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联合国赔偿委员会
理事会

专员小组就第二十八批“E4”类索赔
提出的报告和建议

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导 言

1. 联合国赔偿委员会(“委员会”)理事会在 1997 年 6 月 23 日至 24 日举行的第二十四届会议上任命罗伯特·R·布里纳先生(主席)、阿兰·丁·克利里先生和林田发(Lim Tian Huat)先生组成负责审查“E4”索赔的第一专员小组(“小组”)。“E4”索赔是有资格采用委员会的“公司和其它实体索赔表”提出索赔的科威特私营公司和其它实体自行提出或由他人代为提出的索赔,但不包括石油部门索赔和环境索赔。

2. 本批索赔的情况详见以下第一节。根据《索赔程序暂行规则》(S/AC.26/1992/10)(《规则》)第 32 条,第二十八批索赔于 2003 年 6 月 30 日提交小组。根据《规则》第 38 条,本报告载有小组就第二十八批“E4”索赔向理事会提出的建议。

一、第二十八批索赔概述

3. 第二十八批主要是“非重叠”索赔。“非重叠”索赔一语是由理事会第 123 号决定(S/AC.26/Dec.123(2001))界定的,是指个人在“C”和“D”类内为没有在“E”类内就同样的损失提出索赔的科威特公司实体所受直接损失提出的索赔。(在这方面,非重叠索赔与也在第 123 号决定中界定的“重叠”索赔不同,后者是指已由科威特公司就本公司损失提出了索赔的索赔。¹)“E4A”小组在“专员小组就第二十三(A)批‘E4’类索赔提出的报告和建议”(S/AC.26/2003/14)(“第二十三(A)批索赔报告”)中说明了将第 123 号决定适用于非重叠索赔的情况及其审查办法(“非重叠索赔”)。

4. 第二十八批中还有 3 件不属于非重叠索赔的“E4”索赔²(“普通‘E4’索赔”),以及 2 件“E2”索赔³,即非科威特公司、公共部门企业和其他私营法律实体(不包括石油部门、建筑/工程、出口担保/保险和环境索赔人)提交的索赔(“‘E2’索赔”)。

5. 第二十八批中的 2 件普通“E4”索赔是早先“E4”批次推迟处理的,推迟的目的是为了进一步检查是否存在所称损失与公司实体相关联的情况。经过广泛的索赔材料追询工作,现已认定这 2 件是就科威特公司损失提出的索赔,因此应在“E4”类内审查。余下的 1 件“E4”索赔原先是由一个科威特索赔人作为一件“D”类索赔的

一部分提出的。然而，由于公司损失索赔不能在“D”类内审查，因此，对该索赔中与公司损失有关的部分新设定了一个赔偿委员会索赔号，转入“E4”类处理。⁴

6. 本小组根据“专员小组就第一批‘E2’类索赔提出的报告和建议”(S/AC.26/1998/7)(“第一批‘E2’索赔报告”)中提出的适用法律框架就以上所指“E2”索赔提出了建议，⁵之所以由本小组提出，是因为“E2”和“E2A”专员小组(“‘E2’小组”)均已不复存在。下文第八节详细说明为何将2件“E2”索赔列入第二十八批以及小组对这些索赔的评估。

7. 最初选定将72件与科威特公司有关的索赔纳入第二十八批，并按照《规则》第32条于2003年6月30日在第1号程序令中提交小组。在这72件索赔中，经过索赔材料追询工作⁶，发现有10件索赔涉及未注册的企业损失而不是公司损失，因此由执行秘书转交一个“D”类专员小组(“D”小组)进行审查。这一情况已记录在2003年11月24日的第3号程序令中。补入第二十八批的索赔共计7件；2003年9月1日的第2号程序令补入2件，第3号程序令又补入5件。因此，经过这些转交和补充，第二十八批至此共有涉及62家公司的损失的73件索赔，以下简称“本批索赔”。这些索赔列于下表。

表1 第二十八批索赔概要

	原提交小组的件数	补入本批的件数	撤回的件数	分割后形成的新索赔件数 ^a	提交小组的合计件数	退回“D”类的合计件数	转交到以后“E4”批次的合计件数	小组解决的合计件数
个人索赔	72	7	0	4	83	10	0	73
公司	67	4	0	0	71	9	0	62

a 此种情况是，原先提交小组的一件非重叠索赔包含两个或更多公司的损失，后被分割成单独的非重叠索赔。

8. 在本批73件索赔中，68件为非重叠索赔；3件为普通“E4”索赔，2件为“E2”索赔。

9. 关于本批的非重叠索赔，存在就同一个公司的损失提出不止一件索赔的情况，有的是同一名个人索赔人提交的，有的是不止一名个人索赔人提交的。根据第 123 号决定转入“E4”处理时，将同一个公司损失的多项索赔作为一个公司索赔处理。对于每一种情况，小组都对公司损失作了整体估价，在这方面，确认对非重叠索赔适用《重叠索赔特别报告》关于将一个公司损失的多项索赔所涉损失归并的第 39、41 和 42 段。因此，虽然第二十八批包括 68 件非重叠索赔，但它们只涉及 57 个科威特公司的损失。

10. 第 123 号决定指示委员会将非重叠索赔纳入“E4”作为科威特公司索赔加以处理，因此，本批的非重叠索赔已输入秘书处所保持的中央数据库(“数据库”)，并为每件非重叠公司索赔确定了新的“E4”类索赔号。本报告附件一和附件二所列索赔使用的就是新的索赔号。

11. 在审查本批的非重叠索赔过程中，查明相互关联的“C”类或“D”类索赔中有 14 个情况的“C”类或“D”类索赔人已经得到了就公司损失裁定的赔偿额。在这些情况中，小组对归并的公司损失做了估价，其中包括“C”类或“D”类损失，但不包括小组认为裁定给“C”类索赔人的赔偿额没有达到足够的相对重要程度、因而不必过细审查的索赔，或者“C”类索赔人要求的赔偿与“D”类索赔所称损失重复的情况。在制定相对重要程度标准时，小组采用了《重叠索赔特别报告》第 26 和 27 段规定的方法。针对查明的所有这 14 件索赔，小组指示秘书处通过下文第 22 至 23 段所述程序，从准备付给各该个人索赔人的金额中扣除已经在“C”类中裁定的赔偿额。⁷

12. 第二十八批中有 31 个索赔人还要求赔偿个人损失，其中包括与科威特公司遭受的损失无关的未注册企业的损失。这些损失没有转交本小组审查，而是留在“D”类中作为“D”类索赔加以处理。⁸ 小组注意到，为第二十八批发出的第 1 号程序令中最初列出的索赔额可能包含后来被定为个人损失的某些损失。

13. 本批的非重叠索赔有 70%以上是由约旦政府提交的。

14. 本批索赔所称公司损失总计 32,577,659 科威特第纳尔(约合 112,725,464 美元)。这些索赔所称损失额从 5,000 科威特第纳尔(约合 17,301 美元)到 3,418,454 科威特第纳尔(约合 11,828,561 美元)不等。⁹

二、非重叠索赔的背景

15. 1993 至 1994 年，委员会收到一些非科威特籍个人用“E”类索赔表提出的几百件索赔，这些人提出的索赔涉及一些他们独资或合资所有的科威特公司蒙受的损失。委员会在 1994 年底同理事会进行非正式讨论之后，告知这些个人索赔人：他们没有资格代表所涉公司提出索赔，因为“E”类索赔表只能由公司索赔人通过公司注册或组建所依据的法律所涉国的政府提交。¹⁰ 委员会随之建议这些个人索赔人用“D”类索赔表重新提出商业损失索赔。

16. 虽然“D”小组 1996 年就已开始审查索赔，但最初的五批“D”类索赔并不包括任何商业损失索赔。理事会 1998 年早些时候任命的“D2”小组于 1999 年在第六批中开始审查一组“D8/D9”个人商业损失样板索赔。在审查“D”类索赔人依照《规则》第 34 条提交的答复过程中，“D2”小组开始意识到，有一组“D”类索赔人以科威特公司股东身份提出公司损失。在许多情况下，索赔人要求赔偿 100% 的公司受益权。具体来说，“D2”小组注意到，这些索赔人不是科威特国民，而且通常称他们与科威特伙伴的商业关系已经完全断绝。因而，他们要求将一部分公司损失的赔偿额直接付给他们。¹¹ 对这些索赔作的初步审查也表明，有些情况下，所涉科威特公司已经向委员会另外提出索赔，这些索赔当时正作为“E4”索赔处理，然而，在另一些情况下，科威特公司并没有向委员会另外提交索赔。

17. “C”类专员小组(“‘C’小组”)在审查索赔过程中找出 103 件索赔所要求赔偿的似乎是公司损失。由于公司损失索赔不能在“C”类进行审查，而“C”小组因为任务授限于审查 100,000 美元以下的个人损失索赔，因此“C”小组建议把 103 件索赔中的公司损失索赔部分分离出来并转入另外的索赔类别。这些索赔(“推迟处理的‘C’类索赔”)初步转入“D”类，直到理事会就如何处理这些索赔作出决定。¹² 第二十八批有 7 件推迟处理的“C”类索赔。

18. 由于“C”和“D”类索赔表的编制格式不适于个人就公司所受损失提交索赔，而且根据《规则》，个人不能自行就这些损失提交索赔，“D”和“E4”小组请理事会就如何处理非重叠索赔和重叠索赔一事提出指导意见。¹³

三、理事会第 123 号决定

19. 第 123 号决定就如何处理非重叠索赔提出了理事会的指导意见。具体而言，理事会在第 123 号决定序言部分表示明确“认为应恰当注意非科威特籍个人就科威特法人实体遭受的损失提交的索赔”。

20. 第 123 号决定第 1 段(b)分段指示执行秘书将“D”小组认定有权代表公司提交索赔(“代表行事权”)的个人索赔人提出的非重叠索赔转入“E4”类作为科威特公司索赔加以处理。

21. 如第 123 号决定序言所述，理事会认为，虽然委员会负责确定索赔人因蒙受直接损失而有权得到的赔偿额，但是，理事会认为，委员会的任务并不包括确定“C”和/或“D”类索赔人以及“E4”类索赔人在出现重叠索赔的情况下各自有权得到的全部或部分裁定赔偿额。

22. 据此，考虑到理事会一些成员国发表的看法，理事会得出结论认为，应当设立双边委员会，每个委员会都有科威特政府(“科威特”)和一个提交了任何非重叠索赔的政府或其它提交实体参加，目的是确定“C”和/或“D”类索赔人以及“E4”类索赔人各自有权得到的全部或部分裁定赔偿额。

23. 第 123 号决定通过了关于双边委员会的构成和工作的准则条款，并将准则案文列于附件一。第 123 号决定还指示执行秘书执行双边委员会作出的裁定，并代表科威特将双边委员会确定的有关个人索赔人应得的那部分裁定赔偿额付给代表此种个人索赔人的政府和其它提交实体。¹⁴

四、代表行事权

24. 根据第 123 号决定，只有“D”小组认定“有权代表”科威特公司提交索赔的个人索赔人提出的索赔才转交本小组审议。¹⁵ 本小组注意到，各“D”小组已认定，本批中提出非重叠索赔的所有个人都已经证明有权代表公司提交索赔。

