



Security Council

Distr.
GENERAL

S/AC.26/2004/4
11 March 2004

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

TWENTY-FIFTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO
ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

Introduction

1. The present report identifies, pursuant to article 41 of the United Nations Compensation Commission's (the "Commission") Provisional Rules for Claims Procedure (S/AC.26/1992/10) (the "Rules"), recommended corrections in the various claims categories since the "Twenty-fourth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure" (S/AC.26/2003/32). Chapter I of this report contains recommended corrections concerning claims in categories "A" and "C", where the panels of Commissioners have concluded their work. Chapter II contains recommended corrections to claims in category "D", where the panels of Commissioners continue their work. Finally, chapter III provides information concerning requests by claimants for corrections to approved awards under article 41 of the Rules, including a report of the secretariat's review to determine whether or not these requests warrant action under article 41. Annexes I to III to this report contain tables showing the aggregate corrected awards, by country and by instalment, based on the recommendations contained herein and annex IV contains a cumulative table of article 41 corrections to claim awards up to the fiftieth session of the Governing Council.

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

A. Category "A" corrections

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

1. Duplicate claims

3. The Commission received information from the Government of the Philippines that 4,015 claims, which it had submitted in category "A", were potentially duplicate claims. Following verification by the secretariat, the Governing Council approved corrections to 977 confirmed duplicate claims in decision 213 (S/AC.26/Dec.213 (2003)) in December 2003. The secretariat has now reviewed a further 2,987 claims and confirms that these claims are indeed duplicates of other claims that were awarded compensation in category "A". The Commission has requested further information from the Government of the Philippines regarding the remaining 51 claims in order to clarify their status as duplicates. It should be noted that, when notifying the Commission of these duplicate claims, the Government of the Philippines returned to the Compensation Fund the full amount of the awards issued for such duplicate claims. The Executive Secretary has concluded that no compensation should have been awarded with regard to the 2,987 claims in question confirmed as duplicates.

4. In addition, the Commission has identified one claim submitted by the Government of India that was a duplicate of another claim submitted by the Government of Kuwait. The Executive Secretary has concluded that no compensation should have been awarded with regard to the Indian duplicate claim.

5. Accordingly, as set forth in table 1 below, it is recommended that the awards for these claims be corrected. Table 1 identifies the country concerned, the instalments to be adjusted, the number of claims affected, and the net effect of the adjustments.

Table 1. Category “A” corrections: duplicate claims

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
India	Fourth	1	(2,500.00)
Philippines	Fourth	192	(768,000.00)
	Fifth	2,769	(11,076,000.00)
	Sixth	26	(101,000.00)
<u>Total</u>		2,988	(11,947,500.00)

2. Reinstatement of a claim previously identified as duplicate

6. One claim from Kuwait, which had been erroneously identified as a duplicate claim, should be reinstated since additional information received from the Government of Kuwait demonstrates that the claim is not in fact a duplicate.

7. Accordingly, as set forth in table 2 below, it is recommended that the award for this claim be corrected. Table 2 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 2. Category “A” corrections: reinstatement of a claim previously identified as duplicate

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Kuwait	Fifth	1	5,000.00
<u>Total</u>		1	5,000.00

3. Individual to family

8. Upon individual review of the paper claim forms and supporting materials, one claim submitted by the Government of the Philippines was found to be eligible for processing as a family claim. The award for this claim should, therefore, be increased to the amount appropriate to the proper status of the claim.

9. Accordingly, as set forth in table 3 below, it is recommended that the award amount for this claim be corrected. Table 3 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 3. Category “A” corrections: individual to family

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

4. Higher to lower amounts

10. Decision 21 (S/AC.26/Dec.21 (1994)) of the Governing Council states that “any claimant who has selected a higher amount in category ‘A’ (US\$4,000 or US\$8,000) and has also filed a category ‘B’, ‘C’ or ‘D’ claim will be deemed to have selected the corresponding lower amount under category ‘A’”. As a result of further information received from the Government of the Philippines, 12 claims have been identified as having been filed for higher amounts in category “A” by claimants who had also filed claims in category “C”. The awards for these category “A” claims should be reduced to the amounts appropriate to the proper status of the claims. It should be noted that, when notifying the Commission that such claims should have been awarded the lower amounts, the Government of the Philippines returned to the Compensation Fund the excess amounts previously awarded in respect of such claims.

