

# UNITED NATIONS REGISTER OF DAMAGE (UNRoD)

## RULES AND REGULATIONS GOVERNING THE REGISTRATION OF CLAIMS

### I. GENERAL PROVISIONS

#### **Article 1. Use of Terms**

The following definitions apply for the purpose of these Rules:

1. "UNRoD" means the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory established by paragraph 3 of General Assembly resolution A/RES/ES-10/17.
2. "Secretary-General" means the Secretary-General of the United Nations.
3. "OPT" means the Occupied Palestinian Territory.
4. "The Board" means three international experts appointed by the Secretary-General. The Executive Director of UNRoD serves as an ex-officio member of the Board. The Terms of Reference of the Board are set out in General Assembly resolution A/RES/ES-10/17.
5. "Executive Director" means the Executive Director of UNRoD or other persons authorized by the Executive Director to perform the functions in his/her absence. The Terms of Reference of the Executive Director are set out in General Assembly resolution A/RES/ES-10/17.
6. "Office" means the Office of UNRoD set up by paragraph 4 of General Assembly resolution A/RES/ES-10/17.
7. "Register" means the record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the occupying Power, in the OPT, including in and around East Jerusalem.
8. "Claim" means a request that damage caused by the construction of the Wall in the OPT, including in and around East Jerusalem, be included in the Register.
9. "Claim Forms" means standard forms titled "Claim Form for Registration of Damage" approved by the Board for submission of claims.
10. "Rules" means UNRoD's Rules and Regulations Governing the Registration of Claims.
11. "Eligibility Criteria" means the criteria established by the Board pursuant to General Assembly resolution A/RES/ES-10/17 set out in Article 11(2) below, against which claims will be assessed for inclusion in the Register.
12. "Claimant" means any natural or legal person who submits a claim to UNRoD.

13. "Person" means an individual, corporation, public sector entity, international organization, the Palestinian Authority or other legal entity.
14. "Documents" means all submissions and written evidence presented by a claimant in support of a claim.
15. "Database" means computerized information, pertaining to claimants and claims, kept by UNRoD to assist in the registration of claims.
16. "Wall" is the terminology used by the United Nations General Assembly and means a barrier comprising several elements including concrete walls, fences, ditches, patrol roads, trace roads and barbed wires constructed by Israel in the OPT, including in and around East Jerusalem.

### **Article 2. Scope of the Rules**

The Rules apply to the submission, processing and registration of claims submitted to UNRoD under the criteria adopted by the Board and to outreach activities undertaken by UNRoD.

### **Article 3. Guiding Principles**

Pursuant to General Assembly resolution A/RES/ES-10/17, the Board shall, in carrying out its work, be guided by the relevant findings of the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, general principles of international law and principles of due process of law.

## **II. SUBMISSION, PROCESSING AND REGISTRATION OF CLAIMS**

### **Article 4. Submission of claims**

1. Claims must be submitted on the original paper claim forms prepared and distributed by UNRoD, together with photocopies of supporting documents.
2. Claim forms and documents are to be submitted by claimants to United Nations personnel in UNRoD-designated locations in the OPT or elsewhere and will be transmitted in sealed envelopes marked "Claim Form" to, and stored by, UNRoD at the following address:

United Nations Register of Damage  
Vienna International Centre  
Wagramer Strasse 5  
1400 Vienna  
Austria

3. Upon submission of the claim form and supporting documents to United Nations personnel in the OPT, the claimant will receive a receipt, which contains a unique claim number and serves as confirmation of the fact and date of submission of the claim form and documents. Claims submitted by claimants elsewhere shall be deemed to be submitted when they are physically delivered to and received by UNRoD. A receipt containing the claim number and confirming the fact and date of receipt of the claim form and documents will be issued to the claimant.
4. UNRoD may duly establish partnerships or other agreements or associations with one or more appropriate authorities or bodies in order to provide technical assistance to claimants in submitting their claims and in transmitting such claims to UNRoD.

#### **Article 5. Who may submit claims**

1. All natural and legal persons who sustained material damage as a result of the construction of the Wall in the OPT, including in and around East Jerusalem, may submit claims.
2. The Palestinian Authority may submit claims on behalf of Palestinian public institutions which have sustained material damage as a result of the construction of the Wall in the OPT, including in and around East Jerusalem.

#### **Article 6. Language**

1. English will be the working language for the processing and registration of claims by UNRoD, given the technical requirements of software for operating an electronic database for an anticipated large number of claims.
2. Claim forms can be submitted to UNRoD in Arabic or in any other official language of the United Nations. In cases where claim forms are not submitted in English, the Office will translate them as required.
3. Documents submitted to support the eligibility of claims may be translated by the Office into English, as required, if they are submitted in a United Nations official language other than English.

#### **Article 7. Outreach to affected natural and legal persons**

UNRoD will undertake outreach activities to potential claimants, which will include but are not limited to the following:

- a. Organizing and implementing awareness and education campaigns for potential claimants;
- b. Liaising with appropriate Palestinian Authorities, including the Palestinian National Committee for the Register of Damage, Civil Society Organizations and relevant Israeli Authorities;

- c. Identifying, training and providing regular guidance to United Nations personnel, who will provide technical assistance in outreach at the grassroots level, including distribution of claim forms and providing assistance in their preparation, collection and dispatch to UNRoD;
- d. Establishing cooperation with international partners, as may be needed, with the view to receiving their technical assistance in the implementation of the outreach programme. Such partnerships will be subject to separate Memoranda of Understanding to be reviewed and approved in accordance with the existing UN Rules and Procedures.

### **Article 8. Evidence**

1. Each claimant is responsible for submitting documents to establish or support the eligibility of the claim.
2. The Board will determine the admissibility, relevance and materiality of any documents submitted.

### **Article 9. The Registry**

1. The Registry will be maintained by the Office and all claims received will be recorded in both paper and electronic format.
2. A member of the Office's Claims Processing Unit will be designated by the Executive Director to perform the functions of the Registry Officer.
3. The Registry Officer will be responsible for receiving the claims. Upon the delivery of a claim to UNRoD, the Registry Officer will record the fact of the receipt of the claim in the Registry.

### **Article 10. Technical Requirements**

1. A claimant has met the technical requirements for submitting a claim where the claim:
  - a. has been submitted on an original UNRoD claim form and in the correct claims category;
  - b. contains the name and contact details of the claimant;
  - c. contains a copy of an identity document for the claimant;
  - d. contains a description of the material damage and the circumstances under which it occurred;
  - e. contains relevant documents in support of the claim;

- f. where a claim is signed by a representative, contains a document authorizing the representative to act on the claimant's behalf;
  - g. where the claimant is under the age of 18 at the time of submission of the claim, is signed by his or her parent or legal guardian;
  - h. where the claimant is deceased, is signed by the legal executor of the estate of the deceased;
  - i. contains an affirmation by the claimant or the representative that the information contained in the claim is true and correct;
  - j. contains the original signature or thumbprint of the claimant or the representative; and
  - k. in case of claims submitted by legal persons such as companies and organizations, contains:
    - (i) Documents evidencing the name, address and place of incorporation or organization of the entity;
    - (ii) Evidence that the legal entity was in existence at the time the damage was caused;
    - (iii) A general description of the legal structure of the entity; and
    - (iv) Affirmation by a duly authorised official of the legal entity that the information contained in the claim is true and correct.
2. The Office may request that deficiencies in a claim be notified to and rectified by the claimant. The Office may, in its discretion, also request clarifications, additional information and/or documents from claimants.

