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*Seeking Reparation for Torture Survivors*

## ICC TRUST FUND FOR VICTIMS

### RESOURCE MATERIALS ON OTHER TRUST FUNDS AND COMPENSATION MECHANISMS

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<b>SELECTED TRUST FUNDS AND COMPENSATION MECHANISMS</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Established in 1982 (General Assembly (“GA”) Res. 36/151 <sup>1</sup> ).
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	Established in 1991 (GA Res. 46/122 <sup>2</sup> ).
<b>UN Voluntary Fund for Indigenous Populations</b>	Established in 1985 (GA Res. 40/131 <sup>3</sup> ).
<b>UN Trust Fund for the International Decade of the World’s Indigenous People</b> <b>UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination</b>	Established in 1995 (GA Res. 48/163 <sup>4</sup> , GA Res. 49/214 <sup>5</sup> , 50/157 <sup>6</sup> ).  Established in 1973 (annex to GA Res. 3057 (XXVIII)) and reaffirmed in 1983 (annex to GA Res. 38/14 <sup>7</sup> ). A new Voluntary Fund was established in 2002 to continue the work of the Durban Conference <sup>8</sup> .
<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	Established in 1987 (Economic Social and Cultural Council (“ECOSOC”) Decision 1987/147 <sup>9</sup> ).
<b>UN Compensation Fund</b>	UN Compensation Fund and UN Compensation Commission established in 1991 (Security Council (“SC”) Res. 687 <sup>10</sup> , SC Res. 692 <sup>11</sup> and Secretary-General (“SG”) Report S/22559 <sup>12</sup> ).

<sup>1</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>2</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>

<sup>3</sup> <http://www.un.org/documents/ga/res/49/a49r131.htm>

<sup>4</sup> <http://www.un.org/documents/ga/res/48/a48r163.htm>

<sup>5</sup> <http://www.un.org/documents/ga/res/49/a49r124.htm>

<sup>6</sup> <http://www.un.org/documents/ga/res/50/a50r157.htm>

<sup>7</sup> <http://www.un.org/documents/ga/res/38/a38r014.htm>

<sup>8</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/8275fef1e16c3501c1256bab004bo48f?Opendocument> .

<sup>9</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/adb03d776dc22175e802567d2004f126e?Opendocument>

<sup>10</sup> <http://www.un.org/Docs/scres/1991/687e.pdf>

<sup>11</sup> <http://www.un.org/Docs/scres/1991/692e.pdf>

<sup>12</sup> <http://www.unog.ch/uncc/resolutio/res22559.pdf>

<b>Holocaust Settlement Fund</b>	Established in 2000 pursuant to (1) The Settlement Agreement in the Holocaust Victim Assets class action litigation in the U.S. District Court for the Eastern District of New York (the “Court”), Chief Judge Edward R. Korman presiding <sup>13</sup> ; (2) The Final Order and Judgment of the Court approving the Settlement Agreement of July 26, 2000 (as corrected on August 2, 2000) <sup>14</sup> ; and (3) The Plan of Allocation and Distribution proposed by Special Master Judah Gribetz and approved by Judge Korman on November 22, 2000 <sup>15</sup> .
<b>South African President’s Fund</b>	Provided for in 1995 in the Promotion of National Unity and Reconciliation Act 1995 <sup>16</sup> .
<b>Iran-United States Claims Tribunal Security Account</b>	Established under the 1981 Algiers Accord (General Declaration <sup>17</sup> , Claims Settlement Declaration <sup>18</sup> ).
<b>German “Remembrance, Responsibility and Future” Fund</b>	Established in 2000 by the Law on the Creation of a Foundation “Remembrance, Responsibility and Future” <sup>19</sup> .
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	Established in 1995 by the Federal Law concerning the Fund for Voluntary Payments by the Republic of Austria to Former Slave Laborers and Forced Laborers of the National Socialist Regime <sup>20</sup> .
<b>Austrian General Settlement Fund for Victims of National Socialism</b>	Established in 2001 by the Federal Law on the Establishment of a General Settlement Fund for Victims of National Socialism and on Restitution Measures <sup>21</sup> .
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	Established in 1995 by the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism <sup>22</sup> .

<sup>13</sup> *In re Holocaust Victim Assets Litigation* 96 Civ. 4849 (ERK) (MDG) (Cons. 99 Civ. 5161 and 97 Civ. 461) United States District Court Eastern District of New York. [http://www.swissbankclaims.com/PDFs\\_Eng/MemorandumOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/MemorandumOrder.pdf)

<sup>14</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/FinalOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/FinalOrder.pdf)

<sup>15</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/VolumePlan.pdf](http://www.swissbankclaims.com/PDFs_Eng/VolumePlan.pdf)

<sup>16</sup> <http://www.doj.gov.za/trc/legal/act9534.htm> as amended by Amendment Act No.87 of 1995 (<http://www.doj.gov.za/trc/legal/act9587.htm>); Amendment Act No. 18 of 1997 (<http://www.doj.gov.za/trc/legal/act9718.htm>) and Amendment Act No.84 of 1997 (<http://www.doj.gov.za/trc/legal/act9784.htm>). As of July 2002 the President’s Fund and the Committee on Reparation and Rehabilitation have not as yet been established. This trust fund is given as a model example based on current proposals.

<sup>17</sup> <http://www.iusct.org/general-declaration.pdf>

<sup>18</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>19</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>20</sup> <http://www.reconciliationfund.at/download/Law.pdf> - Federal Law Gazette I No. 432/1995 as amended.

<sup>21</sup> <http://www.usembassy-vienna.at/gsf.pdf>. See <http://www.nationalfonds.parlament.gv.at/ae/english/index.htm> for further information.

<sup>22</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm> as amended by Federal Law amending the Federal Law to Establish the National Fund <http://www.usembassy-vienna.at/nft.pdf>

<b>PURPOSE OF FUND</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Receive “voluntary contributions for distribution, through established channels of humanitarian assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture and to relatives of such victims” (Art. 1(a) GA Res. 36/151 <sup>23</sup> ).
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	“Assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, secondly, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery” (Art 1(b) GA Res. 46/122 <sup>24</sup> ).
<b>UN Voluntary Fund for Indigenous Populations</b>	“Assist representatives of Indigenous Communities and organisations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance” (Article 1(b) GA Res. 40/131 <sup>25</sup> ). Extended in 1995 (Article 1 GA Res. 50/156 <sup>26</sup> ) to “assist representatives of indigenous communities and organisations to participate in the deliberations of the open-ended inter-sessional Working Group of the Commission on Human Rights [...] as well as in the deliberations of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities”. Further extended in 1998 (Article 1 GA Res. 53/130 <sup>27</sup> ) and 2000 (Article 9 GA Res. 54/150 <sup>28</sup> ) to assisting representatives of indigenous communities and organisations to participate in the Working Group of the Commission on Human Rights (“CHR”) on the Permanent Forum.
<b>UN Trust Fund for the International Decade of the World’s Indigenous People</b>	“Funding projects and programmes during the Decade” on Indigenous People (Article 14 GA Res. 48/163 <sup>29</sup> ).
<b>UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination</b>	Fund the Third Decade to Combat Racism and Racial Discrimination and its Programme of Action <sup>30</sup> .
<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	“Provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights” (Article 12 CHR Res. 1993/87 <sup>31</sup> ).
<b>UN Compensation Fund</b>	Pay compensation for claims relating to “any direct loss, damage – including environmental damage and the depletion of natural resources – or injury to foreign Governments, nationals and corporations as a result of [Iraq’s] unlawful invasion and occupation of Kuwait” (Articles 16 and 17 SC Res. 687 <sup>32</sup> ).

<sup>23</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>24</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>

<sup>25</sup> <http://www.un.org/documents/ga/res/40/a40r131.htm>

<sup>26</sup> <http://www.un.org/documents/ga/res/50/a50r156.htm>

<sup>27</sup> <http://www.un.org/documents/ga/res/53/a53r130.pdf>

<sup>28</sup> <http://www.un.org/documents/ga/res/54/a54r150.pdf>

<sup>29</sup> <http://www.un.org/documents/ga/res/48/a48r163.htm>

<sup>30</sup> See <http://www.unhchr.ch/html/menu2/9/vfracism.htm> for further information.

<sup>31</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>32</sup> <http://www.un.org/Docs/scres/1991/687e.pdf>

<b>Holocaust Settlement Fund</b>	Pay compensation for claims from Holocaust victims who have settled series of class actions filed in the United States District Court for the Eastern District of New York against Swiss banks. The plaintiffs and class members agreed to release the Swiss banks and the Swiss governments from any further liability arising out of any claims relating to the Holocaust. In exchange, the Swiss banks paid \$1.25 billion into a Settlement Account (see Settlement Agreement <sup>33</sup> ).
<b>South African President's Fund</b>	The President's Fund was established to pay amounts to victims by way of reparation further to regulations made by the President based on recommendations from the Committee on Reparation and Rehabilitation (the "Committee") (Article 42(2) of 1995 Act <sup>34</sup> ). The purpose of the Committee (which is an organ of the Truth and Reconciliation Commission ("TRC")) is "granting reparation to victims or the taking of other measures aimed at rehabilitating and restoring the human and civil dignity of victims" (Article 4(f)(i) of 1995 Act <sup>35</sup> ). The greater purpose of the TRC is to make proposals for measures that will give reparations to victims of human rights violations and rehabilitate and give back the human and civil dignity of people who suffered human rights violations (1995 Act <sup>36</sup> ). Pay moneys awarded by the Iran-United States Claims Tribunal, "established for the purpose of deciding claims of nationals of the United States against Iran and claims of nationals of Iran against the United States" (Article II (1) Claims Settlement Declaration <sup>37</sup> ).
<b>Iran-United States Claims Tribunal Security Account</b>	
<b>German "Remembrance, Responsibility and Future" Fund</b>	The purpose of the Foundation that administers the Fund is to make financial compensation available through partner organisations to former forced labourers and to those affected by other injustices from the Nazi period. (Section 2(2) Federal Law <sup>38</sup> ). The primary task of the Fund is to "use the income primarily produced by the means allocated to it from Foundation monies to foster projects that serve the purposes of better understanding among peoples, the interests of survivors of the National Socialist régime, youth exchange, social justice, remembrance of the threat posed by totalitarian systems and despotism, and international cooperation in humanitarian endeavours. In commemoration and respect of those victims of National Socialist injustice who did not survive, it is also intended to further projects in the interest of their heirs" (Section 2(2) Federal Law <sup>39</sup> ).
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	"Providing payments to former slave laborers and forced laborers of the Nazi regime on the territory of present day Austria" (Section 1(1) Federal Law <sup>40</sup> ) and "make a contribution toward reconciliation, peace, and cooperation through a voluntary gesture of the Republic of Austria to natural persons who were coerced into slave labor or forced labor by the National Socialist regime on the territory of the present day Republic of Austria" (Section 1(2) Federal Law <sup>41</sup> ).
<b>Austrian General Settlement Fund for Victims of National Socialism</b>	"Comprehensively resolve open questions of compensation of victims of National Socialism for losses and damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era" and "acknowledge, through voluntary payments, the moral responsibility for losses and damages inflicted upon Jewish citizens and other victims of National Socialism as a result of or in connection with the National Socialist Regime" (Article 1(1) and (2) General Settlement Fund Law <sup>42</sup> ).
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	"Provision of benefits to the victims of National Socialism" "to express the particular responsibility towards the victims of National Socialism." (Article 1 National Fund Law <sup>43</sup> ). Symbolic gesture to Austrian victims of Nazism.

<sup>33</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>34</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>35</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>36</sup> <http://www.doj.gov.za/trc/legal/act9534.htm> . See also <http://www.doj.gov.za/trc/> for further information.

<sup>37</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>38</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>39</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>40</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>41</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>42</sup> <http://www.usembassy-vienna.at/gsf.pdf>

<sup>43</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<b>SOURCE OF FUNDING</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Board of Trustees of the Fund authorized “to promote and solicit contributions and pledges” (Article 1(e) GA Res. 36/151 <sup>44</sup> ). GA appealed to all Governments to respond favourably to requests for contributions to the Fund (Article 2 GA Res. 36/151 <sup>45</sup> ). It receives “voluntary contributions from Governments, non-governmental organizations and individuals” (Point 2 SG Report A/56/181 <sup>46</sup> ).
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	“Funding shall be obtained by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities” (Article 1(c) GA Res. 46/122 <sup>47</sup> ). GA appealed to all Governments to respond favourably to requests for contributions to the Fund (Article 2 GA Res. 46/122 <sup>48</sup> ).
<b>UN Voluntary Fund for Indigenous Populations</b>	“By means of voluntary contributions from Governments, non-governmental organisations and other private or public entities” (Article 1(b) GA Res. 40/131 <sup>49</sup> ).
<b>UN Trust Fund for the International Decade of the World’s Indigenous People</b>	“Voluntary contributions from Governments, intergovernmental and non-governmental organisations and other private institutions and individuals” (Article 14 GA Res. 48/163 <sup>50</sup> ). GA urged “Governments and intergovernmental and non-governmental organisations to contribute to the voluntary fund” and invited “indigenous organisations to do likewise” (Article 15 GA Res. 48/163 <sup>51</sup> and again in Article 19 GA Res. 49/214 <sup>52</sup> and Article 20 GA Res. 50/157 <sup>53</sup> ). The Fund was also included “in the annual Pledging Conference for Development Activities held at United Nations Headquarters” (Article 13(a) GA Res. 49/214 <sup>54</sup> ).
<b>UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination</b>	SG has “strongly appealed to all Governments, intergovernmental and non-governmental organisations and individuals in a position to do so, to contribute generously to the Fund” (Point 57 SG Report A/56/481 <sup>55</sup> ). GA has also “strongly appealed to all Governments, intergovernmental and non-governmental organisations and individuals in a position to do so, to contribute generously to the Fund” and requested the SG “to continue to establish the appropriate contacts and undertake the appropriate initiatives” (Article 17 GA Res. 55/84 <sup>56</sup> ).
<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	Contributions from Governments, NGOs and other private or public entities <sup>57</sup> .
<b>UN Compensation Fund</b>	Funded out of a special UN escrow account that was created under the “oil-for-food” programme (Articles 7 and 8(c) SC Res. 986 <sup>58</sup> ). Originally 30% of the proceeds from sales of Iraqi oil were earmarked for the Fund (SC Res. 705 <sup>59</sup> ), and the rest of the proceeds were to be used to meet the humanitarian needs of the Iraqi population. In fact now it is 25% (SC Res. 1330 <sup>60</sup> ).

<sup>44</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>45</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>46</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/\\$FILE/N0145765.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/$FILE/N0145765.pdf)

<sup>47</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>

<sup>48</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>

<sup>49</sup> <http://www.un.org/documents/ga/res/49/a40r131.htm>

<sup>50</sup> <http://www.un.org/documents/ga/res/48/a48r163.htm>

<sup>51</sup> <http://www.un.org/documents/ga/res/48/a48r163.htm>

<sup>52</sup> <http://www.un.org/documents/ga/res/49/a49r124.htm>

<sup>53</sup> <http://www.un.org/documents/ga/res/50/a50r157.htm>

<sup>54</sup> <http://www.un.org/documents/ga/res/49/a49r124.htm>

<sup>55</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/c13692e4115c657ec1256af6004d8da6/\\$FILE/N0158443.doc](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/c13692e4115c657ec1256af6004d8da6/$FILE/N0158443.doc)

<sup>56</sup> <http://www.un.org/documents/ga/res/55/a55r84.pdf>

<sup>57</sup> <http://www.unhchr.ch/html/menu2/9/vftc/vftc.htm>

<sup>58</sup> <http://www.unog.ch/unccl/resolutio/res0986.pdf>

<sup>59</sup> <http://www.unog.ch/unccl/resolutio/res0705.pdf>

<sup>60</sup> <http://www.unog.ch/unccl/resolutio/res1330.pdf>

<p><b>Holocaust Settlement Fund</b></p> <p><b>South African President's Fund</b></p>	<p>UBS <i>et al</i> agreed to pay \$1.25 billion in four instalments over the course of three years into an escrow fund, with a flow of a total of \$800 million allocated to satisfy awards made by the Claims Resolution Tribunal and deposited into the Settlement Fund (Article 5.1 Settlement Agreement <sup>61</sup>), and the rest to be used for the other classes of claimants. \$50 million of the Settlement Fund to be used for insurance claims, and another \$50 million to be contributed by the companies listed as insurance companies for the purposes of the insurance claims process (Article 17.3 Settlement Agreement<sup>62</sup>).</p> <p>Interest payments are used to partially defray the cost of the claims process for the deposited assets class.</p> <p>“(a) All money appropriated by Parliament for the purposes of the Fund; and (b) All money donated or contributed to the Fund or accruing to the Fund from any source” (Article 42(1) of 1995 Act<sup>63</sup>).</p> <p>“Any money which is not required from immediate use may be invested with a financial institution approved by the Minister of Finance and may be withdrawn as required” (Article 42(3) of 1995 Act <sup>64</sup>).</p>
<p><b>Iran-United States Claims Tribunal Security Account</b></p>	<p>US Government agreed to transfer to a central bank all Iranian deposits and securities in US banking institutions (with interest) which it had seized – half of this amount was then transferred to a special interest-bearing Security Account in a central bank, until the balance of the Security Account reached \$1 billion (Articles 6 and 7 General Declaration<sup>65</sup>). “All funds in the Security Account are to be used for the sole purpose of securing the payment of, and paying, claims against Iran in accordance with the Claims Settlement Agreement” (Article 7 General Declaration<sup>66</sup>).</p> <p>Interest goes back into the Fund<sup>67</sup>.</p>
<p><b>German “Remembrance, Responsibility and Future” Fund</b></p>	<p>The Foundation is “endowed with a capital fund consisting of the following:</p> <ol style="list-style-type: none"> <li>(1) Five billion deutschmarks that the companies joined together in the Foundation Initiative of German Industry have agreed to make available, including the payments that German insurance companies have provided to the International Commission on Holocaust Era Insurance Claims or will provide in the future.</li> <li>(2) Five billion deutschmarks that the German Federal Government is making available in the year 2000. The contribution of the Federal Government includes the contributions of enterprises of which the Federal Government is sole owner or in which it has a majority interest” (Section 3(2) Federal Law<sup>68</sup>).</li> </ol> <p>“The Foundation is authorized to accept contributions from third parties. It shall endeavour to obtain additional contributions” (Section 3(4) Federal Law<sup>69</sup>).</p> <p>Fund has 700 million DM at its disposal and “the assets of the “Remembrance and the Future” Fund must be kept separately from the assets of the Foundation” (Section 3 Statutes of the Foundation<sup>70</sup>). Interest goes back into the Fund<sup>71</sup>.</p>
<p><b>Austrian Fund for Reconciliation, Peace and Cooperation</b></p>	<p>6 billion Austrian Shillings:</p> <ol style="list-style-type: none"> <li>(1) Contributions of Federal government;</li> <li>(2) Contributions of other regional bodies;</li> <li>(3) Contributions from all areas of business and industry; and</li> <li>(4) Other contributions (Section 6(1) Federal Law <sup>72</sup>).</li> </ol>

<sup>61</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>62</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>63</sup> <http://www.doi.gov.za/trc/legal/act9534.htm>

<sup>64</sup> <http://www.doi.gov.za/trc/legal/act9534.htm>

<sup>65</sup> <http://www.iusct.org/general-declaration.pdf>

<sup>66</sup> <http://www.iusct.org/general-declaration.pdf>

<sup>67</sup> *Iran and the United States*, Cases A/1 (Issue II), Decision No. DEC 8-A1-FT (17 May 1982), 1 Iran-U.S. Cl. Trib. Rep. 144, 149-53.

