UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/AC.26/2003/5
13 March 2003

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

TWENTY-FIRST 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 "Twentieth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure" (S/AC.26/2002/35) (the "twentieth article 41 report"). Chapter I of this report contains recommended corrections concerning claims in category "A", where the Panel of Commissioners has concluded its work. Chapter II 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. Annex II to this report contains a cumulative table of article 41 corrections to claim awards up to the forty-sixth session of the Governing Council.

I. RECOMMENDED CORRECTIONS CONCERNING CLAIMS IN CATEGORY "A"

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

A. Duplicate claims

3. Further to notices received from the respective Governments, one claim from Sri Lanka and 58 claims from Serbia and Montenegro have been found to be duplicates of other claims that were awarded compensation in category "A". In addition, an examination of the paper claim forms undertaken by the secretariat in the context of the "low to high" review (see paragraph 9 below) revealed that one claim from Iran was the duplicate of another claim that was awarded compensation in category "A". No compensation should have been awarded for these 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

Country	Instalment	Number of claims affected	Amount of net effect (USD)
Iran	Third	1	(2,500.00)
Serbia and Montenegro	Fifth	58	(232,000.00)
Sri Lanka	Fourth	1	(4,000.00)
Total		60	(238,500.00)

1. Reinstatement of claims previously identified as duplicates

5. One claim from Sri Lanka and one claim from the Syrian Arab Republic, erroneously identified as duplicates, should be reinstated since additional information received from the Government of Sri

Lanka, and the secretariat's review of the paper claim form of the Syrian claimant demonstrates that the claims are not in fact duplicates.

6. 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: reinstatement of claims previously identified as duplicates

Country	Instalment	Number of claims affected	Amount of net effect (USD)
Sri Lanka	Sixth	1	4,000.00
Syrian Arab Republic	Sixth	1	2,500.00
Total		2	6,500.00

2. Individual to family

7. Seventy-three claims from Bangladesh were incorrectly awarded individual claim amounts because the information relating to family members had mistakenly not been entered on the computer disks submitted by the Government to the Commission. A correction to one claim from Turkey is also recommended because a review of the paper claim form of the claimant revealed that the claimant had selected the higher family amount of compensation on the paper claim form while the lower individual amount had erroneously been entered in the electronic submission sent to the Commission. The awards for these claims should be increased to the amounts appropriate to the proper status of the claims.

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

Table 3. Category "A" corrections: individual to family

Country	Instalment	Number of claims affected	Amount of net effect (USD)
Bangladesh	Second	1	4,000.00
	Fifth	2	8,000.00
	Sixth	70	280,000.00
Turkey	Fifth	1	5,500.00
Total		74	297,500.00

3. Lower to higher amounts

9. Pursuant to the decision taken by the Governing Council at its forty-second session in December 2001 in connection with the request of the Government of Sudan concerning the readjustment of the amounts awarded to individual and family claimants who submitted claims only in category "A" but

were awarded the lower amounts of compensation, the secretariat received and reviewed claims from a number of submitting entities.

10. Upon review of original paper claim forms submitted by the Governments of Bangladesh, Ethiopia, India, Iran, Italy, Kuwait, Morocco, Pakistan, the Philippines, Romania, Sri Lanka, the Syrian Arab Republic, Thailand, Tunisia, Turkey and Yemen, it is confirmed that 552 claimants had selected the higher amounts of compensation on the paper claim forms while lower amounts had erroneously been entered in the electronic submissions forwarded to the Commission. The awards for these claims should, therefore, be increased to the amounts appropriate to the proper status of the claims.