五、工作情况

25. 委员会执行秘书按照《规则》第 16 条于 2000 年 2 月 17 日向理事会提交了第 30 号报告(“第 16 条报告”)。报告说明了在一家科威特公司实体提交“D”类非重叠

索赔等方面引起的重要的法律问题和事实问题。包括伊拉克共和国政府(“伊拉克”)在内的一些国家的政府针对第 16 条报告提交了进一步的资料和意见。

26. 委员会执行秘书还按照《规则》第 16 条向理事会提交了第 4-5、7-8、10、13、16、22、24、28、32、34-35、38、41-42 和 45 号报告。这些报告除其他外涵盖本批所有索赔，并说明了其中所指出的重要法律问题和事实问题。包括伊拉克在内的一些国家的政府针对第 16 条报告提交了进一步的资料和意见。

27. 在将本批索赔提交小组之前，秘书处按照《规则》对这些索赔做了全面的审查。¹⁶ 审查结果已输入数据库。

28. 根据《规则》第 34 条向每个索赔人发送了通知，请其提供进一步的资料，以协助小组审查索赔(“索赔材料追询”工作)。未能按要求提供证据的索赔人被要求说明未能按要求行事的原因。所要求的资料类型因每个索赔人的证据缺陷而异。随之又对本批索赔做了实质性审查，以找出重要的法律问题、事实问题和估价问题。

29. 关于本批的非重叠索赔和普通“E4”索赔，由于第一批“E4”索赔报告第 17 段和第二十三(A)批索赔报告第 27 段所述的理由，小组聘请一家会计师事务所和一家损失理算公司作为专家顾问提供服务。小组指示专家顾问根据适当的核实和估价办法(见下文第 34 至 36 段)审查第二十八批中的每件非重叠索赔和普通“E4”索赔的所称公司损失。小组指示专家顾问就每件索赔向其提交一份详细报告，归纳专家顾问的调查结果。

30. 关于本批的“E2”索赔，小组核可聘请一家会计师事务所和损失理算公司提供服务。

31. 小组于 2003 年 6 月 30 日发出第 1 号程序令，通知打算在 2003 年 6 月 30 日起 6 个月内完成对本批索赔的审查，并向理事会提交报告和建议。该程序令发给伊拉克、科威特以及本批每件索赔的提交实体。

32. 在完成了(一)初步评估、(二)实质性审查和(三)第 16 条报告以后，小组审议了下列文件：

- (a) 索赔人提交的索赔文件；
- (b) 按照《规则》第 14 条所编写的初步评估报告；
- (c) 包括伊拉克在内的一些国家政府针对第 16 条报告提出的资料和看法；
- (d) 索赔概要和报告；

(e) 专家顾问的报告；以及

(f) 按照《规则》第 32 条认为对小组的工作有助益的其他资料。

33. 根据对所提交的文件、包括按照程序令要求提供的文件和澄清所作的审查，小组得出结论认为，本批索赔提出的问题已经过充分研讨，不需要进行口头审理。

六、非重叠索赔和普通“E4”索赔核实及估价的法律框架

34. 适用于本批非重叠索赔和普通“E4”类索赔评估的法律框架与“E4”类早先各批次所使用的相同。关于这个框架的讨论见第一批“E4”索赔报告第 25 至 31 段。此后的“E4”索赔报告讨论了以后有关批次“E4”索赔中遇到的进一步的法律问题。本报告不再复述小组审查的这些不同方面，而是在相关之处提及叙述此类问题的以前“E4”索赔报告的章节。凡是在将非重叠索赔作为科威特公司索赔加以审查、核实和估价过程中提出进一步法律问题的情况，这些问题都在第二十三(A)批索赔报告第 34 至 81 段和本报告案文中讨论。

35. 在讨论小组关于第二十八批中的非重叠索赔和普通“E4”索赔的具体赔偿建议以前，必须重申小组对这些索赔的核实和评估方法。根据“E4”索赔审查程序，如第一批“E4”索赔报告第 40 段所述，有必要评估索赔人无法提供基本文件一事是否合理，并确定根据出示的证据评估损失额的适当方法。这个程序既考虑到索赔人不可能一律都能提供“最佳证据”，也考虑到证据缺陷所引起的“多报的可能性”。在这方面，使用第一批“E4”索赔报告第 34 段所界定的“多报的可能性”一语，就是指索赔中存在证据缺陷，无法准确定量，因而或许会存在多报的可能的情况。

36. 如第二十三(A)批索赔报告第 35 至 38 段所述，小组在考虑非重叠索赔时意识到本批多数提交了非重叠的索赔人(“非重叠索赔人”)由于政治和经济障碍而在解放后并没有返回科威特或恢复营业。由于许多非重叠索赔人在离开科威特时丢失了文件或没有带走，因此不可能象典型的“E4”类索赔人可望做到的那样提供同样程度的书面证据证明所称损失。因此，针对这些情况，在进行上文第 35 段所述的工作时，小组采用了在第二十三(A)批索赔报告中说明的方法。

A. 审定账目

37. 在决定什么是最佳证据时，可能要求小组在相互矛盾的证据之间作出决定。在作出这个决定时，小组要考虑收到的所有证据以及证据的来源和真实性。例如，在关于 Al-Mujam Trading and Contracting Co. 损失的非重叠索赔方面，向委员会提交了两套相互略有出入的审定账目。一套账目是由非重叠索赔人提交的，另外一套账目是由公司提交的。公司原先曾在“E”类内提交了公司损失，但是后来撤回了这项索赔，并且承认了非重叠索赔人就公司损失提交索赔的权利。小组决定用非重叠索赔人提供的审定账目而不是公司提供的审定账目估价公司损失，因为前者有审计员和科威特股东的签字。

B. 商业证据

38. 关于非重叠索赔，小组确认第二十三(A)批索赔报告第 49 段提出的方针，索赔人据此可以通过提供除审定账目或公司章程以外的同时期证据，证明 1990 年 8 月 2 日的商业存在。然而，关于 Jab Textiles Co. 的损失索赔，小组认定，索赔人通过提供商业和工业部 1990 年 5 月份确认公司注册的信函以及公司一些营业地点租金收据证明了商业存在，但并没有证明公司在 1990 年 8 月 2 日以前已开始经营，也没有证明任何资产直接由于伊拉克对科威特的入侵和占领而损失。

39. 在本批中，包括以上第 38 段所指的 1 件索赔在内的 3 件索赔没有达到这项要求，小组建议不赔偿这些索赔。

七、非重叠索赔和普通“E4”索赔

40. 小组运用上述程序按照所确定的性质和损失类型审查了本批中的非重叠索赔和普通“E4”索赔。由小组重划类型的损失在有关的损失所划入的损失类型的章节中叙述。以下按损失类型列出小组的建议。

41. 以下一节涉及小组就第二十八批中的非重叠索赔和普通“E4”索赔提出的具体建议。虽然本批中的普通“E4”索赔没有提出需要讨论的新的法律问题或核实和估价问题，但仍予以列入，以明确一个具体损失类型的索赔件数以及每一个的损失类型的合计索赔价值。

A. 合 同

42. 本批合同损失索赔价值共计 165,000 科威特第纳尔(约合 570,934 美元)。这些索赔没有提出任何新的法律问题或核实和估价问题。小组对待合同损失可赔性的方针已在“E4”以前批次中说明,小组对于合同损失索赔所采用的核实和估价审查程序在第一批“E4”类索赔报告第 77 至 84 段中讨论。

B. 不 动 产

43. 本批不动产损失索赔有 2 件,索赔价值共计 135,000 科威特第纳尔(约合 467,128 美元)。这些索赔没有提出任何新的法律问题或核实和估价问题。小组确认此次也运用了第一批“E4”类索赔报告第 89 至 101 段中采用的不动产损失索赔核实和估价审查程序。

C. 有 形 财 产

44. 有 55 件索赔要求赔偿有形财产损失,索赔价值共计 13,052,870 科威特第纳尔(约合 45,165,640 美元)。有形财产损失索赔主要涉及库存、家具、固定装置、设备和车辆损失。本损失类型中的其他索赔涉及现金损失。

45. 关于这些有形财产索赔的可赔性及其核实和估价,小组采用了第一批“E4”索赔报告第 108 至 135 段所述的方法,但必要处对这个方法进行了修改,以考虑非重叠索赔人的特殊情况。第二十三(A)批索赔报告第 58 至 66 段阐述了这个修改。

1. 有形财产——总体情况

46. 本批有形财产损失索赔没有提出任何新的法律问题或核实和估价问题。本批索赔人提出的证据类型与小组审查过去“E4”批次有形财产损失索赔、特别是审查第二十三(A)批与非重叠索赔相关的索赔时遇到的相同。

2. 库 存

47. 本批的库存损失索赔主要涉及由于库存被偷或被毁造成的库存损失。多数索赔人都已提供公司的审定账目复制件、原始购货发票和保险单等其他文件,证明了损

失的库存的存在、所有权以及价值。当小组认为关于损失事实或损失价值的证据不足时，对索赔进行了调整，以反映多报的可能。

48. 与以前几批“E4”类索赔相同，货物转运损失索赔主要涉及伊拉克入侵科威特当天位于科威特并且后来灭失的货物。成功的索赔能充分地证明货物的所有权、存在、损失以及付款情况。提供的证据类型包括科威特港务局的证明、信用证、其他银行单证、发票、以及运输代理商或其他第三方的目击者证词。

3. 现 金

49. 本批现金损失索赔未提出任何新的法律或核实及估价问题。对缺乏足够的同时期证据证明 1990 年 8 月 2 日持有现金及其数量的现金损失索赔，小组建议不予赔偿。这个类别中有一件索赔是要求赔偿伊拉克入侵和占领科威特时在科威特银行账户中的存款的损失。正如第二十三(A)批索赔报告第 64 段所述，小组注意到科威特中央银行为科威特银行账户受益人自由取用此种账户资金而确定的程序。因此，小组建议不赔偿这件索赔。

4. 车 辆

50. 多数车辆损失索赔的索赔人都能提供书面证据证明对车辆的所有权和损失事实和情况。一些索赔人通过提交“取消登记证明”证明车辆损失索赔，但更常见的文件是车辆登记证明、车辆保险单、提及公司车辆的审定账目，以及目击者陈述。关于 Al Baher and Al Falah General Transport 损失的非重叠索赔，索赔人提供了 1990 年 9 月为减轻损失而降价销售车辆的证据。小组认为这种减轻损失的努力是合理的，因此建议赔偿 1990 年旧车市场价值与索赔人 1990 年 9 月售车金额之差。

D. 创收财产

51. 本批没有一件是创收财产损失索赔。

E. 对他人的付款或救济

52. 本批没有一件是关于对他人的付款或救济的索赔。

F. 利润损失

53. 本批有 48 件索赔要求赔偿所称利润损失共计 7,828,684 科威特第纳尔(约合 27,088,872 美元)。小组注意到这些索赔均未提出任何新的核实或估价问题，因此，适用第一批“E4”类索赔报告第 160 至 206 段和其后的“E4”类索赔报告特别是第二十三(A)批报告第 70 段所述的方针及核实和估价程序。