<sup>68</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>69</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>70</sup> [http://www.stiftung-evz.de/fremdsp/englisch/satzung\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/satzung_en.pdf)

<sup>71</sup> [http://www.state.gov/www/regions/eur/holocaust/000717\\_joint\\_statement.html](http://www.state.gov/www/regions/eur/holocaust/000717_joint_statement.html)

<sup>72</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<b>Austrian General Settlement Fund for Victims of National Socialism</b>	<p>“Endowed with an amount of 210 million US Dollars” (Article 2(1) General Settlement Fund Law<sup>73</sup>).</p> <p>“Fund may dispose of the interest that will accrue at the 3-month Euribor rate from investment by the Fund, starting with the date cited above and continuing for the entire duration of the Fund” (Article 2(1) General Settlement Fund Law<sup>74</sup>) and “yields from the Fund's capital and other revenues shall be used exclusively for the Fund's purposes” (Article 2(3) General Settlement Fund Law<sup>75</sup>).</p>
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	<p>“Payments of the Federal Republic to the Fund shall be effected as provided by the annual Federal Finance Act in this context, the President of the National Council shall prepare the preliminary budget on the basis of a joint proposal made by the Chairman and Deputy Chairman of the Board of Curators and shall submit this preliminary budget, together with all appendices and explanatory notes, to the Federal Minister of Finance. The payments shall be remitted to the Fund in partial amounts in keeping with the actual requirements.” (Article I, Section 7(1) National Fund Law<sup>76</sup>).</p> <p>Federal Government contributed \$150 million in 2001 to be accounted for in a special account for payment for losses to property (New Section 2b(1) National Fund Law Amendment<sup>77</sup>).</p>

<sup>73</sup> <http://www.usembassy-vienna.at/gsf.pdf>

<sup>74</sup> <http://www.usembassy-vienna.at/gsf.pdf>

<sup>75</sup> <http://www.usembassy-vienna.at/gsf.pdf>

<sup>76</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>77</sup> <http://www.usembassy-vienna.at/nflt.pdf>



<b>CRITERIA FOR VOLUNTARY CONTRIBUTIONS</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Purpose of all contributions must be consistent with the policies and aims of the UN <sup>78</sup> .
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	Purpose of all contributions must be consistent with the policies and aims of the UN <sup>79</sup> . Cannot be earmarked for specific projects (Annex to SG Report A/56/205 <sup>80</sup> ).
<b>South African President's Fund</b>	The Fund can receive "money donated or contributed to the Fund or accruing to the Fund from any source" (Article 4291)(b) of 1995 Act <sup>81</sup> ). No further details.
<b>German "Remembrance, Responsibility and Future" Fund</b>	The Foundation shall "endeavour to obtain additional contributions"(Section 3(4) Federal Law <sup>82</sup> ). No further details.
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	The Fund can receive "other contributions" (Section 6(1) Federal Law <sup>83</sup> ). No further details.

<sup>78</sup> Financial Regulations and Rules of the United Nations (UN Doc. ST/SGB/Financial Rules/1/Rev.3 (1985)). Same for the UN Voluntary Fund for Indigenous Populations, UN Trust Fund for the International Decade of the World's Indigenous People, UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and the UN Voluntary Fund for Technical Cooperation in the field of Human Rights.

<sup>79</sup> Financial Regulations and Rules of the United Nations (UN Doc. ST/SGB/Financial Rules/1/Rev.3 (1985)).

<sup>80</sup> <http://www.un.org/documents/ga/docs/56/a56205.pdf>.

<sup>81</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>82</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>83</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<b>SOURCE OF FUNDING FOR CORE OPERATIONAL COSTS</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	In accordance with the United Nations rules governing voluntary contribution funds for humanitarian purposes 13 per cent of estimated annual expenditures is the rate set for programme support costs <sup>84</sup> .
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	In accordance with the United Nations rules governing voluntary contribution funds for humanitarian purposes 13 per cent of estimated annual expenditures is the rate set for programme support costs. Advisory Group has recommended: "the cost of workshops and seminars should be met from the regular budget and extra budgetary resources of [the Office of the High Commissioner for Human Rights]" (Point 26 Advisory Group Recommendations 2002 <sup>85</sup> ).
<b>UN Compensation Fund</b>	"The expenses of the [UNCC] will be borne by the Fund" (Para 8 and 29 SG Report S/22559 <sup>86</sup> ). Governments and international organisations can offset their handling costs by deducting a fee from the amounts paid to claimants (1.5% for A, B, and C claimants and 3% for other claimants) (Article 1 Dec. 18 <sup>87</sup> ).
<b>Holocaust Settlement Fund</b>	Reasonable fees and expenses of administering the Settlement Fund may be paid from the Settlement Fund (Article 7.5 Settlement Agreement <sup>88</sup> ). Escrow agents permitted to authorize disbursements of up to \$20 million for payment of certain costs incurred in implementing the Settlement, and also permitted to authorize additional disbursements from the Escrow Fund for settlement implementation costs, subject to Court approval <sup>89</sup> .
<b>South African President's Fund</b>	"The expenses in connection with the exercise of the powers, the performance of the functions and the carrying out of the duties of the [TRC] shall be defrayed out of money appropriated by Parliament for that purpose" (Article 46(3) of 1995 Act <sup>90</sup> ).
<b>Iran-United States Claims Tribunal Security Account</b>	The Tribunal decided that both Governments would share liability for bank fees and indemnities associated with maintaining the Security Account <sup>91</sup> . "The expenses of the Tribunal shall be borne by the two governments" (Article VI (3) Claims Settlement Declaration <sup>92</sup> ).
<b>German "Remembrance, Responsibility and Future" Fund</b>	"Personnel and non-personnel costs shall be paid from the Foundation's funds, insofar as they are not to be assumed by the partner organizations" Section 9(12) Federal Law <sup>93</sup> . "Members of the Board of Trustees serve in a "pro bono" capacity; necessary expenses will be reimbursed" (Section 5(8) Federal Law <sup>94</sup> ).
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	Moneys of the Fund are transferred to partner organisations to cover their appropriate personnel and material expenses, including the cost of publicising the Fund (Section 6 Guidelines <sup>95</sup> ). Cost of periodic international business audit of partner organisations to be borne by Fund (Section 8(3) Federal Law <sup>96</sup> ). Work on the Board of Trustees is on a pro-bono basis – necessary expenses are reimbursed by the Fund (Section 12(4) Federal Law <sup>97</sup> ).

<sup>84</sup> Same for the UN Voluntary Trust Fund on Contemporary Forms of Slavery, UN Voluntary Fund for Indigenous Populations, UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and UN Voluntary Fund for Technical Cooperation in the field of Human Rights.

<sup>85</sup> [http://www.unhcr.ch/Huridocda/Huridocda.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridocda.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>86</sup> <http://www.unog.ch/uncc/resolutio/res22559.pdf>

<sup>87</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>88</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>89</sup> Amendment 1 to the Settlement Agreement – see also Section II-D ("Subsequent Amendments to the Settlement Agreement") in Chief Judge Korman's Corrected Memorandum & Order [http://www.swissbankclaims.com/PDFs\\_Eng/MemorandumOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/MemorandumOrder.pdf)

<sup>90</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>91</sup> *Iran and the United States*, Cases A/1 (Issue I, III and IV), Decision No. DEC 8-A1-FT ((3 August 1982), 1 Iran-U.S. Cl. Trib. Rep. 189-97.

<sup>92</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>93</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>94</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>95</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<sup>96</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>97</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<b>Austrian General Settlement Fund for Victims of National Socialism</b>	“Necessary costs for personnel, material and administration of the Fund, including the costs of the Claims Committee, in so far as these cannot be covered by the budget of the National Fund” are borne from the Fund (Article 2(3) General Settlement Fund Law <sup>98</sup> ). Expenses incurred by the Arbitration Panel are borne by the Federation Bund, making use to the greatest extent possible of the administrative infrastructure of the Fund (Article 23(5) General Settlement Fund Law <sup>99</sup> ).
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<sup>98</sup> <http://www.usembassy-vienna.at/gsf.pdf>

<sup>99</sup> <http://www.usembassy-vienna.at/gsf.pdf>

## FLUCTUATIONS IN CONTRIBUTIONS

<b>UN Voluntary Fund for Victims of Torture</b>	In accordance with UN rules governing voluntary contribution funds for humanitarian purposes, 15% of estimated annual expenditures must be earmarked as a reserve for the following year <sup>100</sup> .
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	In accordance with UN rules governing voluntary contribution funds for humanitarian purposes, 15% of estimated annual expenditures must be earmarked as a reserve for the following year. "Subject to the availability of funds, a minimum of US\$ 50,000 should be set aside for each of the remaining years of the Decade for the organization by the Indigenous Projects Team of at least one workshop or seminar per year" (Point 26 Advisory Group Recommendations 2002 <sup>101</sup> ).
<b>UN Compensation Fund</b>	Iraq did not take advantage of the original proposal to earmark 30% of oil proceeds for the Fund. Until 1996 (when the "oil-for-food" programme began) ad hoc arrangements were in place: the Working Capital Fund of the UN forwarded amounts <sup>102</sup> . Amounts can still fluctuate depending on how much oil is sold and at what price. "The Compensation Commission will retain an adequate operating reserve consisting of an amount sufficient to cover at least one year's operating expenses" (Article 7, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17 <sup>103</sup> ). "If there are insufficient funds to make payments [...] the Governing Council [...] may decide on how to distribute any limited funds available" (Article 9, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17 <sup>104</sup> ). This should not exclude the payment of the minimum \$2,500 and \$5,000 to "A", "B" and "C" claimants.
<b>Holocaust Settlement Fund</b>	Different methods of distribution in place if insufficient funds in Settlement Fund (see section on Methods of Distribution page 36).
<b>South African President's Fund</b>	"Any unexpended balance of the money of the Fund at the end of a financial year shall be carried forward as a credit to the Fund for the next financial year" (Article 42(4) of 1995 Act <sup>105</sup> ).
<b>Iran-United States Claims Tribunal Security Account</b>	Whenever the balance of the Security Account falls below \$500 million, Iran agreed to make new deposits sufficient to maintain a minimum balance of \$500 million in the Security Account (Article 7 General Declaration <sup>106</sup> ). The Tribunal decided that interest earned on the Security Account was not to be paid directly to Iran but to be kept in a separate account to be used only to replenish the Security Account or for other purposes agreed to by the two Governments <sup>107</sup> .
<b>German "Remembrance, Responsibility and Future" Fund</b>	The partner organisations may set up a financial reserve for appeals, in the amount of 5% of the monies allocated (Section 9(9) Federal Law <sup>108</sup> ).
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	"In order to assure equal payments of benefits to all those entitled, a portion of up to 5% of [\$150 million] may be held in reserve. If this portion of the amount was not, or not fully, used within one year after the entry into force of the present Federal Law, the remaining amount shall also be distributed in equal parts to those entitled to benefits" (New Section 2b(6) National Fund Law Amendment <sup>109</sup> ).

<sup>100</sup> Same for the UN Voluntary Trust Fund on Contemporary Forms of Slavery, UN Voluntary Fund for Indigenous Populations, UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and UN Voluntary Fund for Technical Cooperation in the field of Human Rights.

<sup>101</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>102</sup> See generally <http://www.unog.ch/uncc/introduc.htm>.

<sup>103</sup> [http://www.unog.ch/uncc/decision/dec\\_17.pdf](http://www.unog.ch/uncc/decision/dec_17.pdf)

<sup>104</sup> [http://www.unog.ch/uncc/decision/dec\\_17.pdf](http://www.unog.ch/uncc/decision/dec_17.pdf)

<sup>105</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>106</sup> <http://www.iusct.org/general-declaration.pdf>

<sup>107</sup> *Iran and the United States*, Cases A/1 (Issue II), Decision No. DEC 8-A1-FT (17 May 1982), 1 Iran-U.S. Cl. Trib. Rep. 144, 149-53.

<sup>108</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>109</sup> <http://www.usembassyvienna.at/nflt.pdf>

<b>FUNDRAISING</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Board authorised to promote and solicit contributions and pledges, and SG must give it all the assistance it might require and appeal to all Governments to respond favourably to requests for contributions to the Fund (Articles 1(e)-(f) and 2 GA Res. 36/151 <sup>110</sup> ). In 2000 the Board and the Secretariat met with donors, the High Commissioner for Human Rights (“HCHR”) sent reminders to States, the Board presented its financial needs before the CHR, and information about the Fund was disseminated by the Secretariat (Points 15 to 19 SG Report A/56/181 <sup>111</sup> ).
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	Board authorised to promote and solicit contributions and pledges. SG must give it all the assistance it might require and appeal to all Governments to respond favourably to requests for contributions to the Fund (Article 2 GA Res. 46/122 <sup>112</sup> ). In 2000 the HCHR sent a letter appealing for new contributions to assist in fund raising efforts; the Board recommended that the HCHR send a new letter of appeal, and that the CHR allow a member of the Board to speak at CHR’s annual session regarding the Fund (Points 33 to 36 SG Report A/56/205 <sup>113</sup> ).
<b>UN Voluntary Fund for Indigenous Populations</b>	Board authorised to promote and solicit contributions and pledges. SG must give it all the assistance it might require and appeal to all Governments to respond favourably to requests for contributions to the Fund (Article 2 GA Res. 50/156 <sup>114</sup> ). In 2000 the Board met with donors, recommended that the HCHR send a letter of appeal to donors and that the CHR invite a member of the Board to speak at its annual session (Points 31 to 35 SG Report A/55/202 <sup>115</sup> ).
<b>UN Trust Fund for the International Decade of the World’s Indigenous People</b>	Board authorised to promote and solicit contributions and pledges. SG must give it all the assistance it might require and appeal to all Governments to respond favourably to requests for contributions to the Fund (Article 15 GA Res. 48/163 <sup>116</sup> ). Advisory Group meets with representatives of regular and potential donors; has discussed the possibility of encouraging contributions from new donors (including private sector, indigenous nations and organisations, the World Bank, the World Trade Organisation and private foundations), and has recommended that the HCHR actively assist the Fund (Points 27-31 Advisory Group Recommendations 2002 <sup>117</sup> ).
<b>UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination</b>	SG has “strongly appealed to all Governments, intergovernmental and non-governmental organisations and individuals in a position to do so, to contribute generously to the Fund” (Point 57 SG Report A/56/481 <sup>118</sup> ).
<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	Board authorised “to promote and solicit contributions and pledges” (Article 20 CHR Res. 1993/87 <sup>119</sup> ).