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

Table 4. Category "A" corrections: lower to higher amounts

Country	Instalment	Number of claims affected	Amount of net effect (USD)
Bangladesh	First	4	6,000.00
	Second	6	9,000.00
	Fourth	8	12,000.00
	Fifth	11	16,500.00
	Sixth	35	52,500.00
Ethiopia	Second	1	1,500.00
	Fourth	1	1,500.00
India	First	1	1,500.00
	Fourth	2	3,000.00
	Fifth	2	4,500.00
	Sixth	42	69,000.00
Iran	First	5	13,500.00
	Second	13	22,500.00
	Third	6	9,000.00
	Fourth	4	6,000.00
	Sixth	1	3,000.00
Italy	Second	1	1,500.00
Kuwait	First	1	3,000.00
	Second	44	121,500.00
	Third	102	225,000.00

Country	Instalment	Number of claims affected	Amount of net effect (USD)
	Fourth	32	84,000.00
	Fifth	50	115,500
	Sixth	5	13,500.00
Morocco	First	9	13,500.00
	Second	3	4,500.00
	Fourth	4	7,500.00
	Fifth	7	10,500.00
	Sixth	45	73,500.00
Pakistan	Fourth	1	3,000.00
Philippines	Second	2	3,000.00
	Third	2	3,000.00
	Fourth	18	30,000.00
	Sixth	23	36,000.00
Romania	Fifth	1	1,500.00
Sri Lanka	Third	1	1,500.00
	Fourth	3	4,500.00
Syrian Arab Republic	Fourth	23	42,000.00
	Fifth	23	43,500.00
	Sixth	2	4,500.00
Thailand	Fifth	1	1,500.00
Tunisia	Second	1	1,500.00
	Fourth	1	1,500.00
	Sixth	2	4,500.00
Turkey	Fifth	1	1,500.00
	Sixth	1	1,500.00
Yemen	Fifth	1	3,000.00
Total		552	1,092,000

4. Summary

12. The recommended corrections related to award amounts in category “A” concern 688 claims submitted by 17 Governments resulting in a net increase in the total amount awarded of USD 1,157,500.00. Of these, the total amount awarded for 628 claims was increased by USD 1,396,000.00,

while the total amount awarded for 60 claims was decreased by USD 238,500.00. The recommendations for the first, second, third, fourth, fifth and sixth instalments of category "A" claims, by country and by instalment, are provided in tables 1 to 7 of annex I to this report.

II. REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS

13. During the period under review, the secretariat has continued its review of requests from Governments for corrections submitted under article 41 of the Rules. The requests are outlined below.

14. On 22 July 2002, the Kuwait Authority for the Assessment of Compensation for Damages Resulting from Iraqi Aggression ("PAAC") requested correction of Governing Council decision 119 (S/AC.26/Dec.119 (2001)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the thirteenth instalment of 'E4' claims" (S/AC.26/2001/5) with regard to a Kuwaiti company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 119 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

15. On 22 July 2002, PAAC requested correction of Governing Council decision 149 (S/AC.26/Dec.149 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the nineteenth instalment of 'E4' claims" (S/AC.26/2002/4) with regard to a Kuwaiti company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 149 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

16. On 2 December 2002, the Permanent Mission of Croatia requested correction of Governing Council decision 168 (S/AC.26/Dec.168 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the twenty-fourth instalment of 'E3' claims" (S/AC.26/2002/23) with regard to a Croatian company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 168 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

17. On 4 December 2002, the Permanent Mission of Pakistan requested correction of Governing Council decision 159 (S/AC.26/Dec.159 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the tenth instalment of 'E2' claims" (S/AC.26/2002/14) with regard to a Pakistani company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 159 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

18. On 9 December 2002, the Permanent Mission of Cyprus requested review of Governing Council decision 172 (S/AC.26/Dec.172 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the third instalment of 'E/F' claims" (S/AC.26/2002/27) with regard to a Cypriot company. Having carefully reviewed all aspects of this request, the Executive

Secretary has concluded that no correction of Governing Council decision 172 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

19. On 9 December 2002, the Permanent Mission of the United Kingdom requested correction of Governing Council decision 167 (S/AC.26/Dec.167 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the eleventh instalment of 'E2' claims" (S/AC.26/2002/22) with regard to a British company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 167 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

