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INFORMATION NOTES



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UPDATE ON THE REPORT ON WFP CHARTERED FLIGHT KSV 3275 TO KOSOVO

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INTRODUCTION

1. At the Second Regular Session of 2000, the Secretariat reported to the Executive Board in its information note (WFP/EB.2/2000/INF/12): “Given the legal complexities of this matter and the fact that investigations are still ongoing, it is at present impossible to predict WFP’s liability exposure in legal and monetary terms.”
2. Regrettably, the same statement applies at the current time, since little substantial progress appears to have been made towards the completion of the two major investigations. Both are conducted *in camera*, and WFP is not well placed to influence the time frame under which they are conducted or the related reports issued.
3. The purpose of this note is therefore to provide a status report of the situation to date.

INVESTIGATIONS

British Ministry of Defence

4. It is understood that the internal investigation has been completed. The matter is apparently now with their legal department to assess the situation with regard to criminal liability.

The *Tribunale di Roma*

5. This investigation seems to be moving slowly. One reason is said to be that the Investigating Judge is waiting for the British response to a request for an interview with the RAF air controller. It is the result of this investigation that will decide whether criminal or civil actions are commenced. This investigation therefore has the major impact on general liability exposure.

COMPENSATION

Passenger Liability Insurance

6. The lawyer representing the Insurers of the plane is in contact with all families. Only three of the 21 families involved have received the legal general passenger insurance of 100,000 Special Drawing Rights, equivalent to approximately US\$130,000. Payment to the other families is delayed pending negotiations over whether or not to sign a formal Release, in essence releasing from further liability those involved with the plane, as opposed to those involved with the airport.

Crew Insurance

7. Despite this being the duty of the plane operator Si Fly, Balmoral were able to claim on behalf of the three crew members under their own cover. Payments of US\$100,000 are being processed.



General Claims

8. To date, 14 of the 21 families have filed claims for a total value of US\$26 million. The validity and direction of these claims will largely be influenced by the findings of the *Tribunale di Roma* investigation.

MEMORIAL

9. With the approaching anniversary on 12 November 2000, plans are being made by the Families' Association to organize a memorial gathering for those who died and the placing of a monument on Mount Picelli. It is understood that the Italian Air Force will assist in the logistics. The Families' Association have indicated that they would prefer to organize by themselves this essentially private occasion. The Secretariat fully respects their wish.

WFP REPORT (INCLUDING LESSONS)

10. The WFP Report on follow-up action and lessons for the future, as requested by the United Nations Secretary-General and the Executive Board, is nearing completion.

EXPENDITURE

11. Expenditure charged to the Disaster Special Account to date this year has increased by some US\$45,000, bringing the total spent to date to US\$585,000. This additional expenditure is almost exclusively related to efforts to expedite the necessary legal and insurance processes.