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

Table 4. Category “A” corrections: higher to lower amounts

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Philippines	Fourth	7	(12,000.00)
	Fifth	3	(4,500.00)
	Sixth	2	(3,000.00)
<u>Total</u>		12	(19,500.00)

5. Summary

12. The recommended corrections related to award amounts in category “A” concern 3,002 claims submitted by three Governments resulting in a net decrease in the total amount awarded of USD 11,958,000. Of these, the total amount awarded for two claims was increased by USD 9,000, while the total amount awarded for 3,000 claims was decreased by USD 11,967,000. The recommendations with respect to the fourth, fifth and sixth instalments of category “A” claims, by country and by instalment, are provided in tables 1 to 4 of annex I to this report.

B. Category “C” corrections

13. Recommendations for corrections to category “C” claims are those arising from discrepancies between the electronic and paper claim formats, and corrections arising from a computational error that occurred in one of the compensation formulae applied to certain “C8-Business” loss claims’ awards.

1. Corrections arising from discrepancies arising between the electronic and paper claim formats

14. The secretariat continued to review requests for corrections submitted by Governments within the final deadline of 31 December 2002 that was set by the Governing Council for category “C”

claims. In particular, the secretariat finalized the review of 13,152 claims received from the Government of Kuwait. Approximately 8,000 claims had already been reviewed during the third quarter of 2003, resulting in corrections to 11 claims reported by the secretariat to the Governing Council in its twenty-fourth report of the Executive Secretary pursuant to article 41 of the Rules (S/AC.26/2003/32).

15. For all of the claims reviewed during the period under review, the electronic information existing in the database was compared to the paper claim forms submitted by the claimants. This comparison and review determined that, for 25 claims submitted by the Government of Kuwait, data had been erroneously entered into the database. Consequently, as a result of the data entry errors, incorrect recommendations were made in respect of these claims. It is therefore recommended that these 25 claim awards be corrected as set forth below.

16. Twenty-two corrections relate to awards of compensation for loss of income (“C6-Income”). In all claims, the prior monthly salary data was incorrectly entered in the database resulting in a lower than appropriate award for 21 claimants and resulting in a higher than appropriate award for one claimant. These errors affected the outcomes for the claimants and it is, therefore, recommended that these errors be corrected.

17. Another one of the 25 claims concerns a recommendation for an individual business (“C8-Business”) loss. In this case, a discrepancy between the electronic and paper formats revealed that an inaccurate entry of the claim amount of the claimant’s business resulted in a higher than appropriate award for the claimant. This error affected the outcome for the claimant and it is, therefore, recommended that this error be corrected.

18. The last two claims relate to discrepancies between the electronic and paper claim formats for “C1-MPA” (mental pain and anguish losses). For one claimant, an incorrect number of forced-hiding days was entered in the database. For the other claimant, the number of hostage-taking days was erroneously entered as forced-hiding days in the database. In both cases, the incorrect data entry affected the outcome for the claimants and it is therefore recommended that these data entry errors be corrected.

19. Summaries of the category “C” Panel’s approved methodologies relevant to losses for which correction is recommended are found in the “Report and recommendations of the Panel of Commissioners concerning the seventh instalment of individual claims for damages up to US\$100,000 (category ‘C’ claims)” (S/AC.26/1999/11) (the “seventh instalment ‘C’ report”), as follows: (a) paragraphs 100 to 104 for “C1-MPA” in relation to hostage taking; (b) paragraphs 105 to 112 for “C1-MPA” in relation to forced hiding; (c) paragraphs 249 to 282 for “C6-Salary” losses; and (d) paragraphs 327 to 368 for “C8-Business” losses.