<sup>110</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>111</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/\\$FILE/N0145765.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/$FILE/N0145765.pdf)

<sup>112</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>

<sup>113</sup> <http://www.un.org/documents/ga/docs/56/a56205.pdf>

<sup>114</sup> <http://www.un.org/documents/ga/res/50/a50r156.htm>

<sup>115</sup> [http://www.unhcr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/be53e1fdffd7ebafc1256969002f09aa/\\$FILE/0058636e.doc](http://www.unhcr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/be53e1fdffd7ebafc1256969002f09aa/$FILE/0058636e.doc). See also <http://www.unhcr.ch/html/menu2/9/vfindige.htm#14th>

<sup>116</sup> <http://www.un.org/documents/ga/res/48/a48r163.htm>

<sup>117</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>118</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/c13692e4115c657ec1256af6004d8da6/\\$FILE/N0158443.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/c13692e4115c657ec1256af6004d8da6/$FILE/N0158443.doc)

<sup>119</sup> <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

## ORGANISATIONAL STRUCTURE

<b>UN Voluntary Fund for Victims of Torture</b>	“Administered in accordance with the financial regulations of the United Nations by the Secretary-General, with the advice of a board of trustees composed of a chairman and four members with wide experience in the field of human rights, acting in their personal capacity, to be appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments” (Article 1(b) GA Res. 36/151 <sup>120</sup> ). SG must “give the Board of Trustees all the assistance it may require” (Article 1(f) GA Res. 36/151 <sup>121</sup> ).
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	“Administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year renewable term, in consultation with the current Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution” (Article 1(f) GA Res. 46/122 <sup>122</sup> ).
<b>UN Trust Fund for the International Decade of the World’s Indigenous People</b>	“Administered by the Secretary-General and the Coordinator of the International Decade in accordance with the Financial Regulations and the Rules of the United Nations” <sup>123</sup> . Advisory Group was created in April 1996 to “assist the Coordinator of the Voluntary Fund for the International Decade” (Annex 1, Article 23 GA Res. 50/157 <sup>124</sup> ).
<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	Set up by the GA, administered by the HCHR <sup>125</sup> . SG requested to appoint a Board of Trustees “composed of five persons with wide experience in the field of human rights and in technical cooperation, acting in their personal capacity and selected in order to guarantee a broad scope of criteria and backgrounds with due regard to equitable geographic distribution, to advise the Secretary-General on the administration and operation of the Voluntary Fund” (Article 18 CHR Res. 1993/87 <sup>126</sup> ). Implemented within the framework of the Technical Cooperation Programme (administered by the Office of the HCHR) <sup>127</sup> – the Board is currently serviced by the Office of the HCHR through the Field Methodology and Advisory Services Team of the Activities and Programmes Branch (Point 25 SG Report E/CN.4/1999/99 <sup>128</sup> ).

<sup>120</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>121</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>122</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>. See also the UN Voluntary Fund for Indigenous Populations: “Administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions [...], with the advice of a Board of Trustees composed of five persons with relevant experience on issues affecting indigenous populations, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Sub-Commission; at least one member of the Board shall be a representative of a widely-recognized organization of indigenous people” (Article 1(e) GA Res. 40/131 (<http://www.un.org/documents/ga/res/49/a40r131.htm>)).

<sup>123</sup> <http://www.unhchr.ch/html/menu2/9/vfinddec.htm#adm>

<sup>124</sup> <http://www.un.org/documents/ga/res/50/a50r157.htm>

<sup>125</sup> <http://www.unhchr.ch/html/menu2/funds.htm>

<sup>126</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45d37501802567d00055bfc5?Opendocument>

<sup>127</sup> See <http://www.unhchr.ch/html/menu2/9/vftc/vftc.htm> for further details.

<sup>128</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d4abb27a90c9dad8025675b004b8022/\\$FILE/G9910860.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d4abb27a90c9dad8025675b004b8022/$FILE/G9910860.pdf)

<p><b>UN Compensation Fund</b></p>	<p>The Fund is created as a special account of the UN and is administered by the UNCC, which is a subsidiary organ of the SC (Para 4 SG Report S/22559<sup>129</sup>). UNCC comprised of</p> <ol style="list-style-type: none"> <li>(1) <u>Governing Council</u>: same composition as SC – elect s its own president and 2 VPs (Para 5 SG Report S/22559<sup>130</sup>);</li> <li>(2) <u>Panels of Commissioners</u>: “appointed for specific tasks and terms by the Governing Council upon nomination by the Secretary-General on the basis of recommendations of the Executive Secretary”. SG may use a register of experts that he has compiled (Articles 18, 20 and 21 Provisional Rules of Claims Procedures)<sup>131</sup>. Due regard must be had “to the need for geographical representation, professional qualifications, experience and integrity”, and they must be experts in finance, law, accounting, insurance, environmental damage assessment, oil, trade and engineering (Article 19 Provisional Rules of Claims Procedures<sup>132</sup>); and a</li> <li>(3) <u>Secretariat</u>: headed by Executive Secretary who is appointed by SG after consultation with Governing Council - composed of 240 staff (lawyers, accountants, cost adjusters, IT specialists)<sup>133</sup>. A Registry was set up within the Secretariat, and a member of the Secretariat was designated by the Executive Secretary as Registry Officer (Article 10 Provisional Rules for Claims Procedure<sup>134</sup>). In addition to the Office of the Executive Secretary, the secretariat comprises (1) the Claims Processing Division, which includes the Legal Services Branch, made up of various claims sections and units, the Verification and Valuation Support Branch and the Registry; (2) the Support Services Division, which includes the Claims Payment and Compensation Fund Administration, the Executive Office, dealing with general administration, and the Information Systems Section providing computerized systems to support claims processing and payment; and (3) the Governing Council Secretariat<sup>135</sup>.</li> </ol>
<p><b>Holocaust Settlement Fund</b></p>	<p>The Court oversees the entire process of distribution of the monies in the Settlement Fund to the six classes of beneficiaries:</p> <p><u>Deposited Assets Claims/Insurance Claims</u>:</p> <ol style="list-style-type: none"> <li>(1) <u>Special Masters</u>: appointed by Chief Judge Korman (Article 7.1 Settlement Agreement<sup>136</sup>).</li> <li>(2) <u>Claims Resolution Tribunal</u>: originally established by the Swiss Bankers Association, the Swiss Federal Banking Commission and the Volcker Committee to arbitrate claims arising from the 1997 publication of 5,570 foreign dormant accounts in Swiss banks. The parties to the Settlement Agreement decided, “the Claims Resolution Tribunal will continue [...] in a manner that is appropriate in light of this Settlement Agreement” (Article 4.1 Settlement Agreement<sup>137</sup>) and would oversee the distribution of funds to the Deposited Assets and Insurance Claims. Tribunal consists of a Chairperson, a Vice-Chairperson, Senior Judges (as Senior Claims Judges and Senior Appeals Judges), Resident Claims Judges and a Secretariat (Article 9 Governing Rules<sup>138</sup>) (all appointed by Special Masters - Article 11 Governing Rules<sup>139</sup>).</li> </ol> <p><u>Looted Assets</u>: American Jewish Joint Distribution Committee (“JDC”<sup>140</sup>) and Conference on Jewish Material Claims Against Germany (the “Claims Conference”<sup>141</sup>) responsible for distributing monies to this class. (Section I-C2 (b)(i) Summary of Draft Plan of Allocation<sup>142</sup>).</p> <p><u>Slave Labor I</u>: Claims Conference and IOM<sup>143</sup>, pursuant to their activities under the German Fund, responsible for distributing monies to this class (Section I-C2 (b)(ii) Summary of Draft Plan of Allocation<sup>144</sup>).</p> <p><u>Slave Labor II</u>: IOM responsible for distributing monies to this class (Section I-C2 (b)(iii) Summary of Draft Plan of Allocation<sup>145</sup>).</p> <p><u>Refugee Class</u>: Claims Conference (for Jewish Class members) and IOM (for Roma, Jehovah’s Witnesses, disabled and homosexual class members) responsible for distributing monies to this class (Section I-C2 (b)(iv) Summary of Draft Plan of Allocation<sup>146</sup>).</p>

<sup>129</sup> <http://www.unog.ch/uncc/resolutio/res22559.pdf>

<sup>130</sup> <http://www.unog.ch/uncc/resolutio/res22559.pdf> See <http://www.unog.ch/uncc/governin.htm> for further details.

<sup>131</sup> [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> for further details.

<sup>132</sup> [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> for further details.

<sup>133</sup> <http://www.unog.ch/uncc/secretar.htm>

<sup>134</sup> [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf)

<sup>135</sup> <http://www.unog.ch/uncc/secretar.htm>

<sup>136</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>137</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>138</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>139</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>140</sup> <http://www.jdc.org>

<p><b>South African President's Fund</b></p>	<p>The TRC is made up of three Committees: <u>Committee on Human Rights Violations</u> (Articles 3(a) and 12-15 of 1995 Act<sup>147</sup>), <u>Committee on Amnesty</u> (Article 3(b) and 16-22 of 1995 Act<sup>148</sup>), and the <u>Committee</u> (Article 3(c) and 23-27 of 1995 Act<sup>149</sup>). The TRC, "its commissioners and every member of its staff shall function without political bias or interference and shall [...] be independent and separate from any party, government, administration, or any other functionary or body directly or indirectly representing the interests of any such entity" (Article 36(1) of 1995 Act<sup>150</sup>).</p> <p><u>Committee</u> Chairperson, Vice-Chairperson and not more than five other members (Article 24(1) of 1995 Act<sup>151</sup>). All members are nominated by the TRC (Article 46(1) of 1995 Act<sup>152</sup>) and must be "fit and proper persons who are suitably qualified, South African citizens and broadly representatives of the South African community" (Article 24(3) of 1995 Act<sup>153</sup>).</p> <p><u>President's Fund</u> administrative work to be performed by officers in the Public Service designated by the Minister of Justice, who shall also appoint an accounting officer for the Fund (Articles 42(5) and (6) of 1995 Act<sup>154</sup>).</p> <p>As from the date on which the TRC is dissolved (when the TRC has finished its work) "all the funds and property which vested in the President's Fund immediately prior to that date shall be transferred to the <u>Disaster Relief Fund</u> [...] and shall vest in the <u>Disaster Relief Fund</u>" (Article 47 of 1995 Act<sup>155</sup>).</p>
<p><b>Iran-United States Claims Tribunal Security Account</b></p>	<p>The Claims Settlement Declaration established the <u>Iran-United States Claims Tribunal</u> as the mechanism for bringing about binding third-party arbitration pursuant to Point B General Declaration<sup>156</sup>.</p> <p>Tribunal consists of nine members, with each Government appointing one-third of the members. Those members then appoint the remaining third members and appoint a President of the Tribunal (Article III (1) Claims Settlement Declaration<sup>157</sup>). Panels may be created and "each such panel shall be composed by the President and shall consist of one member appointed by each of the three groups of members" (Article III (1) Claims Settlement Declaration<sup>158</sup>). Members are appointed "in accordance with the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL) except to the extent modified by the Parties" (Article III (2) Claims Settlement Declaration<sup>159</sup> and Articles 5-8 Tribunal Rules of Procedure<sup>160</sup>).</p>

<sup>141</sup> <http://www.claimscon.org/>

<sup>142</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>143</sup> [http://www.swissbankclaims.iom.int/English/index\\_en.html](http://www.swissbankclaims.iom.int/English/index_en.html)

<sup>144</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>145</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>146</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>147</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>148</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>149</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>150</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>151</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>152</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>153</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>154</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>155</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>156</sup> <http://www.iusct.org/general-declaration.pdf>

<sup>157</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>158</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>159</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>160</sup> <http://www.iusct.org/tribunal-rules.pdf>



<p><b>German “Remembrance, Responsibility and Future” Fund</b></p>	<p>Administered by a Foundation (Section 2(2) Federal Law<sup>161</sup>) and its bodies as follows (Section 4 Statutes of the Foundation<sup>162</sup>):  <u>Preparatory Committee</u>: set up to provide publicity for Fund prior to establishment of Foundation<sup>163</sup>.  <u>Board of Trustees</u>: 27 members named by various companies, foreign Governments and Federal Government branches and appointed for four years.  <u>Chairperson</u> appointed by Federal Chancellor (Section 5 Federal Law<sup>164</sup>).  <u>Board of Directors</u>: “consist of Chairman and two additional members. Members of the Board of Trustees may not at the same time belong to the Board of Directors” (Section 6(1) Federal Law<sup>165</sup>). “The members of the Board of Directors will be named by the Board of Trustees” (Section 6(2) Federal Law<sup>166</sup>).  <u>Partner organisations</u>: (Section 9 Statutes of the Foundation<sup>167</sup>).  <u>Commission for economic loss and damage to health</u> (Section 9 Statutes of the Foundation<sup>168</sup>).  <u>International Commission of Holocaust Era Insurance Claims</u> (“ICHEIC”): (Section 9 Statutes of the Foundation<sup>169</sup>).</p>
<p><b>Austrian Fund for Reconciliation, Peace and Cooperation</b></p>	<p><u>Board of Trustees</u>: consists of members of Austrian government, National Council, Conference of State Governors, various NGO representatives, business representatives, representatives of the partner organisations’ countries, a US government attorney. Chairperson is the Federal Chancellor (Sections 10-11 Federal Law<sup>170</sup>).  <u>Committee</u>: chairperson of Board of Trustees and 4 members nominated by the Board of Trustees.  <u>Secretary-General</u>: appointed by Board of Trustees on recommendation of Chairperson. (Section 14(2) Federal Law<sup>171</sup>).  <u>Partner organisations</u>: identified in Section 7(4) Federal Law<sup>172</sup>.</p>
<p><b>Austrian General Settlement Fund for Victims of National Socialism</b></p>	<p>“The organs of the Fund shall be the organs of the National Fund [...] that is, the Board of Trustees and the Secretary General. The Claims Committee [...] shall take the place of the Committee.” (Article 3 General Settlement Fund Law<sup>173</sup>).  <u>Claims Committee</u>: one member appointed by each of US government, Austrian Federal government, and another appointed by these two appointees (Article 4 General Settlement Fund Law<sup>174</sup>).  <u>Arbitration Panel</u>: three members, one appointed each of US government, Austrian Federal government, and another appointed by these two appointees as chairperson (Article 23 General Settlement Fund Law<sup>175</sup> and Sec. 2 Rules of Procedure<sup>176</sup>). “The Secretary General and the administrative apparatus of the General Settlement Fund shall act as Secretariat of the Arbitration Panel” (Sec. 11 Rules of Procedure<sup>177</sup>).</p>

<sup>161</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>162</sup> [http://www.stiftung-evz.de/fremdsp/englisch/satzung\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/satzung_en.pdf)

<sup>163</sup> [http://www.state.gov/www/regions/eur/holocaust/000717\\_joint\\_statement.html](http://www.state.gov/www/regions/eur/holocaust/000717_joint_statement.html)

<sup>164</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>165</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>166</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>167</sup> [http://www.stiftung-evz.de/fremdsp/englisch/satzung\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/satzung_en.pdf)

<sup>168</sup> [http://www.stiftung-evz.de/fremdsp/englisch/satzung\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/satzung_en.pdf)

<sup>169</sup> [http://www.stiftung-evz.de/fremdsp/englisch/satzung\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/satzung_en.pdf)

<sup>170</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>171</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>172</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>173</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>174</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>175</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>176</sup> <http://www.nationalfonds.parlament.gv.at/ae/englisch/index.htm> - under “Tasks/Arbitration Panel”.

<sup>177</sup> <http://www.nationalfonds.parlament.gv.at/ae/englisch/index.htm> - under “Tasks/Arbitration Panel”.

<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	<p>Administered by President of National Assembly by the Parliamentary Directorate. President of National Council may also commission officials of the Parliamentary Directorate to administer the Fund. Fund may also delegate the handling of benefits to the Federal Minister of Labour and Social Affairs (Article I, Section 3(4) National Fund Law<sup>178</sup>).</p> <p><u>Board of Curators</u>: 21 members (including Federal Chancellor, Foreign Minister and representatives of victims), presided by President of National Assembly (Article I, Section 4 National Fund Law<sup>179</sup>).</p> <p><u>Committee</u> 5 members (chairman of Board of Curators, one member appointed by the Board of Curators, and three others appointed by the Chairman of the Board of Curators and the Central Committee of the National Council) (Article I, Section 5(2) National Fund Law<sup>180</sup>).</p> <p><u>Secretary-General</u>: appointed by President of National Council after consultation in the Presidential Conference of the National Council (Article I, Section 6(2) National Fund Law<sup>181</sup>).</p>
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<sup>178</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>179</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>180</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>181</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<b>DEVELOPMENT OF CRITERIA</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	The Board of Trustees has drafted Guidelines <sup>182</sup> and an Application form <sup>183</sup> for use by applicants.
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	The Board of Trustees has produced Application forms <sup>184</sup> for use by applicants.
<b>UN Voluntary Fund for Indigenous Populations</b>	The Board has developed Guidelines (Annex 1 to SG Report A/55/202) <sup>185</sup> that have been approved by the SG, the CHR and the GA (Point 8 SG Report A/55/202 <sup>186</sup> ), as well as an application form <sup>187</sup> .
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	The Advisory Board has developed Guidelines <sup>188</sup> and an Application form <sup>189</sup> for use by applicants.
<b>UN Compensation Fund</b>	The Governing Council has “the responsibility for establishing guidelines on all policy matters, in particular, those relating to the administration and financing of the Fund, the organisation of the work of the [UNCC] and the procedures to be applied to the processing of claims and to the settlement of disputed claims, as well as to the payments to be made from the Fund” (Para 10 SG Report S/22559 <sup>190</sup> ).
<b>Holocaust Settlement Fund</b>	The Settlement Agreement provided for the appointment of <u>Special Masters</u> to “develop a proposed plan of allocation and distribution of the Settlement Fund” (Article 7.1 Settlement Agreement <sup>191</sup> ). The Special Masters also establish the matching procedures for matching claimants before the Claims Resolution Tribunal and the 1997 dormant accounts database (Article 24(3) Governing Rules <sup>192</sup> ). “The <u>Court</u> will maintain judicial control over the procedural and substantive rules, all amendments thereto and the appointment of personnel and staff” (Article 7.9 Settlement Agreement <sup>193</sup> ). “Claims Resolution Tribunal will operate under guidelines and criteria established with [Chief Justice Korman’s] approval, in consultation with the Volcker Committee” (Section III - C Corrected Memorandum & Order <sup>194</sup> ). The rules “may be amended by the Special Masters with the approval of the Court” (Article 49 Governing Rules <sup>195</sup> ). <u>Chair person of Tribunal</u> “may promulgate guidelines and procedures [...] subject to prior consultation with the Special Masters” (Article 10(2) Governing Rules <sup>196</sup> ).
<b>South African President’ Fund</b>	The Committee makes recommendations (which are included in the TRC’s Report) to the President on policy for reparations. The President makes recommendations to Parliament and makes regulations to implement Parliament’s recommendations (Article 4(f)(i) and 27 of 1995 Act <sup>197</sup> ).
<b>Iran-United States</b>	The rules of the Tribunal were established by the Governments of the United States and Iran who drafted the modified UNCITRAL rules.