G. 应收款项

54. 本批有 35 件索赔要求赔偿所称应收款项共计 5,839,094 科威特第纳尔(约合 20,204,478 美元)。与第一批关于非重叠索赔的第二十三(A)批相同，这种索赔在本批总索赔额中的比例也是远远大于“E4”类索赔其他批次。¹⁷在对这些索赔进行核实和估价中，小组应用了关于非重叠索赔的第二十三(A)批报告第 71 至 72 段中修改过的第一批“E4”类索赔报告第 207 至 219 段。

H. 恢复营业费用

55. 本批没有一件是恢复营业费用索赔。

I. 其他损失

56. 本批有 43 件索赔是“其他”损失索赔，所称价值共计 3,743,450 科威特第纳尔(约合 12,953,114 美元)。与第二十三(A)批相同，“其他”损失索赔的最大一类是顶费和商誉。依照第二十三(A)批报告第 75 至 78 段的方针，小组建议只有当索赔人能以历史开支或其他可核实的价值证据证明索赔时才给予赔偿。

57. 小组审议了 2 件提出了新的核实和估价问题的顶费损失索赔。关于 Selwan Trading Co. W.L.L.，小组认定，索赔人证明了 1990 年 8 月 2 日公司拥有其前身(未注册企业)于 1976 年支付的顶费。索赔人为证明这一点而提供的书面证据表明该未注册企业已将所有资产移交该公司。关于 Ahmad & Al Basha Trading in Commission Co. 损失索赔，小组认定，有两名目击者签名、使用科威特司法部不动产注册和公证司公文纸提供的日期为 2003 年的未宣誓证词并不构成历史开支证据或可核实的顶费价值证据。这项认定所依据的事实是，科威特政府对于顶费的支付并没有具体规定，因此该信件只能被认为是作为佐证的目击者陈述。

58. 本批一些索赔中包含一件小组认为属于个人索赔人就其在公司的股权提出的索赔。索赔股权的例子包括索赔人在公司资本中的股份、公司未分配的利润，以及个人索赔人在公司帐簿中的经常账目。

59. 各个“E4”小组曾联系第二十三(A)批索赔报告第 80 段所指非重叠索赔以及《重叠索赔特别报告》第 40 段所指重叠索赔审议过这种类型的损失。正如这些报告所述，本小组认为，股份索赔是公司相应资产的索赔。因此，股权索赔一般都与已经提出赔偿的其他资产损失重复。在索赔材料追询工作中，索赔人被要求说明股权索赔事实上是不是关于其他资产的索赔。如果索赔人在答复中说明股权损失涉及哪些资产，小组就联系这些资产估价索赔人所称的损失。然而，如果索赔人确认只是索赔自己在公司的股权，而且并不将股份索赔与由于伊拉克对科威特的入侵而损失的任何具体资产相联系，小组就认为这种索赔一般不可得到赔偿。之所以如此，原因在于小组无法确定损失是不是直接由于伊拉克对科威特的入侵和占领而造成的，因为股本索赔可能涉及并非由于入侵而损失的资产。另外，小组无法确定索赔人最初投入的资本是否与公司持有的资产相等，因为公司的资产可能由于不同于伊拉克对科威特的入侵的其他原因而少于最初在公司的投资。即便假设公司股本与相应资产增值，如果没有具体资料表明索赔人所称损失的每项资产的索赔量值，小组仍无法估价这种资产。¹⁸

60. 关于 Team International Company 损失的非重叠索赔，索赔人要求赔偿股权损失 350,000 美元，索赔人为证明这件索赔而提供了一份很长的分项清单，他说该清单“大致”反映公司使用所述股权的情况。索赔人没有为清单上的任何一项标明价值。小组认定，在不了解清单所列各项价值的情况下，无法将其作为可赔损失加以核实和估价。

61. 在有些情况下，索赔人没有能够充分说明其他损失索赔的性质、目的或数额，或者没有提供令人满意的证据证明直接由于伊拉克对科威特的入侵和占领而蒙受了此种损失。对于这种情况，小组建议不予赔偿。

八、“E2”索赔

A. “E2”索赔的背景

62. 本批中的“E2”索赔最初是在“D”类中审查的，当时称为非科威特公司实体损失索赔。进一步审查后证实这些索赔确实涉及非科威特公司实体损失，而非科

威特公司实体损失有关的索赔部分¹⁹应在“E”类内审查，不应在“D”类内审查。

63. 由于两个“E2”小组都已经完成了工作计划并且不复存在，因此确定，这些索赔应当由具有审查公司索赔经验的一个专员小组加以审查。根据《索赔程序暂行规则》第32条第3款，委员会执行秘书将这些“E2”转入“E4”类。在2003年9月1日第2号程序令中，小组正式接受将这些“E2”索赔纳入第二十八批。

64. 用于评估第二十八批中“E2”索赔的法律框架与早先“E2”各批次所用的相同。关于这个框架的讨论见第一批“E2”类索赔报告第38至48段。其后的“E2”类索赔报告讨论了相关“E2”批次中遇到的进一步的法律问题。本报告不再复述小组审查工作的这些不同方面，而是在相关之处提及叙述此类问题以前“E2”索赔报告的章节。

B. “E2”索赔的审查

65. 小组运用第64段所述程序按照下文列明的损失类型审查了本批中的“E2”索赔。以下是关于索赔的说明和小组提出的确定意见。

1. 中断的服务合同

66. 有一个索赔人就为伊拉克一个建筑项目提供人力的若干项合同提出索赔。索赔人说这些合同每一项都直接由于伊拉克对科威特的入侵和占领而中断，要求赔偿预计在这些合同下可得到的利润的损失。

67. 这件索赔没有提出任何新的法律问题或核实和估价问题。适用于合同中断损失的法律原则和证据要求在先前的“E2”小组报告中已有叙述。²⁰ 具体而言，小组认为，对于索赔人预计在一项合同之下可得到的未来收入和利润的损失，只要能以合理的确定性予以确证，就可裁定给予赔偿，但须减去任何因合同中断而少支付的费用。就所审查的这件索赔而言，小组认定，索赔人没有提供足够的证据证明所称利润，建议不赔偿此种损失。

2. 运输途中灭失或毁坏的货物

68. 有一个索赔人说，它向科威特海运了一批货物，由于同买主在信用证条件上发生纠纷，这些货物在伊拉克对科威特的入侵和占领发生时仍在科威特的一个港口。索赔人要求赔偿这批货物的未偿付的合同价。

69. 这件索赔没有提出任何新的法律问题或核实和估价问题。适用于运输途中损失的货物索赔的法律原则和证据要求在先前的“E2A”小组报告中已有叙述。²¹ 具体而言，如果货物是1990年7月2日以前抵达科威特港口的，“E2A”小组就要求以具体证据证明货物直接由于伊拉克对科威特的入侵和占领而灭失或毁坏。²² 本小组对此处审查的这件索赔运用“E2A”小组概述的原则，认定索赔人没有提供所需要的具体证据，因此建议不予赔偿。

3. 有形财产损失

70. 有一个索赔人还要求赔偿伊拉克对科威特的入侵和占领期间在伊拉克境内损失的工具和设备的价值。

71. 本批中的这件有形财产损失索赔没有提出任何新的法律问题或核实和估价问题。适用于有形财产损失索赔的法律原则和证据要求在先前的“E2A”小组报告中已有叙述。²³ 就所审查的这件索赔而言，小组得出结论认为，索赔人的财产损失是伊拉克对科威特的入侵和占领直接造成的，这件索赔在所损失资产得到充分证明的前提下价值应予赔偿。

九、其他问题

A. 货币兑换率和利息的适用日期

72. 关于货币兑换率和利息的适用日期，小组采用第一批“E4”类索赔报告第226至233段中所述的方针。关于非重叠索赔和普通“E4”索赔，如果索赔人以科威特第纳尔以外的某种货币提出索赔，小组使用适当的兑换率按科威特第纳尔估价索赔。

B. 索赔准备费用

73. 委员会执行秘书告知小组，理事会打算以后解决索赔准备费用问题。因此，小组目前不就索赔准备费用的赔偿问题提出建议。

十、建议赔偿额

74. 根据以上所述，小组在本报告附件一中列出就本批的非重叠索赔提出的建议赔偿额。附件二概要列出小组就本批的非重叠索赔提出建议所依据的基本原则。

75. 根据以上所述，小组在本报告附件三中列出就本批的普通“E4”索赔提出的建议赔偿额。附件四概要列出小组就本批的普通“E4”索赔提出建议所依据的基本原则。

76. 根据以上所述，小组在本报告附件五中列出就本批的“E2”索赔提出的建议赔偿额。附件五还概要列出小组就本批的“E2”索赔提出建议所依据的基本原则。

77. 遵循“E4”类以前各批次的方针，所有与本批的普通“E4”索赔和非重叠索赔有关的金额(必要时)为估价目的都换算成科威特第纳尔，并四舍五入至最接近的科威特第纳尔。就此而言，索赔金额可能因币种而有差异，或与索赔表所列数额相差 1 科威特第纳尔。然而，由于委员会以美元支付赔偿，因此，附件一至四中的建议数额同时用科威特第纳尔和美元标出。附件五中的是关于本批“E2”索赔的建议数额，仅用美元标出。

主 席

罗伯特·R·布里纳(签名)

专 员

阿兰·丁·克利里(签名)

专 员

林田发(Lim Tian Huat)(签名)

2004年1月31日，日内瓦

注

¹ 本小组和“ E4”小组对第 123 号决定适用于“重叠”索赔的解释见于“ ‘ E4’ 和 ‘ E4A’ 专员小组就重叠索赔提出的特别报告和建议” (S/AC.26/2002/28)(“重叠索赔特别报告”), 以及本小组在“ 专员小组就第十八批 ‘ E4’ 类索赔提出的报告和建议” (S/AC.26/2003/12)。

² 下列普通“ E4” 索赔纳入第二十八批: 赔委会索赔号 3013288、4002540、4003265。

³ 下列“ E2” 索赔纳入第二十八批: 赔委会索赔号 1854415、3004492。

⁴ 赔委会索赔号 3013288 是一家科威特公司的损失索赔, 从“ D” 类的赔委会索赔号 3005370 中分离出来, 转入“ E4” 类审查。

⁵ 见第一批“ E2” 类索赔报告第 38 至 48 段。

⁶ 见本报告第 27-28 段和第 32 段。

⁷ 关于小组就本批索赔所建议扣减的详细情况, 见本报告附件二脚注。

⁸ 由于这些索赔包含公司损失和个人损失, 而这两类损失要由两个不同的小组审议, 因此将索赔中的公司部分分离出来转交本小组, 这就形成了单独的一件索赔。

⁹ 关于损失类型的第七节列出的合计所称损失数额, 包括相关的“ C” 或“ D” 类索赔人的索赔数额(见本报告第 11 段), 但不包括重复索赔的所称损失数额。

¹⁰ 见理事会第 7 号决定(S/AC.26/1991/7)第 26 段。

¹¹ 在伊拉克入侵和占领科威特发生之日的情况是, 科威特法律要求希望开办企业的人取得商业和工业部发给的执照(许可证)。原则上只有伊拉克国民才符合取得这种执照的资格。就当时实行的一些注册要求而言, 也存在类似的限制。商业注册需要由科威特公民自己或科威特人持股 51% 的公司提出申请。根据科威特法律, 非科威特国民不得成为科威特公司的多数股股东。(见“ 专员小组就损失额最高为 10 万美元的第七批个人索赔(‘ C’ 类索赔)提出的报告和建议” (S/AC.26/1999/11)(“ 第七批 ‘ C’ 类索赔报告”) 第 330 和 331 段, 以及“ 专员小组就损失为 10 万美元以上的第六批个人索赔(‘ D’ 类索赔)提出的报告和建议” (S/AC.26/2000/24)第 207 至 213 段。