20. On 13 December 2002, the Permanent Mission of the Netherlands requested correction of Governing Council decision 163 (S/AC.26/Dec.163 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the second instalment of 'E/F' claims" (S/AC.26/2002/18) with regard to a Dutch company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 163 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

21. On 14 January 2003, the Permanent Mission of Spain requested review of Governing Council decision 159 (S/AC.26/Dec.159 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the tenth instalment of 'E2' claims" (S/AC.26/2002/14) with regard to a Spanish company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 159 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

22. On 9 December 2002, the Permanent Mission of the United Kingdom requested correction of Governing Council decision 167 (S/AC.26/Dec.167 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the eleventh instalment of 'E2' claims" (S/AC.26/2002/22) with regard to a British company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 167 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question;

23. On 15 January 2003, the Permanent Mission of the United Kingdom requested correction of Governing Council decision 159 (S/AC.26/Dec.159 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the tenth instalment of 'E2' claims" (S/AC.26/2002/14) with regard to a British company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 159 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question; and

24. On 17 January 2003, the Permanent Mission of the United States requested correction of Governing Council decision 167 (S/AC.26/Dec.167 (2002)) and the associated "Report and

recommendations made by the Panel of Commissioners concerning the eleventh instalment of 'E2' claims" (S/AC.26/2002/22) with regard to an American company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 167 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

25. In addition, during the period under review, the secretariat has received requests for article 41 corrections with respect to categories "D", "E" and "E/F" claims from the following Governments: Egypt, India, Kuwait, the Netherlands, Pakistan, Spain, the United Kingdom, and the United States. 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. First instalment category "A" claims corrections

Country	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
Bangladesh	17,773,000.00	17,779,000.00	6,000.00
India	25,036,500.00	25,038,000.00	1,500.00
Iran	580,500.00	594,000.00	13,500.00
Kuwait	17,344,000.00	17,347,000.00	3,000.00
Morocco	276,500.00	290,000.00	13,500.00

Table 2. Second instalment category "A" claims corrections

Country	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
Bangladesh	51,400,000.00	51,413,000.00	13,000.00
Ethiopia	31,000.00	32,500.00	1,500.00
Iran	50,406,500.00	50,429,000.00	22,500.00
Italy	95,500.00	97,000.00	1,500.00
Kuwait	87,523,500.00	87,645,000.00	121,500.00
Morocco	95,000.00	99,500.00	4,500.00
Philippines	5,765,500.00	5,768,500.00	3,000.00
Tunisia	192,000.00	193,500.00	1,500.00

Table 3. Third instalment category "A" claims corrections

Country	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
Iran	68,450,000.00	68,456,500.00	6,500.00
Kuwait	104,634,500.00	104,859,500.00	225,000.00
Philippines	5,487,000.00	5,490,000.00	3,000.00
Sri Lanka	52,357,000.00	52,358,500.00	1,500.00

Table 4. Fourth instalment category "A" claims corrections

Country	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
Bangladesh	52,637,500.00	52,649,500.00	12,000.00
Ethiopia	168,500.00	170,000.00	1,500.00
India	146,242,500.00	146,245,500.00	3,000.00
Iran	3,515,000.00	3,521,000.00	6,000.00
Kuwait	40,990,500.00	41,074,500.00	84,000.00
Morocco	160,000.00	167,500.00	7,500.00
Pakistan	22,643,500.00	22,646,500.00	3,000.00
Philippines	30,262,500.00	30,292,500.00	30,000.00
Sri Lanka	69,797,000.00	69,797,500.00	500.00
Syrian Arab Republic	26,254,000.00	26,296,000.00	42,000.00
Tunisia	314,500.00	316,000.00	1,500.00