20. Accordingly, as set forth in table 5 below, it is recommended that the awards for 25 claims be corrected. Table 5 identifies the country concerned, the instalments to be adjusted, the number of claims affected, and the amount of the net effect of the adjustments.

Table 5. Category “C” corrections: corrections arising from discrepancies between electronic and paper claim formats

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect USD</u>
Kuwait	Third	1	3,800.00
	Sixth	2	5,272.15
	Seventh	22	187,776.19
<u>Total</u>		25	196,848.34

2. Corrections arising from a computational error that occurred in one of the compensation formulae applied to certain “C8-Business” loss claims’ awards

21. During the processing of “late claims” filed by the Palestinian Authority, pursuant to the Governing Council’s decision to accept these claims at its forty-second session in December 2001, the secretariat discovered that a computational error had occurred in one of the compensation formulae applied to certain “C8-Business” loss claims submitted by the Governments of India and Bangladesh. The computational error in question was described in a separate information note provided by the secretariat to the Council, dated 11 February 2004. The error occurred in the development of the Panel’s valuation benchmark for the retail trade and personal and household services sectors for 503 Indian claims and 127 Bangladeshi claims that were considered by the category “C” Panel in its seventh instalment report. The computational error also affected one additional Indian claim considered by the “C” Panel in its “Report and recommendations of the Panel of Commissioners concerning the sixth instalment of individual claims for damages up to US\$100,000 (category ‘C’ claims)” (S/AC.26/1998/6), which was previously corrected by the Governing Council pursuant to article 41 of the Rules (S/AC.26/Dec.99 (2000)). However, in making that correction the incorrect valuation benchmark was used.

22. A summary of the category “C” Panel’s approved methodology for “C8-Business” losses is found in the seventh instalment “C” report at paragraphs 327 to 368. The computational error at issue affected the calculation of recommended compensation for claims submitted by the Governments of India and Bangladesh asserting “C8-Business” losses in amounts greater than USD 48,148. The overwhelming majority of claims affected by the valuation benchmark computational error will receive an additional amount of compensation of approximately USD 1,500.

23. From the 631 claims affected by the computational error as described above, a correction is proposed in connection with the awards for 592 claims. Corrections are not recommended for 17 claims because these claimants had related claims for business losses in category “D” from which their awards in category “C” were deducted. Accordingly, these claimants would not receive any additional compensation as a result of the correction because the increase in their “C” awards would entail a corresponding decrease in their “D” awards. Finally, the secretariat is in the process of reviewing the remaining 22 claims for further verification of the effect of the proposed correction on related claims.

24. Accordingly, as set forth in table 6 below, it is recommended that the awards for 592 claims be corrected. Table 6 identifies the countries concerned, the instalments to be adjusted, the number of claims affected, and the amount of the net effect of the adjustments.

Table 6. Category “C” corrections arising from a computational error that occurred in one of the compensation formulae applied to certain “C8-Business” loss claims’ awards

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect USD</u>
Bangladesh	Seventh	127	181,521.48
India	Sixth	1	1,457.04
	Seventh	464	654,129.61
<u>Total</u>		592	837,108.13

3. Summary

25. The recommended corrections related to award amounts in category “C” concern 617 claims submitted by three Governments with a net increase of the total amount awarded of USD 1,033,956.47. Of these, the total amount awarded for 615 claims was increased by USD 1,042,260.96 and the total amount awarded for two claims was decreased by USD 8,304.49. The recommendations with respect to the third, the sixth and the seventh instalments of category “C” claims, by country and by instalment, are located in tables 1 to 4 of annex II to this report.

II. RECOMMENDED CORRECTIONS CONCERNING CLAIMS IN CATEGORY “D”

26. On 8 May 2002, the Ministry of Labour of Jordan requested correction of Governing Council decision 147 (S/AC.26/Dec.147 (2002)) and the associated “Report and recommendations made by the ‘D1’ Panel of Commissioners concerning the eleventh instalment of individual claims for damages above USD 100,000 (category ‘D’ claims)” (S/AC.26/2002/2) (the “eleventh instalment ‘D’ report”), with regard to an individual claim submitted through the Government of Jordan.