¹² 见第七批“ C” 类索赔报告第 343 至 346 段。

¹³ 关于非重叠索赔和重叠索赔的区别见本报告第 3 段。

¹⁴ 为本批中的非重叠索赔的目的，召集了下列双边委员会，以便按照第 123 号决定作出必要的决定：科威特—加拿大、科威特—埃及、科威特—印度、科威特—约旦、科威特—巴基斯坦、科威特—巴勒斯坦、科威特—美利坚合众国、科威特—也门。

¹⁵ 各“D”类专员小组据以审议索赔人是否证明有权代表公司提出索赔的检验标准，见“专员小组就损失为 10 万美元以上的第十四批个人索赔(‘D’类索赔)第二部分提出的报告和建议”(S/AC.26/2003/7)和“专员小组就损失为 10 万美元以上的第十五批个人索赔(‘D’类索赔)第二部分提出的报告和建议”(S/AC.26/2003/8)。

¹⁶ “专员小组就第一批‘E4’索赔提出的报告和建议”(S/AC.26/1999/4) (“第一批‘E4’索赔报告”)第 11 段对这个审查作了阐述。

¹⁷ 见第二十三(A)批索赔报告第 71 段。

¹⁸ 本小组还注意到“C”小组在第七批“C”类索赔报告第 241 段中的决定、以及“D”小组在“专员小组就损失为 10 万美元以上的第二批个人索赔(‘D’类索赔)第一部分提出的报告和建议”(S/AC.26/1998/11)第 104 至 107 段中的决定。

¹⁹ 赔委会索赔号 1854415 是一家非科威特公司的损失索赔，原先在“C”类赔委会索赔号 1494935 中提出。赔委会索赔号 1494935 中的公司损失分割为赔委会索赔号 1811619,转到“C”类以外的另一类审查(见本报告第 17 段)。赔委会索赔号 1811619 一部分实际上个人损失，在第十八批“D”类索赔第二部分中处理，另一部分是一家非科威特公司损失索赔。与一家非科威特公司损失有关的索赔部分分割为赔委会索赔号 1854415,交由小组在本批中处理。

²⁰ 例如，见“专员小组就第九批‘E2’类索赔提出的报告和建议”(S/AC.26/2001/27)第 76 至 80 段，以及“专员小组就第十五批‘E2’类索赔提出的报告和建议”(S/AC.26/2003/29)第 142 至 145 段和第 158 段。

²¹ 例如，见“专员小组就第十四批‘E2’类索赔提出的报告和建议”(S/AC.26/2003/21) (“第十四批‘E2’索赔报告”)第 81 至 85 段；“专员小组就第十二批‘E2’类索赔提出的报告和建议”(S/AC.26/2003/2) (“第十二批‘E2’索赔报告”)第 80 至 85 段；“专员小组就第十批‘E2’类索赔提出的报告和建议”(S/AC.26/2002/14) (“第十批‘E2’索赔报告”)第 86 至 90 段；以及“专员小组就第四批‘E2’类索赔提出的报告和建议”(S/AC.26/2000/2)第 143 至 147 段。

²² 例如，见第十四批“E2”索赔报告第 82 段；第十二批“E2”索赔报告第 81 段；以及第十批“E2”索赔报告 87 段。

²³ 例如，见第十四批“E2”索赔报告第 144 至 146 段；第十二批“E2”索赔报告第 142 至 144 段；以及第十批“E2”索赔报告 151 至 153 段。

[ENGLISH ONLY]

Annex IRECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE
CLAIMS BY CLAIM NUMBER AND CLAIMANT NAME

<u>UNCC claim No.</u>	<u>Company name</u>	<u>Amount claimed (KWD)</u>	<u>Net amount claimed (KWD)</u>	<u>Amount recommended (KWD)</u>	<u>Amount recommended (USD)</u>
4006148	Al-Majeem Comp. For General Contracts	394,517	394,517	11,500	39,793
4006149	Al Hadaf Construction Materials W.L.L.	235,000	235,000	113,578	393,004
4006150	Brasilian Home for Furniture	182,241	182,241	40,657	140,682
4006151	Basshaer Al-Rabea Trading Co.	2,415,000	2,415,000	1,490,518	5,157,502
4006152	Al-Batra Co. for Electrical and Chandeliers	176,315	176,315	64,256	222,339
4006153	Mersad International Group Trading & Contracting Co. W.L.L.	3,418,454	2,643,497	436,118	1,509,059
4006154	Issa Fallaha Trading Co.	537,512	537,512	128,132	443,363
4006155	Euro-Gulf Technical Services W.L.L.	1,614,929	1,614,929	105,340	364,498
4006156	Kuwaiti Food House Co.	232,469	232,469	93,807	324,592
4006157	Shawa Trading & General Con. Co.	952,549	952,549	352,413	1,219,423
4006158	Al-Rasheedi and Khair Hawash Co. W.L.L.	78,524	78,524	31,432	108,761
4006159	Al-Muhannad Paints And Trading Company	259,997	259,997	36,010	124,602
4006160	Rawadat Shahrazad Restaurant Co.	100,000	100,000	9,978	34,526
4006161	Al Safa & Al Marwa Contracting Company	1,270,933	1,270,933	27,466	95,038
4006162	Selwan Trading Co. W.L.L.	410,000	410,000	132,906	459,882
4006163	Al Jalil Sun Textile Company	147,880	147,880	34,935	120,883
4006164	The White House Construction Contracting	206,000	206,000	26,076	90,228
4006165	Al Muna Sports Equipment Company	59,220	59,220	49,122	169,972
4006166	Al Helal Sporting Company	185,375	185,375	141,825	490,745
4006167	Ahmad & Al Basha Trading in Commission Co.	240,000	240,000	9,986	34,554
4006168	Basmat Al-Khalij Textiles & Garments Co.	135,371	135,371	63,056	218,187
4006169	Jab Textiles Co.	693,601	693,601	0	0
4006170	Al-Anazi & Hamad Co.	22,297	22,297	3,895	13,478
4006276	Al-Nasseriyyeh Company for Engineering Projects	481,664	481,664	0	0
4006277	The New Centre for Construction Contracting W.L.L.	30,000	30,000	6,000	20,761
4006278	Al-Ramla Al Baida Co.	75,140	69,960	3,619	12,522
4006279	Al Khalij Printing Press & Library (aka Gulf Printing Press & Library Co.)	170,000	170,000	19,147	66,253
4006280	Al Areed Electrical Co.	885,985	885,985	280,538	970,719

<u>UNCC claim No.</u>	<u>Company name</u>	<u>Amount claimed (KWD)</u>	<u>Net amount claimed (KWD)</u>	<u>Amount recommended (KWD)</u>	<u>Amount recommended (USD)</u>
4006281	Alam Alhadeed Building Materials Co.	1,144,481	1,144,481	673,329	2,329,859
4006282	Al-Azem Trading Company	550,995	550,995	88,940	307,751
4006283	Falah and Fathi Company	506,212	506,212	147,057	508,848
4006284	Al-Enfitah Electronic Corp.	32,000	32,000	19,510	67,509
4006285	Al-Quds Tyres and Spare Parts and Car Decoration Co.	743,972	743,972	69,315	239,844
4006286	Al Otaibi & Dahlan Co.	606,945	606,945	513,035	1,775,207
4006287	Al Baher and Al Falah General Transport	88,700	88,700	15,370	53,184
4006288	Abu Hijlih Co. For Electrical Appliances	548,471	548,471	74,163	256,608
4006289	Al-Fajr Al-Muneer Trading Co. W.L.L.	1,672,704	1,672,704	320,338	1,108,437
4006290	Qaser Al-Najoum For Clothes & Tailoring Co.	101,628	101,359	2,200	7,612
4006291	Moh'd Saleem Al-Shamai Son's and Partner	613,022	613,022	59,178	204,768
4006292	Al-Mubarak & Al-Barakat Co. W.L.L.	1,218,775	1,218,775	203,115	702,821
4006293	Al Amal Press and Distribution Company	2,276,838	2,276,838	417,920	1,446,090
4006294	Raja General Stores	192,813	192,813	27,049	93,595
4006295	Nablus International Trading Co.	737,570	737,570	299,450	1,036,159
4006296	The Gulf Foodstuff Markets Company	322,868	322,868	115,556	399,848
4006297	Al Thikah Corporation for Construction and Contracting W.L.L.	985,907	985,907	108,195	374,376
4006298	Al-Jasser & Ikhmayes Co.	360,000	360,000	32,361	111,976
4006299	Team International Co. (formerly Al Jazira Industrial Consultants)	101,150	101,150	0	0
4006300	Al-Atta'a Textile Co. (W.L.L.)	1,201,697	1,201,697	389,920	1,349,203
4006301	Amani Ladies Beauty Salon Co.	26,747	26,747	22,895	79,221
4006302	Al-Munir Office Company W.L.L.	145,078	145,078	101,056	349,675
4006303	Al-Shati and Al-Basha United Trading Co.	1,171,270	1,151,950	31,271	108,205
4006304	Kana Controls Co. W.L.L.	5,000	5,000	0	0
4006305	West Bank Trading Company	267,050	267,050	175,398	606,914
4006306	Al-Mujam Trading and Contracting Co.	185,514	185,514	42,768	147,987
4006307	Al Naser & Al Ghorabi Co. Import/Export	187,458	187,458	0	0
4006308	Al Wadea Trading Co. Agencies	470,875	470,875	0	0
4006309	Al Saba Central Market	46,783	46,783	0	0
	<u>Total</u>	32,123,496	31,323,770	7,661,699	26,511,063

^a This amount is net of claims preparations costs and interest.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Majeem Comp. For General Contracts

UNCC claim number: 4006148

D Claim number: 3003231

Submitting Entity: Yemen

D Claim amount: KWD 394,517 (USD 1,365,111)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	2,500	2,500	8,651	
Loss of stock	45,000	9,000	31,142	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Loss of vehicles	1,500	0	0	Insufficient documentary evidence to substantiate claim for vehicles.
Loss of profits	278,940	0	0	Insufficient documentary evidence to substantiate claim for profits.
Other loss not categorized	66,577	0	0	Insufficient documentary evidence to substantiate claim for goodwill.
TOTAL	394,517	11,500	39,793	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Hadaf Construction Materials W.L.L.
UNCC claim number: 4006149

D Claim number: 3003682
Submitting Entity: Jordan
D Claim amount: KWD 235,000 (USD 813,149)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	4,926	4,926	17,045	
Loss of stock	80,000	72,000	249,135	Stock claim adjusted for obsolescence.
Loss of profits	36,654	36,652	126,824	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	45,000	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	68,420	0	0	Insufficient documentary evidence to substantiate claim for key money.
TOTAL	235,000	113,578	393,004	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Brasilian Home for Furniture

