UNITED NATIONS



Security Council

Distr. GENERAL

S/AC.26/2005/13 8 December 2005

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

THIRTY-SECOND REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

Page 2

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 "Thirty-first report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure" (S/AC.26/2005/12) (the "thirty-first article 41 report"). Chapter I of this report contains recommended corrections concerning claims in categories "A", "C" and "D". Chapter II provides information concerning requests by claimants for corrections under article 41 of the Rules to approved awards in categories "D" and "E", including a report of the secretariat's review to determine whether or not these requests warrant action under article 41. Annexes I to III to this report contain tables showing the aggregate corrected awards, by country and by instalment, based on the recommendations contained herein. Annex IV contains tables showing the secretariat's review of requests for corrections to claims in categories "D" and "E" undertaken since the thirty-first article 41 report and annex V contains a cumulative table of article 41 corrections to claim awards up to the fifty-seventh session of the Governing Council.

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

A. Category "A" corrections

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

1. Duplicate claims

3. The secretariat identified a list of potential duplicate category "A" claims filed by the Governments of India, the Philippines, Serbia and Montenegro and Sri Lanka and provided the list to the Governments seeking their views on the matter. The secretariat received confirmation from those Governments that 284 of these category "A" claims are, in fact, duplicates and should not have been awarded compensation. It should be noted that the full amount of the awards issued for most of these duplicate claims has been returned by the claimant governments. In other instances, the claimant governments were only able to return part of the award issued, usually the second payment of USD 1,500 owing to a category "A" claimant who had already received a first payment of USD 2,500. Of the total repayable amount of USD 1,087,000 in respect of duplicate claims, the Commission has received a refunded amount of USD 1,026,000. The refunded amount corresponds to the full amount (USD 975,500) for 257 claims and a partial amount (USD 50,500) for 27 claims. The balance of USD 61,000 is repayable to the Compensation Fund and the secretariat has reminded the relevant governments of their obligation to return the funds.

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.

Country **Instalment** Number of claims Amount of net effect (USD) <u>affected</u> First 4 (16,000.00)8 (29,000.00)Second 3 Third (16,000.00)India 63 (226,000.00)Fourth Fifth 163 (619,000.00)38 (161,000.00)Sixth (4,000.00)Philippines Sixth 1 Serbia and Montenegro Third 1 (4,000.00)2 Fourth (8,000.00)Sri Lanka (4,000.00)Sixth 1 Total 284 (1,087,000.00)

Table 1. Category "A" corrections: duplicate claims

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". The secretariat identified a list of category "A" claims filed by the Governments of India, Jordan, Pakistan and the Philippines that potentially matched claims filed in other individual claim categories and provided the list to the Governments seeking their views on the matter. The secretariat received confirmation from those Governments that 175 of those claims had been filed for a higher amount in category "A" by claimants who had also filed claims in another claim category. Therefore, the awards for these category "A" claims should be reduced to the amounts appropriate to the proper status of the claims. Consistent with the situation described at paragraph 3, for duplicate claims, the entire excess amounts paid to the claimants have, in most cases, been returned to the Compensation Fund. In other instances, only part of the excess award amounts have been returned. Of the total repayable amount of USD 300,000 in respect of higher to lower amounts, the Commission has received a refunded amount of USD 290,745. The refunded amount corresponds to the full amount (USD 274,500) for 162 claims and a partial amount (USD 16,245) for 13 claims. The balance of USD 9,255 is repayable to the Compensation Fund and the secretariat has reminded the relevant governments of their obligation to return the funds.
- 6. Accordingly, as set forth in table 2 below, it is recommended that the awards for these claims be corrected. Table 2 identifies the country concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 2. Category "A" corrections: higher to lower amounts

Country	Instalment	Number of claims	Amount of net effect
		<u>affected</u>	<u>(USD)</u>
	First	7	(13,500.00)
	Second	17	(33,000.00)
India	Third	8	(13,500.00)
muia	Fourth	38	(63,000.00)
	Fifth	80	(136,500.00)
	Sixth	12	(19,500.00)
Jordan	Sixth	1	(3,000.00)
Pakistan	First	1	(1,500.00)
rakistan	Second	1	(1,500.00)
	Fourth	3	(4,500.00)
Philippines	Fifth	5	(7,500.00)
	Sixth	2	(3,000.00)
<u>To</u>	<u>otal</u>	175	(300,000.00)

- 3. Reinstatement of a claim previously identified as a duplicate
- 7. One claim from Sri Lanka, which had been erroneously identified as a duplicate claim, should be reinstated since additional information received from the Government demonstrates that the claim is, in fact, not a duplicate.
- 8. Accordingly, as set forth in table 3 below, it is recommended that the award for this claim be corrected. Table 3 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 3. Category "A" correction: reinstatement of claim previously identified as a duplicate

Country	<u>Instalment</u>	Number of claims	Amount of net effect
		<u>affected</u>	(USD)
Sri Lanka	Fourth	1	4,000.00
<u>Total</u>		1	4,000.00

4. Individual to family

9. Following an enquiry from the Government of the Russian Federation, the secretariat reviewed a claim that was included in the second instalment of category "A" claims. As a result of its review, the secretariat noted that a clerical error was made in the processing of the claim that warrants correction under article 41 of the Rules. Specifically, the claim, which had been processed as an individual claim, was eligible to be processed as a family claim. The award for this claim should, therefore, be increased to the amount appropriate to the proper status of the claim.

