

**FOREIGN CLAIMS SETTLEMENT COMMISSION
LIBYAN CLAIMS PROGRAM
INSTRUCTIONS FOR COMPLETING STATEMENT OF CLAIM
FCSC FORM 1-08**

Please read these instructions carefully.

ELIGIBLE CLAIMS

Pursuant to the discretionary authority of the Secretary of State under 22 U.S.C. 1623(a)(1)(C), on December 11, 2008 the Secretary referred to the Foreign Claims Settlement Commission (the Commission) one category of claims of United States nationals against the Government of Libya. This category is defined as claims of U.S. nationals who were named parties in litigation pending in U.S. courts on August 14, 2008, against Libya and its agencies or instrumentalities; officials, employees, and agents of Libya or Libya's agencies or instrumentalities; and any Libyan national (including natural and juridical person) for physical injuries sustained as a result of certain terrorism-related activities.

CLAIM FILING PERIOD

Claims must be filed by submitting the Statement of Claim FCSC Form 1-08 and documentary evidence with the Commission on or before _____. If a claimant is delayed in collecting all of his or her documentary evidence before the filing period expires, the claimant must nevertheless file the Statement of Claim FCSC Form 1-08 and any available evidence by the filing deadline. The claimant must submit the additional evidence promptly when it is obtained.

A claimant must file Statement of Claim FCSC Form 1-08 even if he or she has filed other papers, forms, or documents with the Commission, the Department of State, or any other agency or government with respect to the injuries or other wrongful acts suffered by the claimant.

STATEMENT OF CLAIM

A Statement of Claim must be prepared and filed in triplicate on FCSC Form 1-08, signed by the claimant and the claimant's attorney (if he or she has one), and delivered or forwarded by mail to the Foreign Claims Settlement Commission, 600 E Street N.W., Room 6002, Washington, D.C. 20579. A Statement of Claim should identify and describe all the wrongful acts alleged to form the basis of the claim.

Any claimant, or any person filing any claim on behalf of a claimant, who knowingly and willfully conceals a material fact or makes a false statement or representation with respect to any matter before the Commission shall, under law, forfeit all rights to any award or payment on account of this claim, and shall also be subject to the criminal penalties provided in Title 18, United States Code, Section 1001.

EXHIBITS AND DOCUMENTS IN SUPPORT OF CLAIM

Originals and two copies of all exhibits and documents should be submitted with the Statement of Claim. If such documentary evidence is not available by the final date for filing, the claimant must nevertheless file the Statement of Claim FCSC Form 1-08 and submit additional documentary evidence promptly thereafter when it is obtained.

All sworn statements which may be submitted in support of the claim shall include the following language:

"The undersigned is aware that this statement is to be submitted to the Foreign Claims Settlement Commission of the United States in connection with the claim of (Name of claimant) and that any willfully false statement herein may subject the undersigned to the criminal penalties provided by law in such cases."

Verified translations into English must accompany all documents written in a foreign language. The person making the translation shall sign a certificate similar to the following:

"I hereby certify that I am thoroughly familiar with the [-----] language; that I have read the attached document written in said language; and that the attached English translation thereof was made by me and is a true and accurate translation."

Signed -----
(Translator's Name)

(Address)

ELEMENTS REQUIRED TO ESTABLISH A VALID CLAIM

To make a valid claim for physical injury under this referral, the claimant must establish:

1. That he or she was a United States national on the date of the incident;
2. That he or she has been a United States national continuously from the date the claim arose until the date of the Settlement Agreement (August 14, 2008);
3. That he or she was a named litigant and made a claim for injury other than emotional distress in one of the cases listed below;
4. That the case in question has now been dismissed;
5. That he or she was present at the scene of the incident which has been alleged to be the cause of the injuries on which the claim is based; and
6. That he or she sustained physical injuries in the incident which has been alleged to form the basis of the claim.

METHODS OF ESTABLISHING UNITED STATES NATIONALITY

There are several ways to establish the United States nationality (i.e., U.S. citizenship) of the claimant or of another person whose nationality is important, such as a claimant's decedent who was the injured party.

- If the person whose citizenship must be established was born in the United States, a copy of that person's birth certificate or U.S. passport should be submitted. If neither of these is available, a copy of his or her baptismal certificate or similar document may be submitted instead.
- If the person whose citizenship must be established was naturalized as a United States citizen, a copy of the certificate of naturalization should be submitted.

PENDING LITIGATION

In order to be eligible for compensation, the claimant must have been a party and made a claim for injury other than emotional distress in one of the below identified lawsuits:

1. Baker v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 03-cv-749
2. Pflug v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 08-505
3. Patel v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 06-cv-626
4. Franqui v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 06-cv
5. Estate of John Buonocore III v. Socialist Libyan Arab Jamahiriya (D.D.C) 06-cv-727
6. Simpson v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 08-529
7. McDonald v. Socialist People's Arab Jamahiriya (D.D.C.) 06-cv-729
8. Clay v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 06-cv-707
9. Harris v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 06-cv-732 -734
10. Knowland v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 08-cv-1309

REPRESENTATION BEFORE THE COMMISSION

A claimant may represent himself or herself before the Commission, or may be represented by an attorney. Commission rules do not require claimants to have legal representation.

If a claimant chooses to be represented by an attorney, the attorney must be licensed to practice law in a State or Territory of the United States or in the District of Columbia.

It should be noted that Commission rules and applicable law limit an attorney's fees to 10% of the total amount paid on any award certified by the Commission.

CLAIMS PROCESS

The Commission will review the Statement of Claim as soon as it is filed. The Commission will advise claimants if more information is needed. After all

information is submitted, the Commission will issue a Proposed Decision on the claim. A copy of the Proposed Decision will be sent to the claimant or, if the claimant is represented by an attorney, to the attorney. Unless an Objection is filed with the Commission within 30 days from the date the Commission issued the Proposed Decision, the Proposed Decision becomes the Final Decision of the Commission.

A claimant may file an Objection within 30 days of receipt of the Proposed Decision. The Objection should explain why the claimant does not agree with the Proposed Decision. The Objection should also include additional supporting evidence to be considered by the Commission. A claimant is entitled to an oral hearing if the claimant so requests. At a hearing, the claimant or claimant's attorney may present arguments, more evidence, and live statements by witnesses. The Commission will consider the Objection as well as the testimony and evidence presented at the hearing, if a hearing was held. The Commission will then issue its Final Decision on the claim. A copy of the Final Decision will be sent to the claimant or claimant's attorney, as applicable.

After the Final Decision is issued, a claimant may request that the Commission reopen his or her claim if new evidence is discovered that could change the result reached in the Final Decision. A claimant must request the Commission to reopen a claim immediately upon obtaining the new evidence.

PAYMENT OF CLAIMS

If the Commission finds that a claim is compensable, it will certify the amount of the claim to the Secretary of the Treasury, who will make payment from the funds available under this referral.

FOR MORE INFORMATION

If a claimant has questions or needs help completing the Statement of Claim form, the claimant may call the offices of the Commission at (202) 616-6975, Monday through Friday, 9:00 a.m. to 5:30 p.m. Claimants may also contact the Commission by fax at (202) 616-6993, or by e-mail addressed to Info.Fcsc@usdoj.gov. The Commission's mailing address is:

**Foreign Claims Settlement Commission
600 E Street, N.W. Room 6002
Washington, D.C. 20579**