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TWENTY-NINTH 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.26/1992/10) (the "Rules"), recommended corrections in the various claims categories since the "Twenty-eighth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure" (S/AC.26/2004/18) (the "twenty-eighth article 41 report"). Chapter I of this report contains recommended corrections concerning claims in categories "A" and "C", where the panels of Commissioners have concluded their 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 IV to this report contain tables showing the aggregate corrected awards, by country and by instalment, based on the recommendations contained herein. Annex V contains tables showing the secretariat's review of requests for corrections to claims in categories "D", "E" and "F" undertaken since the twenty-eighth article 41 report and annex VI contains a cumulative table of article 41 corrections to claim awards up to the fifty-fourth session of the Governing Council.

I. RECOMMENDED CORRECTIONS CONCERNING CLAIMS IN CATEGORIES "A" AND "C"

A. Category "A" corrections

2. Recommendations for corrections to category "A" claims include the following kinds of corrections: duplicate claims, higher to lower amounts, family to individual and change of submitting/responsible entity.

1. Duplicate claims

3. The Commission received information from the Governments of the Philippines, India and Jordan that claims, which they had submitted in category "A", were potentially duplicate claims. Having reviewed 40 claims submitted by the Government of the Philippines, one claim submitted by the Government of India and 20 claims submitted by the Government of Jordan, the secretariat confirms that they are, indeed, duplicates and should not have been awarded compensation. It should be noted that, when notifying the Commission of these duplicate claims, the Governments returned to the Compensation Fund the full amount of the awards issued for such duplicate claims.

4. Accordingly, as set forth in table 1 below, it is recommended that the awards for these claims be corrected. Table 1 identifies the countries 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>
India	Fourth	1	(8,000.00)
Jordan	Second	2	(10,500.00)
	Third	3	(14,500.00)
	Fourth	15	(72,500.00)
Philippines	Second	1	(4,000.00)
	Third	3	(10,500.00)
	Fourth	5	(21,000.00)
	Fifth	7	(28,000.00)
	Sixth	24	(111,500.00)
<u>Total</u>		61	(280,500.00)

2. Higher to lower amounts

5. 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 Governments of India, Pakistan and the Philippines, one claim submitted by the Government of India, one claim submitted by the Government of Pakistan and 22 claims submitted by the Government of the Philippines have been identified as having been filed for a higher amount in category “A” by a claimant who had also filed a claim in another claim category. 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, when notifying the Commission that these claims should have been awarded the lower amount, the Governments concerned returned to the Compensation Fund the excess amount previously awarded in respect of these claims.

6. In addition, as a result of the review of category “D” deceased detainee claims filed by the Government of Kuwait, the secretariat found one matching category “A” claim submitted by the Government of Iran under the regular claims programme that had been filed for a higher amount in category “A”. 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 the excess amounts previously awarded in respect of the claim will be deducted from the total recommended compensation in respect of the matching category “D” claim.

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

Table 2. 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	Second	1	(1,500.00)
Iran	Second	1	(1,500.00)
Pakistan	Sixth	1	(1,500.00)
Philippines	Sixth	22	(37,500.00)
<u>Total</u>		25	(42,000.00)

3. Family to individual

8. The Government of the Philippines reported that 17 claims originally filed as family claims were in fact individual claims. It should be noted that, when notifying the Commission that these claims should have been awarded the individual amount, the Government of the Philippines returned to the Compensation Fund the excess amount previously awarded in respect of these claims.

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

Table 3. Category “A” corrections: family to individual

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Philippines	Sixth	17	(62,000.00)
<u>Total</u>		17	(62,000.00)

4. Change of submitting/responsible entity

10. At the request of the claimant and with the agreement of the Governments concerned, one claim submitted by India and approved in the fifth instalment should be transferred to Pakistan. This proposed correction will not affect the amount awarded and approved by the Governing Council for the claim in question.

11. Accordingly, as set forth in table 4 below, it is recommended that this claim be transferred from India to Pakistan. Table 4 identifies the countries concerned, the instalment to be adjusted, the number of claims affected, and the amounts of the net effect of the adjustment.