10. Accordingly, as set forth in table 4 below, it is recommended that the award amount for this claim be corrected. Table 4 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 4. Category "A" correction: individual to family

Country	<u>Instalment</u>	Number of claims affected	Amount of net effect (USD)
Russian Federation	Second	1	4,000.00
Total		1	4,000.00

5. Summary

11. In summary, the recommended corrections in category "A" concern 461 claims submitted by seven Governments resulting in a net decrease in the total amount awarded of USD 1,379,000. Of these, the total amount awarded for two claims was increased by USD 8,000 and the total amount awarded for 459 claims was reduced by USD 1,387,000. The recommendations with respect to 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 the present report.

B. Category "C" corrections

- 12. Recommendations for corrections to category "C" claims cover one regular category "C" claim and six category "C" Palestinian "late claims". They arise from a change in the submitting entity in the case of the regular category "C" claim and clerical errors made by the secretariat in the case of the category "C" Palestinian late claims, as reported in the following paragraphs.
- 13. At the request of the claimant and with the agreement of the Governments concerned, one claim submitted by India that was included in the seventh instalment of category "C" claims should be transferred to Canada. The first two payments of compensation to the claimant were made through the Government of India. The Government of Canada has agreed to make the third and final payment to the claimant. This proposed correction will not affect the amount awarded and approved by the Governing Council for the claim in question.
- 14. Accordingly, as set forth in table 5 below, it is recommended that the claim be transferred from India to Canada. Table 5 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 5	Category "C"	correction a	rising from	request for	change of	submitting entity
radic 5.	Cutogory C	correction a	mising mom.	request for	change of	sublifficing chility

Country	<u>Instalment</u>	Number of claims	Amount of net effect
		<u>affected</u>	(USD)
India	Seventh	1	(36,278.58)
Canada	Seventh	1	36,278.58

- 15. Following an inquiry from the Palestinian Authority, the secretariat reviewed a claim that was included in the "Report and recommendations made by the panel of Commissioners concerning the second instalment of Palestinian late claims for damages up to USD 100,000 (category 'C' claims)" (S/AC.26/2004/3), which recommendations were approved by the Governing Council in decision 216 (S/AC.26/Dec.216 (2004)).
- 16. As a result of its review, the secretariat noted that a clerical error was made in the processing of the claim that warrants correction under article 41 of the Rules. Specifically, at the time of data entry, the secretariat had entered the claimant's "prior monthly salary" into the Commission's database in United States dollars, whereas the amount should have been entered in Kuwaiti dinars.
- 17. As a result of this clerical error, the panel had recommended USD 3,640 for the claimed C6 (salary) losses. The secretariat reviewed the file and concluded that, applying the established methodology, the claimant is entitled to receive a compensation award in the amount of USD 12,595.16 for his C6 losses.
- 18. Following another inquiry from the Palestinian Authority, the secretariat reviewed a claim that was included in the "Report and recommendations made by the panel of Commissioners concerning the fourth instalment of Palestinian 'late claims' for damages up to USD 100,000 (category 'C' claims)" (S/AC.26/2005/3) (the "Fourth category 'C' Palestinian late claims report"), which recommendations were approved by the Governing Council in decision 239 (S/AC.26/Dec.239 (2005).
- 19. As a result of its review, the secretariat noted that a clerical error was made in the processing of the claim that warrants correction under article 41 of the Rules. Specifically, the claim was reported as not having satisfied the threshold eligibility requirement. However, during the eligibility review of the claim, the claim had been determined to have met the threshold eligibility requirement. Unfortunately, as a result of a clerical error, this determination of eligibility was not carried over into the Commission's database, where the claim was incorrectly recorded as ineligible.
- 20. The secretariat reviewed the file and confirmed that an incorrect entry had been made in the Commission's database. The secretariat corrected the database so that it reflects the correct eligibility status of the claim and proceeded to process the claim using the established methodology. As a result, the claimant is entitled to receive a compensation award in the amount of USD 26,260.16.