27. During its review of the request, the secretariat noted that compensation had been awarded for an uncollected debt. Pursuant to the category “D” methodology for receivables, in order to be compensated for a debt, claimants must establish that the debt became uncollectable as a direct result of Iraq’s invasion and occupation of Kuwait, and that sufficient debt collection efforts were undertaken since the end of Iraq’s invasion and occupation of Kuwait. During the course of the review, the secretariat noted that the claimant had failed to provide evidence that he had attempted to collect the debt after the liberation of Kuwait and that this deficiency in the claimant’s evidence had not been brought to the Panel’s attention by the secretariat. Under these circumstances, it was concluded that a clerical error had been made in the processing of this claim by the secretariat and that the amount of compensation awarded to the claimant should be reduced by the amount of USD 9,788.

28. Accordingly, as set forth in table 7 below, it is recommended that the award amount for this claim be corrected. Table 7 identifies the country concerned, the instalment to be adjusted, the number of claims affected, and the net effect of the adjustment.

Table 7. Category “D” corrections

<u>Country</u>	<u>Instalment</u>	<u>Number of claims affected</u>	<u>Amount of net effect (USD)</u>
Jordan	Eleventh	1	(9,788.00)
<u>Total</u>		1	(9,788.00)

29. In summary, the recommended correction in category “D” concerns one claim submitted by one Government resulting in a net decrease of the total amount awarded of USD 9,788. The recommendation with respect to the eleventh instalment of “D” claims is provided in tables 1 to 2 of annex III to this report.

III. REQUESTS BY CLAIMANTS FOR ARTICLE 41 CORRECTIONS

30. During the period under review, the secretariat has continued its review of requests from Governments for corrections to claims in categories “D”, “E” and “F”, submitted under article 41 of the Rules. The requests and the Executive Secretary’s conclusions with respect to those requests are outlined below.

31. On 7 March 2002, the Permanent Mission of the United Kingdom requested correction of Governing Council decision 142 (S/AC.26/Dec.142 (2001)) and the associated “Report and recommendations made by the ‘D1’ Panel of Commissioners concerning part two of the ninth instalment of individual claims for damages above USD 100,000 (category ‘D’ claims)” (S/AC.26/2001/26) (the “part two of the ninth instalment ‘D’ report”), with regard to an individual claim submitted through the Government of the United Kingdom. The Permanent Mission of the United Kingdom submitted similar requests on 15 October 2002, 16 May and 18 July 2003. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 142 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

32. On 19 March 2002, the Permanent Mission of the United Kingdom requested correction of Governing Council decision 142 and the associated part two of the ninth instalment “D” report, with regard to an individual claim submitted through the Government of the United Kingdom. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 142 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

33. On 9 May 2002, the Ministry of Labour of Jordan requested correction of Governing Council decision 147 and the associated eleventh instalment “D” report with regard to an individual claim

submitted through the Government of Jordan. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 147 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

34. On 23 May 2002, the Ministry of Labour of Jordan requested correction of Governing Council decision 142 and the associated part two of the ninth instalment "D" report with regard to an individual claim submitted through the Government of Jordan. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 142 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

35. On 8 June 2002, UNHCR Branch Office for Canada requested correction of Governing Council decision 111 (S/AC.26/Dec.111 (2000)) and the associated "Report and recommendations made by the 'D1' Panel of Commissioners concerning the seventh instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2000/25) with regard to an individual claim submitted through UNHCR Branch Office for Canada. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 111 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

36. On 19 June 2002, the Permanent Mission of Pakistan requested correction of Governing Council decision 141 (S/AC.26/Dec.141 (2001)) and the associated "Report and recommendations made by the 'D2' Panel of Commissioners concerning part two of the eighth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2001/25) (the "part two of the eighth instalment 'D' report") with regard to an individual claim submitted through the Government of Pakistan. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 141 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

