 March 2003	1	Fifteenth, part one	175
Kuwait	17 March 2003	1	Fourth, part one	81
Kuwait	17 March 2003	1	Ninth, part two	142
Kuwait	17 March 2003	1	Tenth	146
Kuwait	17 March 2003	1	Twelfth, part one	155
Kuwait	17 March 2003	3	Fourteenth, part one	166
Kuwait	29 December 2003	4	Second, part one	55
Kuwait	29 December 2003	1	Second, part two	59
Kuwait	29 December 2003	1	Third	68
Kuwait	29 December 2003	12	Fourth, part one	81
Kuwait	29 December 2003	2	Fifth	97
Kuwait	29 December 2003	7	Seventh	111
Kuwait	29 December 2003	10	Eighth, part one	125
Kuwait	29 December 2003	3	Ninth, part one	126
Kuwait	29 December 2003	1	Ninth, part two	142

<u>Country or international organization</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Kuwait	29 December 2003	44	Tenth	146
Kuwait	29 December 2003	9	Eleventh	147
Kuwait	29 December 2003	6	Twelfth, part one	155
Kuwait	29 December 2003	8	Twelfth, part two	181
Kuwait	29 December 2003	16	Thirteenth	165
Kuwait	29 December 2003	14	Fourteenth, part one	166
Kuwait	29 December 2003	15	Fourteenth, part two	186
Kuwait	29 December 2003	20	Fifteenth, part one	175
Kuwait	29 December 2003	10	Sixteenth, part one	188
Kuwait	29 December 2003	6	Seventeenth, part one	198
Kuwait	29 December 2003	4	Eighteenth, part one	199
Kuwait	31 December 2003	1	Thirteenth	165
Kuwait	31 December 2003	1	Fifteenth, part two	187
Kuwait	17 February 2004	1	Sixteenth, part one	188
Pakistan	19 September 2002	3	Sixth	110
Pakistan	16 January 2003	1	Eighth, part two	141
Pakistan	6 February 2003	1	Twelfth, part one	155
Pakistan	29 July 2003	1	Twelfth, part two	181
Pakistan	25 August 2003	1	Eleventh	147
Pakistan	9 October 2003	1	Eleventh	147
Philippines	31 December 2003	1	Fourth, part one	81
Sudan	1 December 2003	1	Fifteenth, part two	187
Sudan	29 December 2003	1	Fifteenth, part two	187
Syrian Arab Republic	29 December 2003	2	Fifth	97
Syrian Arab Republic	29 December 2003	1	Ninth, part one	126
Syrian Arab Republic	29 December 2003	2	Fourteenth, part one	166
Syrian Arab Republic	29 December 2003	7	Fourteenth, part two	186
Syrian Arab Republic	30 December 2003	1	Fourteenth, part two	186

<u>Country or international organization</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
United Kingdom	15 January 2003	1	Thirteenth	165
United Kingdom	11 December 2003	1	Fifteenth, part one	175
United States	30 December 2002	1	Fourth, part one	81
United States	12 November 2003	1	Eighteenth, part one	199
United States	25 November 2003	1	First, part one	47
United States	25 November 2003	2	Second, part one	55
United States	25 November 2003	3	Third	68
United States	25 November 2003	3	Fourth, part one	81
United States	25 November 2003	1	Fifth	97
United States	25 November 2003	1	Thirteenth	165
United States	25 November 2003	1	Fourteenth, part two	186
United States	30 December 2003	1	Fourth, part one	81
United States	30 December 2003	1	Fifth	97
United States	30 December 2003	1	Fifteenth, part two	187
United States	30 December 2003	3	Eighteenth, part one	199
United States	31 December 2003	1	Eighteenth, part one	199
UNDP Washington	10 September 2003	1	First, part one	47
UNDP Washington	10 October 2003	1	Fourth, part one	81
<u>Total</u>		350		

2. As reported in paragraph 48 of this report, supra, the secretariat has continued its review of requests from Governments for corrections to claims in category “E” submitted under article 41 of the Rules. The requests reviewed by country, date of request and instalment are as follows:

Table 2. Category “E” requests for correction reviewed

<u>Country</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Subcategory</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Bahrain	20 July 2004	1	E2	Fifth	103
Bahrain	20 July 2004	1	E2	Seventh	127
Egypt	17 October 2002	1	E2	Eighth	135
Egypt	30 June 2004	1	E2	Tenth	159
Germany	29 July 2004	1	E2	Fifteenth	210
Italy	17 June 2004	1	E3	Twenty-eighth	211
Kuwait	15 December 2002	1	E4	Fifteenth	161
United Kingdom	30 June 2004	1	E3	Twenty-eighth	211
<u>Total</u>		8			

3. As reported in paragraph 49 of this report, supra, the secretariat has continued its review of requests from Governments for corrections to claims in category “F” submitted under article 41 of the Rules. The requests reviewed by country, date of request and instalment are as follows:

Table 3. Category “F” requests for correction reviewed

<u>Country</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Subcategory</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Netherlands	28 September 2004	1	E/F	Second	163
<u>Total</u>		1			

Annex V

ARTICLE 41 CORRECTIONS TO CLAIMS AWARDS (UP TO THE FIFTY-THIRD SESSION OF THE GOVERNING COUNCIL)

