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REPORT AND RECOMMENDATIONS MADE BY THE "D1" PANEL OF COMMISSIONERS  
CONCERNING PART ONE OF THE SEVENTEENTH INSTALMENT OF INDIVIDUAL  
CLAIMS FOR DAMAGES ABOVE USD 100,000 (CATEGORY "D" CLAIMS)

## CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
<a href="#">Introduction</a> .....	1-6	4
I. BACKGROUND.....	7-10	6
A. Background information .....	7-8	6
B. General legal framework.....	9	6
C. Applicable evidentiary standard.....	10	6
II. NEW ISSUES ARISING IN THE APPLICATION CLAIMS .....	11	6
A. D8/D9 (individual business) loss issues.....	12-36	6
1. Competing claims for business losses.....	12-17	6
2. Claims filed by Saudi Arabian claimants .....	18-36	8
III. “UNUSUALLY LARGE OR COMPLEX” CLAIMS.....	37-56	12
A. Introduction.....	37-39	12
B. UNCC claim No. 3002752.....	40	13
1. Ownership of personal property .....	41	13
2. Loss and causation with respect to personal property .....	42-43	13
3. Recommended award for all losses.....	44	14
C. UNCC claim No. 3005285.....	45	14
1. D4 (personal property) claim for Valuation Items.....	46-51	14
2. D8/D9 (individual business) losses.....	52-55	15
3. Recommended award for all losses.....	56	16
IV. CROSS CATEGORY ISSUE.....	57	16
V. OTHER ISSUES.....	58-64	16
A. Exchange rates .....	58-59	16
B. Interest.....	60-62	16
C. Claims preparation costs.....	63-64	17
VI. RECOMMENDED AWARDS FOR CATEGORY “D” CLAIMS.....	65	17
VII. THE PANEL’S REVIEW AND RECOMMENDATIONS IN RESPECT OF LEBANESE LATE FILED CATEGORY “A” AND CATEGORY “C” CLAIMS....	66-81	17
A. The request of the Government of the Lebanese Republic .....	66-67	17
B. The Panel’s findings regarding the eligibility of the claims for late filing ..	68-71	18

C. The Panel's review of and recommendations concerning the Lebanese late filed category "A" claims.....	72-77	19
D. The Panel's review of and recommendations concerning the Lebanese late filed category "C" claims.....	78-81	20
VIII. SUBMISSION OF THE REPORT.....	82	21
Notes.....		22
Annex.....		25

### Introduction

1. This is the seventeenth report to the Governing Council of the United Nations Compensation Commission (the "Commission") submitted pursuant to article 38(e) of the Provisional Rules for Claims Procedure (S/AC.26/1992/10) (the "Rules") by the "D1" Panel of Commissioners (the "Panel"), being one of two Panels appointed to review individual claims for damages above 100,000 United States dollars (USD) (category "D" claims). This report contains the determinations and recommendations of the Panel in respect of part one of the seventeenth instalment, submitted to the Panel by the Executive Secretary of the Commission pursuant to article 32 of the Rules on 24 September 2002.
2. The seventeenth instalment initially comprised 708 claims. A total of 14 claims have been added to the seventeenth instalment since the Panel commenced its review of the claims in the instalment.<sup>1</sup> Two of these claims are related to claims already in the seventeenth instalment, and the remaining 12 claims were deferred from previous instalments pending the receipt of additional information from the claimants.
3. The Panel has divided the seventeenth instalment into two parts. The total number of claims resolved by the Panel in part one is 382, which includes two claims that were withdrawn by claimants during the course of the Panel's review of the claims in the instalment. Part two of the seventeenth instalment includes a number of claims for high value personal property items that have been designated as "unusually large or complex" claims within the meaning of article 38(d) of the Rules. Some of these "unusually large or complex" claims are for asserted amounts over USD 10 million. The Panel will complete its review of part two of the seventeenth instalment in September 2003.
4. In the course of its review of claims in part one of the seventeenth instalment, in addition to communications among the Commissioners and the secretariat, the Panel held meetings at the Commission's headquarters in Geneva on the following dates: 23-25 September 2002, 7-9 November 2002, 11-13 December 2002, 27-29 January 2003 and 31 March-2 April 2003. These meetings included joint meetings with the "D2" Panel of Commissioners (the "D2' Panel") in September 2002 and March 2003 to discuss issues of relevance to both Panels (collectively, the "D' Panels").
5. The seventeenth instalment comprises all loss types that can be claimed in category "D", with a large number of claims containing D4 (personal property) losses and D8/D9 (individual business) losses.<sup>2</sup> In the case of five claims in the seventeenth instalment, either the situs of the alleged losses was Iraq or the claims are for losses arising out of business dealings with Iraqi entities or the Government of the Republic of Iraq ("Iraq"). These claim files were transmitted to Iraq for its comments. In addition to these claims, the Panel also transmitted nine claim files to Iraq for its comments on the basis that the claimed amounts exceed USD 10 million. In respect of the one claim transmitted to Iraq that is included in part one of the seventeenth instalment, Iraq's comments have been taken into consideration when making recommendations concerning this claim.<sup>3</sup>
6. The following table sets out the number of claims by submitting entity resolved in part one of the seventeenth instalment.

Table 1. Summary of seventeenth instalment claims by submitting entity

<u>Submitting entity</u>	<u>Number of claims originally submitted to the Panel</u>	<u>Number of claims added to the instalment</u>	<u>Number of claims withdrawn</u>	<u>Number of claims resolved by the Panel in part one</u>
Egypt	3	-	-	1
India	37	3	-	17
Israel	2	-	-	1
Jordan	172	3	-	97
Kuwait	381	6	-	231
Lebanon	7	-	-	6
Pakistan	37	-	-	11
Saudi Arabia	65	-	2	15
Turkey	1	-	-	-
United Kingdom	1	-	-	1
United States	1	1	-	1
Yemen	1	1	-	1
<u>Total</u>	708	14	2	382 <sup>a</sup>

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<sup>a</sup> Includes two claims that were withdrawn by the claimants during the course of the Panel's review of part one of the seventeenth instalment.

## I. BACKGROUND

### A. Background information

7. In reviewing the claims in part one of the seventeenth instalment, the Panel has taken into account the factual background relating to Iraq's invasion and occupation of Kuwait, as set out in detail in its reports on part one and part two of the first instalment of category "D" claims.<sup>4</sup>

8. The Panel has also taken into consideration other relevant material, including information accompanying the submission of these claims provided by the Executive Secretary pursuant to article 32 of the Rules. In addition, the Panel has considered information and views presented by Iraq and other Governments in response to the reports submitted to the Governing Council by the Executive Secretary in accordance with article 16 of the Rules.

