



Security Council

Distr.
GENERAL

S/AC.26/1992/13
25 September 1992

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL
Seventh Session
Geneva, 21-25 September 1991

Decision taken by the Governing Council of the
United Nations Compensation Commission
at its 29th meeting held on 24 September 1992

Further Measures to Avoid Multiple Recovery of
Compensation by Claimants

With a view to avoiding multiple recovery of compensation by claimants for the same losses, the Governing Council, in addition to measures already taken:

1. Decides to request the Government of Iraq to provide the Commission with information about claims against Iraq in national courts or other fora for losses that would also be eligible for compensation by the Commission, and about compensation awarded for such losses.
2. Decides to invite Governments to seek to obtain and to provide the Commission with any information regarding:
 - a. any lawsuit pending in the courts of their jurisdiction against Iraq, or any compensation granted by those courts, for losses resulting from Iraq's invasion and occupation of Kuwait;
 - b. recipients of payment made or relief provided by the respective Government, Civil I.D. or Residency

Permit numbers, passport numbers, dates of birth, types of losses and amounts paid; and

- c. recipients of payments made or relief provided by employers known to have operated in Iraq or Kuwait, for losses incurred by their employers as a result of Iraq's invasion and occupation of Kuwait, including where available, their names, Civil I.D. or Residency Permit numbers, passport numbers, dates of birth, types of losses and amounts paid.

3. Noting that, in light of Decision 1 (S/AC.26/1991/1), the questions of multiple recovery and deductions from payments made in respect of claims in categories "A" and "B" do not arise, decides to adopt the following guidelines for the payment of compensation in cases where multiple recovery for the same loss may occur:

- a. Governments or employers that seek reimbursement under category "E" or "F" claims of amounts paid for losses that had already been paid from the Fund to individual claimants under categories "C" and "D" claims will not be eligible for compensation. If a request for reimbursement from the Fund is submitted to the Commission by the Government or the employer while the "C" or "D" claim of the individual concerned is being processed before the Commission, the amount of compensation already received by the individual (as shown by the Government or employer) will have to be deducted from his or her claim.
- b. When the Commission learns, either through information provided by the claimant or through other means, and before paying compensation from the Fund, that a claimant in categories "C", "D", "E" and "F" has received compensation elsewhere for the same loss, the amount already received will be deducted from the compensation to be paid from the Fund to that claimant for the same loss.