- 21. Following a further inquiry from the Palestinian Authority, the secretariat reviewed a claim that was 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 by the Governing Council in decision 207 (S/AC.26/Dec.207 (2003)).
- 22. As a result of its review, the secretariat noted that a clerical error was made in the processing of the claim that warrants correction under article 41 of the Rules. Specifically, when presenting the claim for C2 (injury) losses to the panel, the secretariat had inadvertently failed to inform that panel that, although the claimant had not indicated the date of his injuries, he had made a statement in his claim submission that "his health and vision suffered from the fires burning and the smoke". The claimant was living in Kuwait at the time of Iraq's invasion and occupation of Kuwait and remained in Kuwait during the entire time that the oil well fires were burning, i.e. until November 1991. In such cases, the panel had made an earlier determination that, even where no date of injury was indicated on the claim form, claims for C2 (injury) losses would be compensable if there was a description of the circumstances giving rise to an inference of a causal link with Iraq's invasion and occupation of Kuwait.
- 23. As a result of this clerical error, the panel had recommended no compensation for the claimant's C2 (injury) losses on the basis that there was no proven causal link between the claimant's alleged loss and Iraq's invasion and occupation of Kuwait. However, in accordance with the panel's established methodology, the statement by the claimant and the evidence in the file confirming his presence in Kuwait were sufficient to give rise to an inference of a causal link. The secretariat reviewed the file and concluded that, applying the established methodology, the claimant is entitled to receive a compensation award in the amount of USD 3,834.60 for his C2 (injury) losses.
- 24. Following a further inquiry from the Palestinian Authority, the secretariat reviewed a claim that was included in the "Report and recommendations made by the panel of Commissioners concerning the third instalment of Palestinian 'late claims' for damages up to USD 100,000 (category 'C' claims)" (S/AC.26/2004/14) (the "Third category 'C' Palestinian late claims report"), which recommendations were approved by the Governing Council in decision 232 (S/AC.26/Dec.232 (2004)).
- 25. As a result of its review, the secretariat noted that a clerical error was made in the processing of the claim that warrants correction under article 41 of the Rules. Specifically, the claim, which was filed on the claimant's behalf by the claimant's father, was reported as having met the threshold eligibility requirement and was awarded compensation. However, as a result of a clerical error, the secretariat had failed to identify and bring to the attention of the panel the fact that another category "C" Palestinian late claim had been filed within the applicable filing deadlines on behalf of the claimant by the claimant's uncle. This claim was filed later in time and appears to have superseded the earlier claim. The later claim was reported as eligible and awarded compensation in the Fourth category "C" Palestinian late claims report.

- As a result of this clerical error, the panel had recommended USD 6,733.56 for the claimant's C6 (salary) losses. The secretariat reviewed the file and confirmed the duplicate status of the claim. Consequently, the claim included in the Third category "C" Palestinian late claims report and identified as a duplicate should be corrected pursuant to article 41 of the Rules to receive a nil award. At the request of the secretariat, the Palestinian Authority withheld payment of the amount of USD 6,733.56 prior to its distribution to the claimant and the Palestinian Authority is in the process of returning it to the Compensation Fund.
- 27. A further two corrections were identified by the secretariat during the course of conducting checks to identify matching and related claims.
- 28. One correction relates to a category "C" claim that was included in the Third category "C" Palestinian late claims report. The claim was reported as not having satisfied the threshold eligibility requirement. However, as a result of a clerical error during the matching process, which resulted in a false match, a finding of a claim allegedly filed by the claimant's husband was made. The purportedly matching claim was, in fact, filed by another individual not related to the claimant. Based on the incorrect information provided by the secretariat, the panel had made an erroneous determination of eligibility.
- 29. The secretariat reviewed the file and confirmed that an incorrect match had occurred. The claim meets the threshold eligibility requirement and the secretariat proceeded to process the claim using the established methodology. As a result, the claimant is entitled to receive a compensation award in the amount of USD 4,899.52.
- 30. The other correction relates to a category "C" claim that was also included in the third category "C" Palestinian late claims report. The claim was reported as not having satisfied the threshold eligibility requirement on the basis that the claimant, who was a minor at the time of Iraq's invasion and occupation of Kuwait, had failed to prove his residence in Kuwait during the regular filing period. However, as a result of a clerical error, the secretariat had failed to identify that the claimant's mother had filed a Palestinian late claim and had established her residency in Kuwait for the entire regular filing period through the Kuwaiti residency permits stamped in her passport. The claimant was specifically listed in his mother's passport and was therefore covered by the residency permits issued to his mother in accordance with the guidelines established by the panel.
- 31. The secretariat reviewed the file and confirmed that a clerical error had occurred in failing to identify the link in the Commission's database between the claims of the claimant and his mother. The secretariat concluded that the claim meets the threshold eligibility requirement and proceeded to process the claim using the established methodology. As a result, the claimant is entitled to receive a compensation award in the amount of USD 1,964.78.

