

Translated from the French

**Rules concerning the distribution of the compensation  
granted to the beneficiaries of the victims of the terrorist attack on UTA's DC10**

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The Administrative Board,

In light of the Foundation's Articles of Association, and in particular of its Article 8, para. 1, which states: "The Administrative Board (...) shall determine the general rules for dividing the compensation among the members of a single family";

After consultation, on 8 and 11 December 2004, with the Consultative Committee as specified in Article 7 of the Foundation's Articles of Association;

**Determines**

**Article 1:** The benefit of the compensation specified by the agreement dated 9 January 2004 is granted to the beneficiaries of each victim according to the conditions laid down in Articles 2-14 of these Rules.

**Article 2:** Those persons alive at the date of this agreement and who, at the date of the terrorist attack on 19 September 1989, had one of the links described below with the victim shall be eligible to claim entitlement to compensation, as per the agreement dated 9 January 2004:

- a) Father, mother; if applicable, the person who took the place, in a significant and preponderant way, of the parents in the upbringing of the victim until the victim became independent;
- b) Child;
- c) Non-divorced spouse or person providing evidence of a formal status of civil-law marriage;
- d) Brother, sister;
- e) Half-brother, half-sister.

One beneficiary may claim only one of these associations at any time.

**Article 3:** If a person satisfying the conditions laid down in Article 2 died after 9 January 2004, that person's entitlements may be exercised by his/her heirs.

**Article 4:** If there is more than one beneficiary that satisfies the conditions stated in Article 2, the compensation to be paid to each of them shall be determined in the following way:

a) For the purposes of the calculation, each beneficiary is attributed a number of "shares" according to his/her association with the victim and determined as follows:

- 4 "shares" for each beneficiary that has one of the associations represented at "b" and "c" of Article 2;
- 4 "shares" for all the beneficiaries that are stated at "a" of Article 2, the value of these 4 shares being distributed, if required, equally among the beneficiaries that provide evidence of this association;
- 2 "shares" for each beneficiary that has one of the associations with the victim represented at "d" of Article 2;
- 1 "share" for each beneficiary that has with the victim one of the associations represented at "e" of Article 2.

b) The amount "W" of the compensation to be paid to each beneficiary shall be calculated by applying the formula  $W = \frac{X * Z}{Y}$

where:

- "X" expresses the amount that the 9 January 2004 agreement specified for all the beneficiaries of a victim,
- "Y" is the total number of "shares," as calculated in accordance with section (a) of this article, of all the beneficiaries who satisfy the conditions of Article 2, and
- "Z" is the number of "shares" of the person being considered.

However, when there is at least one beneficiary who has the association defined at "b" of Article 2 with the victim, the number of shares that is allocated overall to the beneficiaries who have with the victim the associations defined at "d" and "e" of that same article has an upper limit of eight (8). In such a case, the compensation that corresponds to these eight (8) shares is distributed among those same beneficiaries, each of them presenting with the victim the association "d" being allocated an amount that is double that of those presenting with the victim the association "e."

**Article 5:** In the event that no-one gives evidence of one of the associations stated at Article 2 of these Rules, the benefit of the compensation is transferred to the persons who were alive at the date of the 9 January 2004 agreement and who, at the date of the terrorist attack of 19 September 1989, presented one of the following associations with the victim:

- grandfather, grandmother,
- grandson, granddaughter.

If there is not such a person, the benefit of the compensation shall be transferred under the same conditions to the persons who presented one of the following associations with the victim:

- uncle, aunt,
- nephew, niece.

**Article 6:** The provisions of Article 3 shall apply to the persons specified in Article 5.

If there is more than one beneficiary that satisfies the definitions of Article 5, amount of the compensation to be paid to each of them shall be calculated by dividing the amount that the 9 January 2004 agreement specified for all the beneficiaries of a victim by the number of those same beneficiaries.

**Article 7:** The applications for the grant of a compensation payment may be presented either individually or by several persons claiming a link with the same victim.

**Article 8:** All applications must:

- a) provide evidence of the reality of the association with the victim claimed by the applicant;
- b) if they come from persons who present with the victim one of the associations stated at Article 2, contain all items of information capable of giving the Foundation the possibility of understanding the existence and the identity of the persons that may be regarded as also presenting with the victim one of the associations stated at Article 2.
- c) if they come from persons who present with the victim one of the associations stated at Article 5, contain all items of information capable of giving the Foundation the possibility of understanding the existence and the identity of the persons that may be regarded as presenting with the victim one of the associations stated at both Article 2 and Article 5.

It shall be accompanied by a statutory declaration attesting to the truthfulness of these claims.

If anyone knowingly provides a piece of information about (b) or (c) of this article that is false, s/he shall be liable for the total or partial loss of the compensation s/he is claiming, quite apart from any court proceedings that may otherwise be brought.

**Article 9:** The Foundation may provide its assistance to applicants in filling out their applications.

**Article 10:** Pursuant to the stipulations of Articles 1 and 3 of the 9 January 2004 agreement, the payment of a compensation payment by the Foundation is subordinated to the beneficiary signing a deed by which s/he undertakes:

- if applicable, to abandon all law suits and applications brought against Libya or against Libyan citizens that are based on the consequences of the explosion on board the DC10 of Flight UT-772 on 19 September 1989, that have not yet been decided by a court; and
- to give up all civil or criminal law suits in any jurisdiction or court on the basis of the explosion on board the DC10 of Flight UT-772.

**Article 11:** The payment of a compensation payment by the Foundation is subordinated to the beneficiary signing a deed by which s/he undertakes, if an application that is presented in good time should indicate that other beneficiaries of the victim, the existence of whom the Foundation was not aware at the time that it divided the amount of the compensation, nonetheless satisfy the conditions of Article 2 or Article 5, to take all necessary measures, and in particular, to repay part of the amount initially allocated, for the performance of the decision by which the Foundation shall be induced, given this new application, to amend the distribution among beneficiaries.

**Article 12:** The decision to distribute the compensation among the beneficiaries of whose existence the Foundation was informed may, to prevent the difficulties that may arise out of the necessity to amend this distribution at a later date, be accompanied by the statement that the payment of a portion of the amounts allocated is temporarily deferred until the date on which the distribution becomes final. This decision must contain the reasoning behind it. The amount thus withheld shall accrue interest.

**Article 13:** Any person providing evidence of an entitlement pursuant to Article 2 to 6, and who has fulfilled the conditions specified in Articles 10 and 11, may request that this entitlement, in whole or in part, be transferred to one or more of the persons who gives evidence of one of the associations stated at Article 2 and Article 5, who has/have agreed to such transferral and who personally fulfils/fulfil the conditions of Articles 10 and 11.

**Article 14:** On an exceptional basis, before deciding on the distribution among beneficiaries of the compensation relating to one victim, the Foundation shall be entitled, as long as consideration of the application permits, to grant an advance to a person providing firm evidence of one of the associations stated at Article 2 and providing evidence of a specially urgent situation.

The advance shall be charged against the entitlements that result from the distribution decision.

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