<sup>182</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm#guidelines>

<sup>183</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm#application>

<sup>184</sup> <http://www.unhchr.ch/html/menu2/9/wgslaverform.htm> and <http://www.unhchr.ch/html/menu2/9/vfslaveraf.htm>

<sup>185</sup> <http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/be53e1fdffd7ebaf1256969002f09aa/SFILE/0058636e.doc>

<sup>186</sup> <http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/be53e1fdffd7ebaf1256969002f09aa/SFILE/0058636e.doc> . See also <http://www.unhchr.ch/html/menu2/9/vfindige.htm#guide>

<sup>187</sup> <http://www.unhchr.ch/html/menu2/9/applyforum.htm>

<sup>188</sup> <http://www.unhchr.ch/html/menu2/9/vfinddecq.htm>

<sup>189</sup> <http://www.unhchr.ch/html/menu2/9/vfinddecq.htm#form>

<sup>190</sup> <http://www.unog.ch/unccl/resolutio/res22559.pdf>

<sup>191</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>192</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>193</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>194</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/MemorandumOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/MemorandumOrder.pdf)

<sup>195</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>196</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>197</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<b>Claims Tribunal Security Account</b>	
<b>German “Remembrance, Responsibility and Future” Fund</b>	The Board of Trustees has “the right to decide on all fundamental matters that have to do with the tasks of the Foundation, specifically with regard to budgetary plans, the annual report”, including establishing its own rules of procedure and guidelines for the use of resources, and monitoring the performance of the Board of Directors. (Section 5(3)-(7) Federal Law <sup>198</sup> ).
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	Board of Trustees are responsible for the release and publication of the Fund's standard operating procedures and for the release of Fund guidelines for making monetary awards (Section 11(1) Federal Law <sup>199</sup> ).
<b>Austrian General Settlement Fund for Victims of National Socialism</b>	Arbitration Panel establishes its own by-laws and rules of procedure (Article 24 General Settlement Fund Law <sup>200</sup> ).
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	Board of Curators promulgates rules of procedure of Fund, guidelines of Fund concerning the granting of benefits (Article I, Section 4(1) National Fund Law <sup>201</sup> ). Before adopting the Guidelines on the granting of benefits, the Chairman of the Board of Curators must “seek to obtain a statement from the Federal Minister of Finance (Article I, Section 4(6) National Fund Law <sup>202</sup> ).

<sup>198</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>199</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>200</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>201</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>202</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

## FUNDING PRIORITIES/PROJECTS

<p><b>UN Voluntary Fund for Victims of Torture</b></p>	<p>Priority is “given to aid to victims of violations by States in which the human rights situation has been the subject of resolutions or decisions adopted by either the General Assembly, the Economic and Social Council or the Commission on Human Rights” (Art. 1(a) GA Res. 36/151<sup>203</sup>).</p> <p>In accordance with practice established by the Board of Trustees beginning in 1982, the Fund:</p> <ol style="list-style-type: none"> <li>(1) Provides grants to NGOs that submit projects involving medical, psychological, social, economic, legal, humanitarian or other forms of assistance to victims of torture and relatives. It does not provide financial compensation to victims (Point 2 SG Report A/56/181<sup>204</sup> and Section C Guidelines<sup>205</sup>).</li> <li>(2) If sufficient funds are available, funds projects which healthcare professionals or other professionals who provide assistance to torture victims receive training or hold seminars or conferences. Applications for projects concerning investigation, studies, research, and publication of newsletters or similar activities are inadmissible, as are applications to establish a new organisation (Point 2 SG Report A/56/181<sup>206</sup> and Section C Guidelines<sup>207</sup>).</li> </ol> <p>It has put some money aside for requests for <u>urgent assistance</u>, which can go to individuals (on an exceptional basis) or organisations, when there is no project already funded by the Fund. There are special requirements to be fulfilled (Point 14 SG Report A/56/181)<sup>208</sup>.</p>
<p><b>UN Voluntary Fund for Indigenous Populations</b></p>	<p>The Board has encouraged applications that are gender balanced and which nominate young people. (Guidelines<sup>209</sup>).</p>
<p><b>UN Trust Fund for the International Decade of the World's Indigenous People</b></p>	<p>GA encouraged “development of projects and programmes, in collaboration with governments and taking into account the views of indigenous people and the appropriate United Nations agencies, for support by the Voluntary Fund for the Decade” (Annex 1, Article 24 GA Res. 50/157<sup>210</sup>).</p> <p>The following major project areas have been identified by the Advisory Group:</p> <ol style="list-style-type: none"> <li>(1) The Programme of Activities and objectives of the Decade as well as the recommendations of the Vienna Declaration and Programme of Action as they relate to indigenous people;</li> <li>(2) Indigenous organizational structures and procedures and their strengthening through education, training and institution and capacity-building, bearing in mind the need to respect their relevant traditions;</li> <li>(3) Education and training in human and indigenous rights;</li> <li>(4) Information about indigenous peoples and the Decade;</li> <li>(5) Communications and exchanges between the United Nations system and indigenous peoples, and between indigenous peoples;</li> <li>(6) Fund-raising initiatives to promote the objectives of the Decade. (E/CN.4/Sub.2/AC.4/1997/5<sup>211</sup>)</li> </ol> <p>Providing “financial assistance to projects and programmes advancing the goal of the Decade: international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, health, culture and education.” (Annex II Advisory Group Recommendations 2002, Guidelines<sup>212</sup>).</p> <p>The Advisory Group has also developed “<u>Criteria for Selection</u>”:</p> <p>“Projects should be of direct benefit to indigenous people in all parts of the world;</p> <ol style="list-style-type: none"> <li>(1) Projects should be prepared by or in full support and consultation with indigenous people; Projects will be considered taking into account gender balance;</li> <li>(2) Particular consideration will be given to projects from underdeveloped areas in different regions;</li> <li>(3) Projects will be approved in relevant areas including in particular those relating to the promotion, protection and implementation of human and indigenous rights;</li> <li>(4) In order to be admissible, budgets should be based on realistic local costs and salaries;</li> </ol>

<sup>203</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>204</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/\\$FILE/N0145765.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/$FILE/N0145765.pdf)

<sup>205</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm>

<sup>206</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/\\$FILE/N0145765.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/$FILE/N0145765.pdf)

<sup>207</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm>

<sup>208</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/\\$FILE/N0145765.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/10169b030ffd5c2ec1256ad20029ebd1/$FILE/N0145765.pdf)

<sup>209</sup> <http://www.unhchr.ch/html/menu2/9/vfindige.htm>

	<p>(5) Organizations applying for a project grant should seek funding from appropriate United Nations specialized agencies, funds and programmes in the country or region concerned, which would be better suited to provide sustainable assistance to the project.” (Annex II Advisory Group Recommendations 2002, “Criteria for Selection”<sup>213</sup>).</p> <p>It has also funded the Indigenous Fellowship Programme with the Office of the HCHR (Annex GA Res. 50/157<sup>214</sup>).</p>
<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	<p>“Projects for legal protection and the strengthening of the independence of the judiciary as part of the core activities of the Voluntary Fund, bearing in mind the need to adapt these projects to the particular needs of developing countries in all regions” (Article 23 CHR Res. 1993/87<sup>215</sup>).</p> <p>“Give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area” (Article 24 CHR Res. 1993/87<sup>216</sup>).</p> <p>Governments are encouraged “to seek contact and to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund” (Article 25 CHR Res. 1993/87<sup>217</sup>).</p>
<b>UN Compensation Fund</b>	<p>The Governing Council decided to expedite and treat on an urgent basis the resolution of claims of individuals who were forced to leave Iraq or Kuwait (category “A”); the claims of those who suffered serious personal injuries or whose spouse, child or parent died (category “B”); and the claims of those who suffered personal losses of up to US\$100,000 (category “C”). The Governing Council also decided to ensure equal treatment to similar situated claims within each category of claims (Article 1, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17<sup>218</sup>).</p> <p>It devised an initial payment mechanism: “payment of an initial amount of \$2,500 (or the principal amount of the award, if less) will be made to each successful claimant in categories “A”, “B” and “C” (Article 2, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17<sup>219</sup>), to begin when “sufficient funds have been accumulated in the Compensation Fund to make payment” on all those claims (Article 4, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17<sup>220</sup>).</p>
<b>Holocaust Settlement Fund</b>	<p>The Settlement was “explicitly designed to benefit Jews, homosexuals, Jehovah’s Witnesses, the disabled and Romani – groups recognised by the United Nations as having been targets of systematic Nazi persecution on the basis of race, religion or personal status” (Section I-6 Corrected Memorandum &amp; Order<sup>221</sup>).</p> <p>The Plan of Allocation and Distribution set aside \$800 million of the \$1.25 billion settlement for awards to Deposited Assets class members (Section I-C1 Summary of Draft Plan of Allocation<sup>222</sup>), and repayments to bank depositors were to be deducted first from the Settlement Fund (Section 5.2 Settlement Agreement<sup>223</sup>).</p> <p>Approximately \$450 million remained from the Settlement Fund to pay claimants to insurance policies, as well as members of the other four settlement classes, and fees and administrative expenses, “with perhaps additional funds remaining after the Deposited Assets claims process is completed” (Section I-C1 Summary of Draft Plan of Allocation<sup>224</sup>) – within the remaining four classes “the neediest elderly Nazi victims should receive the highest priority” and will be paid during the first stage of payments (see section on Methods of Distribution page 36) (Section I-C2(b) Summary of Draft Plan of Allocation<sup>225</sup>).</p>

<sup>210</sup> <http://www.un.org/documents/ga/res/50/a50r157.htm>

<sup>211</sup> <http://www.unhcr.ch/huridocda/huridoca.nsf/Documents?OpenFrameset>

<sup>212</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>213</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>214</sup> <http://www.un.org/documents/ga/res/50/a50r157.htm>

<sup>215</sup> <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>216</sup> <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>217</sup> <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>218</sup> [http://www.unog.ch/uncc/decision/dec\\_17.pdf](http://www.unog.ch/uncc/decision/dec_17.pdf)

<sup>219</sup> [http://www.unog.ch/uncc/decision/dec\\_17.pdf](http://www.unog.ch/uncc/decision/dec_17.pdf)

<sup>220</sup> [http://www.unog.ch/uncc/decision/dec\\_17.pdf](http://www.unog.ch/uncc/decision/dec_17.pdf)

<sup>221</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/MemorandumOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/MemorandumOrder.pdf)

<sup>222</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>223</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>224</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>225</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<b>South African President's Fund</b>	<p>The Committee has proposed a five-part Reparation and Rehabilitation Policy<sup>226</sup>:</p> <ol style="list-style-type: none"> <li>(1) <u>Interim reparation</u> – see Methods of Distribution section (page 36).</li> <li>(2) Individual reparation grants – see Methods of Distribution section (page 36).</li> <li>(3) <u>Symbolic reparation, legal and administrative measures</u><sup>227</sup> – this is intended to help communities remember the pain and victories of the past. It would be available to victims identified through the TRC process, as well as communities and national groups. The following types of services would be available: issuing of death certificates, exhumations, reburials, clearing of criminal records, renaming of streets, and the creation of culturally appropriate ceremonies and monuments.</li> <li>(4) <u>Community rehabilitation programmes</u><sup>228</sup> – these are proposals for setting-up community-based services and activities on health care (both physical and mental), education and housing, which can promote the healing and recovery of individuals and communities affected by human rights violations, at community and national level.</li> <li>(5) <u>Institutional reforms</u><sup>229</sup> – make proposals on institutional, legislative and administrative measures to prevent human rights abuses from happening again.</li> </ol>
<b>Iran-United States Claims Tribunal Security Account</b>	<p>Legal entities given priority over claims by individuals. The Tribunal was also entitled to “take interim measures” which “may be established in the form of an interim award” (Articles 26 and 32(1) Tribunal Rules of Procedure<sup>230</sup>).</p>
<b>German “Remembrance, Responsibility and Future” Fund</b>	<p>700 million DM including interest accruing thereto to be used for projects of the Fund (Section 9(7) Federal Law<sup>231</sup>), namely “projects that serve the purposes of better understanding among peoples, the interests of survivors of the National Socialist régime, youth exchange, social justice, remembrance of the threat posed by totalitarian systems and despotism, and international cooperation in humanitarian endeavours. In commemoration and respect of those victims of National Socialist injustice who did not survive, it is also intended to further projects in the interest of their heirs” (Section 2(2) Federal Law<sup>232</sup>).</p>
<b>Austrian General Settlement Fund for Victims of National Socialism Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	<p>“After completion of the tasks of the Fund, any remaining funds shall be transferred to the National Fund of the Republic of Austria for Victims of National Socialism. These funds shall be used for programmes to benefit victims of National Socialism, including members of the Roma community.” (Article 5(4) General Settlement Fund Law<sup>233</sup>).</p> <p>Persons who have not received any or only insufficient benefits, who require special assistance, or in whose case assistance appears to be justified on the basis of their situation in life. Can support projects to aid victims, to contribute to the scientific research of Nazism and fate of victims, to recall nazi injustice or preserve the memory of victims. (Article I, Section 2(2) and (2) National Fund Law<sup>234</sup>).</p>

<sup>226</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#SECTION%203>

<sup>227</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#symbolic>

<sup>228</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#community>

<sup>229</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#institutional>

<sup>230</sup> <http://www.iusct.org/tribunal-rules.pdf>

<sup>231</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>232</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>233</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>234</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<b>SCOPE OF BENEFICIARIES</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Beneficiaries of projects must be victims of torture, as understood in Article 1 of the United Nations Convention <sup>235</sup> and Declaration against Torture <sup>236</sup> (Point 3 Guidelines <sup>237</sup> ). Applications concerning victims of other forms of organized violence or domestic violence are inadmissible (Part I (B) Guidelines <sup>238</sup> ).
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	<p>Representatives from non-governmental organizations dealing with issues of contemporary forms of slavery:</p> <ol style="list-style-type: none"> <li>(1) Who are so considered by the Board of Trustees;</li> <li>(2) Who would not, in the opinion of the Board of Trustees, be able to attend the sessions of the Working Group on Contemporary Forms of Slavery without the assistance provided by the Fund;</li> <li>(3) Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery;</li> </ol> <p>Individuals whose human rights have been severely violated as a result of contemporary forms of slavery and who are so considered by the Board of Trustees (Article 1(e) GA Res. 46/122<sup>239</sup>).</p>
<b>UN Voluntary Fund for Indigenous Populations</b>	<p>Representatives of indigenous peoples' organizations and communities:</p> <ol style="list-style-type: none"> <li>(1) Who are so considered by the Board of Trustees;</li> <li>(2) Who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund;</li> <li>(3) Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems affecting indigenous populations and who would secure a broad geographical representation" (Article 1(d) GA Res. 40/131<sup>240</sup>).</li> </ol> <p>All beneficiaries must have ECOSOC consultative status or be authorised by ECOSOC to attend Working Groups (Article 7 ECOSOC Res. 1995/32<sup>241</sup>).</p>
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	<p>Indigenous peoples, communities and organizations, non-governmental organizations and academic and other similar institutions (organizations should be non-profit-making) and National committees for the Decade. The organization submitting the project for funding should have the capacity to raise needed additional money from other sources and have applied to other donors for grants". (Annex II Advisory Group Recommendations 2002, Guidelines)<sup>242</sup>. Advisory Board's Secretariat has produced a document "exploring the possibility of providing, during the inter-sessional period, emergency grants for a small amount of money (for instance, up to a maximum of \$5,000) and described a consultation process, on the basis of a similar procedure established by another General Trust Fund<sup>243</sup>.</p>
<b>UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination</b>	Projects within the Third Decade and the Programme of Action <sup>244</sup> .

<sup>235</sup> [http://www.unhcr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhcr.ch/html/menu3/b/h_cat39.htm)

<sup>236</sup> [http://www.unhcr.ch/html/menu3/b/h\\_comp38.htm](http://www.unhcr.ch/html/menu3/b/h_comp38.htm)

<sup>237</sup> <http://www.unhcr.ch/html/menu2/9/apply.htm>

<sup>238</sup> <http://www.unhcr.ch/html/menu2/9/guidelines>

<sup>239</sup> <http://www.un.org/documents/ga/res/46/a46r122.htm>

<sup>240</sup> <http://www.un.org/documents/ga/res/40/a40r131.htm>

<sup>241</sup> <http://www.un.org/documents/ecosoc/res/1995/eres1995-32.htm>

<sup>242</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>243</sup> <http://www.unhcr.ch/html/menu2/9/vfinddec.htm#adm>

<sup>244</sup> See <http://www.unhcr.ch/html/menu2/9/vfracism.htm> for further information.