Table 4. Category “A” corrections: change in submitting/responsible entity corrections

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect USD</u>
India	Fifth	1	(4,000)
Pakistan	Fifth	1	4,000

5. Summary

12. In summary, the recommended corrections related to award amounts in category “A” concern 103 claims submitted by five Governments resulting in a net decrease in the total amount awarded of USD 384,500.00. The recommendations with respect to the second, third, fourth, fifth and sixth instalments of category “A” claims, by country and by instalment, are provided in tables 1 to 6 of annex I to this report.

B. Category “C” corrections

13. Recommendations for corrections to category “C” claims are those arising from confirmed duplicate claims, discrepancies between the electronic and paper claim formats, and multiple recovery based on the duplication of claim awards.

1. Duplicate claims

14. The Commission received information from the Government of Jordan that two claims were potentially duplicative of two other claims that were awarded compensation in category “C”. Having reviewed the information received from the Government of Jordan, the secretariat confirms that the claims are, indeed, duplicates and should not have been awarded compensation. It should be noted that, when notifying the Commission of these duplicate claims, the Government of Jordan returned to the Compensation Fund the full amount of the award issued for the duplicate claims.

15. Accordingly, as set forth in table 5 below, it is recommended that the award for these claims be corrected. Table 5 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 5. Category “C” corrections: duplicate claims

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect USD</u>
Jordan	Fourth	2	(19,038.06)
<u>Total</u>		2	(19,038.06)

2. Discrepancies between the electronic and paper claim formats

16. The secretariat continued to review requests for corrections submitted by Governments within the final deadline of 31 December 2002 that was set by the Governing Council for category “C” claims filed under the regular claims programme. For these claims, the electronic information existing in the database was compared to the paper claim forms submitted by the claimants. This comparison and review determined that for 334 claims submitted by the Governments of Bahrain and Egypt, data had been incorrectly entered into the database. Consequently, as a result of the data entry errors, incorrect recommendations were made in respect of these claims. It is therefore recommended that these 334 claim awards be corrected as set forth below.

17. Six proposed corrections relate to awards of compensation for mental pain and anguish resulting from forced hiding (“C1-MPA”). In all six cases, the number of forced hiding days that had been claimed in the paper claim files had been incorrectly entered in their corresponding electronic claims. These errors affected the outcomes for the claimants and it is, therefore, recommended that these errors be corrected.

18. The remaining 328 proposed corrections relate to awards of compensation for loss of income (“C6-Salary”). In these cases, the prior monthly salary data either had not been entered in the database or had been entered incorrectly. These data entry errors affected the outcomes for the claimants and it is, therefore, recommended that these errors be corrected.

19. Summaries of the category “C” Panel’s approved methodologies relevant to losses for which a correction is recommended are found in the “Report and recommendations of the Panel of Commissioners concerning the seventh instalment of individual claims for damages up to US\$100,000 (category ‘C’ claims)” (S/AC.26/1999/11), as follows: (a) paragraphs 105 to 110 for “C1-MPA” losses; and (b) paragraphs 249 to 282 for “C6-Salary” losses.

20. Accordingly, as set forth in table 6 below, it is recommended that the awards for 334 claims be corrected. Table 6 identifies the countries concerned, the instalments to be adjusted, the number of claims affected, and the amount of the net effect of the adjustments.

Table 6. Category “C” corrections: discrepancies between electronic and paper claim formats

<u>Country</u> ^a	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Bahrain	First	6	15,600.00
	Fifth	1	12,110.73
Egypt	Sixth	273	2,037,973.29
	Seventh	48	421,373.14
Kuwait	Seventh	6	36,211.08
<u>Total</u>		334	2,523,268.24

^a In six cases, even though the article 41 query was sent by the Government of Egypt, each of the claims for which a correction is recommended was submitted by the Government of Kuwait (correction of Kuwaiti corresponding claims of Egyptian duplicate claims).

3. Duplication of claim awards

21. In its review of the overlapping claims included in the “Third special report and recommendations made by the merged ‘E4’ Panel of Commissioners concerning overlapping claims” (S/AC.26/2004/13), which recommendations were approved by the Governing Council in decision 231 (S/AC.26/Dec.231(2004)), the secretariat identified two claims (one category “C” claim and one subcategory “E4” claim) filed by two Governments for the same loss. After reviewing the evidence provided by both claimants, the merged “E4” Panel made a determination about which claimant had

sustained the loss. The Panel recommended that the award of compensation made to the “E4” claimant, who proved his entitlement to compensation, be maintained and that the overpayment made to the category “C” claimant under the original category “C” award be corrected.