UNCC claim number: 4006150

D Claim number: 3003692

Submitting Entity: Jordan

D Claim amount: KWD 182,241 (USD 630,592)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	17,433	411	1,422	Tangible property claim adjusted for depreciation.
Loss of stock	42,815	22,142	76,616	Stock claim adjusted for stock build-up, overstocking, obsolescence and evidentiary shortcomings.
Loss of vehicles	2,533	2,533	8,765	
Loss of profits	65,500	191	661	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	23,760	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	30,200	15,380	53,218	Rejected, loss not direct.
TOTAL	182,241	40,657	140,682	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Basshaer Al-Rabea Trading Co.
UNCC claim number: 4006151

D Claim number: 3003774
Submitting Entity: Jordan
D Claim amount: KWD 2,415,000 (USD 8,356,401)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	20,588	20,527	71,028	Tangible property claim adjusted for depreciation.
Loss of stock	1,650,000	1,282,651	4,438,239	Stock claim adjusted for stock build-up, overstocking, obsolescence and evidentiary shortcomings.
Loss of profits	250,000	146,440	506,713	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	350,000	0	0	
Other loss not categorized	164,642	40,900	141,522	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	2,435,230	1,490,518	5,157,502	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 20,230 in respect of UNCC claim No. 1549471. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 56,374.32 from any amount to be paid to claimant 3003774 in respect of his previously awarded category "C" claim, UNCC claim No. 1549471, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Batra Co. for Electrical and Chandeliers

UNCC claim number: 4006152

D Claim number: 3003794

Submitting Entity: Jordan

D Claim amount: KWD 176,315 (USD 610,087)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	20,000	17,390	60,173	Tangible property claim adjusted for depreciation.
Loss of stock	105,000	46,200	159,862	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Receivables	21,315	666	2,304	Partial rejection, insufficient documentary evidence.
Other loss not categorized	30,000	0	0	Insufficient documentary evidence to substantiate claim for key money.
TOTAL	176,315	64,256	222,339	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Mersad International Group Trading & Contracting Co. W.L.L.

UNCC claim number: 4006153

D Claim number: 3003795

Submitting Entity: Jordan

D Claim amount: KWD 3,418,454 (USD 11,828,561)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	120,000	53,772	186,062	Tangible property claim adjusted for depreciation.
Loss of stock	260,000	164,480	569,135	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of vehicles	7,300	7,300	25,260	
Loss of profits	1,500,000	134,946	466,941	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	756,197	75,620	261,661	Receivables claim adjusted for evidentiary shortcomings.
TOTAL	2,643,497	436,118	1,509,059	

Claim preparation costs		n.a.	n.a.	Governing Council's determination pending.
Interest	774,957	n.a.	n.a.	Governing Council's determination pending.
Amount claimed (KWD)	3,418,454			
Net amount claimed (KWD)	2,643,497			Amount claimed less claim preparation costs and interest.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Issa Fallaha Trading Co.
UNCC claim number: 4006154

D Claim number: 3003803
Submitting Entity: Jordan
D Claim amount: KWD 537,512 (USD 1,859,903)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^a</u>	<u>Comments</u>
Loss of tangible property	1,197	1,197	4,142	
Loss of stock	146,941	117,553	406,758	Stock claim adjusted for obsolescence.
Loss of profits	50,224	4,418	15,287	Profits claim adjusted to reflect historical results for a seven-month indemnity period
Receivables	265,422	4,964	17,176	Partial rejection, insufficient documentary evidence. Receivables claim adjusted for evidentiary shortcomings.
Other loss not categorized	73,728	0	0	Insufficient documentary evidence to substantiate claim for key money or goodwill.
TOTAL	537,512	128,132	443,363	

^a After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 5,327 from any amount to be paid to claimant 3003803 in respect of a portion of his previously awarded category "D" claim, UNCC claim No. 3003520, relating to company profits.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Euro-Gulf Technical Services W.L.L.

UNCC claim number: 4006155

D Claim number: 3003833

Submitting Entity: Jordan

D Claim amount: KWD 1,614,929 (USD 5,587,990)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	68,809	39,647	137,187	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	546,055	20,950	72,491	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of cash	93,000	0	0	Insufficient evidence to substantiate claim for bank accounts.
Loss of vehicles	11,700	5,737	19,851	Vehicles claim adjusted to reflect M.V.V. Table values.
Loss of profits	500,000	32,506	112,478	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	345,365	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	50,000	6,500	22,491	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	1,614,929	105,340	364,498	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Kuwaiti Food House Co.
UNCC claim number: 4006156

D Claim number: 3003839
Submitting Entity: Jordan
D Claim amount: KWD 232,469 (USD 804,391)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	23,048	23,048	79,751	
Loss of stock	8,749	8,749	30,273	
Loss of profits	193,140	49,966	172,893	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	7,532	773	2,675	Partial rejection. Receivables claim adjusted for evidentiary shortcomings..
Other loss not categorized	17,340	11,271	39,000	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	249,809	93,807	324,592	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 17,340 in respect of claim 1633831. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 52,974.32 from any amount to be paid to claimant 3003839 in respect of his previously awarded category "C" claim, UNCC claim No. 1633831, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Shawa Trading & General Con. Co.
UNCC claim number: 4006157

D Claim number: 3003858
Submitting Entity: Jordan
D Claim amount: KWD 952,549 (USD 3,296,017)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	91,708	45,355	156,938	Tangible property claim adjusted for depreciation.
Loss of stock	250,000	225,000	778,547	Stock claim adjusted for obsolescence.
Loss of vehicles	8,292	8,292	28,692	
Loss of profits	602,549	73,766	255,246	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
TOTAL	952,549	352,413	1,219,423	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Rasheedi and Khair Hawash Co. W.L.L.

UNCC claim number: 4006158

D Claim number: 3004012

Submitting Entity: Jordan

D Claim amount: KWD 29,524 (USD 102,159)

D Claim number: 1811650

Submitting Entity: Jordan

D Claim amount: KWD 49,000 (USD 169,550)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	28,274	19,244	66,588	Tangible property claim adjusted for depreciation.
Loss of stock	24,500	9,358	32,381	Stock claim adjusted for stock build-up, overstocking, obsolescence and evidentiary shortcomings.
Loss of cash	750	0	0	Insufficient evidence to substantiate claim for cash.
Loss of profits	18,000	2,830	9,792	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	7,000	0	0	Insufficient documentary evidence to substantiate claim for receivables.
TOTAL	78,524	31,432	108,761	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Muhammad Paints And Trading Company

UNCC claim number: 4006159

D Claim number: 3004014

Submitting Entity: Jordan

D Claim amount: KWD 259,997 (USD 899,644)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of stock	14,892	10,860	37,578	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	58,346	6,300	21,799	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	136,759	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	50,000	18,850	65,225	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	259,997	36,010	124,602	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Rawadat Shahrazad Restaurant Co.
UNCC claim number: 4006160

D Claim number: 3004422
Submitting Entity: Jordan
D Claim amount: KWD 100,000 (USD 346,021)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	48,430	8,408	29,093	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	1,570	1,570	5,433	
Loss of profits	21,960	0	0	Insufficient documentary evidence to substantiate claim for profits.
Other loss not categorized	71,960	0	0	Insufficient documentary evidence to substantiate claim for key money or goodwill.
TOTAL	143,920	9,978	34,526	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 43,920 in respect of UNCC claim No. 1609311. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 66,574.32 from any amount to be paid to claimant 3004422 in respect of his previously awarded category "C" claim, UNCC claim No. 1609311, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Safa & Al Marwa Contracting Company
UNCC claim number: 4006161

D Claim number: 3013139
Submitting Entity: Egypt
D Claim amount: KWD 1,160,933 (USD 4,017,069)

D Claim number: 1811628
Submitting Entity: Egypt
D Claim amount: KWD 110,000 (USD 380,623)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^a</u>	<u>Comments</u>
Loss of tangible property	6,795	6,795	23,512	
Loss of stock	21,500	10,642	36,824	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Loss of cash	1,103,813	0	0	Insufficient evidence to substantiate claim for cash.
Loss of vehicles	28,825	10,029	34,702	Vehicles claim adjusted to reflect M.V.V. Table values. For non-M.V.V. Table vehicles, claim adjusted as per paragraph 145 of the First "E4" Report.
Other loss not categorized	110,000	0	0	Rejected, claim for loss of equity not direct.
TOTAL	1,270,933	27,466	95,038	

^a After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 3,460.21 from any amount to be paid to claimant 3013139/1811628 in respect of a portion of his previously awarded category "C" claim, UNCC claim No. 1366138, relating to a company owned vehicle.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Selwan Trading Co. W.L.L.
UNCC claim number: 4006162

D Claim number: 3013182
Submitting Entity: Jordan
D Claim amount: KWD 410,000 (USD 1,418,685)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	2,753	2,753	9,526	
Loss of stock	167,879	77,707	268,882	Stock claim adjusted for stock build-up, overstocking, obsolescence and evidentiary shortcomings.
Loss of profits	158,608	35,121	121,526	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	65,760	7,575	26,211	Partial rejection, insufficient documentary evidence. Receivables claim adjusted for evidentiary shortcomings.
Other loss not categorized	15,000	9,750	33,737	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	410,000	132,906	459,882	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Jalil Sun Textile Company

UNCC claim number: 4006163

D Claim number: 3013198

Submitting Entity: Jordan

D Claim amount: KWD 147,880 (USD 511,696)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	8,550	7,320	25,329	Tangible property claim adjusted for depreciation.
Loss of stock	74,815	21,794	75,412	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of vehicles	3,000	3,000	10,381	
Loss of profits	21,515	2,821	9,761	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Other loss not categorized	40,000	0	0	Insufficient documentary evidence to substantiate claim for key money.
TOTAL	147,880	34,935	120,883	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: The White House Construction Contracting

UNCC claim number: 4006164

D Claim number: 3013257

Submitting Entity: Jordan

D Claim amount: KWD 206,000 (USD 712,803)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	52,690	21,076	72,927	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	5,000	5,000	17,301	
Loss of vehicles	6,000	0	0	Insufficient documentary evidence to substantiate claim for vehicles.
Loss of profits	35,000	0	0	Insufficient documentary evidence to substantiate claim for profits.
Receivables	7,000	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	108,000	0	0	Rejected claim for loss of equity, not direct. Insufficient documentary evidence to substantiate claims for goodwill. Insufficient documentary evidence to substantiate claim for loss of letter of guarantee.
TOTAL	213,690	26,076	90,228	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 7,690 in respect of UNCC claim No. 1607953. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 25,948.10 from any amount to be paid to claimant 3013257 in respect of his previously awarded category "C" claim, UNCC claim No. 1607953, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Muna Sports Equipment Company

UNCC claim number: 4006165

D Claim number: 3013258

Submitting Entity: Jordan

D Claim amount: KWD 59,220 (USD 204,913)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	1,202	1,202	4,159	
Loss of stock	27,467	21,974	76,035	Stock claim adjusted for obsolescence.
Loss of profits	25,008	24,146	83,550	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Bad debts	3,743	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	1,800	1,800	6,228	
TOTAL	59,220	49,122	169,972	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Helal Sporting Company
UNCC claim number: 4006166

