

# UNITED NATIONS COMPENSATION COMMISSION

## CLAIM FORMS FOR CORPORATIONS AND OTHER ENTITIES

### INSTRUCTIONS FOR CLAIMANTS

- (1) These forms are applicable only to corporations, other private legal entities and public-sector enterprises claiming for damages sustained as a result of Iraq's 2 August 1990 unlawful invasion and occupation of Kuwait.
- (2) The claim should be submitted on the attached forms to the appropriate officials of the Government under whose law your corporation or entity was incorporated, organized, or registered on the date on which the claim arose. The Government will submit the claim to the UN Compensation Commission. The Commission will review and process the claims and determine the amounts to be allocated to the Government. Compensation for the claim of your corporation or entity will only be awarded to the Government to the extent that the claim is approved by the Commission. The Government will be in charge of distributing payments to the claimants.
- (3) The Government may submit the claim forms on behalf of your corporation or entity to the Commission not earlier than six months after the date the Executive Secretary has circulated these forms and not later than one year after the end of the six month period.
- (4) In the event that your corporation or other private legal entity requests the Government under whose law it was incorporated or organized on the date on which the claim arose to submit the claim, and that Government fails to submit the claim within the time-limit provided in (3) above, then your corporation or other private legal entity may itself submit the claim to the Commission within three months thereafter. In so doing, your corporation or other private legal entity must submit at the same time an explanation as to why its claim is not being submitted by a Government.
- (5) Your corporation must submit in an attachment to these claim forms documentary evidence, such as certificate of incorporation or registration proving the incorporation, organization, or registration of your corporation or entity on the date the claim arose, and on the date on which the claim is filed (if different).
- (6) Your corporation or entity should submit with these claim forms a separate statement explaining its claim ("Statement of Claim"), supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss. Include within the Statement of Claim the following particulars:
  - (a) The date, type and basis of the Commission's jurisdiction for each element of loss (see in particular Notes (7) and (8) on this page);
  - (b) The facts supporting the claim;
  - (c) The legal basis for each element of the claim;
  - (d) The amount of compensation sought, and an explanation of how this amount was arrived at
- (7) Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait will be compensated. This will include any loss suffered as a result of:
  - (a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;
  - (b) Departure of persons from or their inability to leave Iraq or Kuwait (or a decision not to return) during that period;
  - (c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during the period in connection with the invasion or occupation;
  - (d) The breakdown of civil order in Kuwait or Iraq during that period; or
  - (e) Hostage-taking or other illegal detention.
 Reimbursement may be provided for payments made or relief provided to others - for example, to employees, or to others pursuant to contractual obligations - for their losses resulting from Iraq's invasion and occupation of Kuwait.
- (8) The trade embargo and related measures (\*), and the economic situation caused thereby, will not be accepted as the basis for compensation. Compensation will be provided to the extent that Iraq's unlawful invasion and occupation of Kuwait constituted a cause of direct loss, damage or injury which is separate and distinct from the trade embargo and related measures. (Where, for example, the full extent of the loss, damage or injury arose as a direct result of Iraq's unlawful invasion and occupation of Kuwait, it should be compensated notwithstanding the fact that it may also be attributable to the trade embargo and related measures). The total amount of compensable losses will be reduced to the extent that those losses could reasonably have been avoided. Further guidance on the matters dealt with in this paragraph will be provided by the Governing Council for the use of Commission staff when assessing claims.
- (9) Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of compensation to be awarded by the Commission.
- (10) NOTE: The Commission will be alert to claims put forward in exaggerated amounts that cannot be substantiated by satisfactory evidence or otherwise justified. The making of such claims may have a prejudicial effect and should therefore be avoided.
- (\*) The "trade embargo and related measures" refers to the prohibitions in United Nations Security Council Resolution 661 (1990) and relevant subsequent resolutions and the measures taken by States pursuant thereto.