22. Accordingly, as set forth in table 7 below, it is recommended that the award made to the category “C” claimant be corrected. Table 7 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 7. Category “C” correction: duplication of claim awards

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect</u> <u>USD</u>
Jordan	Sixth	1	(23,505.00)
<u>Total</u>		1	(23,505.00)

4. Summary

23. In summary, the recommended corrections related to award amounts in category “C” concern 337 claims submitted by three Governments resulting in a net increase of the total amount awarded of USD 2,480,725.18. Of these, the total amount awarded for 334 claims was increased by USD 2,523,268.24 and the total amount awarded for three claims was decreased by USD 42,543.06. The recommendations with respect to the first, fourth, fifth, sixth and seventh instalments of category “C” claims, by country and by instalment, are provided in tables 1 to 6 of annex II to this report.

II. RECOMMENDED CORRECTIONS CONCERNING CLAIMS IN CATEGORY “D”

24. The claims in this section for which corrections have been recommended have been broken down according to the claimant Governments that put forward the operative article 41 request.

A. Canada

25. Following an inquiry from the Government of Canada 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)).

26. 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 bring to the attention of the Panel documents that showed that the claimant, who was originally an Iraqi national, had, prior to Iraq’s invasion and occupation of Kuwait, taken steps to initiate the procedures for becoming a bona fide national of Canada, thus making him eligible to present his claim to the Commission.

27. As a result of this clerical error, the Panel recommended no compensation for the claim, which included D1 (mental pain and anguish) and D4 (personal property) losses. The Panel reviewed the claim file and concluded that the correct amount of compensation recommended for the claimant's D1 losses should have been USD 10,000 and for the claimant's D4 losses should have been USD 25,739.64. 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.

B. France

28. Following an inquiry from the Government of France and as a result of information provided by the secretariat, the "D1" Panel of Commissioners reviewed a claim that was included in "Report and recommendations made by the 'D1' Panel of Commissioners concerning part two of the fifteenth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2003/8), which recommendations were approved by the Governing Council in decision 187 (S/AC.26/Dec.187 (2003)).

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, in valuing the loss of money component of the claimant's D2 (personal injury) claim, made an incorrect deduction with respect to the amount of compensation already awarded to the claimant for the same loss by the "E/F" Panel of Commissioners through a claim filed by the French Government entity responsible for compensating victims of terrorism (Fonds de Garantie Contre les Actes de Terrorisme). The recommendations of the "E/F" Panel with respect to this claim were included in the "Report and recommendations made by the Panel of Commissioners concerning the fourth instalment of 'E/F' claims" (S/AC.26/2002/34), and were approved by the Governing Council in decision 179 (S/AC.26/Dec.179 (2002)).

30. As a result of this clerical and computational error, the Panel recommended compensation in the amount of USD 229,375.62 for the claimant's D2 losses. The Panel reviewed the file and concluded that the correct amount of compensation recommended for the claimant's D2 losses should have been USD 316,177.62. 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.

C. India

31. Following an inquiry from the Government of India 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 fourth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/1999/21), which recommendations were approved by the Governing Council in decision 81 (S/AC.26/Dec.81 (1999)).

32. 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 claimant's D6 (loss of income) claim, applied an incorrect multiplier to the claimant's monthly income. The evidence provided by the claimant in support of this claim indicated that a multiplier of 10 should have been used to calculate the compensation for this claim. However, a multiplier of 11 was erroneously applied.

33. As a result of this clerical and computational error, the Panel recommended compensation in the amount of USD 10,302.98 for the claimant's D6 losses. The Panel reviewed the file and concluded that the correct amount of compensation recommended for the D6 losses should have been USD 7,361.80. 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.

D. Jordan

34. 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 the eleventh instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2002/2), which recommendations were approved by the Governing Council in decision 147 (S/AC.26/Dec.147 (2002)).

35. 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 incorrectly concluded that the component of the claimant's claim for D8/D9 (individual business) losses relating to loss of income had been withdrawn and, accordingly, failed to present this loss item to the Panel.