D Claim number: 3013259
Submitting Entity: Jordan
D Claim amount: KWD 185,375 (USD 641,436)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	9,463	5,895	20,398	Tangible property claim adjusted for depreciation.
Loss of stock	91,912	73,529	254,426	Stock claim adjusted for obsolescence.
Loss of profits	35,000	30,551	105,713	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Other loss not categorized	49,000	31,850	110,208	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	185,375	141,825	490,745	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Ahmad & Al Basha Trading in Commission Co.
UNCC claim number: 4006167

D Claim number: 3013260
Submitting Entity: Jordan
D Claim amount: KWD 190,000 (USD 657,439)

D Claim number: 1811634 (duplicate of 3013260)
Submitting Entity: Jordan
D Claim amount: KWD 50,000 (USD 173,010)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	1,071	1,071	3,706	
Loss of stock	13,929	8,915	30,848	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Loss of profits	60,000	0	0	Insufficient documentary evidence to substantiate claim for profits.
Other loss not categorized	115,000	0	0	Insufficient documentary evidence to substantiate claim for key money or goodwill.
TOTAL	190,000	9,986	34,554	

^a Amount claimed does not equal the total amount claimed and reclassified because the duplicative losses claimed in UNCC claim No. 1811634 were not valued.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Basmat Al-Khalij Textiles & Garments Co.
UNCC claim number: 4006168

D Claim number: 3013263
Submitting Entity: Jordan
D Claim amount: KWD 135,371 (USD 468,412)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	11,211	8,170	28,270	Tangible property claim adjusted for depreciation.
Loss of stock	38,222	23,650	81,834	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	30,185	10,039	34,737	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Other loss not categorized	85,253	21,197	73,346	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	164,871	63,056	218,187	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 29,500 in respect of UNCC claim No. 1604060. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 66,574.32 from any amount to be paid to claimant 3013263 in respect of his previously awarded category "C" claim, UNCC claim No. 1604060, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Jab Textiles Co.
UNCC claim number: 4006169

D Claim number: 3013264
Submitting Entity: United States of America
D Claim amount: USD 2,400,000

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	69,938	0	0	Operation of business as at 2 August 1990 not proven. Rejected, loss not direct.
Loss of stock	238,136	0	0	Operation of business as at 2 August 1990 not proven. Rejected, loss not direct.
Loss of cash	2,168	0	0	Operation of business as at 2 August 1990 not proven. Rejected, loss not direct.
Loss of profits	216,750	0	0	Operation of business as at 2 August 1990 not proven. Rejected, loss not direct.
Other loss not categorized	166,609	0	0	Operation of business as at 2 August 1990 not proven. Rejected, loss not direct.
TOTAL	693,601	0	0	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Anazi & Hamad Co.
UNCC claim number: 4006170

D Claim number: 3013265
Submitting Entity: Jordan
D Claim amount: KWD 22,297 (USD 77,152)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of profits	8,903	3,895	13,478	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	13,394	0	0	Insufficient documentary evidence to substantiate claim for receivables.
TOTAL	22,297	3,895	13,478	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Nasseriyyeh Company for Engineering Projects

UNCC claim number: 4006276

D Claim number: 3004891

Submitting Entity: Jordan

D Claim amount: KWD 481,664 (USD 1,666,657)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of contract	165,000	0	0	Rejected, loss not direct.
Loss of tangible property	16,666	0	0	Rejected, loss not direct.
Loss of profits	66,666	0	0	Rejected, loss not direct.
Other loss not categorized	233,332	0	0	Rejected, loss not direct.
TOTAL	481,664	0	0	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: The New Centre for Construction Contracting W.L.L.

UNCC claim number: 4006277

D Claim number: 1811627

Submitting Entity: Egypt

D Claim amount: KWD 30,000 (USD 103,806)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	15,000	6,000	20,761	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of vehicles	15,000	0	0	Insufficient documentary evidence to substantiate claim for vehicles.
TOTAL	30,000	6,000	20,761	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER, CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Ramla Al Baida Co.

UNCC claim number: 4006278

D Claim number: 3003511

Submitting Entity: Jordan

D Claim amount: USD 260,000

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	416	416	1,439	
Loss of stock	4,953	2,821	9,761	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Loss of vehicles	101	0	0	Insufficient documentary evidence to substantiate claim for vehicles.
Loss of profits	19,725	263	910	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	15,151	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	29,614	119	412	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	69,960	3,619	12,522	

Claim preparation costs		n.a.	n.a.	Governing Council's determination pending.
Interest	5,180	n.a.	n.a.	Governing Council's determination pending.
Amount claimed (KWD)	75,140			
Net amount claimed (KWD)	69,960			Amount claimed less claim preparation costs and interest.

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Khalij Printing Press & Library (aka Gulf Printing Press & Library Co.)
UNCC claim number: 4006279

D Claim number: 3003781
Submitting Entity Jordan
D Claim amount: KWD 147,000 (USD 508,651)

D Claim number: 1811618
Submitting Entity Canada
D Claim amount: KWD 23,000 (USD 79,585)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of real property	85,000	1,438	4,976	Real property claim adjusted for depreciation.
Loss of tangible property	34,000	3,738	12,934	Tangible property claim adjusted for depreciation.
Loss of profits	28,333	13,971	48,343	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	22,667	0	0	Insufficient documentary evidence to substantiate claim for receivables.
TOTAL	170,000	19,147	66,253	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Areed Electrical Co.
UNCC claim number: 4006280

D Claim number: 3003835
Submitting Entity: Jordan
D Claim amount: KWD 885,985 (USD 3,065,692)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	10,300	10,300	35,640	
Loss of stock	289,700	145,497	503,450	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of vehicles	5,250	5,250	18,166	
Loss of profits	140,000	33,362	115,439	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	355,735	76,379	264,287	Partial rejection, insufficient documentary evidence. Receivables claim adjusted for evidentiary shortcomings.
Other loss not categorized	85,000	9,750	33,737	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	885,985	280,538	970,719	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Alam Alhadeed Building Materials Co.

UNCC claim number: 4006281

D Claim number: 3003862

Submitting Entity: Jordan

D Claim amount: KWD 1,144,481 (USD 3,960,142)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	1,972	1,972	6,824	
Loss of stock	711,160	594,534	2,057,211	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of vehicles	6,512	5,446	18,844	Partial rejection, insufficient documentary evidence.
Loss of profits	61,685	21,596	74,727	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	140,394	362	1,253	Partial rejection, insufficient documentary evidence.
Other loss not categorized	250,087	49,419	171,000	Insufficient documentary evidence to substantiate claim for goodwill. Claim for key money adjusted for evidentiary shortcomings.
TOTAL	1,171,810	673,329	2,329,859	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 27,329 in respect of UNCC claim No. 1600254. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 63,959.03 from any amount to be paid to claimant 3003862 in respect of his previously awarded category "C" claim, UNCC claim No. 1600254, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Azem Trading Company
UNCC claim number: 4006282

D Claim number: 3003868
Submitting Entity: Jordan
D Claim amount: KWD 292,006 (USD 1,010,401)

D Claim number: 3013183
Submitting Entity: Jordan
D Claim amount: USD 295,364

D Claim number: 3013184
Submitting Entity: Jordan
D Claim amount: USD 600,790

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	4,800	4,800	16,609	
Loss of stock	249,599	68,308	236,360	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of vehicles	2,688	2,688	9,301	
Loss of profits	57,600	9,153	31,671	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	39,558	3,991	13,810	Partial rejection, insufficient documentary evidence.
Other loss not categorized	211,200	0	0	Insufficient documentary evidence to substantiate claim for key money or goodwill.
TOTAL	565,445	88,940	307,751	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 14,450 in respect of UNCC claim No. 1561610. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 47,000 from any amount to be paid to claimant 3003868/3013184 in respect of his previously awarded category "C" claim, UNCC claim No. 1561610, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Falah and Fathi Company
UNCC claim number: 4006283

D Claim number: 3004010
Submitting Entity: Jordan
D Claim amount: KWD 506,213 (USD 1,751,602)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	8,695	8,695	30,087	
Loss of stock	157,316	120,000	415,225	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	74,592	0	0	Insufficient documentary evidence to substantiate claim for profits.
Receivables	175,609	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	90,000	18,362	63,536	Insufficient documentary evidence to substantiate claim for goodwill. Claim for key money adjusted for evidentiary shortcomings.
TOTAL	506,212	147,057	508,848	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Enfitah Electronic Corp.
UNCC claim number: 4006284

D Claim number: 3004258
Submitting Entity: Jordan
D Claim amount: KWD 32,000 (USD 110,727)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of stock	23,162	13,765	47,630	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Other loss not categorized	8,838	5,745	19,879	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	32,000	19,510	67,509	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Quds Tyres and Spare Parts and Car Decoration Co.
UNCC claim number: 4006285

D Claim number: 3004427
Submitting Entity: Jordan
D Claim amount: KWD 77,000 (USD 266,436)

D Claim number: 3013295
Submitting Entity: Yemen
D Claim amount: KWD 666,972 (USD 2,307,862)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	19,537	10,150	35,121	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	101,524	40,902	141,529	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	631,987	10,747	37,187	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	2,255	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	7,516	7,516	26,007	
TOTAL	762,819	69,315	239,844	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 18,847 in respect of UNCC claim No. 1630462. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 60,693.08 from any amount to be paid to claimant 3013295 in respect of his previously awarded category "C" claim, UNCC claim No. 1630462, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Otaibi & Dahlan Co.
UNCC claim number: 4006286

D Claim number: 3004504
Submitting Entity: Jordan
D Claim amount: KWD 606,945 (USD 2,100,156)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	10,000	6,313	21,844	Tangible property claim adjusted for depreciation.
Loss of stock	493,445	444,100	1,536,678	Stock claim adjusted for obsolescence.
Loss of vehicles	3,500	3,500	12,111	
Loss of profits	100,000	59,122	204,574	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
TOTAL	606,945	513,035	1,775,207	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Baher and Al Falah General Transport

UNCC claim number: 4006287

D Claim number: 3004511

Submitting Entity: Jordan

D Claim amount: KWD 88,700 (USD 306,920)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	7,000	4,208	14,561	Tangible property claim adjusted for depreciation.
Loss of vehicles	8,000	5,667	19,609	Vehicles claim adjusted to reflect M.V.V. Table values
Loss of profits	24,000	5,495	19,014	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	20,000	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	29,700	0	0	Rejected, claim for loss of equity not direct. Insufficient documentary evidence to substantiate claims for goodwill or key money.
TOTAL	88,700	15,370	53,184	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Abu Hijlih Co. For Electrical Appliances
UNCC claim number: 4006288

D Claim number: 3004886
Submitting Entity: Jordan
D Claim amount: KWD 548,471 (USD 1,897,824)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	16,237	625	2,163	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	103,192	70,170	242,803	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Loss of cash	12,828	0	0	Insufficient evidence to substantiate claim for securities.
Loss of vehicles	13,040	0	0	Insufficient documentary evidence to substantiate claim for vehicles.
Loss of profits	139,901	3,368	11,642	Profits claim adjusted to reflect historical results for a ten-month indemnity period, and for evidentiary shortcomings.
Receivables	143,359	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	119,914	0	0	Insufficient documentary evidence to substantiate claim for goodwill.
TOTAL	548,471	74,163	256,608	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Fajr Al-Muneer Trading Co. W.L.L.
UNCC claim number: 4006289
D Claim number: 3004888
Submitting Entity: Jordan
D Claim amount: KWD 1,672,704 (USD 5,787,903)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of stock	891,300	234,676	812,028	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	600,000	65,765	227,561	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	80,404	397	1,374	Partial rejection, insufficient documentary evidence.
Other loss not categorized	101,000	19,500	67,474	Partial rejection, remaining claim for key money adjusted for evidentiary shortcomings.
TOTAL	1,672,704	320,338	1,108,437	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Qaser Al-Najoum For Clothes & Tailoring Co.