<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	Technical cooperation to communities upon Government's request <sup>245</sup> .
<b>UN Compensation Fund</b>  <b>Holocaust Settlement Fund</b>	<p>Individuals, corporations and Governments who suffered loss, damage and injury as a result of the Iraqi invasion of Kuwait (Articles 16-18 SC Res. 687 <sup>246</sup>). Governing Council has allowed claims from relatives of individuals (Article 12 Dec. 1 <sup>247</sup>), third parties when the injured party is not able to claim (although the payment goes to the injured party, see Panel Report S/AC.1994/1 <sup>248</sup>). It has not allowed claims from Iraqi nationals (unless they have another bona fide nationality) or Armed Forces servicemen (Article 17 Dec. 1 <sup>249</sup>).</p> <p>Six classes of beneficiaries – the settlement was “explicitly designed to benefit Jews, homosexuals, Jehovah’s Witnesses, the disabled and Romani – groups recognised by the United Nations as having been targets of systematic Nazi persecution on the basis of race, religion or personal status” (Section I-6 Corrected Memorandum &amp; Order<sup>250</sup> and Article 1 Settlement Agreement <sup>251</sup>):</p> <ol style="list-style-type: none"> <li>(1) <u>Deposited Assets Class</u> victims or targets of Nazi persecution and their heirs, successors, administrators, executors, affiliates, and assigns who have claims relating to deposited assets against any of the “Releasees” (Swiss banks, Swiss governmental bodies and virtually all Swiss business entities <sup>252</sup>) (Article 8.2(a) Settlement Agreement <sup>253</sup>);</li> <li>(2) <u>Looted Assets Class</u> victims or targets of Nazi persecution and heirs, successors, administrators, executors, affiliates, and assigns who have claims relating to looted assets or cloaked assets which were taken by or transacted through a Releasee (Article 8.2(b) Settlement Agreement <sup>254</sup>) – elderly Nazi victims are all presumed to be members of this class (Section I-C2 (b)(ii) Summary of Draft Plan of Allocation<sup>255</sup>);</li> <li>(3) <u>Slave Labor I Class</u> victims or targets of Nazi persecution or heirs, administrators, executors, and assigns who performed slave labour for companies that deposited the revenues of such labour with any of the Releasees (Article 8.2(c) Settlement Agreement <sup>256</sup>) – all persons who performed slave labor for private entities or entities owned by Nazi authorities are deemed members of this class (Section I-C2 (b) Summary of Draft Plan of Allocation<sup>257</sup>);</li> <li>(4) <u>Slave Labor II Class</u> individuals and heirs, administrators, executors, and assigns who performed slave labour at any facility or work site owned by any Releasee (Article 8.2(d) Settlement Agreement <sup>258</sup>) – this Class is not limited to victims of Nazi persecution who were Jewish, Romani, Jehovah’s Witnesses, homosexual, or physically or mentally disabled (Section IIIH Corrected Memorandum &amp; Order <sup>259</sup>);</li> <li>(5) <u>Refugee Class</u> victims or targets of Nazi persecution and their heirs, administrators, executors, and assigns who sought entry into Switzerland to avoid Nazi persecution and who were denied entry, or after gaining entry were deported, detained, abused or otherwise mistreated and have claims against any of the Releasees (Article 8.2(e) Settlement Agreement <sup>260</sup>);</li> <li>(6) <u>Insurance Claims</u> victims or targets of Nazi persecution and their heirs who have claims to unpaid insurance policies issued prior or during World War II by certain companies (Article 17.1 Settlement Agreement <sup>261</sup>).</li> </ol>

<sup>245</sup> See <http://www.unhcr.ch/html/menu2/9/vftc/vftc.htm> for further information.

<sup>246</sup> <http://www.un.org/Docs/scres/1991/687e.pdf>

<sup>247</sup> [http://www.unog.ch/uncce/decision/dec\\_01.pdf](http://www.unog.ch/uncce/decision/dec_01.pdf)

<sup>248</sup> <http://www.unog.ch/uncce/reports/r94-01.pdf>

<sup>249</sup> [http://www.unog.ch/uncce/decision/dec\\_01.pdf](http://www.unog.ch/uncce/decision/dec_01.pdf)

<sup>250</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/MemorandumOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/MemorandumOrder.pdf). See also Section I-B Summary of Draft Plan of Allocation and Distribution [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>251</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>252</sup> As defined in Article 1 Settlement Agreement [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>253</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>254</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>255</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>256</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>257</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>258</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>259</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/MemorandumOrder.pdf](http://www.swissbankclaims.com/PDFs_Eng/MemorandumOrder.pdf)

<b>South African President's Fund</b>	<p>“Any person who is of the opinion that he or she has suffered harm as a result of a gross violation of human rights may apply to the Committee for reparation in the prescribed form” (Article 26(1) of 1995 Act <sup>262</sup>).</p> <p>The Committee can however only consider matters referred to it by the TRC, the Committee on Human Rights Violations and the Committee on Amnesty (Article 25(a)(i) of 1995 Act <sup>263</sup>). Relatives and dependants of victims may also qualify for reparation<sup>264</sup>.</p>
<b>Iran-United States Claims Tribunal Security Account</b>	<p>Nationals of the US and Iran that are within the scope of the Claims Settlement Declaration, namely, claims of United States nationals against Iran and of Iranian nationals against the United States, which arise out of debts, contracts, expropriations or other measures affecting property rights (Article II-1 Claims Settlement Declaration<sup>265</sup>).</p> <p>The Tribunal decided that it could award sums agreed to by private settlement between the parties out of the Security Account, provided that the Tribunal was satisfied that it had jurisdiction over the case and that the settlement terms were “appropriate” (Article 34 Claims Settlement Declaration<sup>266</sup>).</p>
<b>German “Remembrance, Responsibility and Future” Fund</b>	<ol style="list-style-type: none"> <li>(1) Persons who were detained in a concentration camp or in another place of confinement outside the territory of what is now Austria or a ghetto under comparable conditions and were subjected to forced labor;</li> <li>(2) Persons who were deported from their homelands into the territory of the German Reich within the borders of 1937 or to a German-occupied area, subjected to forced labor in a commercial enterprise or for public authorities there, and detained under conditions other than those mentioned in (1), or were subjected to conditions resembling detention or similar extremely harsh living conditions; this rule does not apply to persons who because their forced labor was performed primarily in the territory of what is now Austria can receive payments from the Austrian Reconciliation Foundation;</li> <li>(3) Persons who suffered property loss as a consequence of racial persecution with essential, direct, and harm-causing collaboration of German businesses as defined by the laws on indemnification and who could not receive any payment or could not file their claims for restitution or compensation for various reasons.</li> <li>(4) The partner organizations may also award compensation from the funds provided to them to those victims of National Socialist crimes who are not members of one of the above groups (Section 11 Federal Law <sup>267</sup>).</li> </ol>
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	<p>Natural persons who under the Nazi regime</p> <ol style="list-style-type: none"> <li>(1) Were transported by force or by deception to work in Austria, or who after a voluntary stay in Austria were not allowed to leave, and suffered confinement or deprivation of rights;</li> <li>(2) Were forced while under detention to do slave labor in a concentration camp or similar place, and suffered physical or psychological damage, or were children under 12 who were forced to accompany their parents or were born while their mothers endured forced labor; or</li> <li>(3) Do not fulfil the conditions above but due to political motives, ancestry, religion, nationality, sexual orientation, physical or mental handicap, accusations of anti-social behaviour or in connection with medical experiments were coerced to work in Austria (Section 2(1) Federal Law<sup>268</sup> and Section 1 Guidelines <sup>269</sup>).</li> </ol> <p>Prisoners of war are excluded (Section 2(3) Federal Law <sup>270</sup>). Criteria are further developed in the Guidelines<sup>271</sup>. This Fund does not cover anyone covered by the German Fund (Section 4(5) Federal Law <sup>272</sup>).</p>

<sup>260</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf)

<sup>261</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>262</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>263</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>264</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#who>

<sup>265</sup> <http://www.iusct.org/claims-settlement.pdf>. See also *Iran and the United States*, Cases A/1 (Issue II), Decision No. DEC 8-A1-FT (17 May 1982), 1 Iran-U.S. Cl. Trib. Rep. 144, 149-53.

<sup>266</sup> <http://www.iusct.org/claims-settlement.pdf>. See also *Iran and the United States*, Cases A/1 (Issue II), Decision No. DEC 8-A1-FT (17 May 1982), 1 Iran-U.S. Cl. Trib. Rep. 144, 149-53.

<sup>267</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>268</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>269</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<sup>270</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>271</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<sup>272</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<b>Austrian General Settlement Fund for Victims of National Socialism</b>	<p>“Persons (in the claims based process also associations), who/ which were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, or of physical or mental handicap or of accusations of so-called asociality, or who left the country to escape such persecution, and who suffered losses or damages as a result of or in connection with events having occurred on the territory of the present -day Republic of Austria during the National Socialist era shall be eligible to file an application “ (Article 6(1) (claims and equity-based claims) and 27 (arbitration panel claims) General Settlement Fund Law<sup>273</sup>). Heirs also eligible (Article 6(2) General Settlement Fund Law<sup>274</sup>).</p> <p>“Applications may be filed for awarding payments for losses or damages in the following categories of property: 1. liquidated businesses, including licenses and other business assets; 2. real property, unless in rem restitution pursuant to Part 2 of the present Federal Law has been granted; 3. bank accounts, stocks, bonds, mortgages; 4. movable property, unless such property losses have been compensated by payments based on the Federal Law amending the Federal Law to Establish the National Fund” (Article 14 General Settlement Fund Law<sup>275</sup>).</p> <p>In exceptional circumstances where the Claims Committee unanimously determines that a previous decision or settlement constituted an extreme injustice, a payment may exceptionally be awarded (Article 10(2) General Settlement Fund Law<sup>276</sup>).</p>
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	<p>Victims of Nazism</p> <ol style="list-style-type: none"> <li>(1) On the grounds of political opinion, religion, race, nationality, sexual orientation, physical or mental handicap, a-sociality;</li> <li>(2) Other victims of typical Nazi-injustice; or</li> <li>(3) Persons forced to flee the country award (Article I, Section 2(1) National Fund Law<sup>277</sup>).</li> </ol> <p>Claimants must have been Austrian on 13 March 1938 and domiciled in Austria. Detailed nationality and domicile requirements. Must be alive when applied for award (Article I, Section 2(1) National Fund Law<sup>278</sup>).</p> <p>\$150 million to be used as final compensation for specific categories of losses of property (New Section 2b(2) National Fund Law Amendment<sup>279</sup>).</p>

<sup>273</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>274</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>275</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>276</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>277</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>278</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>279</sup> <http://www.usembassyvienna.at/nflt.pdf>

<b>CLAIMS PROCESS</b>	
<b>UN Voluntary Fund for Victims of Torture</b>	Eligible organisations apply using an Application Form <sup>280</sup> pursuant to published Guidelines <sup>281</sup> . Applicants submit satisfactory narrative and financial reports on the use of previous project grants before any new grant can be considered <sup>282</sup> .
<b>UN Compensation Fund</b>	Claims submitted through Governments (on behalf of their nationals or persons resident in their territory) or international organisations on behalf of those who are not in a position to have their claims filed by a Government (Art 5 Provisional Rules for Claims Procedure <sup>283</sup> and Article 19-21 Dec.1 <sup>284</sup> ). UNCC has no direct contact with claimants. Standard claim forms are prepared and distributed by the Secretariat, and must be submitted with supporting documentation (Art 6 Provisional Rules for Claims Procedure <sup>285</sup> ).
<b>Holocaust Settlement Fund</b>	<u>Deposited Assets Claims</u> : “Claims shall be submitted to the Tribunal by filing a completed and signed Claim Form” (Article 16(1) Governing Rules <sup>286</sup> ) which are available from the Internet <sup>287</sup> . Claimants should file as many supporting documents as possible. <u>Looted Assets</u> no claims process: needy survivors may be eligible for services such as food packages, medical assistance and emergency cash grants through Court-approved humanitarian relief programmes. <u>Slave Labor I</u> : those persons who have applied under the German Fund need not apply separately to the Claims Conference, as they will automatically be considered for a payment <sup>288</sup> . <u>Slave Labor II</u> : claimants must use the IOM application form <sup>289</sup> to submit their claims. <u>Refugee Class</u> claimants apply to Claims Conference with evidence <sup>290</sup> . <u>Insurance Claims</u> claimants apply to the Claims Resolution Tribunal using the claim form <sup>291</sup> provided with supporting documentation (Article 17.1 Settlement Agreement <sup>292</sup> ).
<b>South African President’s Fund</b>	Persons must first have appeared before the TRC in order to claim any reparations (Article 2 5(1)(a)(i) of 1995 Act <sup>293</sup> ).
<b>Iran-United States Claims Tribunal Security Account</b>	“Claims of nationals of the United States and Iran that are within the scope of this Agreement shall be presented to the Tribunal either by claimants themselves, or, in the case of claims of less than \$250,000, by the Government of such national” (Article III (3) Claims Settlement Declaration <sup>294</sup> ). There are detailed formats for Statements of Claim and Supplementary Evidence to be submitted before the Tribunal (Tribunal Rules of Procedure <sup>295</sup> ).

<sup>280</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm#application>

<sup>281</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm#guidelines>.

See also the UN Voluntary Trust Fund on Contemporary Forms of Slavery (<http://www.unhchr.ch/html/menu2/9/wgslaverform.htm> and <http://www.unhchr.ch/html/menu2/9/vfslaveraf.htm> and <http://www.unhchr.ch/html/menu2/9/vfslaver.htm#grants>), the UN Voluntary Fund for Indigenous Populations (<http://www.unhchr.ch/html/menu2/9/vfindige.htm#guideand> <http://www.unhchr.ch/html/menu2/9/applyforum.htm>), and the UN Trust Fund for the International Decade of the World’s Indigenous People (<http://www.unhchr.ch/html/menu2/9/vfinddecq.htm> and <http://www.unhchr.ch/html/menu2/9/vfinddecq.htm#form>).

<sup>282</sup> <http://www.unhchr.ch/html/menu2/9/apply.htm>

<sup>283</sup> [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf)

<sup>284</sup> [http://www.unog.ch/uncc/decision/dec\\_1.pdf](http://www.unog.ch/uncc/decision/dec_1.pdf)

<sup>285</sup> [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf)

<sup>286</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>287</sup> [http://www.crt-ii.org/\\_pdf/claim\\_instr\\_ro\\_en.pdf](http://www.crt-ii.org/_pdf/claim_instr_ro_en.pdf)

<sup>288</sup> <http://www.claimscon.org/switzerland/claims.asp>

<sup>289</sup> [http://www.swissbankclaims.iom.int/English/index\\_en.html](http://www.swissbankclaims.iom.int/English/index_en.html)

<sup>290</sup> [http://www.claimscon.org/swiss/background.asp#refugee\\_class](http://www.claimscon.org/swiss/background.asp#refugee_class)

<sup>291</sup> [http://www.crt-ii.org/\\_pdf/insurance\\_claim\\_en.pdf](http://www.crt-ii.org/_pdf/insurance_claim_en.pdf)

<sup>292</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>293</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>294</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>295</sup> <http://www.iusct.org/tribunal-rules.pdf>

<b>German “Remembrance, Responsibility and Future” Fund</b>	<p>Eligibility for funds “shall be demonstrated by the applicant by submission of documentation” to the relevant partner organisation. “The partner organisation shall bring in relevant evidence. If no relevant evidence is available, the claimant’s eligibility can be made credible in some other way” (Section 11(2) Federal Law<sup>296</sup>).</p> <p>See for example the work of the IOM Property Claims Commission which is processing claims for payment in particular for property losses, which has produced its own claims form for use by claimants (Section 8 Property Claims Commission Supplemental Principles and Rules of Procedure<sup>297</sup>).</p>
<b>Austrian Fund for Reconciliation, Peace and Cooperation Austrian General Settlement Fund for Victims of National Socialism</b>	<p>Applicant must make a credible claim through documentation (Section 4(2) Federal Law<sup>298</sup>), either through the relevant partner organisation or, in the case of persons for whom there is no partner organisation, directly to the Fund (Section 4(3) Federal Law<sup>299</sup>).</p> <p>Applicants must file an application with the Claims Committee and must show (under relaxed standards of proof), “proof or convincing evidence” (Article 15(1) General Settlement Fund Law<sup>300</sup>).</p> <p>In the <u>claims-based process</u>, “claimants must as a rule produce supporting evidence to establish eligibility. If no relevant evidence is available, eligibility for payments may also be made credible in some other way” (Article 15(1) General Settlement Fund Law<sup>301</sup>). In some cases “if no contradictory evidence is presented, an affidavit, including a plausible explanation for why this claim was never decided or settled, or why the necessary evidence was inaccessible to the claimant, shall be deemed sufficient” (Article 15(2) General Settlement Fund Law<sup>302</sup>).</p> <p>In the <u>equity-based process</u>, “in case the claimant is not able, under the standards of proof of the claims based process, to document specific claims or make them credible, applications may be submitted to the Claims Committee in the equity-based process for awarding payments” (Article 19 General Settlement Fund Law<sup>303</sup>).</p> <p>Applicants may file an application before the <u>Arbitration Panel</u> (Article 29 General Settlement Fund Law<sup>304</sup>), and “may be represented by any person enjoying their confidence, provided that they present a professional or an authenticated power of attorney” (Sec. 15 Rules of Procedure<sup>305</sup>). The applicant must submit a substantiated credible case of the circumstances of persecution (see permissible list of documents Secs. 19-21 Rules of Procedure<sup>306</sup>).</p>
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	<p>Persons are eligible for payment if their entitlement is “evident from documents in the possession of the Fund” or “is substantiated in any other suitable way to the Fund” (New Section 2b(5) National Fund Law Amendment<sup>307</sup>).</p>

<sup>296</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>297</sup> [http://www.stiftung-evz.de/doku/verfahrensregeln/pccrules\\_english.pdf](http://www.stiftung-evz.de/doku/verfahrensregeln/pccrules_english.pdf)

<sup>298</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>299</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>300</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>301</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>302</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>303</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>304</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>305</sup> <http://www.nationalfonds.parlament.gv.at/aef/english/index.htm> - under “Tasks/Arbitration Panel”.