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

Submitting entity <u>Instalment</u> Number of claims Amount of net effect affected **USD** 3,834.60 First 1 1 8,955.16 Second Palestine 3 Third 130.74 Fourth 1 26,260.16 6 39,180.66 **Total**

Table 6. Category "C" Palestinian late claims corrections

33. In summary, the recommended corrections related to award amounts in category "C" concern seven claims submitted by two submitting entities resulting in a net increase of the total amount awarded of USD 39,180.66. Of these, the total amount awarded for five claims was increased by USD 45,914.22 and the total amount awarded for one claim was reduced by USD 6,733.56. For the remaining claim, there was a change to the submitting entity only and no change to the total amount awarded. The recommendations with respect to the seventh instalment of regular category "C" claims and the first, second, third and fourth instalments of category "C" Palestinian late claims, by country or submitting entity and by instalment, are provided in tables 1 to 5 of annex II to this report.

C. Category "D" corrections

- 34. Following an inquiry from the Government of Kuwait, the secretariat reviewed a claim that was included in the "Report and recommendations made by the 'D2' panel of Commissioners concerning the tenth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2002/1), which recommendations were approved by the Governing Council in decision 146 (S/AC.26/Dec.146 (2002)).
- 35. As a result of its review, the secretariat noted 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 claim for D6 (loss of income), had used an incorrect monthly salary amount and failed to apply the exchange rate approved by the panel to convert the claimant's losses from Kuwaiti dinars into United States dollars.
- 36. As a result of these clerical and computational errors, the panel had recommended compensation in the amount of USD 4,641 for the claimant's D6 losses. The secretariat reviewed the file and concluded that, applying the established methodology, the correct amount of compensation recommended for the D6 losses should have been USD 19,920.52.

- 37. Following another inquiry from the Government of Kuwait, the secretariat reviewed a claim that was included in the "Report and recommendations made by the 'D2' panel of Commissioners concerning part two of the twelfth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2003/31), which recommendations were approved by the Governing Council in decision 181 (S/AC.26/Dec.181 (2003)).
- 38. As a result of its review, the secretariat noted that a clerical error was made in the processing of the claim that warrants correction under article 41 of the Rules. Specifically, at the time of the initial review of the claim, the "loss of stock" component of the C8 (business losses) claim had been found to be duplicative of the corresponding component of the D8/D9 (individual business) losses claim. However, the secretariat, in valuing the claim for D8/D9 losses, had erroneously deducted the duplicative amount from the total recommended award for D8/D9 losses, and not from the recommended award for the D8/D9 "loss of stock" component only. This resulted in an erroneous reduction in the amount of compensation awarded to the claimant.
- 39. As a result of this clerical error, the panel had recommended compensation in the amount of USD 159,362.40 for the claimant's D8/D9 losses. The secretariat reviewed the file and concluded that, applying the established methodology, the correct amount of compensation recommended for the D8/D9 losses should have been USD 169,242.24.
- 40. Accordingly, as set forth in table 7 below, it is recommended that the award for these claims be corrected. Table 7 identifies the country concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 7. Category "D" corrections

Country	<u>Instalment</u>	Number of claims	Amount of net effect
		<u>affected</u>	(USD)
Kuwait	Tenth	1	15,279.52
Kuwait	Twelfth, part two	1	9,879.84
<u>Total</u>		2	25,159.36

41. In summary, the recommended corrections in category "D" concern two claims submitted by one Government resulting in a net increase of the total amount awarded of USD 25,159.36. The recommendation with respect to the tenth instalment and part two of the twelfth instalment of "D" claims, by country and by instalment, is provided in tables 1 to 3 of annex III to this report.

II. REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS

42. During the period under review, the secretariat continued its review of requests from Governments and international organizations for corrections to claims in categories "D" and "E", 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

43. During the period under review, the secretariat reviewed a total of 164 requests from seven Governments and one international organization for corrections to claims in category "D". The requests and their submitting entities are set forth in table 1 of annex IV to this report. Having carefully reviewed all aspects of the requests, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

B. Category "E" claims

44. During the period under review, the secretariat reviewed a total of 184 requests from three Governments for corrections to claims in category "E". The requests and the submitting entities are set forth in table 2 of annex IV to this report. Having carefully reviewed all aspects of the requests, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

C. Pending requests for correction

45. In addition, during the period under review, the secretariat received 35 requests for article 41 corrections with respect to claims in category "D" from the Government of Kuwait. The secretariat's review of the specific claims in question remains ongoing. Details concerning these requests, and the Executive Secretary's recommendations to the Governing Council with respect thereto will be contained in upcoming article 41 reports to the Governing Council.

Annex I

RECOMMENDED CORRECTIONS CONCERNING CATEGORY "A" CLAIMS

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

Table 1. First instalment category "A" claims corrections

Country	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
India	25,146,000.00	25,116,500.00	(29,500.00)
Pakistan	12,129,000.00	12,127,500.00	(1,500.00)

Table 2. Second instalment category "A" claims corrections

<u>Country</u>	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
India	51,237,000.00	51,175,000.00	(62,000.00)
Pakistan	19,561,000.00	19,559,500.00	(1,500.00)
Russian Federation	4,292,000.00	4,296,000.00	4,000.00

Table 3. Third instalment category "A" claims corrections

Country	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
India	17,091,000.00	17,061,500.00	(29,500.00)
Serbia and Montenegro	1,012,000.00	1,008,000.00	(4,000.00)

Table 4. Fourth instalment category "A" claims corrections

Country	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
India	147,272,500.00	146,983,500.00	(289,000.00)
Philippines	27,387,500.00	27,383,000.00	(4,500.00)
Sri Lanka	69,490,500.00	69,486,500.00	(4,000.00)

Table 5. Fifth instalment category "A" claims corrections

Country	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
India	149,260,000.00	148,504,500.00	(755,500.00)
Philippines	17,928,000.00	17,920,500.00	(7,500.00)

[ENGLISH ONLY] S/AC.26/2005/13

Page 13

Table 6. Sixth instalment category "A" claims corrections

Country	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
India	17,523,500.00	17,343,000.00	(180,500.00)
Jordan	17,567,500.00	17,564,500.00	(3,000.00)
Philippines	60,490,000.00	60,483,000.00	(7,000.00)
Sri Lanka	35,399,000.00	35,395,500.00	(4,000.00)

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

<u>Instalment</u>	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
First	189,992,500.00	189,961,500.00	(31,000.00)
Second	641,980,500.00	641,921,000.00	(59,500.00)
Third	532,031,000.00	531,997,500.00	(33,500.00)
Fourth	732,429,500.00	732,132,000.00	(297,500.00)
Fifth	772,758,500.00	771,995,500.00	(763,000.00)
Sixth	316,747,500.00	316,553,000.00	(194,500.00)

Annex II

RECOMMENDED CORRECTIONS CONCERNING CATEGORY "C" CLAIMS

1. Based on the recommended corrections reported in paragraphs 12 to 33 of this report, supra, the aggregate corrected awards for category "C" claims by instalment, per country or submitting entity, are as follows:

Table 1. Seventh instalment category "C" claims corrections

Country	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
Canada	11,929,332.52	11,965,611.10	36,278.58
India	187,659,575.14	187,623,296.56	(36,278.58)

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

Submitting entity	Previous total award	evious total award Corrected total award	
	(USD)	(USD)	(USD)
Palestine	15,111,749.26	15,115,583.86	3,834.60

Table 3. Second instalment category "C" Palestinian late claims corrections

Submitting entity	<u>Previous total award</u> <u>Corrected total award</u>		Amount of net effect
	(USD)	(USD)	(USD)
Palestine	7,726,306.21	7,735,261.37	8,955.16

Table 4. Third instalment category "C" Palestinian late claims corrections

Submitting entity	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
Palestine	28,968,925.86	28,969,056.60	130.74

Table 5. Fourth instalment category "C" Palestinian late claims corrections

Submitting entity	Previous total award	Corrected total award	Amount of net effect
	(USD)	<u>(USD)</u>	<u>(USD)</u>
Palestine	70,095,001.19	70,121,261.35	26,260.16

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

Table 6. Recommended corrected total awards for category "C" claims

Instalment	Previous total award	Corrected total award	Amount of net effect
	(USD)	<u>(USD)</u>	(USD)
Seventh	1,936,404,174.08	1,936,404,174.08	0.00
First Palestinian late claims	15,111,749.26	15,115,583.86	3,834.60
Second Palestinian late claims	7,726,306.21	7,735,261.37	8,955.16
Third Palestinian late claims	28,968,925.86	28,969,056.60	130.74
Fourth Palestinian late claims	70,095,001.19	70,121,261.35	26,260.16

Annex III

RECOMMENDED CORRECTIONS CONCERNING CATEGORY "D" CLAIMS

1. Based on the recommended corrections reported in paragraphs 34 to 41 of this report, supra, the aggregate corrected awards for category "D" claims by instalment, per country, are as follows:

Table 1. Tenth instalment category "D" claims corrections

Country	Previous total award	Corrected total award (USD)	Amount of net effect
	(USD)		(USD)
Kuwait	281,561,492.91	281,576,772.43	15,279.52

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

Country	Previous total award	Corrected total award (USD)	Amount of net effect
	(USD)		(USD)
Kuwait	97,389,011.24	97,398,891.08	9,879.84