### B. General legal framework

9. The general legal framework for the resolution of category "D" claims is set out in chapter V of the Panel's First "D" Report.<sup>5</sup>

### C. Applicable evidentiary standard

10. The evidentiary standard to be applied in reviewing category "D" claims has been addressed by the Panel in previous reports.<sup>6</sup> As with earlier instalments, the Panel has reviewed the claims in part one of the seventeenth instalment in accordance with article 35 of the Rules, and made its recommendations by assessing documentary and other appropriate evidence, as well as by balancing the interests of claimants who had to flee a war zone with the interests of Iraq, which is liable only for any direct loss, damage or injury as a result of its invasion and occupation of Kuwait.

## II. NEW ISSUES ARISING IN THE APPLICATION CLAIMS<sup>7</sup>

11. Some of the claims in part one of the seventeenth instalment raise new factual, legal or valuation issues that have not been dealt with in the Panel's previous reports. To the extent that claims in part one of the seventeenth instalment gave rise to such new issues, the Panel has ensured that these claims were resolved so as to be consistent with the established methodologies. These new issues and the Panel's findings and recommendations are set out below.

### A. D8/D9 (individual business) loss issues

#### 1. Competing claims for business losses

12. The Panel refers to previous reports in which it has identified the issue of competing claims filed by different individuals for business losses sustained by the same unincorporated business entity.<sup>8</sup> The Panel has reviewed a further set of competing claims for business losses during the course of part one of the seventeenth instalment, the facts of which are set out hereafter.

13. A non-Kuwaiti claimant filed a claim in category “D” for, inter alia, the losses sustained by a grocery business. According to the non-Kuwaiti claimant, he operated the grocery business as a sole proprietorship from 1981 until the time of Iraq’s invasion and occupation of Kuwait under a business licence that was registered in the name of a Kuwaiti national. The non-Kuwaiti claimant submitted documents to support his asserted ownership of the business, including a commercial shop investment contract dated 17 February 1990 between the Kuwaiti national in whose name the business licence was registered and the non-Kuwaiti claimant by which the non-Kuwaiti claimant rented the business premises and the use of the business licence from the Kuwaiti national in exchange for a monthly fee. This contract states that the assets of the business were the property of the non-Kuwaiti claimant.

14. During the course of its review of this category “D” claim, the Panel identified a claim that had been processed in category “C” by the Kuwaiti national in whose name the business licence was registered. This claim included, inter alia, a claim for the losses sustained by the same grocery business. The category “C” Panel of Commissioners (the “C” Panel”) reviewed the Kuwaiti claimant’s claim in the course of the seventh instalment of category “C” claims and recommended that compensation be awarded to the Kuwaiti claimant in respect of the losses sustained by the business. This recommendation was subsequently approved by the Governing Council and the award has been paid to the Kuwaiti claimant.

15. The Kuwaiti claimant did not make any reference to the non-Kuwaiti claimant in his category “C” claim. His assertion that he was the sole owner of the business at the time of Iraq’s invasion and occupation of Kuwait appears to rest on the fact that the business licence was registered in his name. After identifying the competing claims for business losses, the Panel wrote to the Kuwaiti claimant and asked him to comment on the claim filed by the non-Kuwaiti claimant for the grocery business. Copies of the documents submitted by the non-Kuwaiti claimant in support of his claim were also sent to the Kuwaiti claimant for his comment. The Kuwaiti claimant provided a written response in which he admitted that he leased the business premises and the use of the business licence to the non-Kuwaiti claimant in accordance with the commercial shop investment contract that was submitted to the Commission by the non-Kuwaiti claimant. However, the Kuwaiti claimant alleged that the business relationship evidenced by the contract was terminated in July 1990 and that thereafter the business reverted to his sole ownership. The Panel notes that the Kuwaiti claimant did not indicate why the business relationship was terminated and provided no documentary evidence to prove the alleged termination of the contract.

16. On the basis of the evidence submitted by the claimants, the Panel finds that the non-Kuwaiti claimant was the sole owner of the grocery business as at the date of Iraq’s invasion and occupation of Kuwait. The Panel therefore recommends that the non-Kuwaiti claimant be compensated for the losses sustained by the business on the basis that he was the sole owner of the business.

17. The Panel’s finding that the non-Kuwaiti claimant was the owner of the business raises an issue that has been brought to the attention of the Governing Council previously.<sup>9</sup> As noted in paragraph 14 above, the “C” Panel, on the basis of the evidentiary standard applicable to category “C” claims and the material submitted by the Kuwaiti claimant in support of his category “C” claim, made a

recommendation of an award of compensation to the Kuwaiti claimant in respect of his category “C” claim which was subsequently approved by the Governing Council. However, in view of the Panel’s finding concerning the ownership of the business, an issue of duplication of awards arises in respect of the claimed losses. Accordingly, the Panel submits this issue for the attention of the Governing Council.

## 2. Claims filed by Saudi Arabian claimants

### (a) Introduction

18. The Panel has identified some new factual and legal issues arising in the D8/D9 (individual business) loss claims filed by those Saudi Arabian claimants whose category “D” claims are included in this report in respect of part one of the seventeenth instalment. Some background information, the new factual and legal issues identified in these claims and the Panel’s findings and recommendations in respect of those issues are set out below.

### (b) Background to the Panel’s review of Saudi Arabian category “D” claims

19. The Government of the Kingdom of Saudi Arabia (“Saudi Arabia”) has filed a total of 124 category “D” claims with the Commission. These claims were originally filed in category “E” and were transferred to category “D” after it was discovered that the claimants are individuals who were operating unincorporated businesses in Saudi Arabia at the time of Iraq’s invasion and occupation of Kuwait. The seventeenth instalment originally comprised a total of 65 claims filed by Saudi Arabian claimants.<sup>10</sup> Two additional claims have subsequently been added to the instalment. This report contains the findings and recommendations of the Panel in respect of 15 Saudi Arabian claims. The remaining claims will be included in the Panel’s report in respect of part two of the seventeenth instalment. Two of the 15 claims included in this report were withdrawn by the claimants in November 2002 and January 2003, respectively.

20. The Panel has had the advantage of examining the findings and recommendations of other Panels of Commissioners that reviewed Saudi Arabian corporate and government claims, in particular, those of the “E2” Panel of Commissioners (the “‘E2’ Panel”), the “F1” Panel of Commissioners (the “‘F1’ Panel”) and the “F2” Panel of Commissioners (the “‘F2’ Panel”).<sup>11</sup> The Panel has also considered the findings of the “D2” Panel, which has been reviewing Saudi Arabian claims in parallel with the Panel’s own review.