<sup>306</sup> <http://www.nationalfonds.parlament.gv.at/aef/english/index.htm> - under “Tasks/Arbitration Panel”.

<sup>307</sup> <http://www.usembassyvienna.at/nflt.pdf>

## DECISION-MAKING PROCEDURE

<b>UN Voluntary Fund for Victims of Torture</b>	<p>The <u>Board</u> holds an annual two-week session and consults with project leaders, Special Rapporteur on Torture and the Committee against Torture. It makes recommendations for funding to the SG on projects that it considers relevant and in keeping with the Fund's mandate. Once the grants are approved by the HCHR, on behalf of the SG, the beneficiary organizations are notified of the grants awarded and of any conditions attached to them<sup>308</sup>.</p> <p>The <u>Fund Secretariat</u> is responsible for the administrative and financial management of projects throughout the year. It assists organizations with project development; deals in English, French and Spanish with the persons in charge of projects and ensures project follow-up from inception to implementation. The secretariat also prepares narrative and financial reports on the grants awarded, and ensures that such grants are in conformity with the Fund's guidelines. In addition, the secretariat deals with all financial matters of the Fund and carries out the recommendations of the Board of Trustees regarding the award of grants.<sup>309</sup> <u>HCHR</u> approves decisions on grants (equitable geographical distribution)<sup>310</sup>.</p>
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	<p>The Board of Trustees examines admissible applications at its annual session. The Board adopts recommendations for approval of the HCHR on behalf of the SG<sup>311</sup>.</p>
<b>UN Voluntary Fund for Indigenous Populations</b>	<p>Board advise SG on use of funds, through Office of the HCHR. Board examines applications in light of established criteria and makes recommendations<sup>312</sup>.</p>
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	<p>The <u>Advisory Group</u> reviews applications and makes recommendations to the Coordinator of the Decade, who works with HCHR on funding of programmes (provides advice for a number of relevant HCHR workshops and seminars of the Decade) and funding of projects (assisting indigenous communities in implementing projects at local level by providing grants) (Points 6 and 7 Advisory Group Recommendations 2002<sup>313</sup>).</p> <p>The <u>Secretariat</u> can decide to "withhold the payment of grants or ask a project leader to set aside a grant if there are doubts about over-budgeting or mismanagement, or for any other motive" (Annex II Advisory Group Recommendations 2002 E.CN.4/Sub.2/AC.4/2002/7 "Withholding of Payments"<sup>314</sup>).</p> <p>It can also request that organisations refund a grant when</p> <ol style="list-style-type: none"> <li>(1) "The project was not implemented in full or in part;</li> <li>(2) The grant was spent for expenditures other than those mentioned in the budget proposal submitted to and approved by the Group;</li> <li>(3) No narrative and/or financial report was submitted within the deadline established by the Group or the secretariat;</li> <li>(4) A narrative report and/or a financial report submitted within the deadline was not declared satisfactory. (Annex II Advisory Group Recommendations 2002 E.CN.4/Sub.2/AC.4/2002/7 "Refund"<sup>315</sup>).</li> </ol> <p>The <u>Coordinator of the Decade</u> (HCHR) should "encourage the development of projects and programmes, in collaboration with governments and taking into account the views of indigenous people and the appropriate United Nations agencies, for support by the Voluntary Fund for the Decade" (Annex, Article 24 GA Res. 50/157)<sup>316</sup>.</p>

<sup>308</sup> See <http://www.unhchr.ch/html/menu2/9/vftortur.htm> for further information.

<sup>309</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/ca7a60ac5744a1bf802567e600370797?Opendocument> para 4(c) (20).

<sup>310</sup> <http://www.unhchr.ch/html/menu2/9/vftortur.htm> Point 9.

<sup>311</sup> <http://www.unhchr.ch/html/menu2/9/vfslaver.htm#grants>

<sup>312</sup> See <http://www.unhchr.ch/html/menu2/9/vfindige.htm> for further information.

<sup>313</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>314</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>315</sup> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>316</sup> <http://www.un.org/documents/ga/res/50/a50r157.htm>

<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	<p>Governments request assistance, and a comprehensive needs assessment is undertaken. An overall programme is developed containing specific projects aimed at strengthening human rights infrastructure of a country (CHR Res. 1993/87<sup>317</sup>).</p> <p><u>SG and "Centre for Human Rights</u> to participate actively in the formulation of projects regarding technical cooperation in the field of human rights, in close consultation with the Governments concerned, taking into account relevant suggestions made by human rights treaty bodies, special rapporteurs and non-governmental organizations and efforts for wider cooperation at the regional level" (Article 16 CHR Res. 1993/87<sup>318</sup>).</p> <p>Board of Trustees requested to "assist the Secretary-General in particular in streamlining and rationalizing the working methods and procedures of the Voluntary Fund, including developing long-term policy guidelines, reviewing specific projects, reviewing all financial aspects of the Voluntary Fund with regard to transparency and accountability, relations and cooperation with other organizations with regard to project evaluation and follow-up, reviewing implementation of decisions of the Board of Trustees and reporting" (Article 18 CHR Res. 1993/87<sup>319</sup>).</p>
<b>UN Compensation Fund</b>	<p><u>Governing Council</u><sup>320</sup>: establishes criteria for compensability of claims (it has established six categories of claims – four categories for individuals, one for corporations and one for Governments and international organisations, which includes claims for environmental damage<sup>321</sup>), rules and procedures for processing claims, procedures for payment of compensation. Decisions taken are final and not subject to appeal or review. Meets for 4 formal sessions a year, and occasionally for special sessions. Sessions are closed to the public, although non-Member States can address it. It considers reports from Secretariat and Commissioners and reviews "the amounts recommended and, where it determines circumstances require, increase or reduce them" (Article 40(1) Provisional Rules of Claims Procedures<sup>322</sup>). It may also "return a particular claim or group of claims for further review by the Commissioners" (Article 40(2) Provisional Rules of Claims Procedures<sup>323</sup>). It will "make its decisions on amounts to be awarded at each session" which are "final and are not subject to appeal or review" (Article 40(3) and (4) Provisional Rules of Claims Procedures)<sup>324</sup>.</p> <p>It is responsible for approving the budget<sup>325</sup>. It also monitors the payment system and makes revisions when needed (Article 8, Priority of Payment and</p>

317 <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

318 <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

319 <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

320 <http://www.unog.ch/uncc/governin.htm>

321 <http://www.unog.ch/uncc/theclaims.htm>

322 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

323 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

324 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

325 <http://www.unog.ch/uncc/governin.htm>

326 [http://www.unog.ch/uncc/decision/dec\\_17.pdf](http://www.unog.ch/uncc/decision/dec_17.pdf)

327 <http://www.unog.ch/uncc/commiss.htm>

328 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

329 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

330 <http://www.unog.ch/uncc/commiss.htm>

331 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

332 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

333 <http://www.unog.ch/uncc/resolutio/res22559.pdf> See <http://www.unog.ch/uncc/governin.htm> for further details.

334 <http://www.unog.ch/uncc/secretar.htm>

335 <http://www.unog.ch/uncc/resolutio/res22559.pdf> See <http://www.unog.ch/uncc/governin.htm> for further details.

336 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

337 <http://www.unog.ch/uncc/resolutio/res22559.pdf> See <http://www.unog.ch/uncc/governin.htm> for further details.

338 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf)

339 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf)

340 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf). See <http://www.unog.ch/uncc/commiss.htm> and <http://www.unog.ch/uncc/clmsproc.htm> for further details.

341 [http://www.unog.ch/uncc/decision/dec\\_10.pdf](http://www.unog.ch/uncc/decision/dec_10.pdf)

342 [http://www.unog.ch/uncc/decision/dec\\_01.pdf](http://www.unog.ch/uncc/decision/dec_01.pdf) and [http://www.unog.ch/uncc/decision/dec\\_05.pdf](http://www.unog.ch/uncc/decision/dec_05.pdf)

343 [http://www.unog.ch/uncc/decision/dec\\_01.pdf](http://www.unog.ch/uncc/decision/dec_01.pdf)

344 [http://www.unog.ch/uncc/decision/dec\\_01.pdf](http://www.unog.ch/uncc/decision/dec_01.pdf)

<p><b>Holocaust Settlement Fund</b></p>	<p>Payment Mechanism Guiding Principles - Dec. 17<sup>326</sup>).</p> <p><u>Commissioners</u><sup>327</sup>: work in panels of three to each review specific categories of claims handed to them by the Executive Secretary - they verify and evaluate claims, assess value of losses and recommend compensation amounts to Governing Council. (Articles 28-36 Provisional Rules of Claims Procedures<sup>328</sup>). In doing so they “will take into account the results of the preliminary assessment of claims made by the Secretariat” (Article 34(2) Provisional Rules of Claims Procedures<sup>329</sup>). They meet in Geneva and periodically contract expert consultants<sup>330</sup>. They review the urgent claims and use expedited procedures drafted by the Governing Council (Articles 35(2) and 37 Provisional Rules of Claims Procedures<sup>331</sup>). Once claims are reviewed, “the amounts recommended by the panel of Commissioners will be subject to approval by the Governing Council” (Article 40(1) Provisional Rules of Claims Procedures<sup>332</sup>). They “carry out such tasks and responsibilities as may be assigned to them by the Governing Council” (para 11 SG Report S/22559<sup>333</sup>).</p> <p><u>Secretariat</u><sup>334</sup>: “under the direction of the Executive Secretary, the Secretariat will carry out such tasks as may be assigned to it by the Governing Council and the Commissioners” (para 12 SG Report S/22559<sup>335</sup>). and it particular it “provides administrative, technical and legal support to the Commissioners, including the development and maintenance of a computerized database for claims and assistance in obtaining additional information” (Article 34(1) Provisional Rules of Claims Procedures<sup>336</sup> and para 12 SG Report S/22559<sup>337</sup>).</p> <p>It makes the preliminary assessment of admissibility of claims received in order to determine whether they meet the formal requirements established by the Governing Council (Article 14 Provisional Rules of Claims Procedures<sup>338</sup>). It then proceeds “to categorize claims according to, <i>inter alia</i> the type or size of the claims and the similarity of legal and factual issues” (Article 17 Provisional Rules of Claims Procedures<sup>339</sup>). It also checks individual urgent claims under the Criteria for Expedited Processing of Urgent Claims (Article 37(a) Provisional Rules of Claims Procedures<sup>340</sup>).</p> <p><u>Registry Officer</u>: receives the claims and registers them (Articles 10 and 11 Provisional Rules of Claims Procedures<sup>341</sup>).</p> <p><u>Expedited Processing of Urgent Claims</u>: “provides for simple and expedited procedures by which governments may submit consolidated claims and receive payments on behalf of the many individuals who suffered personal losses as a result of the invasion and occupation of Kuwait” (Article 1 Criteria for Expedited Processing of Urgent Claims<sup>342</sup>). The same claims review process as above is applied, except with strict time deadlines for review (Article 8 Criteria for Expedited Processing of Urgent Claims<sup>343</sup>), and a different criteria for beneficiaries (Articles 17-21 Criteria for Expedited Processing of Urgent Claims<sup>344</sup>).</p> <p><u>Deposited Assets Class/Insurance Claims</u>:</p> <ol style="list-style-type: none"> <li>(1) <u>Special Masters</u>: establish, organize, and supervise the Claims Resolution Process, using the already existing Tribunal as the forum for the processing of Deposited Assets claims.</li> <li>(2) <u>Chairperson of Tribunal</u>: supervises the administration and financial planning of the Tribunal, decide on any challenge of a Claims Judge, designate Claims Judges to various claims, designate Senior Claims Judges as Appeal Judges, exercise any other function delegated by the Special Masters (Article 12(1) Governing Rules<sup>345</sup>).</li> <li>(3) <u>Vice Chairperson of Tribunal</u>: assists the Chairperson (Article 13 Governing Rules<sup>346</sup>).</li> <li>(4) <u>Secretariat</u>: carry out any functions delegated by Chairperson in any rules, assist Chairperson, and perform any other tasks delegated by Special Masters (Article 14 Governing Rules<sup>347</sup>).</li> <li>(5) <u>Resident Claims Judges</u> decide the admissibility of claims (Article 17 Governing Rules<sup>348</sup>) by attempting to match claimants’ details with the 1997 dormant accounts database – inadmissibility decisions can be appealed to <u>Senior Claims Judges</u> (Article 18 Governing Rules<sup>349</sup>). Claims that are denied can be appealed to <u>Senior Appeal Judges</u> (Article 19 and 36 Governing Rules<sup>350</sup>). “For each claim for which a Claims Judge makes an Award of the value of an Account, such Claims Judge shall also decide the amount of such award to the Claimant pursuant to the Governing Rules (Article 27(3) Governing Rules<sup>351</sup>).</li> </ol>
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<sup>345</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>346</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>347</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>348</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>349</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>350</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>351</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)



	<p>(6) The Tribunal can also make an award when a claimant makes a plausible claim to an Account which for whatever reasons was not identified in the 1997 list (Article 27(4) Governing Rules<sup>352</sup>). The Governing Rules set up different rules when more than one claimant submits a claim relating to the same account, depending for example on whether or not the Account holder left a will (Articles 28 -32 Governing Rules<sup>353</sup>).</p> <p>(7) Once an award is made, the Governing Rules lay out value presumptions when the amount in the account is unascertainable (Article 35 Governing Rules<sup>354</sup>). In all other cases “the amount of the Award shall be the amount in the Accounts as established by bank records” (Article 37(1) Governing Rules<sup>355</sup>). The amount will be adjusted to bring the Awards to current value – such adjustment is made in accordance with a formula established by the Special Masters with Court approval (Article 37(1) Governing Rules<sup>356</sup>). The Award is then “certified by the Tribunal to the United States District Court for the Eastern District of New York for payment [...] from funds made available by the Court from the Settlement Fund” (Article 37(2) Governing Rules<sup>357</sup>).</p> <p>(8) <u>Insurance Claims</u> awards are based on either the net cash surrender value of the policy or death benefit of the policy, whichever is greater – adjusted to present day values (Articles 17.1-17.3 Settlement Agreement<sup>358</sup>).</p> <p><u>Looted Assets Class</u> JDC and Claims Conference manage the distributions, with consultation with local community representatives and Nazi survivors, upon the Court’s approval and ongoing supervision (Section I-C2(b)(i) Summary of Draft Plan of Allocation<sup>359</sup>).</p> <p><u>Slave Labor I</u> Claims Conference and IOM will use existing distribution mechanisms in place pursuant to the German Fund to effect distributions (Section I-C2(b)(ii) Summary of Draft Plan of Allocation<sup>360</sup>).</p> <p><u>Slave Labor II</u> IOM will administer this class and evaluate all claims submitted to it (Section I-C2(b)(iii) Summary of Draft Plan of Allocation<sup>361</sup>).</p> <p><u>Refugee Class</u> Claims Conference and IOM to conduct initial evaluation of claims and will act under Court order and with ongoing judicial supervision (Section I-C2(b)(iv) Summary of Draft Plan of Allocation<sup>362</sup>).</p>
<p><b>South African President’s Fund</b></p>	<p>The <u>Committee on Human Rights Abuses</u> establishes the identity of the victims, their fate or present whereabouts, and the nature and extent of the harm they have suffered; and whether the violations were the result of deliberate planning by the state or any other organisation, group or individual. Once victims of gross human rights violations are identified, they are referred to the Committee.</p> <p>The <u>Committee</u> can only consider matters referred to it by the TRC, the Committee on Human Rights violations and the Committee on Amnesty (Article 25(1)(a) of 1995 Act<sup>363</sup>).</p> <p>It may “make recommendations which may include <u>urgent interim measures</u> [...] as to appropriate measures of reparations to victims” (Article 25(1)(b)(i) of 1995 Act<sup>364</sup>). It can also make recommendations to the President with regard to creations of institutions contributing to a fairer society (Article 4(h) and 25(1)(b)(ii) of 1995 Act<sup>365</sup>); and make recommendations to the President with regard to the “policy which should be taken with regard to the <u>granting of reparation to victims</u> or to the taking of other measures aimed at rehabilitating and restoring the human and civil dignity of victims” (Article 4(f)(i) of 1995 Act<sup>366</sup>). Finally, if it finds that any claimant is a victim, the Committee will specifically “make recommendations [...] in an endeavour to restore the human and civil dignity of such victim” (Article 26(3) of 1995 Act<sup>367</sup>). All recommendations will be included in the final report which the TRC will send to the President</p>

<sup>352</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>353</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>354</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>355</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>356</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>357</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>358</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>359</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>360</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>361</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>362</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>363</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>364</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>365</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>366</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>367</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