36. As a result of this clerical error, the Panel recommended compensation for the claimant's D8/D9 losses in the amount of USD 54,069. The Panel reviewed the file and concluded that the correct amount of compensation recommended for the claimant's D8/D9 losses should have been USD 71,569. 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.

E. Kuwait

37. Following an inquiry from the Government of Kuwait and as a result of information provided by the secretariat, the "D1" Panel of Commissioners reviewed a claim that was included in its report for the eleventh instalment of category "D" claims, which recommendations were approved by the Governing Council in decision 147.

38. 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 an incorrect average monthly income amount. The secretariat's review of the documents submitted by the claimant indicated that the claimant's average monthly income was, in fact, substantially lower than the amount used by the secretariat in its initial review of the claim.

39. As a result of this clerical and computational error, the Panel recommended compensation in the amount of USD 203,024.22 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 82,214.53. 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.

40. Following another inquiry from the Government of Kuwait and as a result of information provided by the secretariat, the "D1" Panel of Commissioners reviewed a claim that was included in its report for the eleventh instalment of category "D" claims, which recommendations were approved by the Governing Council in decision 147 (S/AC.26/Dec.147 (2002)).

41. 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 tangible property component of the claimant's D8/9 (individual business) loss claim, made an incorrect deduction with respect to the amount of compensation awarded to the claimant for the tangible property element of his C8 (individual business) claim.

42. As a result of this clerical and computational error, the Panel recommended compensation in the amount of USD 85,073 for the claimant's D8/D9 losses. The Panel reviewed the file and concluded that the correct amount of compensation recommended for the claimant's D8/D9 losses should have been USD 114,125.06. 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.

F. Philippines

43. Following an inquiry from the Government of the Philippines and as a result of information provided by the secretariat, the "D1" Panel of Commissioners reviewed a claim that was included in its report for part one of the fourth instalment of category "D" claims, which recommendations were approved by the Governing Council in decision 81.

44. 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 (a) bring to the attention of the Panel the claim for a deposit paid by the claimant to a school in Kuwait in order to secure the enrolment of his children for the 1990/1991 academic year, and (b) review the loss in accordance with the category "D" methodology and previous decisions of the Panel concerning compensation for school fees paid from which no benefit was derived. On the basis of the evidence provided by the claimant, the loss is compensable.

45. As a result of this clerical error, the Panel recommended no compensation for the claimant's DS (Other) loss claim for school fees. The Panel reviewed the file and concluded that the correct amount of compensation recommended for the DS losses should have been USD 1,038.06. 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.

G. United Kingdom

46. Following an inquiry from the Government of the United Kingdom 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 two of the ninth instalment of individual claims for damages above USD 100,000 (category ‘D’ claims)” (S/AC.26/2001/26), which recommendations were approved by the Governing Council in decision 142 (S/AC.26/Dec.142 (2001)).

47. 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 claimant’s D6 (loss of income) claim, incorrectly treated it as a duplicate of the claimant’s C6 (salary loss) claim, resulting in an erroneous reduction of the amount of compensation awarded to the claimant for his C6 claim. The secretariat’s review of the documents provided in support of this claim indicated that the claimant’s D6 claim was complementary to, and not a duplicate of, his C6 claim, and therefore the deduction initially performed by the secretariat was incorrect.

48. As a result of this clerical and computational error, the Panel recommended compensation in the amount of USD 32,725 for the claimant’s D6 losses. The Panel reviewed the file and concluded that the correct amount of compensation recommended for the D6 losses should have been USD 51,542. 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.

H. Summary

49. Accordingly, as set forth in table 8 below, it is recommended that the awards for these claims be corrected. Table 8 identifies the countries concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 8. Category “D” corrections

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Canada	Fifteenth, part one	1	35,739.64
France	Fifteenth, part two	1	86,802.00
India	Fourth, part one	1	(2,941.18)
Jordan	Eleventh	1	17,500.00
Kuwait	Eleventh	2	(91,757.63)
Philippines	Fourth, part one	1	1,038.06
United Kingdom	Ninth, part two	1	18,817.00
<u>Total</u>		8	65,197.89

50. In summary, the recommended corrections in category “D” concern eight claims submitted by seven Governments resulting in a net increase of the total amount awarded of USD 65,197.89. Of these, the total amount awarded for six claims was increased by USD 188,948.76 and the total amount awarded to two claims was decreased by USD 123,750.87. The recommendations with respect to part one of the fourth, part two of the ninth, the eleventh, part one of the fourteenth and part two of the fifteenth instalments of “D” claims, by country and by instalment, are provided in tables 1 to 6 of annex III to this report.

