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UNITED NATIONS  
COMPENSATION COMMISSION  
GOVERNING COUNCIL

Decision concerning part two of the eighteenth instalment of individual claims for damages above USD 100,000 (category “D” claims) taken by the Governing Council of the United Nations Compensation Commission at its 137th meeting, on 2 July 2004

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure (“the Rules”), the report and recommendations made by the “D2” panel of Commissioners concerning part two of the eighteenth instalment of individual claims for damages above USD 100,000 (category “D” claims), covering 383 claims,<sup>1</sup>

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,
2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amounts awarded per country or international organization, based on the recommendations contained in table 2 of the report, are as follows:

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<sup>1</sup> The text of the report appears in document S/AC.26/2004/5. In conformity with the provisions on confidentiality in the Rules (article 30, paragraph 1, and article 40, paragraph 5), information concerning the amount to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

<u>Country or international organization</u>	<u>Number of claims recommended for payment</u>	<u>Number of claims not recommended for payment</u>	<u>Amount of compensation claimed (USD)</u>	<u>Amount of compensation recommended (USD)</u>
Algeria	-	1	517,301.02	nil
Argentina	1	-	555,873.00	148,555.62
Bahrain	-	2	5,997,440.00	nil
Canada	7	2	4,375,940.66	805,685.77
Cyprus	-	1	5,222,000.00	nil
Denmark	1	-	87,044.98	13,829.47
Egypt	8	1	42,137,666.62	2,381,964.58
France	1	1	1,176,840.90	56,085.46
Germany	1	-	682,803.71	10,600.00
Greece	1	1	971,583.47	47,299.88
India	7	3	12,523,464.06	3,239,303.85
Japan	1	-	326,025.95	66,232.84
Jordan	104	18	141,872,842.78	21,914,073.85
Kuwait	125	30	166,860,132.88	83,921,501.49
Lebanon	2	1	1,393,359.28	545,671.48
Pakistan	8	1	3,638,434.27	358,711.40
Saudi Arabia	2	2	1,229,175.44	81,376.28
Somalia	1	-	184,221.45	123,796.82
Sudan	2	-	3,832,114.57	108,096.23
Syrian Arab Republic	3	-	1,658,778.13	1,049,310.69
Tunisia	1	-	6,404,375.00	227,975.30
United Kingdom	8	3	5,180,231.51	1,255,163.53
United States	8	2	9,177,311.07	2,747,393.77
Yemen	8	1	12,311,683.50	5,083,057.03
UNDP Kuwait	1	-	207,311.42	86,837.11
UNDP United Arab Emirates	1	-	4,440,170.00	2,790,246.86

<u>Country or international organization</u>	<u>Number of claims recommended for payment</u>	<u>Number of claims not recommended for payment</u>	<u>Amount of compensation claimed (USD)</u>	<u>Amount of compensation recommended (USD)</u>
UNDP Washington	2	1	350,167.82	48,695.77
UNHCR Canada	1	-	1,940,575.30	99,138.10
UNRWA Gaza	1	-	120,415.22	10,276.82
<u>Total</u>	306	71	435,375,284.01	127,220,880.00

3. Notes that, as referred to in paragraph six of the report, six claims were withdrawn by claimants in the course of the Panel's review of this instalment,

4. Reaffirms that when funds become available payments shall be made in accordance with decision 227 (S/AC.26/Dec.227 (2004)), except for the portion of ten claims (claim numbers: PK 3001941 (USD 79,560.86), LB 3000550 (USD 56,738.89), LB 3000626 (USD 76,897.80), JO 3003937 (USD 84,700.35), JO 3004851 (USD 156,804.42), JO 3004863 (USD 34,615.06), JO 3004710 (USD 91,802.49), JO 3004840 (USD 41,537.51), JO 3003764 (USD 47,453.21), JO 3004103 (USD 66,970.13)) for which payment is suspended in the total amount of USD 737,080.72. These claims were brought to the attention of the Governing Council by the "D2" panel of Commissioners in paragraphs 33 to 96 of its report and recommendations and relate to previously paid category "C", "D" and "E" claims. The Governing Council instructs the secretariat to notify the responsible Governments to consider appropriate action to recover the total amount of USD 1,047,080.21 from the category "C", "D" and "E" claimants (claim numbers: KW 970211 (USD 79,560.86), KW 1289272 (USD 56,738.89), KW 1061666 (USD 76,897.80), KW 3007565 (USD 84,700.35), KW 3007507 (USD 156,804.42), IN 3000891 (USD 257,591.70), KW 3005243 (USD 120,619.00), KW 4004586 (USD 41,537.51), JO 1601217 (USD 47,453.21), KW 4003466 (USD 125,176.47)) and return it to the Compensation Fund,

5. Recalls that when payments are made in accordance with decision 227, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), Governments and international organizations shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

6. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to each respective Government and international organization.

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