	<p>after it has finished its work (Articles 43 and 44 of 1995 Act<sup>368</sup>). The Committee has already made some proposals, after collecting information from victims and survivors, people who made statements before the TRC, representatives of NGOs and various other institutions<sup>369</sup>.</p> <p>The President will then consider the recommendations “with a view to making recommendations to [a joint committee of] Parliament and making regulations” (Article 27(1) and (2) of 1995 Act<sup>370</sup>). These regulations shall determine the basis and conditions upon which reparation shall be granted, determine the authority responsible for the application of the regulations, and can provide for the revision/reduction of reparations (Article 27(3) of 1995 Act<sup>371</sup>). The joint committee can also “advise the President in respect of measures that should be taken to grant urgent interim reparations to victims” (Article 27(4) of 1995 Act<sup>372</sup>).</p> <p>If it finds that any act, omission or offence constitutes a gross violation of human rights the Committee will refer the matter to the Committee on Human Rights Violations (Article 26(2)(a) of 1995 Act<sup>373</sup>).</p>
<b>Iran-United States Claims Tribunal Security Account</b>	<p>“Claims may be decided by the Full Tribunal or by a panel of three members of the Tribunal as the President shall determine” (Article III (1) Claims Settlement Declaration<sup>374</sup>). Cases are distributed to Chambers by lot. The Full Tribunal decides all disputes between the two Governments, as well as important questions referred to it by the Chambers<sup>375</sup>.</p>
<b>German “Remembrance, Responsibility and Future” Fund</b>	<p>See Standing Orders of the Board of Trustees<sup>376</sup> and Statutes of the Foundation<sup>377</sup>, which lists rights, duties and tasks of the Board of Trustees and the Board of Directors (called “Board of Management” in Statutes).</p> <p><u>Board of Trustees</u>: makes decisions regarding the projects of the Fund based on proposals of the Board of Directors (Section 5(6) Federal Law<sup>378</sup>).</p> <p><u>Board of Directors</u>: “direct the day-to-day business of the Foundation and shall implement the decisions of the Board of Trustees. It is responsible for distributing the resources of the Foundation to the partner organizations and for the management of the “Remembrance and Future” fund. It oversees the purposeful and prudent expenditure of the Foundation’s funds, in particular adherence by the partner organizations to the provisions of this Law and the guidelines established by the Board of Trustees for the use of its funds. The Board of Directors shall represent the Foundation, both in judicial and extrajudicial matters.” (Section 6(3) Federal Law<sup>379</sup>).</p> <p><u>Partner organizations</u>: set up commissions to review claims, as well as appeal organs, which should be independent and free of charge. See for example the work of the IOM Property Claims Commission that is processing claims for payment in particular for property losses<sup>380</sup>.</p>

<sup>368</sup> <http://www.doj.gov.za/trc/legal/act9534.htm> . See also <http://www.doj.gov.za/trc/reparations/summary.htm#legal>

<sup>369</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#prep>

<sup>370</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>371</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>372</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>373</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>374</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>375</sup> <http://www.iusct.org/background-english.html>

<sup>376</sup> [http://www.stiftung-evz.de/fremdsp/englisch/go\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/go_en.pdf)

<sup>377</sup> [http://www.stiftung-evz.de/fremdsp/englisch/satzung\\_en.pdf](http://www.stiftung-evz.de/fremdsp/englisch/satzung_en.pdf)

<sup>378</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>379</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>380</sup> [http://www.stiftung-evz.de/doku/verfahrensregeln/pccrules\\_english.pdf](http://www.stiftung-evz.de/doku/verfahrensregeln/pccrules_english.pdf)

<p>Austrian Fund for Reconciliation, Peace and Cooperation</p>	<p><b>Board of Trustees:</b> decision making on financial procedures; determine which awards are to be decided upon by the Committee; determine awards that are not transferred to the responsibility of the Committee; decision-making on the disposition of the Fund's capital assets; control the purposeful expenditure of the Fund's capital assets; commission and implement a periodical international business audit; approve account balance statements; decision-making for the semi-annual report to the Federal Government (Section 11(1) Federal Law <sup>381</sup>).</p> <p>Committee makes decisions on spot-checking (in agreement with Secretary-General) regarding lists of persons submitted on list by partner organisations (Section 13 Federal Law <sup>382</sup>) and “with regard to the monetary awards:</p> <ul style="list-style-type: none"> <li>(3) In all cases where the Fund receives applications for payments from individuals,</li> <li>(4) In those cases where the organizations representing victims submit collective applications to the Fund,</li> <li>(5) In the cases where partner organizations present lists of victims for approval, after performing spot checks, as well as approving and honoring the lists” (Section 4 Guidelines<sup>383</sup>).</li> </ul> <p><b>Secretary-General:</b> “Supports the Chairperson in the administration of the Fund and prepares factual documents and the decision documents of the Board of Trustees and of the Committee” (Section 14 Federal Law <sup>384</sup>).</p>
<p><b>Austrian General Settlement Fund for Victims of National Socialism</b></p> <p><b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b></p>	<p><b>Claims Committee:</b> reviews claims-based applications using relaxed standards of proof. If determines that the claimant has satisfied the evidentiary requirements, it establishes the total amount of all the claimant's approved claims (taking into account any awards made from the National Fund, the German Fund, the Bank Austria Settlement and ICHEIC claims). Decisions can be appealed (Articles 16 and 17 General Settlement Fund Law<sup>385</sup>).</p> <p>Claims Committee reviews insurance claims using the ICHEIC claims handling procedure unless claims are against German companies or already covered by ICHEIC.</p> <p><b>Equity-based claims</b> in case the claimant is not able to document his claims, can still submit claims to the Claims Committee. It reviews the applications and makes payments on a one-payment-per-household basis. Decisions cannot be appealed (Articles 19-22 General Settlement Fund Law <sup>386</sup>).</p> <p><b>Arbitration Panel:</b> : For the examination of applications for <i>in rem</i> restitution of publicly owned property. Makes recommendations on the basis of evidence submitted by the claimant and the Federal Government, as well as findings of Austrian Historical Commission. Applications are examined on a case-by-case basis (Articles 26-38 General Settlement Fund Law<sup>387</sup> and Rules of Procedure<sup>388</sup>). “ In the event that the Arbitration Panel has no competence for processing a claim that is received prior to 28 May 2003, it may refer the claim to the Claims Committee, upon reaching agreement thereon with the Claims Committee and giving due consideration to the latter's By-Laws and Rules of Procedure” (Sec. 22 Rules of Procedure<sup>389</sup>).</p> <p><b>Board of Curators:</b> adopts the budget; defines the benefits to be decided by the Committee; make decisions concerning benefits inasmuch as these decisions are not delegated to the Committee; adopts resolutions concerning the investment of the property of the Fund; monitors the use of the property of the Fund in keeping with its purpose; and approve the statement of accounts. (Article I, Section 4(1) National Fund Law<sup>390</sup>).</p> <p><b>Committee:</b> decides on the granting of benefits (insofar as Board has delegated to it) (Article I, Section 5(2) National Fund Law <sup>391</sup>).</p> <p><b>Secretary-General:</b> support the Chairman of the Board of Curators in the administration of the Fund and prepare the resolution and decisions of the Board of Curators and the Committee; maintain contacts between Austria and the victims of National Socialism living abroad. (Article I, Section 6 National Fund Law<sup>392</sup>).</p>

<sup>381</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>382</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>383</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<sup>384</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>385</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>386</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>387</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>388</sup> <http://www.nationalfonds.parlament.gv.at/aef/english/index.htm> - under “Tasks/Arbitration Panel”.

<sup>389</sup> <http://www.nationalfonds.parlament.gv.at/aef/english/index.htm> - under “Tasks/Arbitration Panel”.

<sup>390</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>391</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>392</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

## METHODS OF DISTRIBUTION

<b>UN Voluntary Fund for Victims of Torture</b>	"Distribution, through established channels of humanitarian assistance" (Art. 1(a) GA Res. 36/151 <sup>393</sup> ). Assistance is provided through existing humanitarian organisations to projects or to initiate projects sponsored or administered by those organisations – it does not directly administer projects nor does it give assistance directly to individuals.
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	Assistance is provided through existing humanitarian organisations to projects or to initiate projects sponsored or administered by those organisations – it does not directly administer projects nor does it give assistance directly to individuals.
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	"Grants of the Fund to projects will not exceed \$50,000" (Annex II Advisory Group Recommendations 2002, "Grants of the Fund" <sup>394</sup> ).
<b>UN Compensation Fund</b>	<p>Governing Council devised mechanism for the distribution of payments (plus interest from date of loss until date of payment – Dec. 16<sup>395</sup>) to successful claimants (Dec. 18<sup>396</sup>) to begin when "sufficient funds have been accumulated in the Compensation Fund to make payment" on all those claims (Article 4, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17<sup>397</sup>).</p> <p>The Governing Council set up three phases of payment:</p> <ol style="list-style-type: none"> <li>(1) Payment of an initial amount of \$2,500 to each successful category "A", "B", and "C" claimant (Articles 1-4, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17<sup>398</sup>).</li> <li>(2) After all the initial payments were made, and when there were sufficient funds in the Fund to make a minimum payment of \$5,000 (or the unpaid principal amount of the award, if less) in respect of each approved claim, the Executive Secretary transferred funds to each appropriate government in respect of approved claims in each category (Article 6, Priority of Payment and Payment Mechanism Guiding Principles - Dec. 17<sup>399</sup>). Priority was still given to "A", "B" and "C" claimants, but payments of up to \$100,000 made to approved claims in all categories in two rounds of payment s. The payment of all "A" and "C" claims was completed by September 2000<sup>400</sup>. All category B claimants were paid in full on humanitarian grounds<sup>401</sup>. See generally Dec. 73<sup>402</sup>.</li> <li>(3) Successful claimants in categories "D", "E" and "F" receive an initial amount of up to US\$5 million, in the order in which the recommended amounts have been approved. Subsequent payments of US\$10 million will be made available for distribution to successful claimants in those categories of claims<sup>403</sup>. See generally Dec. 100<sup>404</sup>.</li> </ol> <p>Funds are paid to the governments/organisations, who must "provide information in writing through the Executive Secretary to the Governing Council on the arrangements it has made for the distribution of funds to claimants" (Article 2 Dec. 18<sup>405</sup>). Governments "establish their own mechanisms to distribute payments in a fair, efficient and timely manner" (Article 1 Dec. 18<sup>406</sup>), subject to a number of provisions. Governments are responsible for distribution to claimants within six months of receipt (Article 3 Dec. 18<sup>407</sup>). They must report back to the Governing Council within three months on the amounts of payments distributed to claimants (Article 4 Dec. 18<sup>408</sup>). All payments are suspended if governments/organisations fail to comply with their reporting obligations. (Dec. 18<sup>409</sup>). If the amounts are not distributed to the claimants within twelve months, the amounts are returned to the Governing Council who will attempt to locate the claimant. Once located, the amounts are re-transferred to the governments/organisations (Dec. 48<sup>410</sup>). Any amounts not distributed "shall be reimbursed to the Compensation Fund, unless otherwise decided by the Governing Council" (Article 6 Dec. 18<sup>411</sup>).</p>

<sup>393</sup> <http://www.un.org/documents/ga/res/36/a36r151.htm>

<sup>394</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>395</sup> [http://www.unog.ch/uncce/decision/dec\\_16.pdf](http://www.unog.ch/uncce/decision/dec_16.pdf)

<sup>396</sup> [http://www.unog.ch/uncce/decision/dec\\_18.pdf](http://www.unog.ch/uncce/decision/dec_18.pdf)

<sup>397</sup> [http://www.unog.ch/uncce/decision/dec\\_17.pdf](http://www.unog.ch/uncce/decision/dec_17.pdf)

<sup>398</sup> [http://www.unog.ch/uncce/decision/dec\\_17.pdf](http://www.unog.ch/uncce/decision/dec_17.pdf)

<sup>399</sup> [http://www.unog.ch/uncce/decision/dec\\_17.pdf](http://www.unog.ch/uncce/decision/dec_17.pdf)

<sup>400</sup> <http://www.unog.ch/uncce/paymproc.htm>

<p><b>Holocaust Settlement Fund</b></p>	<p><u>Deposited Assets</u> once an award is certified by the Tribunal to the Court, it will be paid “from the Special Masters’ Awards Payment Account from funds made available by the Court from the Settlement Fund” (Article 37(1) Governing Rules<sup>412</sup>). “Certified Awards shall be paid by the Special Masters after approval of such Awards by the Court. Upon Court approval of Awards certified by the tribunal, the full amount of the Awards shall be paid, except in the cases of (a) Accounts of unknown value [...] or (b) Accounts that the Tribunal determines may be subject to later competing valid claims. [In these cases] the initial payment to claimants shall be 35% of the certified Awards, and such claimants may receive a second payment of up to 65% of the certified Awards when so determined by the Court but not later than when all claims have been processed” (Article 37(3) Governing Rules<sup>413</sup>). Each person receiving an Award must acknowledge it to the Tribunal (Article 7.6 Settlement Agreement<sup>414</sup> and Article 37(4) Governing Rules<sup>415</sup>).</p> <p><u>Looted Assets, Slave Labor I &amp; II, Refugee Classes generally:</u> once all appeals in the Deposited Claims litigation have been exhausted (Article 7.5 Settlement Agreement<sup>416</sup>), distributions are made in two stages:</p> <ol style="list-style-type: none"> <li>(1) With the exception of bank account claimants, the first payments should be made to Nazi victims only, either in cash or in some instance “in kind”, primarily through food packages, medical relief and winter relief. In the first stage there should be no payments from the Settlement Fund for the benefit of heirs (with two exceptions). There should be no other payments to institutions for funding programmes other than those providing direct relief to needy elderly Holocaust survivors (Section I-C2 (a) Summary of Draft Plan of Allocation<sup>417</sup>).</li> <li>(2) If any portion of the Settlement Fund remains after the first stage of payments, a second round of payments will be made. These are additional distributions to surviving Nazi victims and to needy spouses and children of deceased Nazi victims. A proportion of the Settlement Fund can be allocated to some of the proposed cultural, memorial or educational projects that have been submitted to the Special Master (Section I-C2 (a) Summary of Draft Plan of Allocation<sup>418</sup>).</li> </ol> <p><u>Looted Assets</u> two <i>cy pres</i> payments. One to benefit the neediest survivors of Nazi persecution, the other to benefit all members of this class as well as all other classes. Total amount is \$100 million, 90% of which should go to Jewish class members and 10% to Roma, Jehovah’s Witnesses, disabled and homosexual class members, based upon historic precedent and current demographics. For the needy survivors the distribution is to be managed (with the consultation and cooperation of local community representatives and Nazi survivors and upon the Court’s approval) by JDC and the Claims Conference. \$90 million is set aside for up to ten years to help fund various humanitarian assistance programmes. For needy elderly non-Jewish survivors, distributions are likewise to be made through humanitarian programmes: \$10 million are allocated to the IOM programme set up under the German Fund. \$10 million to go to benefit all members of all classes to fund a Victim List Foundation to compile and preserve the names of all the victims and targets of Nazi persecution (Section I-C2 (b)(i) Summary of Draft Plan of Allocation<sup>419</sup>).</p> <p><u>Slave Labor I</u> in addition to any payments that will be received from the German Fund, each claimant should receive an equal payment of up to \$1,000 per person (in no event less than \$500). Initial payment of \$500 (50% of recommended amount), and after all claims are processed, a second payment of up to an</p>
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<sup>401</sup> <http://www.unog.ch/uncc/clmsproc.htm>

<sup>402</sup> [http://www.unog.ch/uncc/decision/dec\\_73.pdf](http://www.unog.ch/uncc/decision/dec_73.pdf)

<sup>403</sup> <http://www.unog.ch/uncc/paymproc.htm>

<sup>404</sup> [http://www.unog.ch/uncc/decision/dec\\_100.pdf](http://www.unog.ch/uncc/decision/dec_100.pdf)

<sup>405</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>406</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>407</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>408</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>409</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>410</sup> [http://www.unog.ch/uncc/decision/dec\\_48.pdf](http://www.unog.ch/uncc/decision/dec_48.pdf)

<sup>411</sup> [http://www.unog.ch/uncc/decision/dec\\_18.pdf](http://www.unog.ch/uncc/decision/dec_18.pdf)

<sup>412</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>413</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>414</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibitItoPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibitItoPlanofAllocation.pdf)

<sup>415</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>416</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibitItoPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibitItoPlanofAllocation.pdf)

<sup>417</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>418</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>419</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