21. The Panel notes that Saudi Arabia was threatened with military action by Iraq during the period from 2 August 1990 to 2 March 1991. Military clashes between Iraqi ground forces and Allied Coalition Forces, including Saudi Arabian troops, took place on Saudi Arabian soil and scud missile attacks were inflicted on Saudi Arabia.<sup>12</sup> From 29 to 30 January 1991, the town of Al Khafji was occupied by Iraqi troops who had crossed the Saudi Arabian border from Kuwait.<sup>13</sup> Various Panels have previously determined that the threats against Saudi Arabia meet the requirements of paragraph 21(a) of Governing Council decision 7 (S/AC.26/1991/7) (which provides guidance on “directness”)

given that these threats were sufficiently credible and serious, and were intimately connected to the relevant military operations.<sup>14</sup>

22. Of particular relevance to the Panel's review of the Saudi Arabian claims in the seventeenth instalment are the findings of the "E2" Panel as set out in its first instalment report. The "E2" Panel considered claims by corporations in connection with their activities in Saudi Arabia for losses including the decline in employee and equipment productivity and damage to tangible and real property resulting from the oil fires in Kuwait.<sup>15</sup> The "E2" Panel found that unless a claimant makes a special showing that the loss for which compensation is claimed is one that is an immediate consequence of: (a) military operations or the threat of military action by either side during the period from 2 August 1990 to 2 March 1991; (b) actions by officials, employees or agents of Iraq or its controlled entities during the period in connection with the invasion or occupation of Kuwait; or (c) hostage-taking or other illegal detention, the claim would not be compensable.<sup>16</sup> The "E2" Panel found that in the case of loss or damage resulting from military operations, the causal inquiry is different for losses suffered in Saudi Arabia from that required for losses suffered in Kuwait. Kuwait was invaded and occupied for seven months by Iraqi forces. In contrast, according to the "E2" Panel, the military operations that resulted in damage in Saudi Arabia were sporadic events that did not bring about the kind of systematic and thorough damage and injury inflicted by the military operations that took place throughout Kuwait during the relevant period. Therefore, the "E2" Panel recommended that, unlike a claimant alleging a loss in Kuwait, a claimant seeking compensation for loss or damage arising out of military operations in Saudi Arabia must make a special showing that the loss or damage for which compensation is claimed resulted from a specific military event or events.<sup>17</sup>

23. In relation to the finding concerning the threat of military action, the "E2" Panel determined that there was clear evidence that Saudi Arabia had been threatened with military action by Iraq during the period from 2 August 1990 to 2 March 1991. Not only were verbal threats made against the territory of Saudi Arabia, but Iraqi forces were massed along the Saudi Arabian border and scud missiles were fired at its territory. These threats meet the requirements of paragraph 21(a) of Governing Council decision 7 as they were sufficiently credible and serious and intimately connected to the relevant military operations. In fact, actual military clashes between Iraqi ground forces and Allied Coalition Forces, including Saudi Arabian troops, took place on Saudi Arabian soil, and scud missile attacks were inflicted on Saudi Arabia.

24. In its third instalment report, the "E2" Panel defined those losses that would be compensable in Saudi Arabia as the losses sustained within the range of Iraq's scud missiles, including the adjacent waters and airspace (the "compensable area"), during the period from 2 August 1990 to 2 March 1991 (the "compensable period").<sup>18</sup> Other Panels have utilized these definitions when reviewing subsequent claims and this Panel adopts the same course.<sup>19</sup>

(c) Claim for loss of tangible property

25. The Panel considered a claim for the loss of the tangible property of a business that was located in the neutral zone between Kuwait and Saudi Arabia. The claimant alleged that the tangible property of the business was lost or destroyed when his business premises were occupied by Iraqi forces. The

claimant provided sufficient documentary evidence of the loss and damage to his tangible property which he found when he returned to resume his business after the liberation of Kuwait. The Panel finds that the claimant's business was located in the compensable area and that the loss of the tangible property was the direct result of Iraqi military action. Therefore, the Panel recommends compensation for this loss of tangible property claim.

(d) Claims for loss of business income

26. The Panel considered a number of claims for the loss of profits or income filed by claimants whose businesses were located in Saudi Arabia. However, most of the claimants failed to demonstrate that their asserted losses were the direct result of Iraq's invasion and occupation of Kuwait. In one claim, the claimant seeks compensation for the loss of income he would have derived from three of his vehicles that he alleged were damaged in accidents while delivering fuel to the Saudi Arabian and American military forces situated at the Iraqi border. However, the evidence submitted by the claimant indicates that the vehicles were damaged due to bad weather conditions and rough roads. Therefore, the Panel finds that the claimant has not established that his losses were a direct result of Iraq's invasion and occupation of Kuwait and it recommends no award of compensation for this loss of income claim.

27. In a second claim, the claimant seeks compensation for the loss of income from various branches of his trading and contracting business. However, the evidence submitted by the claimant indicates that all but one of the branches of his business were established after the compensable period. Therefore, the Panel recommends that the claimant only be awarded compensation for the loss of income sustained by the one branch of the business that was in existence at the time of Iraq's invasion and occupation of Kuwait and for which the claimant has provided sufficient evidence of his lost income during the compensable period.

28. In another claim, the claimant seeks compensation for the loss of commissions that he was paid by clients who utilized his business to recruit expatriate workers to work in Saudi Arabia. The claimant reimbursed these commission payments to his clients because the expatriate workers declined to travel to Saudi Arabia, allegedly because of Iraq's invasion and occupation of Kuwait. The Panel finds that, based on the evidence provided, the claimant has established that his losses arose as a direct result of Iraq's invasion and occupation of Kuwait and recommends compensation in respect of the claimant's loss of income during the compensable period.

29. In a final claim, the claimant seeks compensation for the reduction in profits sustained by his business located in western Saudi Arabia. The Panel finds that the claimant's business was located outside the compensable area and that the claimant has not provided evidence to show that his loss of income was a direct result of military operations or the threat of military action in Saudi Arabia resulting from Iraq's invasion and occupation of Kuwait. Therefore, the Panel recommends no award of compensation in respect of this loss of income claim.

(e) Claims for loss of income arising from contracts

30. The Panel considered several claims submitted by claimants for the loss of income arising from the interruption of contracts or the non-renewal of contracts. In one claim, the claimant seeks compensation for the loss of income from seven contracts carried out in the neutral zone between Kuwait and Saudi Arabia. The claimant provided copies of the contracts, some of which were renegotiated and resumed after the liberation of Kuwait. The Panel finds that the claimant's business was operating in the compensable area and that the performance of some of his contracts was interrupted as a direct result of Iraq's invasion and occupation of Kuwait. However, the Panel recommends that the claimant only be compensated for the loss of income in respect of those contracts that were terminated as a direct result of Iraq's invasion and occupation of Kuwait. In respect of the remaining contracts that were renegotiated after the liberation of Kuwait, the Panel finds that the claimant has sustained no loss.