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

Table 3. Recommended corrected total awards for category "D" claims

<u>Instalment</u>	Previous total award	Corrected total award	Amount of net effect
	(USD)	(USD)	(USD)
Tenth	281,561,492.91	281,576,772.43	15,279.52
Twelfth, part two	116,576,394.47	116,586,274.31	9,879.84

Annex IV

REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS IN CATEGORIES "D" AND "E"

1. As reported in paragraph 43 of this report, supra, the secretariat has continued its review of requests from Governments for corrections to claims in category "D" submitted under article 41 of the Rules. The requests reviewed by country or international organization, date of request and instalment are as follows:

Table 1. Category "D" requests for correction reviewed

Country or	Date of request	Number of claims	<u>Instalment</u>	Governing Council
<u>international</u>				decision
organization organization				
Egypt	15 December 2003	1	Eighteenth, part one	199
Egypt	25 March 2005	1	Eighteenth, part three	228
France	28 February 2002	1	Eighth, part two	141
Jordan	9 May 2002	1	Ninth, part two	142
Jordan	12 May 2002	1	Fourth, part one	81
Jordan	29 September 2002	1	Thirteenth	165
Jordan	28 January 2003	1	Ninth, part two	142
Jordan	14 September 2003	1	Sixteenth, part one	188
Jordan	9 March 2004	1	Eighteenth, part one	199
Jordan	19 July 2004	1	Sixteenth, part two	214
Jordan	28 December 2004	2	Eighteenth, part two	220
Jordan	28 December 2004	2	Nineteenth, part two	221
Kuwait	22 October 2001	1	Seventh	111
Kuwait	20 January 2003	1	Eighth, part one	125
Kuwait	25 January 2003	1	Second, part one	59
Kuwait	25 January 2003	1	Twelfth, part one	155
Kuwait	27 January 2003	1	Twelfth, part one	155
Kuwait	3 February 2003	1	Tenth	146
Kuwait	3 February 2003	1	Eleventh	147
Kuwait	3 February 2003	1	Thirteenth	165
Kuwait	12 March 2003	1	Fourteenth, part one	166
Kuwait	29 December 2003	1	Fourth, part one	81
Kuwait	29 December 2003	11	Seventh	111
Kuwait	29 December 2003	1	Ninth, part two	142

S/AC.26/2005/13

Page 18

Country or	Date of request	Number of claims	Instalment	Governing Council
<u>international</u>				decision
organization organization				
Kuwait	29 December 2003	3	Tenth	146
Kuwait	29 December 2003	2	Eleventh	147
Kuwait	29 December 2003	3	Twelfth, part one	155
Kuwait	29 December 2003	2	Twelfth, part two	181
Kuwait	29 December 2003	4	Thirteenth	165
Kuwait	29 December 2003	1	Fourteenth, part two	186
Kuwait	29 December 2003	7	Fifteenth, part one	221
Kuwait	29 December 2003	1	Fifteenth, part two	229
Kuwait	29 December 2003	2	Sixteenth, part one	188
Kuwait	29 December 2003	1	Seventeenth, part one	198
Kuwait	17 March 2004	2	Eighteenth, part one	199
Kuwait	23 June 2004	18	Sixteenth, part two	214
Kuwait	11 September 2004	7	Second, part two	59
Kuwait	11 September 2004	13	Fourth, part one	81
Kuwait	1 November 2004	2	Eighteenth, part two	220
Kuwait	4 January 2005	28	Eighteenth, part two	220
Kuwait	4 January 2005	17	Nineteenth, part two	221
Kuwait	1 March 2005	1	Nineteenth, part three	229
Kuwait	25 March 2005	2	Eighteenth, part three	228
Kuwait	25 March 2005	4	Nineteenth, part three	229
Netherlands	16 December 2003	1	Sixth	110
Sudan	22 December 2003	1	Fifteenth, part two	187
Sudan	24 May 2004	1	Fifteenth, part two	187
Sudan	31 May 2005	1	Fifteenth, part two	187
Syrian Arab Republic	29 December 2003	1	Sixteenth, part one	188
Syrian Arab Republic	29 December 2003	1	Nineteenth, part two	221
UNDP Washington	1 September 2004	1	Sixteenth, part two	214
UNDP Washington	14 April 2005	1	Eighteenth, part two	220
<u>To</u>	<u>otal</u>	164		