	<p>additional \$500 (the remaining 50%). Only certain heirs of members who died after 15 February 1999 should be paid. The Claims Conference and the IOM mechanisms under the German Fund are to be used (Section I-C2 (b)(ii) Summary of Draft Plan of Allocation<sup>420</sup>).</p> <p>Slave Labor II individualized claims process to be administered by IOM, which should evaluate all claims submitted. IOM to check that they performed slave labor for a company appearing on a published list, those should receive an identical payment of up to \$1,000 (in no event less than \$500), again in two stages (50% then remaining 50% after all claims have been processed). Only certain heirs of members who died after 15 February 1999 should be paid. (Section I-C2 (b)(iii) Summary of Draft Plan of Allocation<sup>421</sup>).</p> <p><u>Refugee Class</u> claimants who show that they were allowed entry into Switzerland then detained or mistreated should receive an identical payment of up to \$500 (in no event less than \$250). Those who were denied entry into Switzerland or expelled to receive an identical payment of up to \$2,500 (in no event less than \$1,250). Payable in two installments, initial payment of 50% of the amount then after all claims have been processed the remaining 50%. Claims Conference and IOM to evaluate claims, acting under Court order and with ongoing judicial supervision. Payment should be limited to those heirs of members who died after 15 February 1999 (Section I-C2 (b)(iv) Summary of Draft Plan of Allocation<sup>422</sup>).</p> <p><u>Insurance Claims</u> the Tribunal issues Certificates of Validity redeemable for payment from the Settlement Fund. If the valid claims are for a value over \$100,000 (available funds), either the Settlement Fund will pay any amount in excess of \$100,000 or the valid claims will be paid pro rata within the cap of \$100,000 (Article 17.3 Settlement Agreement<sup>423</sup>). In any event the awards will be paid in two instalments of 50% each of the total award value (Article 17.4 Settlement Agreement<sup>424</sup>).</p>
<p><b>South African President's Fund</b></p>	<p>All monies will be paid from the Fund (Article 42(3) of 1995 Act<sup>425</sup>). The Act provides for two stages in distribution (Article 4(f) of 1995 Act<sup>426</sup>):</p> <ol style="list-style-type: none"> <li>(1) <u>Interim reparation</u> – can be made until the Government introduces the final reparation measures<sup>427</sup>. If individuals are found to be victims and they are in urgent need, they will be entitled to be referred to appropriate services (government, non-government and/or private sector) and given limited financial assistance to pay for services, where free services are not available. Relatives and dependants of a victim may also be entitled to this<sup>428</sup>. The Committee has released a Policy Framework for Urgent Interim Reparation Measures<sup>429</sup> which identifies five categories of measures which should be granted to victims (emotional interventions, material interventions, medical interventions, symbolic interventions and educational interventions)<sup>430</sup>; and</li> <li>(2) <u>Final reparation measures</u> – will be included as recommendations in the final report of the TRC to the President<sup>431</sup>. The Committee has proposed that individual reparation grants be paid to each victim over a period of six years. It will also provide information and advice so that victims can obtain services and establish a reasonable standard of living. If the victim is dead, relatives and dependants who have applied for the grant will receive it. The amount of the grant will be calculated in accordance with a formula that will take into account ease of access to services and facilities and a daily living costs subsidy based on the personal circumstance of the victim. The Committee proposes that each victim should receive between R17,000 and R23,000 each year for 6 years<sup>432</sup>.</li> </ol>
<p><b>Iran-United States Claims Tribunal Security Account</b></p>	<p>Governments agreed to “carry out the award without delay” (Article 32(2) Claims Settlement Declaration<sup>433</sup>) and “any award which the Tribunal may render against either government shall be enforceable against such government in the court of any nation in accordance with its laws” (Article IV (3) Claims Settlement Declaration<sup>434</sup>).</p>

<sup>420</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>421</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>422</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/SWBPOADetailSummary.pdf](http://www.swissbankclaims.com/PDFs_Eng/SWBPOADetailSummary.pdf)

<sup>423</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>424</sup> [http://www.swissbankclaims.com/PDFs\\_Eng/exhibit1toPlanofAllocation.pdf](http://www.swissbankclaims.com/PDFs_Eng/exhibit1toPlanofAllocation.pdf) and [http://www.swissbankclaims.com/PDFs\\_Eng/Amendment2.pdf](http://www.swissbankclaims.com/PDFs_Eng/Amendment2.pdf)

<sup>425</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>426</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>427</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#when>

<sup>428</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#interim>

<sup>429</sup> <http://www.doj.gov.za/trc/reparations/policy.htm>

<sup>430</sup> <http://www.doj.gov.za/trc/reparations/policy.htm#framework>

<sup>431</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#when>

<sup>432</sup> <http://www.doj.gov.za/trc/reparations/summary.htm#irg>

<sup>433</sup> <http://www.iusct.org/claims-settlement.pdf>

<p><b>German “Remembrance, Responsibility and Future” Fund</b></p>	<p>Partner organizations receive funds from the Foundation on a quarterly basis (Section 17(1) Federal Law<sup>435</sup>), which are to be used for one-off payments to claimants. The Foundation is neither authorized nor obligated in this regard. The Board of Trustees may decide for another mode of payment (Section 9(2) Federal Law <sup>436</sup>). The Board of Trustees set up specific amounts to be paid to each partner organization:</p> <ul style="list-style-type: none"> <li>(3) 8.1 billion DM (including 50 million DM in accrued interest) for payments to persons who suffered personal damage as intended compensation for forced labor. This is further divided into specific amounts for each partner organization (Section 9(2) Federal Law <sup>437</sup>).</li> <li>(4) 50 million DM are intended for compensation of other personal injuries in connection with Nazi injustice. The amount of compensation is determined in accordance with the ratio between the totality of the damages recognized by the partner organization and the total amount of monies received (Section 9(3) Federal Law <sup>438</sup>).</li> <li>(5) 1 billion DM for payments to persons who suffered property loss (with various sub-divisions) (Section 9(4) Federal Law<sup>439</sup>).</li> </ul> <p>Payments are staggered for some claimants, where a first payment of 50% is made, and the remainder is made “after conclusion of the processing of all applications pending before the respective partner organization, to the extent possible within the framework of the available means” (Section 9(9) Federal Law <sup>440</sup>). In cases where the eligible person died after 15 February 1999 the surviving spouse and children are entitled to equal shares of the award (Section 13(1) Federal Law<sup>441</sup>).</p>
<p><b>Austrian Fund for Reconciliation, Peace and Cooperation</b></p>	<p>“The awarding of a payment [...] to persons [...] is to be made either through the partner organizations [...] with whose governments pertinent bilateral agreements exist or directly by the Fund in cases where persons are not covered by the partner organizations [...]”. (Section 7(1) Federal Law<sup>442</sup>).</p> <p>Monies are to be transferred in the shortest time possible to accounts indicated by the governments of the countries where the partner organisations are located, according to actual needs on the basis of lists, which are submitted by each partner organization and spot checked by the responsible organ of the Fund. Further details are established in bilateral agreements with each of the partner organisations. Where a claimant is not represented by a partner organisation, payments must solely be made by way of an individual money transfer (Section 8(1) Federal Law<sup>443</sup> and Section 5 Guidelines<sup>444</sup>). The Fund “makes one-time payments” (Section 2(1) Federal Law<sup>445</sup>).</p> <p>“Payment of an award is made under the condition that the recipient make a declaration that with the receipt of an award under this federal law he renounces irrevocably any claim for slave labor or forced labor against the Republic of Austria or against Austrian business” (Section 5(1) Federal Law<sup>446</sup>).</p> <p>Very detailed rules as to distribution for each of the groups of beneficiaries - each person getting a pre-determined amount, from 20,000 ATS to 105,00 ATS (Section 3(1) Federal Law <sup>447</sup> and Section 3 Guidelines<sup>448</sup>), with a supplementary payment for women who gave birth during the forced labor (Section 3(1) Federal Law <sup>449</sup>). Children and minors may receive the amounts to which the parents are entitled, see Guidelines for Awarding Payment <sup>450</sup>.</p>

<sup>434</sup> <http://www.iusct.org/claims-settlement.pdf>

<sup>435</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>436</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>437</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>438</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>439</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>440</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>441</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>442</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>443</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>444</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<sup>445</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>446</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>447</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>448</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<sup>449</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>450</sup> [http://www.reconciliationfund.at/download/RL\\_e.pdf](http://www.reconciliationfund.at/download/RL_e.pdf)

<p><b>Austrian General Settlement Fund for Victims of National Socialism</b></p>	<p>“After expiration of the filing period, the Board of Trustees shall, following consultation with the Claims Committee, calculate the total amount of funds available for payments to entitled persons after deduction of the Fund's expenditures” (Article 5(3) General Settlement Fund Law<sup>451</sup>). Claims Committee then awards a proportionally reduced amount on the basis of the amount of money set aside for the claims-based process – each award may not exceed \$2 million (Articles 16 and 17 General Settlement Fund Law<sup>452</sup>).</p> <p>All funds used to pay approved insurance claims are distributed on a pro rata basis (Article 18 General Settlement Fund Law<sup>453</sup>).</p> <p>The Arbitration Panel makes recommendations to the Austrian Federal Minister for <i>in rem</i> restitution or award of a comparable property (Articles 26-38 General Settlement Fund Law<sup>454</sup>).</p> <p>Condition of payment: “a statement to be made by the recipient of the payment that upon receipt of a payment he or she will, for him/herself and his/her heirs, waive any and all claims against Austria and/or Austrian companies arising out of or related the National Socialist era or World War II” (Article 11(1) General Settlement Fund Law<sup>455</sup>) – although this does not preclude application for in rem restitution of art or property. (Article 11(2) General Settlement Fund Law<sup>456</sup>).</p> <p>One half of Fund reserved for payments in the claims-based process, one half for payments in the equity-based process. \$25 million for payments for insurance policies – if more funds are needed, an extra \$5 million can be used from the amount set aside for the claims-based process. (Article 5 General Settlement Fund Law<sup>457</sup>).</p>
<p><b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b></p>	<p>“One-time only or recurrent financial benefits” (Article I, Section 2(4) National Fund Law<sup>458</sup>).</p> <p>Payments “shall be distributed in equal parts among those entitled to benefits” (New Section 2b(6) National Fund Law Amendment<sup>459</sup>).</p> <p>Claimants may only receive compensation if make a declaration that renounces irrevocable any other claims against Austria or Austrian businesses. (New Section 2b(7) National Fund Law Amendment<sup>460</sup>).</p>

<sup>451</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>452</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>453</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>454</sup> <http://www.usembassyvienna.at/gsf.pdf>

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<sup>456</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>457</sup> <http://www.usembassyvienna.at/gsf.pdf>

<sup>458</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>

<sup>459</sup> <http://www.usembassyvienna.at/nflt.pdf>

<sup>460</sup> <http://www.usembassyvienna.at/nflt.pdf>



## REPORTING STRUCTURE

<b>UN Voluntary Fund for Victims of Torture</b>	<p><u>SG</u> reports to GA and CHR annually on the activities of the Fund and its Board of Trustees, indicating the pledges and contributions received, the funds available as well as disbursements from the Fund<sup>461</sup>.</p> <p>The <u>Secretariat</u> provides the Board, at its annual meeting, with a brief summary of each project submitted.</p> <p><u>Organisations</u> which receive funding must submit narrative and financial reports yearly, answering all the questions in the Secretariat's reporting form showing precisely how the grant of the Fund was used. This includes the number of victims assisted with the grant, and ten anonymous case studies on victims supported by the grant. If the grant is used for training and seminar activities the report should include the final list of participants and speakers as well as the programme. The Board will not consider new applications for which satisfactory reports were not submitted within one year of the last communication from the Secretariat (Points 21 to 34 and Annex 1 Guidelines<sup>462</sup>).</p>
<b>UN Voluntary Trust Fund on Contemporary Forms of Slavery</b>	<p><u>SG</u> reports annually to the GA and the CHR on the activities of the Fund and of the Board of Trustees (Annex to SG Report A/56/205<sup>463</sup>).</p> <p><u>Beneficiaries</u> have to provide satisfactory narrative and financial reports on the use of project grants. Until satisfactory reports on the use of previous grants are received, no new grant can be considered (Annex to SG Report A/56/205<sup>464</sup>).</p>
<b>UN Voluntary Fund for Indigenous Populations</b>	<p>SG reports every 2 years to GA and the CHR on activities of Fund and Board of Trustees<sup>465</sup>.</p>
<b>UN Trust Fund for the International Decade of the World's Indigenous People</b>	<p><u>Advisory Group</u> reports to CHR on the financial situation of the Fund<sup>466</sup>.</p> <p><u>Project leaders</u> who receive grants must submit narrative and financial reports (Annex II Advisory Board Recommendations, Guidelines<sup>467</sup>), as well as "statements of income and expenditure of their organization, statements of assets and liabilities and reports of auditors on these statements. Projects that receive grants above the threshold of US\$ 25,000 must provide the above-mentioned statements and reports. In this case, if needed, the cost of such audits can be paid by the Fund, up to a maximum of US\$5,000, preferably from the programme support costs of the Fund. This new guideline should be inserted in the new revised guidelines of the Fund for 2003". (Point 19 Advisory Group Recommendations 2002<sup>468</sup>).</p> <p>"Should the execution of a workshop or seminar be delegated to a non-governmental organization or any other third party, statements of income and expenditure, statements of assets and liabilities and reports of auditors on these statements should be provided by the implementing organization. If needed, the cost of such audits can be paid by the Fund, up to a maximum of US\$ 5,000, preferably from the programme support costs of the Fund." (Point 24 Advisory Group Recommendations 2002)<sup>469</sup>.</p>
<b>UN Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination</b>	<p><u>SG</u> submits each year to ECOSOC a detailed report on all activities of UN bodies relating to the Third Decade to Combat Racism and Racial Discrimination (Article 24 GA Res. 55/84<sup>470</sup>).</p>

<sup>461</sup> <http://www.unhcr.ch/html/menu2/9/vftortur.htm> Point 12.

<sup>462</sup> <http://www.unhcr.ch/html/menu2/9/apply.htm>

<sup>463</sup> <http://www.un.org/documents/ga/docs/56/a56205.pdf>. See also <http://www.unhcr.ch/html/menu2/9/vfslaver.htm#report>

<sup>464</sup> <http://www.un.org/documents/ga/docs/56/a56205.pdf>. See also <http://www.unhcr.ch/html/menu2/9/vfslaver.htm>

<sup>465</sup> See <http://www.unhcr.ch/html/menu2/9/vfindige.htm#Reports> for further information.

<sup>466</sup> See <http://www.unhcr.ch/html/menu2/9/vfinddec.htm> for further information.

<sup>467</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>468</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>469</sup> [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/\\$FILE/G0213862.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/98b802aec721c15ec1256bdd00515332/$FILE/G0213862.doc)

<sup>470</sup> <http://www.un.org/documents/ga/res/55/a55r84.pdf>

<b>UN Voluntary Fund for Technical Cooperation in the field of Human Rights</b>	SG “to include the report of the Board of Trustees on their activities in his annual report to the Commission on Human Rights on advisory services and technical cooperation” (Article 21 CHR Res. 1993/87 <sup>471</sup> ), and “report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical assistance in the field of human rights and, in a distinct part of his annual report, on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights” (Article 31 CHR Res. 1993/87 <sup>472</sup> ). “Should be a regular follow-up between the involved national bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General” (Article 15 CHR Res. 1993/87 <sup>473</sup> ).
<b>UN Compensation Fund</b>	<u>Governing Council</u> reports “on behalf of the [UNCC]” periodically to the SC (para 10 SG Report S/22559 <sup>474</sup> ). <u>Executive Secretary</u> “makes periodic reports to the Governing Council concerning claims received” (not less than quarterly) (Article 16 Provisional Rules of Claims Procedures <sup>475</sup> ). <u>Governments</u> should submit “a final summary accounts of payments made including who was paid, the exact amount received by each claimant and the date of each payment, as well as a report on amounts not distributed” (Article 6 Dec. 18 <sup>476</sup> ).
<b>Holocaust Settlement Fund</b>	<u>Chairperson of Tribunal</u> reports monthly to Special Masters on the activities and conduct of the Tribunal and submits a quarterly financial report to Special Masters (Article 12 Governing Rules <sup>477</sup> ).
<b>South African President’s Fund</b>	The Committee must “prepare and submit to the [TRC] interim reports in connection with its activities” (Article 25(1)(b)(iv) of 1995 Act <sup>478</sup> ). It must also “submit to the [TRC] a final comprehensive report on its activities, findings and recommendations” (Article 25(2) of 1995 Act <sup>479</sup> ). The President’s Fund will be audited by the Auditor-General (Article 42(7) of 1995 Act <sup>480</sup> ).
<b>German “Remembrance, Responsibility and Future” Fund</b>	Foundation is subject to the supervision of the Federal Ministry of Finance and Federal Ministry of Foreign Affairs, and audited by the Federal Court of Audit/Federal Accounting Office (Section 8 Federal Law <sup>481</sup> ). The utilization of funds by the partner organizations are “appropriately monitored by the Foundation” (Section 17 (2) Federal Law <sup>482</sup> ).
<b>Austrian Fund for Reconciliation, Peace and Cooperation</b>	<u>Partner organisations</u> conduct periodic international business audit – decision to be made by the Board of Trustees (Section 8(3) Federal Law <sup>483</sup> ). <u>Board of Trustees</u> makes semi-annual report to the Federal Government who must then present it to the Principal Committee of the National Council for publication. <u>Committee</u> must report at each meeting of the Board of Trustees.
<b>Austrian National Fund of the Republic of Austria for Victims of National Socialism</b>	At each meeting of the Board of Curators, the Chairman of the Committee (or his deputy) reports to the Board of Curators on the decisions taken in the meantime by the Committee (Article I, Section 5(3) National Fund Law <sup>484</sup> ).

<sup>471</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>472</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>473</sup> <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d3c477a45df37501802567d00055bfc5?Opendocument>

<sup>474</sup> <http://www.unog.ch/unccl/resolutio/res22559.pdf> See <http://www.unog.ch/unccl/governin.htm> for further details.

<sup>475</sup> [http://www.unog.ch/unccl/decision/dec\\_10.pdf](http://www.unog.ch/unccl/decision/dec_10.pdf)

<sup>476</sup> [http://www.unog.ch/unccl/decision/dec\\_18.pdf](http://www.unog.ch/unccl/decision/dec_18.pdf)

<sup>477</sup> [http://www.crt-ii.org/\\_pdf/governing\\_rules\\_en.pdf](http://www.crt-ii.org/_pdf/governing_rules_en.pdf)

<sup>478</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>479</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>480</sup> <http://www.doj.gov.za/trc/legal/act9534.htm>

<sup>481</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>482</sup> [http://www.stiftung-evz.de/fremdsp/englisch/st\\_ges\\_en.html](http://www.stiftung-evz.de/fremdsp/englisch/st_ges_en.html)

<sup>483</sup> <http://www.reconciliationfund.at/download/Law.pdf>

<sup>484</sup> <http://www.nationalfonds.parlament.gv.at/nf/english/index.htm>