31. Another claimant seeks compensation for the loss of income arising from a contract by which his business leased refrigerators and water coolers to Kuwaiti oil companies. The Panel finds that the claimant's business dealt with Kuwaiti companies whose operations were interrupted during the compensable period as a direct result of Iraq's invasion and occupation of Kuwait. However, the claimant provided limited evidence to support the quantum of his asserted income loss and therefore, the Panel recommends an award in respect of this loss after taking into account the evidentiary deficiencies.

(f) Claims for loss of income arising from receivables

32. The Panel reviewed a number of claims filed by claimants who seek compensation for unpaid receivables that were owing to their businesses. In one claim, the claimant seeks compensation for money owed to him by Yemeni traders who had purchased goods on credit a few years prior to Iraq's invasion and occupation of Kuwait. The claimant states that the Yemeni traders who owed him money left the country without repaying these amounts. Another claimant seeks compensation for money owed to him by Yemeni customers to whom he sold foodstuffs for wholesale and retail businesses. The Yemeni customers allegedly left Saudi Arabia without repaying the claimant the money they owed him. The Panel finds that in respect of these two claims, the debts were either already uncollectable before Iraq's invasion and occupation of Kuwait or became uncollectable as a result of the intervening decision of the Government of Saudi Arabia to impose measures on foreign nationals in Saudi Arabia, which resulted in Yemenis leaving the country. Therefore, the Panel recommends no award of compensation for these claimants in respect of their loss of income claims.

(g) Claims for incremental costs

33. The Panel considered several claims for compensation for the incremental costs associated with operating businesses during the period of Iraq's invasion and occupation of Kuwait. In one claim, the claimant seeks compensation for increased expenses in relation to his contracting business, such as the increased salaries he paid his employees, the costs of exit visas and the increased costs of materials. The claimant did not provide a breakdown of these asserted costs nor evidence to show that he

actually paid these additional expenses. Another claimant seeks compensation for the increased costs of labour, transportation and materials incurred by his business in order to complete three contracts. The Panel finds that this claimant has failed to provide any evidence that the expenses incurred were the direct result of Iraq's invasion and occupation of Kuwait. A third claimant seeks compensation for the costs of salaries paid to employees during the interruption of his business' contracts, rental costs and miscellaneous unspecified costs. However, the documentation submitted to the Commission shows these items comprise ordinary salaries and rent paid in respect of the business premises. The Panel finds that in all three cases, the claimants have failed to provide evidence to show that they were forced to pay incremental costs for completing their contracts as a direct result of Iraq's invasion and occupation of Kuwait and recommends no award of compensation for these claims for incremental costs.

34. In another case, the claimant seeks compensation for the incremental costs that he allegedly incurred in operating his businesses during the period of Iraq's invasion and occupation of Kuwait, namely, money spent on employees' airfares, the cost of maintaining equipment and storage costs for food. However, the evidence provided by the claimant indicates that his businesses were established after the compensable period. The Panel therefore recommends no award of compensation in respect of this claim for incremental costs.

(h) Claim for damage to real property

35. The Panel considered one claim in which the claimant seeks compensation for damage to business property located in the neutral zone between Kuwait and Saudi Arabia. The claimant stated that the business premises were occupied by Iraqi forces and utilized as a garage. Claims for damage to real property that arose as a direct result of military operations are compensable where the claimant has made a specific showing that proves the direct link between the military attack and the damage claimed. The Panel recommends that this claimant be compensated for his cost of repairs to the business property because he has shown that the property was located in the compensable area and that the damage arose as a direct result of the activities of the Iraqi army.

(i) Claim for other business losses

36. The Panel considered one claim in which the claimant seeks compensation for money that he alleged was stolen by his employees during the period of Iraq's invasion and occupation of Kuwait. The Panel finds that the claimant did not provide evidence to prove that his employees took the money and departed Saudi Arabia as a direct result of Iraq's invasion and occupation of Kuwait. Therefore, the Panel recommends no award of compensation in respect of this business loss claim.

### III. "UNUSUALLY LARGE OR COMPLEX" CLAIMS

#### A. Introduction

37. The Panel reviewed two claims in part one of the seventeenth instalment that it had previously classified as "unusually large or complex" within the meaning of article 38(d) of the Rules.

38. As was the case with respect to certain claims in part two of the fifteenth instalment of category “D” claims,<sup>20</sup> the Panel has had the assistance of expert consultants with regard to the valuation of certain items of personal property in these two claims that were either of high value or of an unusual nature (“Valuation Items”). The Valuation Items include jewellery, antiques and collectibles, paintings, carpets and bloodstock (racing and breeding horses). At the request of the Panel, the expert consultants conducted a detailed review of available information pertaining to each Valuation Item and produced reports covering the Valuation Items in each claim, identifying a range of the lowest replacement values for each Valuation Item. The Panel considered these reports in arriving at its recommended awards for these claims. The Panel determined that the starting point for compensation for the Valuation Items should be the lowest replacement value in the range for each Valuation Item in 1990. Accordingly, the valuations set out in the expert consultants’ reports, and the recommended awards made by the Panel, are based on the Valuation Items’ lowest replacement value in 1990 in the light of the quality of the evidence in support of the claim. One of the two claims that the Panel reviewed during the course of part one of the seventeenth instalment was the subject of a technical mission to Kuwait undertaken at the Panel’s direction by the secretariat and the expert consultants in November 2002.

39. Notable aspects of these two claims and the Panel’s findings and recommendations on them are set out below.

#### B. UNCC claim No. 3002752

40. The claimant seeks compensation in the total amount of USD 2,841,025. This includes a D2 (personal injury) loss in the amount of USD 325 and a claim for D4 (personal property) losses in the amount of USD 2,840,700. Items totalling USD 1,235,000 were treated as Valuation Items. The Valuation Items comprise cigarette lighters, a George III table, a Serapi rug, a collection of 200 antique dresses, mink coats and jewellery.

##### 1. Ownership of personal property

41. The claimant provided extremely detailed information and evidence regarding her personal property, including the Valuation Items, in her claim. Considering the totality of the evidence, the Panel finds that the claimant owned the personal property, including the Valuation Items, for which she claims.

##### 2. Loss and causation with respect to personal property

42. The claimant provided two statements from individuals who asserted that they had been in the claimant’s home, that they could verify her personal property losses and that the losses for which she has claimed are minimal compared with her actual losses. A statement from another individual indicated that he went to the claimant’s home during the first week of Iraq’s invasion and occupation of Kuwait to check on her and witnessed Iraqi soldiers leaving the apartment carrying all of the claimant’s belongings, including jewellery, clothes and rugs.