Table 5. Fifth instalment category "A" claims corrections

Country	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
Bangladesh	52,377,000.00	52,401,500.00	24,500.00
India	147,514,000.00	147,518,500.00	4,500.00
Kuwait	39,879,000.00	39,994,500.00	115,500.00
Morocco	121,500.00	132,000.00	10,500.00
Romania	3,580,500.00	3,582,000.00	1,500.00
Serbia and Montenegro	3,786,500.00	3,554,500.00	(232,000.00)
Syrian Arab Republic	26,797,500.00	26,841,000.00	43,500.00
Thailand	10,556,500.00	10,558,000.00	1,500.00
Turkey	6,499,500.00	6,506,500.00	7,000.00
Yemen	29,087,000.00	29,090,000.00	3,000.00

Table 6. Sixth instalment category "A" claims corrections

Country	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
Bangladesh	65,966,500.00	66,299,000.00	332,500.00
India	17,309,000.00	17,378,000.00	69,000.00
Iran	5,482,500.00	5,485,500.00	3,000.00
Kuwait	17,143,500.00	17,157,000.00	13,500.00
Morocco	2,785,000.00	2,858,500.00	73,500.00
Philippines	60,786,000.00	60,822,000.00	36,000.00
Sri Lanka	35,567,000.00	35,571,000.00	4,000.00
Syrian Arab Republic	5,201,500.00	5,208,500.00	7,000.00
Tunisia	1,824,000.00	1,828,500.00	4,500.00
Turkey	1,559,000.00	1,560,500.00	1,500.00

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

Table 7. Recommended corrected total awards for category "A" claims

Instalment	Previous total award (USD)	Corrected total award (USD)	Amount of net effect (USD)
First	189,817,000.00	189,854,500.00	37,500.00
Second	641,375,000.00	641,544,000.00	169,000.00
Third	531,550,500.00	531,786,500.00	236,000.00
Fourth	734,450,000.00	734,641,000.00	191,000.00
Fifth	784,304,000.00	784,283,500.00	(20,500.00)
Sixth	316,285,500.00	316,830,000.00	544,500.00

Annex II

ARTICLE 41 CORRECTIONS TO CLAIMS AWARDS (UP TO THE FORTY-SIXTH SESSION OF THE GOVERNING COUNCIL)

Report	Category "A"		Category "B"		Category "C"		Category "D"		Category "E"		Total	
	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net corrections for categories "A", "B", "C", "D' and "E" (USD)	Number of claims corrected in categories "A", "B", "C", "D" and "E"
A(6) panel report	(6,439,500.00)	2,575	-	-	-	-	-	-	-	-	(6,439,500.00)	2,575
B(2.2) panel report	-	-	(12,500.00)	3 [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
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)	3,386	-	-	-	-	-	-	-	-	(6,975,500.00)	3,386
Article 41(8) report	(7,806,000.00)	4,385	-	-	70,613,605.05	23,027	-	-	-	-	62,807,605.05	27,412
Article 41(9) report	(4,136,500.00)	1,068	-	-	5,278,141.15	1,727	-	-	-	-	1,141,641.15	2,795

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(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	-	-	618,398.37	41	-	-	-	-	506,398.37	67
Article 41(13) report	(55,500.00)	40	-	-	(102,863.22)	26	-	-	-	-	(158,363.22)	66
Article 41(14) report	(8,000.00)	30	-	-	5,580,355.48	625	103,532.00	4	(300,000)	1	5,375,887.48	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	72	-	-	453,162.71	50	-	-	-	-	595,162.71	122
Article 41(17) report	707,500.00	446	-	-	77,461.07	6	-	-	-	-	784,961.07	452
Article 41(18) report	119,500.00	77	-	-	-	-	-	-	(43,413)	1	76,087	78
Article 41(19) report	154,000.00	53	-	-	46,976.14	6	400,986.95	6	-	-	601,963.09	65
Article 41(20) report	3,739,500.00	1,894	-	-	53,342.85	1	-	-	-	-	3,792,842.85	1,895
Total	(7,772,500.00)	25,616	97,500.00	13	85,780,171.50	26,046	(12,716,931.08)	466	511,685.63	7	65,899,926.05	52,148

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

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