37. On 25 August 2002, the Ministry of Labour of Jordan requested correction of Governing Council decision 165 (S/AC.26/Dec.165 (2002)) and the associated "Report and recommendations made by the 'D1' Panel of Commissioners concerning the thirteenth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2002/20) with regard to an individual claim submitted through the Government of Jordan. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 165 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

38. On 11 September 2002, the Ministry of Labour of Jordan requested correction of Governing Council decision 155 (S/AC.26/Dec.155 (2002)) and the associated "Report and recommendations made by the 'D2' Panel of Commissioners concerning part one of the twelfth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2002/10) (the "part one of

the twelfth instalment 'D' report"), with regard to an individual claim submitted through the Government of Jordan. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 165 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

39. On 4 October 2002, the Permanent Mission of the United Kingdom requested correction of Governing Council decision 142 and the associated part two of the ninth instalment of "D" claims report with regard to an individual claim submitted through the Government of the United Kingdom. The Permanent Mission of the United Kingdom submitted similar requests on 23 January, 10 March and 8 October 2003. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 142 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

40. On 7 November 2002, the Permanent Mission of Egypt requested correction of Governing Council decision 141 and the associated part two of the eighth instalment "D" report with regard to an individual claim submitted through the Government of Egypt. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 141 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

41. On 14 December 2002, the Public Authority for Assessment of Compensation for Damages Resulting from Iraqi Aggression of the State of Kuwait ("PAAC") requested correction of various Governing Council decisions and the associated reports and recommendations made by the "D1" and "D2" Panels of Commissioners with respect to 15 individual claims submitted through PAAC. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

42. On 25 September 2003, the Permanent Mission of France requested correction of Governing Council decision 187 (S/AC.26/Dec.187 (2003)) and the associated "Report and recommendations made by the 'D1' Panel of Commissioners concerning part two of the fifteenth instalment of individual claims for damages above USD 100,000 (category 'D' claims)" (S/AC.26/2003/8) with regard to an individual claim submitted through the Government of France. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 187 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

43. On 9 November 2001, the Permanent Mission of France requested correction of Governing Council decision 127 (S/AC.26/Dec.127 (2001)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the seventh instalment of 'E2' claims" (S/AC.26/2001/11) with regard to a French company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 127 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

44. On 3 June 2002, the Permanent Mission of France requested correction of Governing Council decision 143 (S/AC.26/Dec.143 (2001)) and the associated “Report and recommendations made by the Panel of Commissioners concerning the ninth instalment of ‘E2’ claims” (S/AC.26/2001/27) with regard to a French company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 143 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

45. On 3 June 2002, the Permanent Mission of France further requested correction of Governing Council decision 143 (S/AC.26/Dec.143 (2001)) and the associated “Report and recommendations made by the Panel of Commissioners concerning the ninth instalment of ‘E2’ claims” (S/AC.26/2001/27) with regard to another French company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 143 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

46. On 12 January 2003, PAAC requested correction of various Governing Council decisions and the associated reports and recommendations made by the “E4” and “E4A” Panels of Commissioners with respect to five Kuwaiti companies. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

47. On 12 March 2003, PAAC requested correction of various Governing Council decisions and the associated reports and recommendations made by the “E4” and “E4A” Panels of Commissioners with respect to 15 Kuwaiti companies. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of the relevant Governing Council decisions is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claims in question.