43. The Panel finds, on the basis of this evidence, that the claimant has suffered the loss of the personal property, including the Valuation Items for which she claims, as a direct result of Iraq's invasion and occupation of Kuwait.

3. Recommended award for all losses

44. Taking into account the report of the expert consultants regarding the Valuation Items and the evidence submitted by the claimant in support of the claim, and having applied the category "D" methodologies to those aspects of the claim not involving Valuation Items, the Panel recommends that the claimant be awarded a total of USD 1,289,548.80 for all claimed losses.

C. UNCC claim No. 3005285

45. The claimant seeks compensation in the total amount of USD 319,238,868.42. This includes a claim for D4 (personal property) in the amount of USD 8,926,418.69, D7 (real property) losses for repair costs and loss of rental income in the amount of USD 8,069,266.34, D8/D9 (individual business) losses in the amount of USD 302,136,359.86 and claim preparation costs in the amount of USD 106,823.53. In addition to the Valuation Items contained in this claim, the Panel gave extensive consideration to the claimant's significant D8/D9 (individual business) loss claim. The Panel's findings and recommendations in respect of these two aspects of the claim are set out below.

1. D4 (personal property) claim for Valuation Items

46. Of the total claimed amount of USD 8,926,418.69 for D4 (personal property) losses, items totalling USD 7,732,716.26 were treated as Valuation Items. The Valuation Items comprise jewellery and bloodstock.

(a) Ownership of the Valuation Items

47. The claimant's evidence in respect of his asserted ownership of the Valuation Items includes a detailed inventory of the items for which he claims and assorted documentation such as invoices and witness statements. The claimant provided statements from the vendors of the jewellery and the horses for which he seeks compensation, which statements include details of the items purchased and confirmation of the claimant's purchase of those items. In addition, certain jewellery vendors and staff members of the Kuwait Hunting and Equestrian Club were interviewed regarding the claimant's jewellery and horses respectively, during the technical mission to Kuwait in November 2002.

48. On the basis of the totality of the evidence, the Panel finds that the claimant owned the personal property, including the Valuation Items, for which he has claimed.

(b) Loss and causation with respect to the Valuation Items

49. In addition to his own statement, the claimant provided a number of witness statements attesting to the damage sustained by his real properties and the theft of his personal property. Two of the witnesses observed Iraqi soldiers at the claimant's residence, while others observed Iraqi soldiers at

the stables where the claimant's horses were kept. In addition, staff of the Kuwait Hunting and Equestrian Club confirmed the loss of the claimant's horses during the technical mission to Kuwait in November 2002.

50. On the basis of this evidence, the Panel finds that the claimant lost the personal property, including the Valuation Items for which he has claimed, as a direct result of Iraq's invasion and occupation of Kuwait.

(c) Recommended award for the Valuation Items

51. Taking into account the report of the expert consultants and the evidence submitted by the claimant in respect of the Valuation Items, the Panel recommends that the claimant be awarded a total of USD 2,457,433 for the Valuation Items.

2. D8/D9 (individual business) losses

52. The claimant's D8/D9 (individual business) loss claim is based on a loan agreement dated 8 August 1982 that the claimant entered into with a syndicate of banks. The principal amount of the loan was USD 140 million. The claimant did not make timely repayments as they were due under the agreement and, by the date of Iraq's invasion and occupation of Kuwait, the combined unpaid principal and interest owing to the syndicate totalled approximately USD 301 million.

53. In 1988, the claimant commenced negotiations with the syndicate banks with a view to alleviating his debt burden. He alleged that after more than two years, the negotiations resulted in an assignment agreement pursuant to which two members of the syndicate were to buy out the interests of the other members of the syndicate. The claimant also alleged that this assignment agreement was scheduled to be signed on 6 August 1990, and that the signing of the agreement was prevented solely by Iraq's invasion and occupation of Kuwait. Finally, the claimant alleged that if the assignment agreement had been executed, his indebtedness under the loan agreement would have been reduced from approximately USD 301 million to USD 21 million. The claimant seeks to recover the difference between these two amounts, together with accumulated interest.

54. After carefully considering the issues and the voluminous evidence presented by the claimant, the Panel finds that the claimant's assertion that only the signature of the assignment agreement remained to be concluded is not supported by the contemporaneous documentary evidence that he has provided. Insofar as the claimant seeks compensation based on the imminent conclusion of the assignment agreement, and its supposed interruption by Iraq's invasion and occupation of Kuwait, the Panel finds that the claimant has failed to prove agreement between the parties on all essential terms and conditions. The Panel notes that the claimant was not to be a party to the assignment agreement.

55. The Panel also notes that in a further statement lodged on behalf of the claimant, it was submitted that the assignment agreement had been concluded and that "[a]s such, on 6 June 1990, pursuant to Kuwaiti and international law and jurisprudence... an assignment agreement of the subject loan was reached and a binding contract was in place among all concerned parties". If this assertion is

considered to be correct, the claimant's indebtedness was consequently reduced prior to Iraq's invasion and occupation of Kuwait and the claimant suffered no loss as a direct result of the invasion. Accordingly, the Panel recommends no award of compensation for the claimant's D8/D9 (individual business) loss claim.

### 3. Recommended award for all losses

56. After reviewing all of the compensable losses claimed by the claimant, the Panel recommends that the claimant be awarded a total of USD 9,588,277.86 for all claimed losses.

## IV. CROSS CATEGORY ISSUE

57. Recommended awards in respect of claims in part one of the seventeenth instalment are reported net of category "A", "B" and "C" approved awards made to the same claimants.<sup>21</sup>

## V. OTHER ISSUES

### A. Exchange rates

58. For purposes of calculating recommended amounts, the Panel has converted currencies into United States dollars in accordance with the rates set out in paragraphs 61-63 of the First "D" Report.