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

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

52. Two 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), which recommendations were approved in decision 207 (S/AC.26/Dec.207 (2003)). 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 (a) identify issues in respect of which additional information from the two claimants was necessary for the Panel to be able to make a final eligibility determination with respect to the claims and to (b) send “reasons review” notifications to the claimants requesting this additional information.

53. Having been informed of the clerical error, the Panel instructed the secretariat to send “reasons review” notifications to the claimants. Having reviewed the claimants’ responses to the notifications, the Panel noted that the claimants failed to provide the requested original copies of certain documents and did not provide a satisfactory explanation for this failure. The Panel therefore concluded that the claims should be considered to be ineligible for inclusion in the programme. Consequently, a correction resulting in a deduction in the total amount of USD 26,908.64 should be made in respect of these two claims. 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. 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.

54. Three further corrections relate to category “C” claims that were 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), which recommendations were approved in decision 207 (S/AC.26/Dec.216 (2004)). In that report, the three claimants in question 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 “C4-CPHO” losses. Having been informed of the clerical error, the Panel concluded that the irregularities in the documents supporting the asserted “C4-CPHO” losses adversely affected the lost types to which the documents related. Consequently, a correction resulting in a deduction in the total amount of USD

21,969.81 should be made in respect of these three claims. 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. 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.

55. Accordingly, as set forth in table 9 below, it is recommended that the awards for these claims be corrected. Table 9 identifies the submitting entity concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 9. Category "C" Palestinian late claims corrections

<u>Submitting entity</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect USD</u>
Palestine	First	2	(26,908.64)
	Second	3	(21,969.81)
<u>Total</u>		5	(48,878.45)

56. In summary, the recommended corrections relate to five category "C" Palestinian late claims submitted by the Palestinian Authority and result in a net decrease of the total amount awarded in the amount of USD 48,878.45. The recommendations with respect to the first and the second instalments of category "C" Palestinian late claims by instalment are provided in tables 1 to 2 of annex IV to this report.

IV. REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS

57. During the period under review, the secretariat has continued its review of requests from Governments 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.

A. Category "D" claims

58. During the period under review, the secretariat reviewed a total of 334 requests from 10 Governments for corrections to claims in category "D". The requests and their submitting entities are set forth in table 1 of annex V 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.

B. Category "E" claims

59. During the period under review, the secretariat reviewed a total of 23 requests from two Governments for corrections to claims in category "E". The requests and their submitting entities are set forth in table 2 of annex V 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.

C. Category “E/F” claims

60. During the period under review, the secretariat reviewed one request from one Government for corrections to a claim in category “E/F”. The request and its submitting entity is set forth in table 3 of annex V to this report. Having carefully reviewed all aspects of the request, the Executive Secretary has concluded that no correction of the relevant Governing Council decision is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

61. In addition, during the period under review, the secretariat has received 138 requests for article 41 corrections with respect to claims in categories “D” and “E” from the Governments of Bulgaria, Jordan and Kuwait. 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 12 of this report, supra, the category "A" claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. Second 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	51,238,500.00	51,237,000.00	(1,500.00)
Iran	50,429,000.00	50,427,500.00	(1,500.00)
Jordan	94,202,500.00	94,192,000.00	(10,500.00)
Philippines	5,768,500.00	5,764,500.00	(4,000.00)

Table 2. 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	91,941,000.00	91,926,500.00	(14,500.00)
Philippines	5,487,500.00	5,477,000.00	(10,500.00)

Table 3. 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	147,280,500.00	147,272,500.00	(8,000.00)
Jordan	17,441,500.00	17,369,000.00	(72,500.00)
Philippines	27,408,500.00	27,387,500.00	(21,000.00)