### **Article 11. Eligibility and Assessment of Claims**

1. A claimant may submit claims in one or more of the following six categories: category A: Agriculture, category B: Commercial, category C: Residential, category D: Employment, category E: Access to Services, and category F: Public Resources and Other. Category F claims may not be submitted by individuals.
2. A claim shall be eligible for inclusion in the Register if it meets the following criteria:
  - a. The claimant is a natural or legal person;
  - b. The claimant has substantially met the technical requirements set out in Article 10 for submitting a claim;
  - c. The claimed damage is within the jurisdiction of UNRoD as established by General Assembly resolution A/RES/ES-10/17;

- d. The claimant has established a legal interest in the claimed damage;
  - e. The claimant has established that the claimed damage is material;
  - f. The claimant has established a causal link between the claimed damage and the construction of the Wall in the OPT, including in and around East Jerusalem;
  - g. The claimant has established that the claimed damage was in fact sustained;
  - h. The documents and assertions in support of the claim are substantially consistent; and
  - i. The claim has been established prima facie, based on information and documents submitted by the claimant, giving the claimant the benefit of the doubt in appropriate cases and bearing in mind the varying circumstances with regard to title and residency status of claimants.
3. The Office will assess claims received against the Eligibility Criteria and prepare recommendations to the Board concerning the inclusion of claims in the Register.

#### **Article 12. Consideration by the Board**

1. The Executive Director will present for consideration by the Board during its periodic sessions claims that have been preliminarily assessed by the Office in accordance with the Eligibility Criteria.
2. Decisions concerning the inclusion and non-inclusion of claims in the Register will be taken by a majority of the three expert members of the Board.
3. In its review of claims, the Board may adopt procedures that are appropriate to the character, subject-matter, number and types of claims under consideration, including mass claims processing techniques such as sampling.
4. The Board may request that deficiencies in a claim be notified to and rectified by the claimant. The Board may, in its discretion, also request clarifications, additional information and/or documents from claimants.
5. The decisions of the Board are final and are not subject to appeals.

#### **Article 13. Inclusion of Claims in the Register**

1. Claims or portions of claims approved by the Board for inclusion in the Register will be recorded in the Register by the Registry Officer.
2. The Office will notify the claimants of the inclusion of their claims or portions of their claims in the Register.

#### **Article 14. Claims not included in the Register**

1. A claim or a portion of a claim will not be included in the Register where the Board decides that it does not meet the Eligibility Criteria.
2. Where a claim or a portion of a claim is not approved for inclusion in the Register, the Office will notify the claimant of the decision.

#### **Article 15. Withdrawal of Claims**

A claim submitted to UNRoD may be withdrawn at any time by a claimant, by submitting to UNRoD a notice in writing to this effect.

### **III. CONFIDENTIALITY AND REPORTING**

#### **Article 16. Confidentiality**

1. In accordance with applicable data protection standards, all records received or developed by UNRoD will be confidential, unless provided otherwise by these Rules or decided by the Board.
2. The Board will conduct its work in private.
3. Members of the Board shall not disclose, even after the conclusion of their functions, any privileged information related to the work of UNRoD which is not in the public domain and which has come to their attention by reason of their working for UNRoD.

#### **Article 17. Reports of UNRoD**

1. The Board shall periodically render progress reports to the Secretary-General for transmission to the General Assembly in accordance with paragraph 6(h) of General Assembly resolution A/RES/ES-10/17.
2. These reports will be substantive, but in accordance with Article 16 will not disseminate information related to the identity of claimants and specifics of the claims.
3. These reports shall be made as frequently as necessary but no less than once a year.

#### **IV. AMENDMENTS AND ADDITIONAL RULES AND REGULATIONS**

##### **Article 18. Amendments and Additional Rules and Regulations**

The Board may, by a majority of its three expert members, amend these rules and make additional rules and regulations as may be necessary to efficiently implement the mandate of UNRoD outlined in General Assembly resolution A/RES/ES-10/17 in accordance with the guiding principles set out in Article 3.

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