59. In its report and recommendations concerning the third instalment of category "D" claims,<sup>22</sup> the Panel noted that where losses are claimed for money in currencies other than United States dollars and it is established that the application of the exchange rate approved by the Panel in its First "D" Report "would result in either under-compensation or over-compensation of the claimant, the Panel determined that it will select a conversion rate based on the evidence that most closely compensates the claimant for the value of the losses suffered. In particular, this would be applied in situations where the claimant has submitted evidence that he or she purchased the money at a rate different from the rate adopted by the Panel."<sup>23</sup>

### B. Interest

60. A number of claimants in part one of the seventeenth instalment claim for interest on losses contained in their category "D" claims. For category "D" losses other than loss of business income and incremental costs, the "D" Panels have previously determined that the phrase "the date the loss occurred" in Governing Council decision 16 (S/AC.26/1992/16)<sup>24</sup> should be a single fixed date. The "D" Panels determined that 2 August 1990 (the date of Iraq's invasion and occupation of Kuwait) should serve as the fixed date.<sup>25</sup>

61. Claims for loss of business income are claims for income that would have been earned over a period of time. As such, a date of loss of 2 August 1990 for such losses would result in over-compensation for claimants. The "D" Panels have therefore adopted the midpoint of the period for which loss of business income claims have been recommended for compensation as the date of loss for

the purpose of calculating interest. The “D” Panels also adopted a fixed date of 1 May 1991 as the date of loss for the purpose of calculating interest on awards for claims for incremental costs.<sup>26</sup>

62. The Panel applies these findings to the claims included in part one of the seventeenth instalment.

### C. Claims preparation costs

63. A number of claimants in part one of the seventeenth instalment seek claims preparation costs incurred by them, either for a specific or an unspecified amount.

64. The Panel has been informed by the Executive Secretary of the Commission that the Governing Council intends to resolve the issue of claims preparation costs in the future. Accordingly, the Panel makes no recommendation with respect to compensation for claims preparation costs.

## VI. RECOMMENDED AWARDS FOR CATEGORY “D” CLAIMS

65. The annex hereto lists the awards recommended by the Panel for each Government and international organization for the claims resolved in part one of the seventeenth instalment. Each Government and international organization will be provided with a confidential list containing the individual recommendations made in respect of its claimants. As will be seen from the annex, the total amount claimed is USD 544,244,213.14. Of this amount claimed, USD 2,768,166.09 is for business losses suffered by Kuwaiti companies that will be severed from the category “D” claims and transferred to the subcategory “E4” Panels of Commissioners for their review pursuant to Governing Council decision 123 (S/AC.26/Dec.123 (2001)). As against the net balance of USD 541,476,047.05 claimed, the Panel recommends a total compensation of USD 111,894,432.92.

## VII. THE PANEL’S REVIEW AND RECOMMENDATIONS IN RESPECT OF LEBANESE LATE FILED CATEGORY “A” AND CATEGORY “C” CLAIMS

### A. The request of the Government of the Lebanese Republic

66. During the Governing Council’s thirty-ninth session held from 13 to 15 March 2001, a representative of the Permanent Mission of the Government of the Lebanese Republic in Geneva requested the Governing Council to accept for “late” filing the category “A” (departure from Iraq or Kuwait), and category “C” (individual losses up to USD 100,000), claims of 15 Lebanese individuals who had lived in the area of southern Lebanon that was occupied by Israel until 24 May 2000. The Government of Lebanon subsequently added an additional “late filed” claim to the original 15 (the “late filed claims”).

67. At its forty-fifth session held from 1 to 3 October 2002, the Governing Council requested the Panel to review and process the claims if the Panel determines in each case that the claimants did not have a full and effective opportunity to file their claims within the original period. In deciding whether these late filed claims should be accepted, the Panel was requested to take into account the particular circumstances of these claimants and whether they qualify for late filing under the

established criteria, namely the existence of a war situation or civil disorder and evidence of prior attempts by the claimants to file their claims within the relevant filing deadlines.

B. The Panel's findings regarding the eligibility of the claims for late filing

68. In order to determine whether each of the claimants did not have a full and effective opportunity to file their claims within the original filing period of the Commission, the Panel examined all of the materials provided by the claimants and the Government of Lebanon in support of the late filed claims.

69. In this respect, the Panel notes that the area of southern Lebanon in which the claimants resided was occupied by Israeli armed forces and a pro-Israeli militia in the period from 1982 to May 2000. The Panel also notes that the claimants submitted evidence showing that they were residing in the occupied zone in southern Lebanon in the period from 1990 to May 2000 and that, while there, they had not been able to contact any Lebanese Government authorities in the rest of the country due to the difficult circumstances and restrictions on movements and communications prevailing in the occupied zone throughout the period of its occupation by the Israeli armed forces. In addition, the Panel also took into consideration that many of the claimants had attempted, while in the occupied zone, to contact members of the United Nations Interim Force in Lebanon ("UNIFIL") in southern Lebanon in order to seek assistance in filing their claims since there were no Lebanese Government representatives in the occupied zone.

70. In particular, the Panel took into consideration the information provided by the Senior Advisor of UNIFIL in his letter dated 1 August 2001 in which he commented on the conditions that existed in southern Lebanon in the period from 1982 to 2000, including:

(a) The fact that the zone occupied by Israel in southern Lebanon was considered to be an open-air prison where all aspects of life, including entry into and exit from the zone, were under the full control of the Israeli army and the pro-Israeli militia;

(b) The minimal and unreliable postal service that existed before the Israeli occupation had completely disappeared and the telephone system had collapsed such that the only means of communication with the outside world was through expensive, private telephone patching services;

(c) Mobile telephones were not allowed in the zone of occupation;

(d) Permission to leave or enter the occupied zone was controlled by the local pro-Israeli militia. Such permission was granted arbitrarily, without reasons for denials being given. If permission was granted, there was no guarantee of being able to return; and

(e) There was limited freedom of movement within the occupied zone due to daily military activity.

71. In the light of the above-mentioned information, and taking into consideration the criteria established by the Governing Council for late filing, the Panel reviewed each of the late filed claims

individually in order to determine whether or not the claimants had a full and effective opportunity to submit claims to the Commission within the original filing period. At the conclusion of its detailed examination of the late filed claims, the Panel accepts claims from 10 individuals for consideration on the basis that the documents and other supporting materials provided showed that the claimants had not had a full and effective opportunity to submit claims to the Commission within the original filing period. Further information and clarification is to be sought from the remaining six claimants before the Panel will be in a position to make a determination on the question of the acceptance of their claims for late filing. The Panel's findings in respect of the remaining six late filed claims will be included in a subsequent report of the Panel.

C. The Panel's review of and recommendations concerning the Lebanese late filed category "A" claims

72. Category "A" claims have been submitted by three of the 10 Lebanese claimants whose claims have been found to be eligible by the Panel for filing as late filed claims. In reviewing these claims, the Panel has taken into account the fact that category "A" claims are claims for departure from Iraq or Kuwait during the period from 2 August 1990 to 2 March 1991 (the "jurisdictional period"). These claims are among the "most urgent claims" for which Governing Council decision 1 (S/AC.26/1991/1) set out "simple and expedited procedures" in order to provide "prompt compensation in full" or "substantial interim relief" to claimants. The Panel has also noted the evidentiary standard applicable to category "A" claims, as stated in Governing Council decision 1 and, more specifically, in article 35(2a) of the Rules, namely that category "A" claimants "... are required to provide simple documentation of the fact and date of departure from Iraq or Kuwait. Documentation of the actual amount of loss will not be required."