Table 4. 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>
India	149,268,500.00	149,264,500.00	(4,000.00)
Pakistan	23,058,500.00	23,062,500.00	4,000.00
Philippines	17,956,000.00	17,928,000.00	(28,000.00)

Table 5. 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>
Pakistan	46,423,000.00	46,421,500.00	(1,500.00)
Philippines	60,701,000.00	60,490,000.00	(211,000.00)

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

Table 6. 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>
Second	642,052,000	642,034,500	(17,500)
Third	532,139,000	532,114,000	(25,000)
Fourth	732,837,000	732,735,500	(101,500)
Fifth	773,152,000	773,124,000	(28,000)
Sixth	317,142,000	316,929,500	(212,500)

Annex II

RECOMMENDED CORRECTIONS CONCERNING CATEGORY "C" CLAIMS

1. Based on the recommended corrections reported in paragraphs 13 to 23 of this report, supra, the category "C" claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. First instalment category "C" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Bahrain	214,891.00	230,491.00	15,600.00

Table 2. Fourth instalment category "C" 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	24,601,390.71	24,582,352.65	(19,038.06)

Table 3. Fifth instalment category "C" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Bahrain	83,863.56	95,974.29	12,110.73

Table 4. Sixth instalment category "C" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Egypt	97,730,095.01	99,768,068.30	2,037,973.29
Jordan	184,427,461.38	184,403,956.38	(23,505.00)

Table 5. Seventh instalment category "C" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Egypt	231,246,759.58	231,668,132.72	421,373.14
Kuwait	789,180,247.91	789,216,458.99	36,211.08

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

Table 6. Recommended corrected total awards for category “C” claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
First	51,119,353.00	51,134,953.00	15,600.00
Fourth	654,973,067.32	654,954,029.26	(19,038.06)
Fifth	736,118,809.54	736,130,920.27	12,110.73
Sixth	768,600,902.65	770,615,370.94	2,014,468.29
Seventh	1,935,938,597.81	1,936,396,182.03	457,584.22

Annex III

RECOMMENDED CORRECTIONS CONCERNING CATEGORY “D” CLAIMS

1. Based on the recommended corrections reported in paragraphs 24 to 50 of this report, supra, the aggregate corrected awards for category “D” claims by instalment, per country, are as follows:

Table 1. Part one of the fourth 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>
India	9,104,304.40	9,101,363.22	(2,941.18)
Philippines	438,956.23	439,994.29	1,038.06

Table 2. Part two of the ninth 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>
United Kingdom	534,935.46	553,752.46	18,817.00

Table 3. Eleventh 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	38,954,042.04	38,971,542.04	17,500.00
Kuwait	119,095,340.17	119,003,582.54	(91,757.63)

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>
Canada	0.00	35,739.64	35,739.64

Table 5. Part two 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>
France	248,530.23	335,332.23	86,802.00

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

Table 6. 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>
Fourth, part one	76,403,570.71	76,401,667.59	(1,903.12)
Ninth, part two	42,993,424.55	43,012,241.55	18,817.00
Eleventh	172,451,926.82	172,377,669.19	(74,257.63)
Fifteenth, part one	129,128,830.87	129,164,570.51	35,739.64
Fifteenth, part two	244,650,884.50	244,737,686.50	86,802.00

Annex IVRECOMMENDED CORRECTIONS CONCERNING CATEGORY
“C” PALESTINIAN LATE CLAIMS

1. Based on the recommended corrections reported in paragraphs 51 to 56 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>
Palestine	15,138,657.90	15,111,749.26	(26,908.64)

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>
Palestine	7,748,276.02	7,726,306.21	(21,969.81)

Annex V

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

1. As reported in paragraph 58 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, date of request and instalment are as follows:

Table 1. Category “D” requests for correction reviewed

<u>Country</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Australia	11 April 2003	1	Second, part one	55
Israel	27 October 2004	1	Eighth, part two	141
Jordan	13 March 2003	1	Fifteenth, part one	175
Jordan	26 March 2003	1	Fifteenth, part one	175
Jordan	24 December 2003	1	Fifteenth, part two	187
Jordan	31 December 2003	1	Fifteenth, part one	175
Jordan	28 January 2004	1	Eighteenth, part one	199
Jordan	1 April 2004	1	Seventeenth, part one	198
Kuwait	8 July 2002	1	Eleventh	147
Kuwait	7 August 2002	1	Second, part two	59
Kuwait	7 August 2002	1	Thirteenth	165
Kuwait	26 August 2002	1	Seventh	111
Kuwait	20 January 2003	1	Seventh	111
Kuwait	20 January 2003	1	Tenth	146
Kuwait	27 January 2003	1	Eleventh	147
Kuwait	3 February 2003	1	Tenth	146
Kuwait	12 March 2003	1	Ninth, part one	126
Kuwait	17 March 2003	1	Eighth, part one	125
Kuwait	29 April 2003	2	Seventh	111
Kuwait	29 December 2003	3	Fourth, part two	96
Kuwait	29 December 2003	4	Fifth	97
Kuwait	29 December 2003	8	Sixth	110
Kuwait	29 December 2003	4	Eighth, part one	125
Kuwait	29 December 2003	3	Eighth, part two	141
Kuwait	29 December 2003	4	Ninth, part one	126
Kuwait	29 December 2003	5	Ninth, part two	142
Kuwait	29 December 2003	25	Tenth	146
Kuwait	29 December 2003	8	Eleventh	147
Kuwait	29 December 2003	13	Twelfth, part one	155
Kuwait	29 December 2003	17	Twelfth, part two	181

<u>Country</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
Kuwait	29 December 2003	17	Thirteenth	165
Kuwait	29 December 2003	13	Fourteenth, part one	166
Kuwait	29 December 2003	29	Fourteenth, part two	186
Kuwait	29 December 2003	21	Fifteenth, part one	175
Kuwait	29 December 2003	12	Fifteenth, part two	187
Kuwait	29 December 2003	51	Sixteenth, part one	188
Kuwait	29 December 2003	38	Seventeenth, part one	198
Kuwait	29 December 2003	24	Eighteenth, part one	199
Kuwait	19 February 2004	1	Tenth	146
Kuwait	20 February 2004	2	Eleventh	147
Morocco	31 December 2003	1	Fifth	97
Pakistan	21 November 2002	1	Seventh	111
Pakistan	14 January 2003	1	Eighth, part one	125
Pakistan	30 September 2003	1	Eighth, part one	125
Philippines	30 December 2003	1	Fifth	97
Syrian Arab Republic	29 December 2003	1	Fourteenth, part two	186
United Kingdom	17 October 2002	1	Fifth	97
United Kingdom	8 May 2003	1	Fifth	97
United Kingdom	3 August 2004	1	Sixteenth, part two	214
United States	17 January 2003	1	Fourth, part one	81
United States	30 December 2003	1	Thirteenth	165
United States	30 December 2003	1	Eighteenth, part one	199
<u>Total</u>		334		

2. As reported in paragraph 59 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>
Kuwait	30 December 2003	22	E4	Second	77
United Kingdom	24 May 2004	1	E2	Fourteenth	202
<u>Total</u>		23			

3. As reported in paragraph 60 of this report, supra, the secretariat has continued its review of requests from Governments for corrections to claims in category “E/F” submitted under article 41 of the Rules. The requests reviewed by country, date of request and instalment are as follows:

Table 3. Category “E/F” requests for correction reviewed

<u>Country</u>	<u>Date of request</u>	<u>Number of claims</u>	<u>Instalment</u>	<u>Governing Council decision</u>
United Kingdom	24 May 2004	1	Fourth	179
<u>Total</u>		1		

Annex VI

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

<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>
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 ^a	-	-	-	-	-	-	(12,500.00)	3 ^a
B(3) panel report	-	-	110,000.00	10 ^b	-	-	-	-	-	-	110,000.00	10 ^b
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 report	-	-	-	-	-	-	(13,283,441.51)	426	-	-	(13,283,441.51)	426
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

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
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
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

<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(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
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
Article 41(28) report	(17,000)	10			(643,080.71)	40	132,837.45	7			(527,243.26)	57
<u>Total</u>	(18,235,500.00)	33,112	97,500.00	13	86,397,064.69	27,025	(12,523,780.98)	479	763,032.63	13	56,498,316.34	60,642

^a Number of consolidated claim submissions, as conveyed in the panel report.

^b Number of consolidated claim submissions, as conveyed in the panel report.