48. On 9 September 2003, PAAC requested correction of Governing Council decision 77 (S/AC.26/Dec.77 (1999)) and the associated “Report and recommendations made by the Panel of Commissioners concerning the second instalment of ‘E4’ claims” (S/AC.26/1999/17) with regard to a Kuwaiti company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 77 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

49. On 26 September 2003, the Permanent Mission of Cyprus requested correction of Governing Council decision 202 (S/AC.26/Dec.202 (2003)) and the associated “Report and recommendations made by the Panel of Commissioners concerning the fourteenth instalment of ‘E2’ claims” (S/AC.26/2003/21) with regard to a Cypriot company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 202 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

50. On 14 October 2003, the Permanent Mission of Bangladesh requested correction of Governing Council decision 182 (S/AC.26/Dec.182 (2003)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the twelfth instalment of 'E2' claims" (S/AC.26/2003/2) with regard to a Bangladeshi company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 182 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

51. On 24 October 2003, the Permanent Mission of Egypt requested correction of Governing Council decision 159 (S/AC.26/Dec.159 (2002)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the tenth instalment of 'E2' claims" (S/AC.26/2002/14) with regard to an Egyptian company. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 159 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

52. On 10 October 2003, the Permanent Mission of the Syrian Arab Republic requested correction of Governing Council decision 66 (S/AC.26/Dec.66 (1999)) and the associated "Report and recommendations made by the Panel of Commissioners concerning the third instalment of 'F1' claims" (S/AC.26/1999/7) with regard to a claim submitted on behalf of the Syrian Ministry of Foreign Affairs. Having carefully reviewed all aspects of this request, the Executive Secretary has concluded that no correction of Governing Council decision 66 is necessary and that no action pursuant to article 41 of the Rules is warranted with regard to the claim in question.

53. In addition, during the period under review, the secretariat has received approximately 1,603 requests for article 41 corrections with respect to claims in categories "D", "E", and "F" from a number of Governments and international organizations. The responses of the Executive Secretary to these requests have not yet been conveyed to the claimant countries due to the fact that the secretariat's review of the specific claims in question, and, where appropriate, consultations with the respective panels of Commissioners remain ongoing. Details concerning these requests, and the Executive Secretary's recommendations to the Governing Council with respect thereto will be contained in upcoming article 41 reports to the Governing Council.

Annex I

RECOMMENDED CORRECTIONS CONCERNING CATEGORY "A" CLAIMS

1. Based on the recommended corrections reported in paragraphs 2 to 12 of this report, supra, the category "A" claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. Fourth instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
India	147,284,500.00	147,282,000.00	(2,500.00)
Philippines	28,209,000.00	27,429,000.00	(780,000.00)

Table 2. Fifth instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Kuwait	39,994,500.00	39,999,500.00	5,000.00
Philippines	29,197,000.00	18,116,500.00	(11,080,500.00)

Table 3. Sixth instalment category "A" claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Philippines	60,812,500.00	60,712,500.00	(100,000.00)

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

Table 4. Recommended corrected total awards for category "A" claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Fourth	733,657,000.00	732,874,500.00	(782,500.00)
Fifth	784,380,000.00	773,304,500.00	(11,075,500.00)
Sixth	317,255,500.00	317,155,500.00	(100,000.00)

Annex II

RECOMMENDED CORRECTIONS CONCERNING CATEGORY “C” CLAIMS

1. Based on the recommended corrections reported in paragraphs 13 to 25 of this report, supra, the category “C” claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. Third instalment category “C” claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Kuwait	208,398,000.00	208,401,800.00	3,800.00

Table 2. Sixth instalment category “C” claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
India	104,957,696.37	104,959,153.41	1,457.04
Kuwait	45,921,140.98	45,926,413.13	5,272.15

Table 3. Seventh instalment category “C” claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Bangladesh	37,753,317.63	37,934,839.11	181,521.48
India	186,981,979.54	187,636,109.15	654,129.61
Kuwait	788,992,471.72	789,180,247.91	187,776.19

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

Table 4. Recommended corrected total awards for category “C” claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Third	324,903,794.22	324,907,594.22	3,800.00
Sixth	768,573,961.39	768,580,690.58	6,729.19
Seventh	1,934,891,704.54	1,935,915,131.82	1,023,427.28

Annex III

RECOMMENDED CORRECTIONS CONCERNING CATEGORY “D” CLAIMS

1. Based on the recommended corrections reported in paragraphs 26 to 29 of this report, supra, the category “D” claims aggregate corrected awards by instalment, per country, are as follows:

Table 1. The eleventh instalment category “D” claims corrections

<u>Country</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Jordan	136,103.00	126,315.00	(9,788.00)

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

Table 2. Recommended corrected total awards for category “D” claims

<u>Instalment</u>	<u>Previous total award (USD)</u>	<u>Corrected total award (USD)</u>	<u>Amount of net effect (USD)</u>
Eleventh	172,461,714.82	172,451,926.82	(9,788.00)

Annex IV

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

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

Report	Category A		Category B		Category C		Category D		Category E		Total	
	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net correction for category (USD)	Number of claims corrected	Net corrections for categories A, B, C, D and E (USD)	Number of claims corrected in categories A, B, C, D and E
Article 41(2) report	(49,000.00)	16	-	-	-	-	-	-	-	-	(49,000.00)	16
Article 41(3) report	1,500.00	4	-	-	-	-	-	-	-	-	1,500.00	4
Article 41(4) report	(83,000.00)	19	-	-	-	-	-	-	-	-	(83,000.00)	19
Article 41(5) report	(18,500.00)	5	-	-	-	-	-	-	-	-	(18,500.00)	5
Article 41(6) report	15,867,500.00	10,757	-	-	-	-	-	-	-	-	15,867,500.00	10,757
Article 41(7) report	(6,975,500.00)	3,385	-	-	-	-	-	-	-	-	(6,975,500.00)	3,385
Article 41(8) report	(7,806,000.00)	4,385	-	-	70,613,604.05	23,282	-	-	-	-	62,807,604.05	27,667
Article 41(9) report	(4,136,500.00)	1,062	-	-	5,278,142.15	1,730	-	-	-	-	1,141,642.15	2,792
Article 41(10) report	(1,446,000.00)	364	-	-	3,168,018.90	467	-	-	-	-	1,722,018.90	831
Article 41(11) report	(1,358,500.00)	370	-	-	-	-	-	-	-	-	(1,358,500.00)	370
Article 41(12) report	(112,000.00)	26	-	-	613,498.37	40	-	-	-	-	501,498.37	66
Article 41(13) report	(55,500.00)	40	-	-	(102,863.22)	27	-	-	-	-	(158,363.22)	67
Article 41(14) report	(8,000.00)	31	-	-	5,580,355.48	625	103,532.16	4	-	-	5,675,887.64	660
Article 41(15) report	(10,500.00)	19	-	-	-	-	(57.66)	6	(7,264.37)	1	(17,822.03)	26
Article 41(16) report	142,000.00	73	-	-	453,162.71	54	-	-	-	-	595,162.71	127
Article 41(17) report	707,500.00	446	-	-	77,461.07	6	-	-	-	-	784,961.07	452

<u>Report</u>	<u>Category A</u>		<u>Category B</u>		<u>Category C</u>		<u>Category D</u>		<u>Category E</u>		<u>Total</u>	
	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net correction for category (USD)</u>	<u>Number of claims corrected</u>	<u>Net corrections for categories A, B, C, D and E (USD)</u>	<u>Number of claims corrected in categories A, B, C, D and E</u>
Article 41(18) report	119,500.00	77	-	-	-	-	-	-	(43,413)	1	76,087	78
Article 41(19) report	154,000.00	55	-	-	46,976.14	6	400,986.95	6	-	-	601,963.09	67
Article 41(20) report	3,739,500.00	1,896			53,342.85	1					3,792,842.85	1,897
Article 41(21) report	1,157,500	688									1,157,500.00	688
Article 41(22) report	4,419,000.00	2,730									4,419,000.00	2,730
Article 41(23) report	44,500.00	20			161,331.14	15	12,411.60	1	(48,653.00)	7	169,589.74	43
Article 41(24) report	(3,911,000)	981			78,646.76	12	93,543.56	3			(3,738,809.68)	996
Total	(6,062,500.00)	30,034	97,500.00	13	86,015,249.40	26,335	(12,610,975.76)	470	763,032.63	13	68,202,306.27	56,865

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

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