73. In order to determine whether the necessary evidence was provided by the three claimants, the Panel examined each of the three claim forms and the attached documentation. The Panel finds that the documentation submitted with these three claim files met the evidentiary requirements established by the category "A" Panel of Commissioners (the "'A' Panel") for the entire category "A" population.

74. In particular, the Panel notes that each of the three claimants had provided relevant proof of presence in Iraq or Kuwait as at 2 August 1990 through the submission of Kuwaiti civil identification numbers and photocopies of passports with exit stamps showing the claimants' departure from Kuwait or Iraq within the jurisdictional period. The three claimants also produced personal statements that included their last residential addresses and a description as to how they had travelled from Kuwait or Iraq to Lebanon.

75. Having satisfied itself that the category "A" evidentiary standard has been met, the Panel finds that these three claimants are entitled to the same recommendations for compensation as that made by the "A" Panel with regard to the overall population of successful category "A" claimants.

76. The Panel recommends awards of compensation for the three category "A" claims in the total amount of USD 7,500, based on an award of USD 2,500 for each of the three claimants, in accordance

with the methodology applied by the “A” Panel. An individual breakdown of the recommended awards for each of the three category “A” claimants is set out in the following table:

Table 2. Recommended awards in respect of the Lebanese late filed category “A” claims

<u>UNCC claim No.</u>	<u>Claimed amount (USD)</u>	<u>Recommended award (USD)</u>
2000230	2,500	2,500
2000231	2,500	2,500
2000232	2,500	2,500
<u>Total</u>	7,500	7,500

77. The Panel adopts the view expressed by the “A” Panel in its first instalment report,<sup>27</sup> that the phrase “the date the loss occurred” in Governing Council decision 16 should be interpreted to be a single date for all category “A” claims and that the date of Iraq’s invasion and occupation of Kuwait, namely 2 August 1990, should serve as the fixed date.

D. The Panel’s review of and recommendations concerning the Lebanese late filed category “C” claims

78. Category “C” claims have been submitted by nine of the 10 Lebanese claimants whose claims have been found to be eligible by the Panel for filing as late filed claims. In reviewing these claims, the Panel has taken into account the fact that category “C” claims are claims for individual losses not exceeding USD 100,000. These claims are among the “most urgent claims” for which Governing Council decision 1 set out “simple and expedited procedures” in order to provide “prompt compensation in full” or “substantial interim relief” to claimants.

79. In addition, the Panel has also taken into account that in category “C”, the loss types claimed by the nine claimants (C1 mental pain and anguish, C2 serious personal injury, C4 personal property and C6 loss of income or salary), would have been subject to the same mass claims processing verification criteria and valuation methodologies of the “C” Panel that were applied to the same loss types for all similarly situated claimants. The Panel finds that, consistent with the category “C” claims methodology, the information and data provided by the nine claimants within their claims is sufficient to verify, in the circumstances, that their losses would have been considered compensable, in principle, by the “C” Panel.

80. Having applied the criteria and methodologies developed by the “C” Panel for the processing of category “C” claims, the Panel recommends compensation in the total amount of USD 231,370.77 for the nine late filed category “C” claims. An individual breakdown for each of the nine category “C” claimants is set out in the following table:

Table 3. Recommended awards in respect of the Lebanese late filed category “C” claims

<u>UNCC claim No.</u>	<u>Claimed amount (USD)</u>	<u>Recommended award (USD)</u>
1854185	15,418.69	11,132.31
1854186	34,991.35	28,243.94
1854187	84,403.11	58,933.18
1854188	17,580.62	14,363.35
1854189	17,080.62	13,605.80
1854190	13,404.50	10,723.32
1854192	15,028.79	11,888.58
1854193	69,372.66	49,773.77
1854194	44,491.35	32,706.52
<u>Total</u>	311,771.69	231,370.77

81. The Panel adopts the view expressed by the “C” Panel in its first instalment report,<sup>28</sup> that the phrase “the date the loss occurred” in Governing Council decision 16 should be interpreted to be a single fixed date for all category “C” claims and that the date of Iraq’s invasion and occupation of Kuwait, namely 2 August 1990, should serve as the fixed date.

#### VIII. SUBMISSION OF THE REPORT

82. The Panel respectfully submits this report through the Executive Secretary to the Governing Council pursuant to article 38(e) of the Rules.

Geneva, 2 April 2003

(Signed) R.K.P. Shankardass  
Chairman

(Signed) H.M. Joko-Smart  
Commissioner

(Signed) M.C. Pryles  
Commissioner

Notes

<sup>1</sup> The UNCC claim numbers of the 14 claims that have been added to part one of the seventeenth instalment since the commencement of the instalment are: 3000899, 3001097, 3001281, 3002752, 3003017, 3003697, 3004417, 3004873, 3005285, 3006757, 3007162, 3008501, 3008901 and 3009168.

<sup>2</sup> In part one of the first instalment of category “D” claims, the Panel developed methodologies for the following loss types: D1 (money); D1 (mental pain and anguish) (“MPA”); D3 (death); D4 (motor vehicles); D6 (loss of income); D10 (payments or relief to others); and D10 (other). A full description of the methodologies is set out at paragraphs 103-380 of the “Report and recommendations made by the Panel of Commissioners concerning part one of the first instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/1998/1) (the “First ‘D’ Report”). The Panel developed methodologies for the following loss types in part one of the second instalment: D2 (personal injury) and D5 (loss of bank accounts, stocks and other securities). These methodologies are described in the “Report and recommendations made by the Panel of Commissioners concerning part one of the second instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/1998/11) (“Part One, Second Instalment Report”), at paragraphs 30-57. The Panel developed the methodology for D4 (personal property) losses in part two of the second instalment. This methodology is described in the “Report and recommendations made by the Panel of Commissioners concerning part two of the second instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/1998/15) (“Part Two, Second Instalment Report”) at paragraphs 30-68. The Panel developed the methodology for D7 (real property) losses in part two of the fourth instalment. This methodology is described in the “Report and recommendations made by the Panel of Commissioners concerning part two of the fourth instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/2000/11), at paragraphs 30-68. The “D2” Panel of Commissioners developed the methodology for D8/D9 (individual business) loss claims, which is described in the “Report and recommendations made by the Panel of Commissioners concerning the sixth instalment of individual claims for damages above USD 100,000 (category ‘D’ claims)” (S/AC.26/2000/24) (the “Sixth Instalment Report”). The methodologies for resolving all of the loss types in category “D” have now been developed.