UNCC claim number: 4006290

D Claim number: 3004889

Submitting Entity: Jordan

D Claim amount: KWD 101,628 (USD 351,654)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	17,600	2,200	7,612	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of profits	79,080	0	0	Insufficient documentary evidence to substantiate claim for profits.
Other loss not categorized	4,679	0	0	Insufficient documentary evidence to substantiate claim for key money or goodwill.
TOTAL	101,359	2,200	7,612	

Claim preparation costs	269	n.a.	n.a.	Governing Council's determination pending.
Interest		n.a.	n.a.	Governing Council's determination pending.
Amount claimed (KWD)	101,628			
Net amount claimed (KWD)	101,359			Amount claimed less claim preparation costs and interest.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Moh'd Saleem Al-Shamai Son's and Partner
UNCC claim number: 4006291
D Claim number: 3004978
Submitting Entity: Jordan
D Claim amount: KWD 613,022 (USD 2,121,183)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	38,520	7,347	25,422	Tangible property claim adjusted for depreciation.
Loss of stock	349,502	49,486	171,232	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	100,000	2,345	8,114	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Other loss not categorized	125,000	0	0	Insufficient documentary evidence to substantiate claim for key money or goodwill.
TOTAL	613,022	59,178	204,768	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Mubarak & Al-Barakat Co. W.L.L.

UNCC claim number: 4006292

D Claim number: 3004983

Submitting Entity: Jordan

D Claim amount: KWD 1,218,775 (USD 4,217,215)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of real property	50,000	27,113	93,817	Real property claim adjusted for depreciation.
Loss of stock	376,980	138,430	478,997	Partial rejection, insufficient documentary evidence. Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of cash	9,657	0	0	Insufficient evidence to substantiate claim for cash.
Loss of vehicles	28,000	23,144	80,083	Vehicles claim adjusted to reflect M.V.V. Table values. For non-M.V.V. Table vehicles, claim adjusted as per paragraph 145 of the First "E4" Report.
Loss of profits	150,000	2,214	7,661	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	604,138	12,214	42,263	Partial rejection, insufficient documentary evidence. Receivables claim adjusted for evidentiary shortcomings.
TOTAL	1,218,775	203,115	702,821	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Amal Press and Distribution Company
UNCC claim number: 4006293

D Claim number: 3013186
Submitting Entity: Jordan
D Claim amount: KWD 281,000 (USD 972,318)

D Claim number: 3011153
Submitting Entity: Palestine
D Claim amount: KWD 997,919 (USD 3,453,007)

D Claim number: 3011196 (duplicate of UNCC claim No. 3011153)
Submitting Entity: Palestine
D Claim amount: KWD 997,919 (USD 3,453,007)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	419,200	297,200	1,028,374	Tangible property claim adjusted for evidentiary shortcomings.
Loss of stock	30,000	21,600	74,740	Stock claim adjusted for obsolescence and evidentiary shortcomings.
Loss of profits	700,719	99,120	342,976	Profits claim adjusted to reflect historical results for a seven-month indemnity period, and for evidentiary shortcomings.
Receivables	88,000	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	41,000	0	0	Insufficient documentary evidence to substantiate claim for key money.
TOTAL	1,278,919	417,920	1,446,090	

^a Amount claimed does not equal the total amount claimed and reclassified because the duplicative losses claimed in UNCC claim No. 3011196 were not valued.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Raja General Stores
UNCC claim number: 4006294
D Claim number: 3013177
Submitting Entity: India
D Claim amount: KWD 192,813 (USD 667,173)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^a</u>	<u>Comments</u>
Loss of tangible property	1,160	580	2,007	Tangible property claim adjusted for depreciation.
Loss of stock	191,234	26,469	91,588	Stock claim adjusted for stock build-up, overstocking, obsolescence and evidentiary shortcomings.
Loss of cash	419	0	0	Insufficient evidence to substantiate claim for cash.
TOTAL	192,813	27,049	93,595	

^a After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 49,036.96 from any amount to be paid to claimant 3013177 in respect of his previously awarded category "C" claim, UNCC claim No. 1625754 (which duplicates the losses claimed in UNCC claim No. 3013177), for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Nablus International Trading Co.
UNCC claim number: 4006295
D Claim number: 3013178
Submitting Entity: Jordan
D Claim amount: KWD 737,570 (USD 2,552,145)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	7,000	7,000	24,221	
Loss of stock	400,000	211,450	731,661	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	62,000	21,273	73,609	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	147,570	577	1,997	Partial rejection, insufficient documentary evidence.
Other loss not categorized	121,000	59,150	204,671	Claim for key money adjusted for evidentiary shortcomings. Insufficient documentary evidence to substantiate claim for goodwill.
TOTAL	737,570	299,450	1,036,159	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: The Gulf Foodstuff Markets Company
UNCC claim number: 4006296
D Claim number: 3013179
Submitting Entity: Jordan
D Claim amount: KWD 322,868 (USD 1,117,190)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	13,165	5,608	19,405	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	191,250	100,912	349,176	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of cash	32,930	0	0	Insufficient evidence to substantiate claim for cash.
Loss of vehicles	321	321	1,111	
Loss of profits	18,132	8,715	30,156	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	36,830	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	30,240	0	0	Insufficient documentary evidence to substantiate claim for key money.
TOTAL	322,868	115,556	399,848	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Thikah Corporation for Construction and Contracting W.L.L.

UNCC claim number: 4006297

D Claim number: 3013180

Submitting Entity: Jordan

D Claim amount: KWD 217,748 (USD 753,453)

D Claim number: 3013283

Submitting Entity: Jordan

D Claim amount: KWD 768,159 (USD 2,657,990)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	25,560	2,610	9,031	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	371,731	99,706	345,003	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of cash	39,265	0	0	Insufficient evidence to substantiate claim for cash.
Loss of profits	275,676	4,164	14,408	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	51,303	0	0	Insufficient documentary evidence to substantiate claim for receivables.
Other loss not categorized	252,372	1,715	5,934	Claim for key money/goodwill adjusted for evidentiary shortcomings. Rejected, claim for loss of equity not direct.
TOTAL	1,015,907	108,195	374,376	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 30,000 in respect of UNCC claim No. 1611867. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 66,574.32 from any amount to be paid to claimant 3013180 in respect of his previously awarded category "C" claim, UNCC claim No. 1611867, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Jasser & Ikhmayes Co.

UNCC claim number: 4006298

D Claim number: 3013187

Submitting Entity: Jordan

D Claim amount: KWD 180,000 (USD 622,837)

D Claim number: 1811666 (duplicate of UNCC claim No. 3013187)

Submitting Entity: Jordan

D Claim amount: KWD 180,000 (USD 622,837)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	10,746	4,298	14,872	Tangible property claim adjusted for depreciation and evidentiary shortcomings.
Loss of stock	153,162	28,063	97,104	Stock claim adjusted for stock build-up, overstocking, obsolescence and evidentiary shortcomings.
Other loss not categorized	16,092	0	0	Insufficient documentary evidence to substantiate claim for other (general).
TOTAL	180,000	32,361	111,976	

^a Amount claimed does not equal the total amount claimed and reclassified because the duplicative losses claimed in UNCC claim No. 3013187 were not valued.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Team International Co. (formerly Al Jazira Industrial Consultants)

UNCC claim number: 4006299

D Claim number: 3013200

Submitting Entity: Canada

D Claim amount: USD 350,000

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of profits	34,353	0	0	Insufficient documentary evidence to substantiate claim for profits.
Other loss not categorized	66,797	0	0	Rejected, claim for loss of equity not direct.
TOTAL	101,150	0	0	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Atta'a Textile Co. (W.L.L.)
UNCC claim number: 4006300
D Claim number: 3013201
Submitting Entity: Jordan
D Claim amount: USD 4,158,122

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of stock	462,691	253,034	875,550	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	150,000	87,626	303,204	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	489,006	3,760	13,010	Partial rejection, insufficient documentary evidence.
Other loss not categorized	100,000	45,500	157,439	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	1,201,697	389,920	1,349,203	

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Amani Ladies Beauty Salon Co. (aka Al Hama Ladies Beauty Salon)
UNCC claim number: 4006301
D Claim number: 3013202
Submitting Entity: Jordan
D Claim amount: USD 92,550

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	17,283	12,682	43,882	Tangible property claim adjusted for depreciation.
Loss of stock	8,987	1,248	4,318	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	9,031	6,293	21,775	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Other loss not categorized	4,433	2,672	9,246	Claim for key money adjusted for evidentiary shortcomings.
TOTAL	39,734	22,895	79,221	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 12,987 in respect of UNCC claim No. 1551131. See paragraph 11 above.

^bAfter the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 42,444.92 from any amount to be paid to claimant 3013202 in respect of his previously awarded category "C" claim, UNCC claim No. 1551131, for the same company's losses.

[ENGLISH ONLY]

Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Munir Office Company W.L.L.
UNCC claim number: 4006302

D Claim number: 3013204
Submitting Entity: Jordan
D Claim amount: USD 502,000

<u>Category of loss</u>	<u>Total amount claimed and Reclassified (KWD)^a</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)^b</u>	<u>Comments</u>
Loss of tangible property	122,972	88,860	307,474	Tangible property claim adjusted for depreciation.
Loss of vehicles	2,816	2,816	9,744	
Loss of profits	31,290	9,380	32,457	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
TOTAL	157,078	101,056	349,675	

^a Amount claimed does not equal the total amount claimed and reclassified because the Panel valued the entire loss claimed on behalf of the company, which included KWD 12,000 in respect of UNCC claim No. 1600086. See paragraph 11 above.

^b After the decision of the bilateral committee is applied to the recommended award, the Panel recommends the deduction of USD 39,370.24 from any amount to be paid to claimant 3013204 in respect of his previously awarded category "C" claim, UNCC claim No. 1600086, for the same company's losses.

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Shati and Al-Basha United Trading Co.

UNCC claim number: 4006303

D Claim number: 3013262

Submitting Entity: Jordan

D Claim amount: KWD 1,171,270 (USD 4,052,837)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	15,000	5,089	17,609	Tangible property claim adjusted for depreciation.
Loss of stock	27,000	10,075	34,862	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	50,000	16,107	55,734	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	1,059,950	0	0	Insufficient documentary evidence to substantiate claim for receivables.
TOTAL	1,151,950	31,271	108,205	

Claim preparation costs		n.a.	n.a.	Governing Council's determination pending.
Interest	19,320	n.a.	n.a.	Governing Council's determination pending.
Amount claimed (KWD)	1,171,270			
Net amount claimed (KWD)	1,151,950			Amount claimed less claim preparation costs and interest.