Report	Category A		Category B		Category C		Category D		Category E		Total	
	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net corrections for categories A, B, C, D and E (USD)	Number of claims corrected in categories A, B, C, D and E
A(6) panel report	(6,439,500.00)	2,575	-	-	-	-	-	-	-	-	(6,439,500.00)	2,575
B(2.2) panel report	-	-	(12,500.00)	3 <sup>a</sup>	-	-	-	-	-	-	(12,500.00)	3 <sup>a</sup>
B(3) panel report	-	-	110,000.00	10 <sup>b</sup>	-	-	-	-	-	-	110,000.00	10 <sup>b</sup>
C(4) panel report	-	-	-	-	(1,922.00)	49	-	-	-	-	(1,922.00)	49
C(5) panel report	-	-	-	-	(77,190.00)	6	-	-	-	-	(77,190.00)	6
C(6) panel report	-	-	-	-	72,685.00	15	-	-	-	-	72,685.00	15
D(5) panel report	-	-	-	-	-	-	(2,646.81)	7	-	-	(2,646.81)	7
D(7) panel report	-	-	-	-	-	-	(38,836.21)	13	-	-	(38,836.21)	13
D1 (9.1) panel report	-	-	-	-	-	-	103,532.16	4	-	-	103,532.16	4
Special D panel	-	-	-	-	-	-	(13,283,441.51)	426	-	-	(13,283,441.51)	426

Report	Category A		Category B		Category C		Category D		Category E		Total	
	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net corrections for categories A, B, C, D and E (USD)	Number of claims corrected in categories A, B, C, D and E
report												
E3(10) panel report	-	-	-	-	-	-	-	-	325,850.00	1	325,850.00	1
E4(3) panel report	-	-	-	-	-	-	-	-	536,513.00	3	536,513.00	3
Article 41(1) report	(5,500.00)	10	-	-	-	-	-	-	-	-	(5,500.00)	10
Article 41(2) report	(49,000.00)	16	-	-	-	-	-	-	-	-	(49,000.00)	16
Article 41(3) report	1,500.00	4	-	-	-	-	-	-	-	-	1,500.00	4
Article 41(4) report	(83,000.00)	19	-	-	-	-	-	-	-	-	(83,000.00)	19
Article 41(5) report	(18,500.00)	5	-	-	-	-	-	-	-	-	(18,500.00)	5
Article 41(6) report	15,867,500.00	10,757	-	-	-	-	-	-	-	-	15,867,500.00	10,757
Article 41(7) report	(6,975,500.00)	3,385	-	-	-	-	-	-	-	-	(6,975,500.00)	3,385
Article 41(8) report	(7,806,000.00)	4,385	-	-	70,613,604.05	23,282	-	-	-	-	62,807,604.05	27,667
Article 41(9) report	(4,136,500.00)	1,062	-	-	5,278,142.15	1,730	-	-	-	-	1,141,642.15	2,792
Article 41(10) report	(1,446,000.00)	364	-	-	3,168,018.90	467	-	-	-	-	1,722,018.90	831

<u>Report</u>	<u>Category A</u>		<u>Category B</u>		<u>Category C</u>		<u>Category D</u>		<u>Category E</u>		<u>Total</u>	
	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net corrections for categories A, B, C, D and E (USD)</u>	<u>Number of claims corrected in categories A, B, C, D and E</u>
Article 41(11) report	(1,358,500.00)	370	-	-	-	-	-	-	-	-	(1,358,500.00)	370
Article 41(12) report	(112,000.00)	26	-	-	613,498.37	40	-	-	-	-	501,498.37	66
Article 41(13) report	(55,500.00)	40	-	-	(102,863.22)	27	-	-	-	-	(158,363.22)	67
Article 41(14) report	(8,000.00)	31	-	-	5,580,355.48	625	103,532.16	4	-	-	5,675,887.64	660
Article 41(15) report	(10,500.00)	19	-	-	-	-	(57.66)	6	(7,264.37)	1	(17,822.03)	26
Article 41(16) report	142,000.00	73	-	-	453,162.71	54	-	-	-	-	595,162.71	127
Article 41(17) report	707,500.00	446	-	-	77,461.07	6	-	-	-	-	784,961.07	452
Article 41(18) report	119,500.00	77	-	-	-	-	-	-	(43,413)	1	76,087	78
Article 41(19) report	154,000.00	55	-	-	46,976.14	6	400,986.95	6	-	-	601,963.09	67
Article 41(20) report	3,739,500.00	1,896			53,342.85	1					3,792,842.85	1,897
Article 41(21) report	1,157,500	688									1,157,500.00	688
Article 41(22) report	4,419,000.00	2,730									4,419,000.00	2,730

<u>Report</u>	<u>Category A</u>		<u>Category B</u>		<u>Category C</u>		<u>Category D</u>		<u>Category E</u>		<u>Total</u>	
	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net corrections for categories A, B, C, D and E (USD)</u>	<u>Number of claims corrected in categories A, B, C, D and E</u>
Article 41(23) report	44,500.00	20			161,331.14	15	12,411.60	1	(48,653.00)	7	169,589.74	43
Article 41(24) report	(3,911,000)	981			78,646.76	12	93,543.56	3			(3,738,809.68)	996
Article 41(25) report	(11,958,000)	3,002			1,033,956.47	617	(9,788)	1			(10,933,831.53)	3620
Article 41(26) report	(176,500)	47			(4,625.19)	1	(35,854.67)	1			(216,979.86)	49
Article 41(27) report	(21,500)	19			(4,435.28)	32					(25,935.28)	51
<u>Total</u>	(18,218,500.00)	33,102	97,500.00	13	87,040,145.40	26,985	(12,656,618.43)	472	763,032.63	13	57,025,559.60	60,585

<sup>a</sup> Number of consolidated claim submissions, as conveyed in the panel report.

<sup>b</sup> Number of consolidated claim submissions, as conveyed in the panel report.

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