<sup>3</sup> In cases where a claimant objects to the transmission of the claim file to Iraq, the Panel does not send the claim file to Iraq. However, in such cases, the Panel will examine the reasons given by the claimant for his or her objection and it reserves the right to draw an adverse inference against the claimant when it reviews the claim. If the Panel considers it appropriate, it may make an adjustment when finalizing its recommendation of the award for the claim to reflect the fact that Iraq did not have an opportunity to comment on the claim.

<sup>4</sup> See in particular chapter II of the First “D” Report and chapter IV of the “Report and recommendations made by the Panel of Commissioners concerning part two of the first instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/1998/3).

<sup>5</sup> See note 2 above.

<sup>6</sup> See chapter VI of the First “D” Report and chapter II of Part Two, Second Instalment Report. See also paragraph 8 of Governing Council decision 7 (S/AC.26/1991/7/Rev.1), which provides that “[S]ince...[category ‘D’] claims may be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss”. See also articles 35(1) and 35(3) of the Rules.

<sup>7</sup> The term “application claims” refers to those claims in respect of which the Panel applied the methodologies that were developed by it or by the “D2” Panel during the course of previous instalments as set out in note 2 above.

<sup>8</sup> See paragraphs 12-30 of 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) (the “Eleventh Instalment Report”) and paragraphs 17-33 of 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) (the “Part One, Fifteenth Instalment Report”).

<sup>9</sup> See paragraph 30 of the Part One, Fifteenth Instalment Report.

<sup>10</sup> Two claims filed by Saudi Arabia were included in the “Report and recommendations made by the ‘D2’ Panel of Commissioners concerning the sixth instalment of individual claims for damages above USD 100,000 (category ‘D’ claims)” (S/AC.26/2000/24) and the remaining 55 claims are currently under review by the “D2” Panel.

<sup>11</sup> The Panel reviewed the “Report and recommendations made by the Panel of Commissioners concerning the first instalment of ‘E2’ claims” (S/AC.26/1998/7) (the “First ‘E2’ Report”), the “Report and recommendations made by the Panel of Commissioners concerning the third instalment of ‘E2’ claims” (S/AC.26/1999/22) (the “Third ‘E2’ Report”), the “Report and recommendations made by the Panel of Commissioners concerning the ninth instalment of ‘E2’ claims” (S/AC.26/2001/27) (the “Ninth ‘E2’ Report”), the “Report and recommendations made by the Panel of Commissioners concerning part one of the first instalment of claims by Governments and international organizations (category ‘F’ claims)” (S/AC.26/1997/6) (the “First ‘F1’ Report”) and the “Report and recommendations made by the Panel of Commissioners concerning the second instalment of ‘F2’ claims” (S/AC.26/2000/26) (the “Second ‘F2’ Report”).

<sup>12</sup> See paragraph 96 of the First “F1” Report.

<sup>13</sup> See paragraph 35 of the Second “F2” Report.

<sup>14</sup> See paragraph 162 of the First “E2” Report, paragraph 96 of the First “F1” Report and paragraph 43 of the Second “F2” Report.

<sup>15</sup> The First “E2” Report, paragraph 154.

<sup>16</sup> Ibid., paragraph 156.

<sup>17</sup> Ibid., paragraph 157.

<sup>18</sup> The Third “E2” Report, paragraph 62.

<sup>19</sup> See, for example, paragraph 36 of the Second “F2” Report.

<sup>20</sup> See paragraphs 23-87 of the “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/R.14) (the “Part Two, Fifteenth Instalment Report”).

<sup>21</sup> See paragraph 21 of the “Report and recommendations made by the Panel of Commissioners concerning part one of the fourth instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/1999/21).

<sup>22</sup> “Report and recommendations made by the Panel of Commissioners concerning the third instalment of individual claims for damages above US\$100,000 (category ‘D’ claims)” (S/AC.26/1999/9) (the “Third Instalment Report”).

<sup>23</sup> Paragraph 39 of the Third Instalment Report.

<sup>24</sup> Paragraph 1 of Governing Council decision 16 states that “[i]nterest will be awarded from the date the loss occurred until the date of payment, at a rate sufficient to compensate successful claimants for the loss of use of the principal amount of the award.”

<sup>25</sup> See paragraph 64-65 of the First “D” Report with respect to category “D” losses other than D8/D9 (individual business) losses and paragraphs 225-226 of the Sixth Instalment Report with respect to claims for D8/D9 (individual business) losses.

<sup>26</sup> See paragraphs 227-228 of the Sixth Instalment Report.

<sup>27</sup> See part IV.C.3 of the “Report and recommendations made by the Panel of Commissioners concerning the first instalment of claims for departure from Iraq or Kuwait” (S/AC.26/1994/2).

<sup>28</sup> See part II.G of the “Report and recommendations made by the Panel of Commissioners concerning the first instalment of individual claims for damages up to US\$100,000 (category ‘C’ claims)” (S/AC.26/1994/3).

AnnexSUMMARY RECOMMENDATIONS FOR CATEGORY "D" CLAIMS  
IN PART ONE OF THE SEVENTEENTH INSTALMENTTable 4. Summary of recommendations

<u>Submitting entity</u>	<u>Number of claims not recommended for payment</u>	<u>Number of claims recommended for payment</u>	<u>Total amount claimed (USD)<sup>a</sup></u>	<u>Net amount claimed after severance and transfer of claims (USD)</u>	<u>Amount of compensation recommended (USD)</u>
Egypt	1	0	1,109,324.76	1,109,324.76	0.00
India	3	14	5,470,159.71	5,470,159.71	843,307.08
Israel	0	1	2,710,000.00	2,710,000.00	461,834.96
Jordan	14	83	53,671,581.30	50,903,415.21	11,985,519.74
Kuwait	1	230	457,779,720.16	457,779,720.16	93,829,178.17
Lebanon	1	5	1,821,672.79	1,821,672.79	722,024.09
Pakistan	0	11	7,414,251.07	7,414,251.07	2,173,118.56
Saudi Arabia	12	3	10,829,356.54	10,829,356.54	414,196.29
United Kingdom	1	0	45,627.38	45,627.38	0.00
United States	0	1	2,841,025.00	2,841,025.00	1,289,548.80
Yemen	0	1	551,494.43	551,494.43	175,705.23
<u>Total</u>	33	349	544,244,213.14	541,476,047.05	111,894,432.92

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<sup>a</sup> This total amount claimed includes USD 2,768,166.09 for business losses suffered by Kuwaiti companies that will be severed and transferred to the "E4" Panels of Commissioners for review pursuant to Governing Council decision 123.

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