2. As reported in paragraph 44 in the present 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

Country	Date of request	Number of claims	Subcategory	Instalment	Governing Council
		Cidillis			decision
Jordan	14 September 2003	1	E4	Twenty-third A	193
Jordan	23 October 2003	1	E4	Eighteenth	191
Jordan	28 December 2003	1	E4	Eighteenth	191
Jordan	28 December 2003	2	E4	Twenty-third A	193
Jordan	30 December 2003	1	E4	Twenty-third A	193
Jordan	31 December 2003	1	E4	Twenty-third A	193
Jordan	18 May 2004	1	E4	Eighteenth	191
Jordan	30 August 2004	1	E4	Twenty-ninth	223
Jordan	7 September 2004	1	E4	Twenty-ninth	223
Jordan	15 September 2004	1	E4	Twenty-eighth	222
Jordan	20 September 2004	1	E4	Twenty-eighth	222
Jordan	20 September 2004	1	E4	Twenty-ninth	223
Jordan	21 September 2004	1	E4	Twenty-eighth	222
Jordan	21 September 2004	1	E4	Twenty-ninth	223
Jordan	27 September 2004	1	E4	Twenty-eighth	222
Jordan	28 September 2004	2	E4	Twenty-eighth	222
Jordan	3 October 2004	1	E4	Twenty-ninth	223
Jordan	17 October 2004	1	E4	Twenty-eighth	222
Jordan	31 October 2004	1	E4	Twenty-eighth	222
Jordan	28 December 2004	3	E4	Twenty-eighth	222
Jordan	28 December 2004	1	E4	Twenty-ninth	223
Jordan	26 January 2005	1	E4	Twenty-ninth	223
Kuwait	25 July 2003	1	E4	Twenty-second	169
Kuwait	29 December 2003	3	E4	Second	77
Kuwait	29 December 2003	14	E4	Thirteenth	119
Kuwait	29 December 2003	1	E4	Sixteenth	139
Kuwait	29 December 2003	72	E4	Eighteenth	191
Kuwait	29 December 2003	2	E4	Nineteenth	149
Kuwait	29 December 2003	14	E4	Twentieth	150
Kuwait	29 December 2003	1	E4	Twenty-fifth	203
Kuwait	29 December 2003	17	E4	Twenty-sixth	204
Kuwait	30 December 2003	2	E4	Twelfth	118
Kuwait	30 December 2003	6	E4	Thirteenth	119

S/AC.26/2005/13

Page 20

Country	Date of request	Number of	Subcategory	Instalment	Governing
		<u>claims</u>			Council
					decision
Kuwait	30 December 2003	1	E4	Fourteenth	138
Kuwait	30 December 2003	1	E4	Sixteenth	139
Kuwait	30 December 2003	9	E4	Eighteenth	191
Kuwait	30 December 2003	2	E4	Twentieth	150
Kuwait	0 December 2003	1	E4	Twenty-first	184
Kuwait	17 March 2004	3	E4	Twenty-sixth	204
Kuwait	26 November 2004	1	E4	Twenty-eighth	222
Kuwait	4 January 2005	2	E4	Twenty-eighth	222
Kuwait	13 January 2005	1	E4	Sixteenth	139
Kuwait	7 February 2005	1	E4	Twenty-sixth	204
Syrian Arab Republic	30 December 2003	3	E4	Twenty-third A	193
<u>To</u>	<u>tal</u>	184			

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

	Category A		Category B		Category C		Category D		Category E		Category F		<u>Total</u>		
<u>Report</u>	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, E and F (USD)	Number of claims corrected in categories A, B, C, D,E and F							
A(6) panel	(6,439,500.00)	2,575	-	-	-	-	-	-	-	-	-	-	(6,439,500.00)	2,575	
B(2.2) panel	-	-	(12,500.00)	3 ª	-	-	-	-	-	-	-	-	(12,500.00)	3 ^a	
B(3) panel	-	-	110,000.00	10 b	-	-	-	-	-	-	-	-	110,000.00	10 ^b	
C(4) panel	-	-	-	-	(1,922.00)	49	-	-	-	-	-	-	(1,922.00)	49	
C(5) panel	-	-	-	-	(77,190.00)	6	-	-	-	-	-	-	(77,190.00)	6	
C(6) panel	-	-	-	-	72,685.00	15	-	-	-	-	-	-	72,685.00	15	
D(5) panel	-	-	-	-	-	-	(2,646.81)	7	-	-	-	-	(2,646.81)	7	
D(7) panel	-	-	-	-	-	-	(38,836.21)	13	-	-	-	-	(38,836.21)	13	
D1 (9.1) panel	-	-	-	-	-	-	103,532.16	4	-	-	-	-	103,532.16	4	
Special D panel	-	-	-	-	-	-	(13,283,441.51)	426	-	-	-	-	(13,283,441.51)	426	
E3(10) panel	-	-	-	-	-	-	-	-	325,850.00	1	-	-	325,850.00	1	
E4(3) panel	-	-	-	-	-	-	-	-	536,513.00	3	-	-	536,513.00	3	
Article 41(1)	(5,500.00)	10	-	-	-	-	-	-	-	-	-	-	(5,500.00)	10	1
Article 41(2)	(49,000.00)	16	-	-	-	-	-	-	-	-	-	-	(49,000.00)	16	d
Article 41(3)	1,500.00	4	-	-	-	-	-	-	-	-	-	-	1,500.00	4	1
Article 41(4)	(83,000.00)	19	-	-	-	-	-	-	-	-	-	-	(83,000.00)	19	

[ENGLISH ONLY]

	Category A		Category B		Category C		Category D		Category E		Category F		<u>Total</u>	
<u>Report</u>	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 correction for category (USD	Number of claims corrected	Net corrections for categories A, B, C, D, E and F (USD)	Number of claims corrected in categories A, B, C, D,E and F
Article 41(5)	(18,500.00)	5	-	-	-	-	-	-	-	-	-	-	(18,500.00)	5
Article 41(6)	15,867,500.00	10,757	-	-	-	-	-	-	-	-	-	-	15,867,500.00	10,757
Article 41(7)	(6,975,500.00)	3,385	-	-	-	-	-	-	-	-	-	-	(6,975,500.00)	3,385
Article 41(8)	(7,806,000.00)	4,385	-	-	70,613,604.05	23,282	-	-	-	-	-	-	62,807,604.05	27,667
Article 41(9)	(4,136,500.00)	1,062	-	-	5,278,142.15	1,730	-	-	-	-	-	-	1,141,642.15	2,792
Article 41(10)	(1,446,000.00)	364	-	-	3,168,018.90	467	-	-	-	-	-	-	1,722,018.90	831
Article 41(11)	(1,358,500.00)	370	-	-	-	-	-	-	-	-	-	-	(1,358,500.00)	370
Article 41(12)	(112,000.00)	26	-	-	613,498.37	40	-	-	-	-	-	-	501,498.37	66
Article 41(13)	(55,500.00)	40	-	-	(102,863.22)	27	-	-	-	-	-	-	(158,363.22)	67
Article 41(14)	(8,000.00)	31	-	-	5,580,355.48	625	103,532.16	4	-	-	-	-	5,675,887.64	660
Article 41(15)	(10,500.00)	19	-	-	-	-	(57.66)	6	(7,264.37)	1	-	-	(17,822.03)	26
Article 41(16)	142,000.00	73	-	-	453,162.71	54	-	-	-	-	-	-	595,162.71	127
Article 41(17)	707,500.00	446	-	-	77,461.07	6	-	-	-	-	-	-	784,961.07	452
Article 41(18)	119,500.00	77	-	-	-	-	-	-	(43,413)	1	-	-	76,087	78
Article 41(19)	154,000.00	55	-	-	46,976.14	6	400,986.95	6	-	-	-	-	601,963.09	67
Article 41(20)	3,739,500.00	1,896	-	-	53,342.85	1	-	-	-	-	-	-	3,792,842.85	1,897
Article 41(21)	1,157,500	688	-	-	-	-	-	-	-	-	-	-	1,157,500.00	688
Article 41(22)	4,419,000.00	2,730	-	-	-	-	-	-	-	-	-	-	4,419,000.00	2,730
Article 41(23)	44,500.00	20	-	-	161,331.14	15	12,411.60	1	(48,653.00)	7	-	-	169,589.74	43
Article 41(24)	(3,911,000)	981	-	-	78,646.76	12	93,543.56	3	-	-	-	-	(3,738,809.68)	996

[ENGLISH ONLY]

	Category A		Category B		Category C		Category D		Category E		Category F		Total	
Report	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, <u>E and F (USD)</u>	Number of claims corrected in categories A, B, C, D,E and F						
Article 41(25)	(11,958,000)	3,002	-	-	1,033,956.47	617	(9,788)	1	-	-	-	1	(10,933,831.53)	3620
Article 41(26)	(176,500)	47	-	-	(4,625.19)	1	(35,854.67)	1	-	-	-	-	(216,979.86)	49
Article 41(27)	(21,500)	19	-	-	(4,435.28)	32	-	-	-	-	-	-	(25,935.28)	51
Article 41(28)	(17,000)	10	-	-	(643,080.71)	40	132,837.45	7	-	-	-	-	(527,243.26)	57
Article 41(29)	(384,500)	104	-	-	2,431,846.73	342	65,197.89	8	-	-	-	-	2,112,544.62	454
Article 41(30)	(106,000)	56	-	-	(135,259.01)	22	2,293,477.06	6	1,227,025	1	(2,552,000)	2	727,243.05	87
Article 41(31)	(884,500)	225			293,049.23	70	1,009,224.5	8					417,773.73	303
<u>Total</u>	(19,610,500.00)	33,497	97,500.00	13	88,986,701.64	27,459	(9,155,881.53)	501	1,990,057.63	14	(2,552,000)	2	59,755,877.74	61,486

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

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