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Kana Controls Co. W.L.L.
UNCC claim number: 4006304

D Claim number: 3013271
Submitting Entity: Pakistan
D Claim amount: KWD 5,000 (USD 17,301)

<u>Category of loss</u>	<u>Total amount claimed and Reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	5,000	0	0	Insufficient documentary evidence to substantiate claim for tangible business property.
TOTAL	5,000	0	0	

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: West Bank Trading Company
UNCC claim number: 4006305
D Claim number: 3013276
Submitting Entity: Jordan
D Claim amount: KWD 267,050 (USD 924,048)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	10,669	10,669	36,917	
Loss of stock	234,331	151,846	525,419	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	22,050	12,883	44,578	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
TOTAL	267,050	175,398	606,914	

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al-Mujam Trading and Contracting Co.
UNCC claim number: 4006306
D Claim number: 3013277
Submitting Entity: Jordan
D Claim amount: KWD 185,514 (USD 641,917)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of tangible property	1,664	1,664	5,758	
Loss of stock	139,802	37,832	130,907	Stock claim adjusted for stock build-up, overstocking and obsolescence.
Loss of profits	19,048	3,272	11,322	Profits claim adjusted to reflect historical results for a seven-month indemnity period.
Receivables	25,000	0	0	Insufficient documentary evidence to substantiate claim for receivables.
TOTAL	185,514	42,768	147,987	

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Naser & Al Ghorabi Co. Import/Export
UNCC claim number: 4006307
D Claim number: 3013297
Submitting Entity: Yemen
D Claim amount: KWD 187,458 (USD 648,644)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Receivables	186,475	0	0	Rejected, existence of business not proven and loss not direct.
Other loss not categorized	983	0	0	Rejected, existence of business not proven and loss not direct.
TOTAL	187,458	0	0	

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Wadea Trading Co. Agencies

UNCC claim number: 4006308

D Claim number: 3013298

Submitting Entity: Yemen

D Claim amount: KWD 470,875 (USD 1,629,325)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Other loss not categorized	470,875	0	0	Rejected, existence of business not proven and loss not direct.
TOTAL	470,875	0	0	

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Annex II

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT STAND ALONE CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Company name: Al Saba Central Market
UNCC claim number: 4006309

D Claim number: 3013299
Submitting Entity: Yemen
D Claim amount: KWD 46,783 (USD 161,879)

<u>Category of loss</u>	<u>Total amount claimed and reclassified (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Recommended amount (USD)</u>	<u>Comments</u>
Loss of profits	16,534	0	0	Insufficient documentary evidence to substantiate claim for profits.
Other loss not categorized	30,249	0	0	Rejected, claim for loss of equity not direct. Insufficient evidence to substantiate claim for other (general).
TOTAL	46,783	0	0	

Annex IIIRECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT REGULAR "E4"
CLAIMS BY CLAIM NUMBER AND CLAIMANT NAME

<u>UNSEQ</u> <u>claim</u> <u>No.</u> ^a	<u>UNCC</u> <u>claim No.</u>	<u>Claimant's name</u>	<u>Amount</u> <u>claimed</u> <u>(KWD)</u>	<u>Net amount</u> <u>claimed</u> <u>(KWD)</u> ^b	<u>Amount</u> <u>recommended</u> <u>(KWD)</u>	<u>Amount</u> <u>recommended</u> <u>(USD)</u>
n.a.	3013288	Murji & Saif Al-Khaldi Co.	59,000	59,000	812	2,810
E-02700	4003265	Ajnadain Contracting & Trading Co. W.L.L.	152,050	151,233	26,953	93,263
n.a.	4002540	General Transportation & Equipment Co.	223,721	223,721	151,091	522,806
TOTAL			434,771	433,954	178,856	618,879

^a The UNSEQ number is the provisional claim number assigned to each claim by the Government of Kuwait's Public Authority for Assessment of Compensation for Damages Resulting from Iraqi Aggression.

^b This amount is net of claims preparations costs and interest.

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Annex IV

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT REGULAR "E4" CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Claimant's name: Murji & Saif Al-Khaldi Co.
UNCC claim number: 3013288
UNSEQ number: n.a.

<u>Category of loss</u>	<u>Amount asserted (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Comments</u>
Loss of tangible property	2,500	812	Original loss of tangible property claim reclassified to loss of tangible property and stock. Tangible property claim adjusted for insufficient evidence of reinstatement and evidentiary shortcomings. [See paragraphs 44-50 above.]
Loss of stock	56,500	0	Stock claim adjusted to nil for evidentiary shortcomings. [See paragraphs 44-50 above.]
TOTAL	59,000	812	

[ENGLISH ONLY]

Annex IV

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT REGULAR "E4" CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Claimant's name: Ajnadain Contracting & Trading Co. W.L.L.
UNCC claim number: 4003265
UNSEQ number: E-02700

<u>Category of loss</u>	<u>Amount asserted (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Comments</u>
Loss of tangible property	90,898	22,724	Original loss of tangible property claim reclassified to loss of tangible property and stock. Tangible property claim adjusted for evidentiary shortcomings. [See paragraphs 44-50 above.]
Loss of stock	50,107	4,229	Stock claim adjusted for stock build-up, obsolescence and evidentiary shortcomings. [See paragraphs 44-50 above.]
Bad debts	10,228	0	Insufficient evidence to substantiate claim. See paragraph 54 above.
TOTAL	151,233	26,953	
Claim preparation costs	817	n.a.	Governing Council determination pending. See paragraph 73 above.

[ENGLISH ONLY]

Annex IV

RECOMMENDED AWARDS FOR THE TWENTY-EIGHTH INSTALMENT REGULAR "E4" CLAIMS BY CLAIM NUMBER,
CLAIMANT NAME AND CATEGORY OF LOSS

Claimant's name: General Transportation & Equipment Co.
UNCC claim number: 4002540
UNSEQ number: n.a.

<u>Category of loss</u>	<u>Amount asserted (KWD)</u>	<u>Recommended amount (KWD)</u>	<u>Comments</u>
Loss of tangible property	846	846	Original loss of tangible property claim reclassified to loss of tangible property, stock and vehicles. Tangible property claim recommended in full. [See paragraphs 44-50 above.]
Loss of stock	123,366	92,054	Stock claim adjusted for stock build-up and obsolescence. [See paragraphs 44-50 above.]
Loss of vehicles	2,294	0	Vehicles claim adjusted to nil to reflect evidentiary shortcomings. [See paragraphs 44-50 above.]
Bad debts	97,215	58,191	Claim for bad debts adjusted for evidentiary shortcomings. [See paragraph 54 above.]
TOTAL	223,721	151,091	

Annex V

RECOMMENDED AWARDS FOR TWENTY-EIGHTH INSTALMENT "E2" CLAIMS

Table of recommendations

<u>Sub- mitting Entity</u>	<u>UNCC claim No.</u>	<u>Claimant's name</u>	<u>Total amount claimed, including permissible amendments^a</u>			<u>Reclassified amount^d</u>					<u>Decision of the Panel of Commissioners</u>				
			<u>Amount claimed in original currency^b</u>	<u>Amount claimed restated in USD^c</u>		<u>Type of loss</u>	<u>Sub-category</u>	<u>Amount claimed in original currency</u>		<u>Amount recommended in original currency or currency of loss^e</u>	<u>Amount recom- mended in USD</u>	<u>Reasons for denial or reduction of award^f</u>	<u>Report citation</u>	<u>Total of amount recom- mended in USD</u>	
France	1854415	Dome X'Pats	FRF	121,100	26,402	Contract	Interrupted service contract (Iraq): Loss of profit	FRF	121,100	FRF	0	0	Part or all of claimed loss is unsubstantiated; Failure to establish appropriate efforts to mitigate.	Paras. 66 and 67	1,650
			USD	3,300		Other tangible property	Damage or total loss (Iraq): Tools/Equipment (value)	USD	3,300	USD	1,650	1,650	Insufficient evidence of value	Paras. 70 and 71	
Jordan	3004492	General Products Trading Company Ltd.	USD	40,700	40,700	Contract	Goods lost or destroyed in transit (Kuwait): Contract price	USD	40,700	USD	0	0	No proof of direct loss	Paras. 68 and 69	0
Total			67,102								1,650				

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Notes to table of recommendations

^a Pursuant to the Governing Council's decision taken at its twenty-seventh session held in March 1998, claimants in category "E" are not permitted to submit new claims or new loss types or elements, or increase the quantum of previously filed claims, after 11 May 1998. Nor may claimants use the claim development process, including the article 34 notifications, to advance new claims or increase the quantum of previously filed claims. However, any additional evidence submitted by claimants in response to article 34 notifications may be used to support claims timely filed. Accordingly, the total claimed amounts stated in this table include only those supplements and amendments to the original claimed amounts submitted prior to 11 May 1998 or submitted after that date where these comply with the requirements of the Commission. The Panel observes that, in a few cases, there were discrepancies between the total amount asserted by the claimant in the claim form and the sum of the individual loss items stated by the claimant in the claim form or in the Statement of Claim. In such circumstances, the Panel adopts the total value asserted in the claim form where that claim form was filed prior to 11 May 1998.

^b Currency codes: FRF (French franc), USD (United States dollar).

^c In the column entitled "Total amount claimed restated in USD", for claims originally expressed by the claimant in currencies other than United States dollars, the secretariat has converted the amount claimed to United States dollars based on August 1990 rates of exchange as indicated in the United Nations Monthly Bulletin of Statistics or, in cases where this exchange rate is not available, the latest exchange rate available prior to August 1990. This conversion is made solely to provide an indication of the amount claimed in United States dollars for comparative purposes.

^d In the columns under the heading entitled "Reclassified claim", the Panel has re-categorized certain of the losses using standard classifications, as appropriate, since many claimants have presented similar losses in different ways (see columns entitled "Type of loss" and "Subcategory"). This procedure is intended to ensure consistency, equality of treatment and fairness in the analysis of the claims and is consistent with the practice of the Commission. In addition, the amount stated in the claim for each element of loss is also reflected.

^e The secretariat has recalculated the amount claimed in the currency of the original loss which, on occasion, has been different from the amount stated in the claim form.

^f An explanation of each of the reasons for denial of the whole or part of the claimed amount is provided below:

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LIST OF REASONS STATED IN ANNEX V FOR DENIAL IN WHOLE OR IN PART OF THE CLAIMED AMOUNT

<u>Reason</u>	<u>Explanation</u>
COMPENSABILITY	
Part or all of claimed loss is unsubstantiated	The claimant has failed to file documentation substantiating its claim; or, where documents have been provided, these do not demonstrate the circumstances or amount of part or all of the claimed loss as required under article 35 of the Rules.
No proof of direct loss	The claimant has failed to submit sufficient evidence to demonstrate that the loss was a direct result of Iraq's invasion and occupation of Kuwait.
VERIFICATION AND VALUATION	
Insufficient evidence of value	The claimant has produced insufficient evidence to prove all or part of the value of its losses, as required under article 35 of the Rules.
Failure to establish appropriate efforts to mitigate	The claimant has not taken such measures as were reasonable in the circumstances to minimize the loss as required under paragraph 23 of Governing Council decision 9 and paragraph 9 (IV) of decision 15.
