

**Agreement of 2009 on the settlement of cases and claims
between the Great Socialist People's Libyan Arab Jamahiriya
and the United States of America**

To further the normalisation of relations on the basis of equality and mutual benefit, the Great Socialist People's Libyan Arab Jamahiriya and the United States of America (hereinafter referred to as "the Parties") have agreed to the following:

Article (1)

The objective of this Agreement is:

1. A final settlement of the Parties' cases and claims and the cases and claims of their citizens (including natural persons and legal entities).
2. The permanent termination of all pending cases (including cases wherein rulings have been issued that are subject to appeal or any other type of direct judicial review).
3. Bar any cases that might be submitted to their courts in the future if such cases or claims are against the other Party, its agencies or institutions, or against the officials, employees or agents thereof (whether the cases filed against such officials, employees or agents are filed against them in their official or personal capacity), or against the other Party's citizens (when the case or claim raises in any manner the responsibility of any of those listed above); and when such case or claim is filed by or on behalf of one of the Parties' citizens (including natural persons and legal entities) or if such case is filed by or on behalf of third parties (including natural persons and legal entities), and such cases or claims are the result of personal injury (whether physical or non-physical, including psychological distress), death, or property loss caused by any of the following acts occurring prior to 30/06/2006:
 - a. An act of torture, extra-judicial killing, aircraft sabotage, hostage-taking or detention or other terrorist act, or the provision of material support or resources for such an act;
 - b. Military measures.

Article (2)

1. The Parties agree to authorize the establishment of a humanitarian settlement fund ("the Fund") as the basis for settling cases and claims and terminating and barring the cases contained in Article (1).
2. The Fund shall be established, managed and funded in accordance with the Annex attached to this Agreement. The Fund shall allocate resources for the purpose of distribution in accordance with the Annex.

Article (3)

1. Each Party shall accept the distribution of resources as a full and final settlement of its cases and claims and the cases and claims of its citizens as set out in Article (1).
2. Following receipt of resources from the Fund in accordance with the Annex, each Party shall undertake the following:
 - a. Ensure, with the assistance of the other Party if needed, the termination of any cases pending before its courts, as set out in Article (1) (including termination of

procedures for the enforcement of rulings issued), and bar the filing of any new cases before its courts, as set out in Article (1).

- b. Provide the same sovereign, diplomatic and official immunity to the other Party, its property and its agencies, institutions, officials and their property, as is normally provided within its legal system to other states and their property and to their agencies, institutions, officials and their property.
- c. Refrain from submitting any case or claim to the other Party, whether directly or on behalf of another person, as set out in Article (1). If any such claim is filed directly by a citizen to the other Party, this Party shall refer the case or claim to the first Party.

Article (4)

Each Party shall adopt the necessary measures to ensure that the Fund's resources are not subject to attachment or any other judicial procedure that would conflict in any way with the Fund's possession of the resources or the transfer of resources to or from the Fund in accordance with this Agreement.

Article (5)

The Annex attached hereto shall be deemed an integral part of this Agreement. This Agreement shall enter into force on the date it is signed.

This Agreement was signed on 14/08/2008 AD in Tripoli, in two copies, in the English and Arabic language, both versions having equal legal authority.

**For Great Socialist People's
Libyan Arab Jamahiriya**

For the United States of America

Annex

1. The Parties have agreed to authorize the establishment of a humanitarian settlement fund (the "Fund") in implementation of the Agreement on the Settlement of Cases and Claims between them (the "Agreement"), of which this Annex is deemed an integral part.
2. The Fund shall be established in accordance with the authorization issued and the Fund shall open an interest-bearing account (the "Fund Account") for the purpose of receiving contributions.
3. Each Party directly, or through its authorized representative, will direct the opening of an account for the purpose of depositing the funds received from the Fund Account. Funds to be distributed by the United States of America shall be entered into Account (A), and Funds to be distributed by the Great Jamahiriya or its authorized representative shall be entered into Account (B).
4. When contributions to the Fund Account reach one billion, eight hundred million US dollars (USD 1.8 billion), the amount of one billion, five hundred million US dollars

(USD 1.5 billion) shall be deposited into Account (A) and three hundred million US dollars (USD 300 million) shall be deposited into Account (B). In both cases, this shall constitute the receipt of the resources under Article (3.2) of the Agreement.

5. No resources shall be distributed from Account (A) until the United States of America has applied Article (3.2.b), and no resources shall be distributed from Account (B) until the Great Jamahiriya has applied Article (3.2.b) of the Agreement.
6. No resources shall be distributed from Accounts (A) or (B) to any claimant until any case filed thereby within the scope of Article (1) is terminated in accordance with Article (3.2.a).
7. The term of the Fund shall be six months from the date it is established, unless the Parties agree otherwise. If any funds remain in the Fund Account on the date of its expiration, such funds shall be transferred pursuant to arrangements agreed upon by the Parties.

Authorisation Document

I, Abdel-Rahman Mohammed Shalgam, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Great Socialist People's Libyan Arab Jamahiriya;

Based on General People's Committee Decree No. (476) of 1376 FDP (2008 AD), dated 14/08/2008 AD, approving the draft Agreement and Annex thereof and the authorising the signature of both;

Authorise Dr. Ahmed Al-Faitouri, Secretary of Affairs of the Americas, to sign the Agreement on the Settlement of Cases and Claims between the Great Jamahiriya and the United States of America.

In witness whereof, this document was drafted and signed in the city of Tripoli on 14/08/1376 FDP (2008 AD), and stamped with the seal of the General People's Committee for Foreign Liaison and International Cooperation.

Abdel-Rahman Mohammed Shalgam
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation