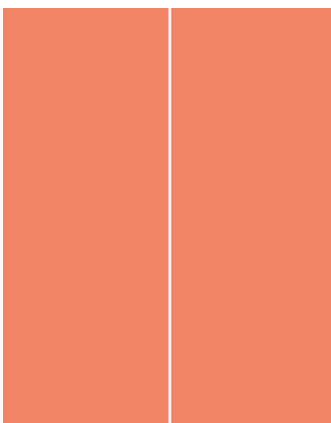


GUIDE TO COMPENSATION FOR VICTIMS OF TERRORIST ACTS

FGTI
The Guarantee Fund for Victims of
Terrorist Acts and other Offences



FOREWORD

This guide is intended to clarify the procedure and arrangements for compensation.

The technical terms used may seem far removed from the reality of the suffering experienced by victims. However, each claim is assessed on a case-by-case basis in order to get as close as possible to the reality of each victim's situation.

You will find definitions of the main technical terms in the glossary (page 37).





The Guarantee Fund for Victims of Terrorist Acts and other Offences (FGTI) is a public service provider with a legal personality status, funded by a compulsory levy on property insurance policies and whose mandate is defined by law. Respect, impartiality, solidarity, responsiveness, professionalism and commitment are the values that drive staff at the FGTI.

The FGTI compensates all victims of terrorist acts committed in France after 1 January 1985, regardless of their nationality. For terrorist acts committed abroad, it compensates victims with French nationality and their beneficiaries (regardless of the nationality of the beneficiaries).

Its mandate is to make full reparations for their injury. The FGTI has no profit motive and has no other aim aside from awarding fair compensation under the ultimate supervision of a judge, to whom the victim may appeal in the event of a disagreement. To this end, legal practitioners and particularly magistrates have drawn up a non-exhaustive list that divides injury into several classifications, the so-called nomenclature of classifications of injury. Some of these classifications of injury will be assessed during a medical examination.

When a terrorist act is committed in France, the public prosecutor in Paris informs the FGTI of the event and the identity of the victims. If it takes place abroad, and no legal proceedings are ongoing in France, the FGTI is informed by the Ministry of Foreign Affairs.

The FGTI then contacts injured victims and the beneficiaries of deceased victims, whose names have been disclosed to it, with a view to compensating them. Any person who believes they are a victim may also submit a compensation claim directly to the FGTI (victims have a period of 10 years from the date of consolidation to apply to the FGTI).

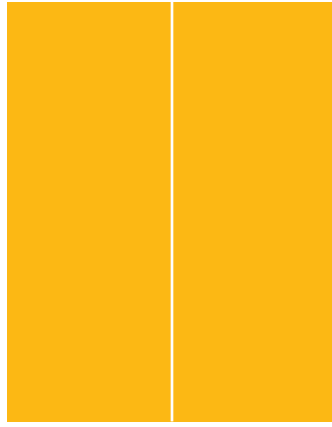
This guide is intended to help victims gain a better understanding of the FGTI's compensation procedure and to inform them of the various classifications of injury that may be compensated, according to each situation. It answers the main questions they may have.

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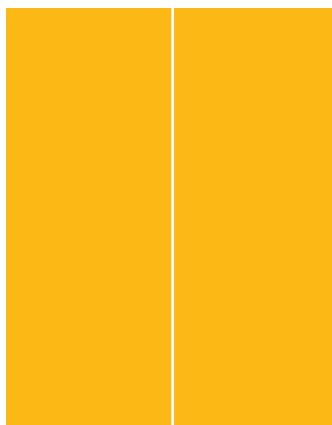
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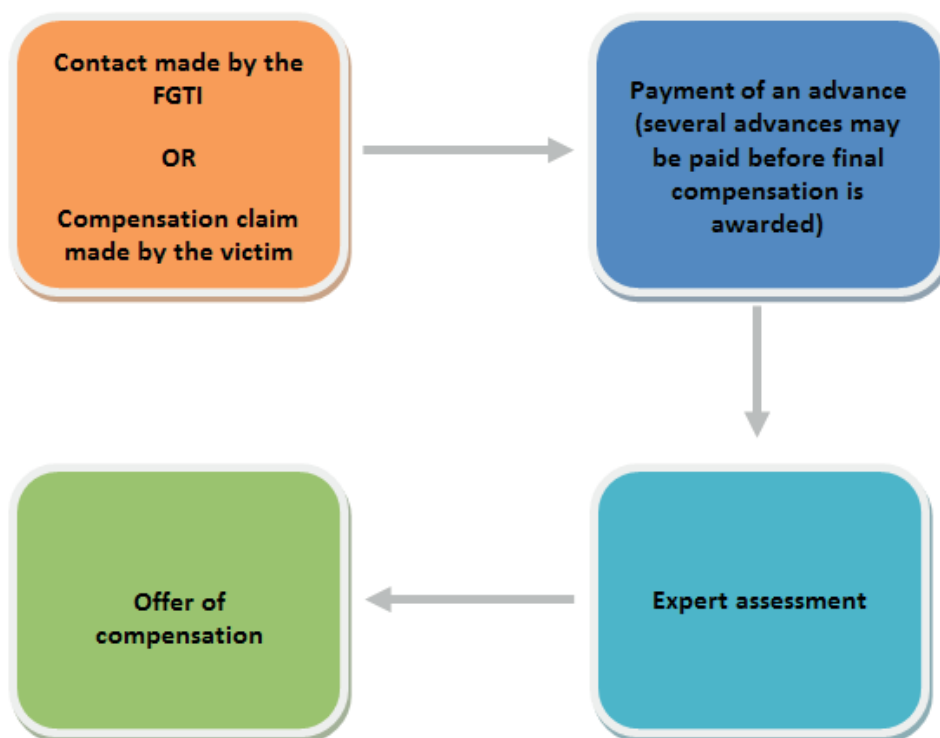






1. COMPENSATION PROCEDURE





A. Initial contact - Submitting a compensation claim

As soon as the identity of the victims is known, the FGTI makes contact with the beneficiaries of deceased victims and physically injured victims named on the single list drawn up by the public prosecutor.

Any person who believes they are a victim of a terrorist act may also apply directly to the FGTI up to ten years after medico-legal consolidation (i.e. when a doctor has established that the victim's condition is unlikely to change).

In the event of criminal proceedings, the compensation claim may be submitted within one year of the ruling. Since 2012, the Board of Directors of the FGTI may, in all cases and at the request of victims whose claims fall outside the prescribed time limit, decide whether or not to lift the time limit. The victim then submits to the FGTI the reasons why they were unable to assert their rights within the prescribed time limit.

If the compensation claim is admissible, an initial advance is paid in the month following receipt of all the documents requested (cf. point 3: Practical aspects).

If the compensation claim is inadmissible (ineligibility), the victim may appeal against this ruling to the FGTI in writing or by submitting additional documents.



B. Payment of an advance

An advance on compensation is paid by the Guarantee Fund to allow the victim to meet initial costs while awaiting final compensation.

It is paid in the month following receipt of the complete claim, provided the admissibility criteria are met.

The amount depends on the level of injury and the supporting documents submitted.

Following an initial payment, additional advances may then be paid to the victim based on costs incurred or future costs and the expected end status of the injury.

The FGTI also covers funeral costs and, in principle, pays them directly to the funeral directors, up to the average cost of funerals

C. Medical examination

The Guarantee Fund may organise a medical examination for physically and/or mentally injured victims.

The main purpose of the medical examination is to determine the extent of personal injury to the victim and the classifications of injury that can be compensated as a direct result of the incident. At this point, the doctor assigned by the FGTI carries out a clinical examination and has a conversation with the victim and, where appropriate, their adviser (doctor and/or lawyer).

The doctor assigned by the FGTI must answer a series of set questions as part of a specific expert assessment for victims of terrorist acts: personal and/or professional situation of the victim, study of medical documents, complaints, etc.

Doctors assigned by the FGTI carry out this task independently, with the sole aim of objectively assessing the impact of the attack.

The expert assessment is also carried out in accordance with the adversarial principle, i.e. the victims themselves, or through their advisers (doctors, lawyers), have the opportunity to present their case, both legally and medically.

Therefore, to guarantee the adversarial nature of the expert medical assessment, the victim may be assisted and accompanied by the doctor of their choice, whose fees are paid by the Guarantee Fund, in accordance with the rules in force. The doctor assigned by the FGTI will listen to and take into account the arguments of the doctor assisting the victim and/or their lawyer.

If the victim's condition is stable, the doctor assigned by the FGTI sets the date of consolidation. Consolidation occurs when injuries stabilise and become permanent, making treatment ineffective except to prevent deterioration. It is then possible to assess



D. Offer of compensation

In case of injury

The offer of compensation is presented following consolidation of the physical or mental impact of the attack, the date of which is determined by the doctor assigned by the FGTI.

On receipt of the final medical report, the Guarantee Fund sends the victim a detailed breakdown of the compensation offered on the basis of this report, after deduction of amounts paid by social security or other welfare agencies, and any advances that may have already been paid.

If a medical examination is not necessary in light of the medical evidence produced by the victim and their needs, they may ask the Guarantee Fund to send them an offer of compensation. The Guarantee Fund will base its ruling on the medical certificates submitted, outstanding costs and loss of income, where appropriate, after deduction of amounts owed to welfare agencies and advances paid.

In all cases, the offer of compensation is determined according to the classifications of injury detailed in chapter 2. A partial offer may be made if there is a lack of evidence to assess some classifications of injury.

In case of death

The offer of compensation is sent to the beneficiaries.

It includes compensation for psychological injury, funeral costs and economic loss, after deduction of amounts owed to welfare agencies. Economic loss is calculated on the basis of the share of income that the deceased spent on their relatives.

Offer period

The FGTI makes an offer of compensation to the victim or the relatives of the deceased victim within three months of receipt of the complete claim. Conversations may take place between the victim (or their lawyer) and the FGTI about the various documents to be submitted until the claim is complete.

At the same time as making an offer of compensation, the FGTI pays 80% of the total amount of the offer as an advance payment, after deduction of any advances already paid.



Receipt of the offer

When the victim receives the offer of compensation, they may:

- accept it,
- discuss it (in conversations with the FGTI lawyer in charge of compensation),
- reject it: the amount of compensation is then decided by the county court, following referral by the victim. The case can be referred to either the county court of Créteil (jurisdiction of the registered office of the FGTI) or that of the place where the attack occurred, if committed in France. The Guarantee Fund then makes payment on the basis of the ruling made.

E. Method of payment of compensation

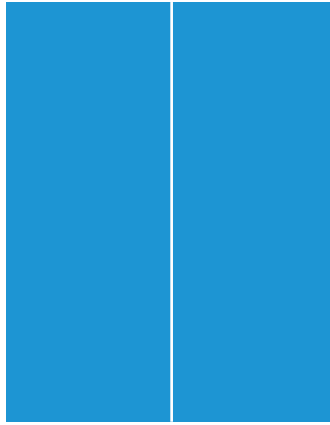
Compensation may be paid as a lump sum and/or an annuity (regular payments). The decision is taken in agreement with the victim (unless the judge intervenes) based on the amount and the injury being compensated.

In fact, payment in the form of a lump sum does not always protect the victim, particularly when they face ongoing expense (e.g. assistance from a third party).

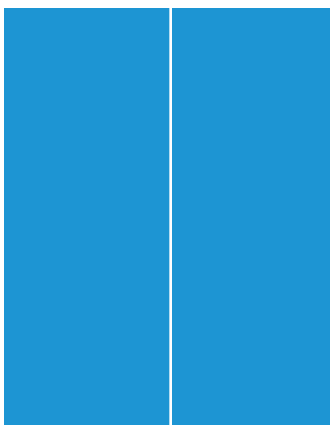
On the other hand, if home or vehicle adaptations are required as a result of the incident, a lump-sum payment may be more appropriate.







2. CLASSIFICATIONS OF INJURY



Magistrates base compensation for victims on an indicative nomenclature (Dintilhac nomenclature) of classifications of injury, applied by all jurisdictions.

Jurisdictions use an up-to-date tool that gives an indicative framework for some classifications of injury, with ranges for the amount of compensation.

The FGTI also uses these tools to determine its offer of compensation to direct victims (those who have personally suffered injury and survived the incident) and beneficiaries in case of the death of the direct victim.

Classifications of injury are divided into two categories: pecuniary loss (financial loss) and non-pecuniary loss (personal injury).

For direct victims, these two categories are subdivided into temporary and permanent loss or injury. From the date of consolidation, injuries stabilise and become permanent. It will then be possible to distinguish between temporary classifications of injury (before consolidation) and permanent classifications of injury (after consolidation).

Some classifications are assessed during the medical examination (temporary functional impairment, permanent functional impairment, suffering endured, etc.) and other classifications are assessed by FGTI lawyers on the basis of supporting documents (miscellaneous expenses, loss of current earnings, loss of future earnings, etc.).

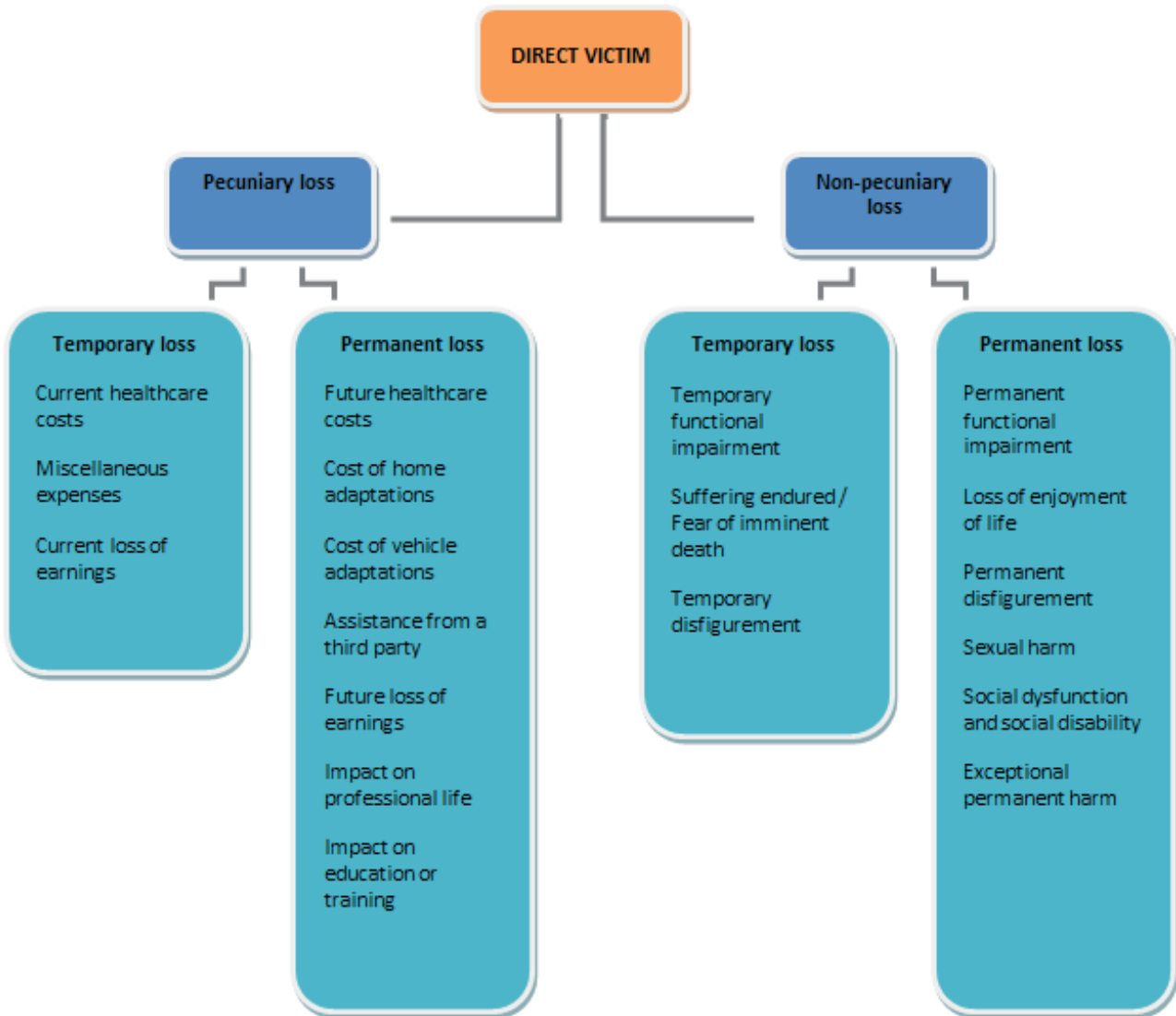
In this way, the Guarantee Fund determines its offer, on a case-by-case basis, according to the classifications assessed by the doctor assigned by the FGTI and the supporting documents produced.

The classifications of injury of direct victims (injured victims) and indirect victims (beneficiaries of deceased victims) are presented, in this guide, in the order of the Dintilhac nomenclature



Compensation of direct victims

Direct victims are those who have personally suffered injury and survived the incident. Not all of the classifications of injury listed below will apply in all situations. Determination of injury is made on a case-by-case basis, according to the personal situation of each victim and the supporting documents produced.



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I. PECUNIARY LOSS

Pecuniary loss refers to financial loss.

1) TEMPORARY PECUNIARY LOSS

This refers to financial loss suffered between the date of the terrorist act and the date of medico-legal consolidation.

A. Healthcare costs

Healthcare costs before consolidation consist mainly of hospital fees (excluding patient contribution and user fees), surgical expenses, medical expenses, paramedical expenses (nursing, physiotherapy, oculomotor therapy, speech therapy, etc.), prescription charges, prostheses, equipment, cosmetic procedures, etc.

Medical treatment and/or psychiatric consultations related to the act of terrorism are fully covered by health insurance. Victims therefore do not have to pay costs in advance, except for any excess fees which will then be reimbursed by their health insurance company and, where appropriate, their supplemental health insurance.

The remaining outstanding costs not covered by these bodies will be paid by the FGTI as part of the compensation. It is therefore essential that the victim justifies outstanding costs in order to be compensated for them, and therefore that they keep the supporting documents for these expenses.

B. Miscellaneous expenses

This classification includes expenses to compensate for non-work activities, i.e. childcare costs, home care, transport costs, etc.

This classification also includes fees that the victim has had to pay to doctors to advise and assist them during the medical examination.

Compensation for miscellaneous expenses is paid upon production of supporting documents.

With regard to temporary assistance from a third party for basic everyday living activities, an assessment is carried out by the doctor assigned by the FGTI on the basis of need. Unlike other miscellaneous expenses, compensation for assistance from a third party is not conditional on the production of supporting documents; however, producing them allows compensation to be paid at the actual hourly rate.

C. Loss of earnings

This refers to the loss of income suffered by the victim, as a result of their injury, between the date of the terrorist act and the date of consolidation, after the intervention of welfare agencies (CPAM [local health insurance fund], supplemental health insurance, etc.).

This loss is determined for employees through a statement from the employer, payslips or evidence of daily sickness benefits paid by welfare agencies. For self-employed professionals or workers, loss of earnings will be compensated upon production of tax assessments and annual accounts (balance sheet, operations, annexes) over at least the last two financial years.



2) PERMANENT PECUNIARY LOSS

This refers to financial loss suffered after the date of consolidation.

A. Future healthcare costs

Future healthcare costs include hospital fees, medical expenses, paramedical expenses and prescription and similar charges, even occasional costs, that are medically predictable and made necessary by the victim's condition after consolidation; for example, regular replacement of braces, prostheses, hearing aids, etc.

It is the victim's responsibility to submit all supporting documents for outstanding costs.

B. Cost of home adaptations

These expenses cover costs that direct victims have to pay to adapt their home to their disability.

This compensation is paid on the basis of invoices, quotes or the findings of a report by a qualified expert (architect, occupational therapist) on the size and amount of work necessary for the victim to live in their home.

The cost of any home adaptations made before consolidation may be compensated under miscellaneous expenses (cf. 1) B. above).

C. Cost of vehicle adaptations

This classification includes expenses necessary for the adaptation of one or more vehicles to the needs of victims with a permanent disability.

Assessment of this classification of injury is carried out on the basis of invoices, quotes or the findings of a report by a qualified expert.

The costing of this classification of injury takes into account the additional cost of the expense, i.e.

- the higher purchase price of the vehicle compared to the value of the one the victim had before the accident;
- the additional cost of adapting a standard model;
- the higher cost of travelling by car compared to the amount spent on public transport that is now inaccessible, when the victim used to travel by public transport.

The Guarantee Fund also takes into consideration a replacement period in line with the average for French car owners (7-10 years)



D. Assistance from a third party

The injury to be compensated is the cost of the required presence of a third party, who may be a relative of the victim, to assist them, on a permanent basis, with everyday living activities, keep them safe and compensate for their loss of independence.

Compensation is usually paid in the form of annuities to tailor care to long-term needs. It is calculated by assessing, on the day of the offer, the cost of an employee, taking into account the qualifications of the third party.

E. Loss of future earnings

This compensates the victim for the loss or permanent drop in their income as a result of the permanent disability they now face at work as a result of the injury.

Compensation is offered on the basis of supporting documents provided by the victim (tax assessments, payslips, etc.).

F. Impact on professional life

The purpose of this classification is to compensate the impact of the injury on the victim's professional life, such as the loss suffered as a result of their labour market devaluation, their loss of professional opportunities (to get a promotion, for example) or the increased difficulty of their job. It can also compensate the loss suffered by victims who are forced to give up the occupation they held before the injury for another occupation that they had to choose as a result of their disability.

This classification supplements compensation for loss of earnings.

This classification also compensates the cost of a career change (retraining, for example) and loss of pension points (this refers to the impact on future pension income. It is compensated here, unless it is already compensated through future loss of earnings, provided this is paid in the form of lifetime annuities.

The loss suffered is assessed on the basis of supporting documents provided by the victim (statement from the employer, etc.) and their career history.

G. Impact on education or training

The purpose of this classification is to remedy the loss of years of education, training etc. as a result of the injury suffered by the victim. This classification not only includes falling behind in schooling or training, but also a change of direction.

Compensation is paid according to the personal situation of the victim.



II. NON-PECUNIARY LOSS

This refers to personal injury.

1) TEMPORARY NON-PECUNIARY LOSS

This refers to non-financial loss suffered between the date of the terrorist act and the date of consolidation.

A. Temporary functional impairment

This refers to discomfort in everyday living activities, as a result of trauma, suffered by the victim in their personal life during the period between the terrorist act and full resumption of all personal leisure activities.

Temporary functional impairment is assessed by the doctor assigned by the FGTI. Periods of total and/or partial discomfort are determined using a coefficient.

Compensation is paid according to the duration and total or partial nature of the discomfort suffered by the victim.

B. Suffering endured

This refers to the physical and mental suffering, and associated disorders, endured by the victim from the day of the terrorist act to the date of consolidation of their condition.

Thereafter, from the date of consolidation, suffering endured falls under permanent functional impairment and will therefore be compensated as such.

Suffering endured is assessed by the doctor assigned by the FGTI on a scale of 1-7 (from 'very mild' to 'very severe').

Compensation is paid in accordance with the detailed description of the level of suffering endured provided by the doctor assigned by the FGTI, case law and the following framework:

Suffering endured	Amount
1/7	€1,100
2/7	€2,200
3/7	€4,200
4/7	€8,000
5/7	€16,000
6/7	€30,000
7/7	€45,000

These are minimum amounts that may vary based on the victim's situation. The fear of imminent death suffered by the victim during the terrorist act may be assessed under suffering endured. This injury is assessed specifically under suffering endured as determined by a medical examination. Compensation ranges from €2000 to €5000 depending on the victim's situation.



C. Temporary disfigurement

This refers to temporary physical injuries that alter physical appearance, with very harmful personal consequences.

The Dintilhac nomenclature states that this classification only applies in very specific cases, such as severe burns or significant facial trauma.

The compensation offered takes into account the nature, location, size and severity of the physical injury described by the doctor assigned by the FGTI, as well as the amount of time for which the victim suffered this disfigurement.

2) PERMANENT NON-PECUNIARY LOSS

This refers to non-financial loss suffered after the date of consolidation.

A. Permanent functional impairment

This classification remedies the impact of the injury on the victim's personal life only. As such, it covers not only adverse effects on the victim's physiological functions, but also the constant pain they may feel, loss of quality of life and daily problems with their living conditions after consolidation. This classification of injury also remedies any loss of personal independence experienced by the victim in their daily activities, as well as any specific discomfort that remains even after consolidation. The doctor assigned by the FGTI sets a rate of functional impairment from 1-100% calculated based on the 'Indicative scale of assessment of disability rates in common law' published by the Concours Médical in 2001.

Compensation depends on the rate of functional impairment set by the doctor assigned by the FGTI and the age of the victim at the time of consolidation.

The amounts shown in the table below, according to age and rate of permanent functional impairment, are multiplied by the rate set.

So, for example, for a rate of permanent functional impairment of 50% for a victim aged 25, the calculation is as follows: $4,210 \times 50 = \text{€}210,500$.



Rate of d'IPP (partial permanent disability)	0 - 10	11-20	21 - 30	31 - 40	41 - 50	51 - 60	61 - 70	71 - 80	81 - +
1 - 5 %	2 100	1 950	1 780	1 610	1 440	1 270	1 100	950	800
6 - 10 %	2 425	2 250	2 050	1 850	1 640	1 420	1 200	1 025	850
11 - 15 %	2750	2 550	2 320	2 090	1 840	1 570	1 300	1 100	900
16 - 20 %	3 075	2 850	2 590	2 330	2 040	1 720	1 400	1 175	950
21 - 25 %	3 400	3 150	2 860	2 570	2 240	1 870	1 500	1 250	1 000
26 - 30 %	3 725	3450	3 130	2 810	2 440	2 020	1 600	1 325	1 050
31 - 35 %	4 050	3 750	3 400	3 050	2 640	2 170	1 700	1 400	1 100
36 - 40 %	4 375	4 050	3 670	3 290	2 840	2 320	1 800	1 475	1 150
41 - 45 %	4 700	4 350	3 940	3 530	3 040	2 470	1 900	1 550	1 200
46 - 50 %	5 025	4 650	4 210	3 770	3 240	2 620	2 000	1 625	1 250
51 - 55 %	5 350	4 950	4 480	4 010	3 440	2 770	2 100	1 700	1 300
56 - 60 %	5 675	5 250	4 750	4 250	3 640	2 920	2 200	1 775	1 350
61 - 65 %	6 000	5 550	5 020	4 490	3 840	3 070	2 300	1 850	1 400
66 - 70 %	6 325	5 850	5 290	4 730	4 040	3 220	2 400	1 925	1 450
71 - 75 %	6 650	6 150	5 560	4 970	4 240	3 370	2 500	2 000	1 500
76 - 80 %	6 975	6 450	5 830	5 210	4 440	3 520	2 600	2 075	1 550
81 - 85 %	7 300	6 750	6 100	5 450	4 640	3 670	2 700	2 150	1 600
86 - 90 %	7 625	7 050	6 370	5 690	4 840	3 820	2 800	2 225	1 650
91 - 95 %	7 950	7 350	6 640	5 930	5 040	3 970	2 900	2 300	1 700
96 % - +	8 200	7 650	6 910	6 170	5 240	4 120	3 000	2 375	1 750

B. Loss of enjoyment of life

The sole purpose of this classification of injury is to remedy the specific injury caused by the victim's inability to resume a sport or leisure activity that they practised regularly before the incident.

The injury is assessed in light of the activities previously practised by the victim and the supporting documents provided (permits, invoices, witness statements, etc.). The level and frequency of activity is taken into account.

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C. Permanent disfigurement

This classification aims to remedy physical injuries that permanently alter the victim’s physical appearance.

Permanent disfigurement is assessed by the doctor assigned by the FGTI on a scale of 1-7.

Compensation is determined according to the level of injury assessed and the description given in the medical examination report. It takes into account various parameters such as age and the nature and location of the disfigurement.

Disfigurement	Amount
1/7	€1,100
2/7	€2,200
3/7	€4,200
4/7	€8,000
5/7	€16,000
6/7	€30,000
7/7	€45,000

These are minimum amounts that may vary based on the victim’s situation.

D. Sexual harm

This classification concerns the remedy of sexual harm. It includes difficulty performing sexual acts.

Compensation is based on the description given by the doctor assigned by the FGTI in their report.

E. Social dysfunction and social disability

This classification of injury aims to compensate for loss of hope, opportunity or any possibility of a family life as a result of the severity of the permanent disability that the victim continues to suffer after consolidation. It refers to loss of the opportunity to get married, start a family, raise children and, more generally, disruption to the victim’s life plans that requires them to make certain sacrifices in family life.

Compensation will take into account the victim’s situation and court practices.

F. Exceptional permanent harm

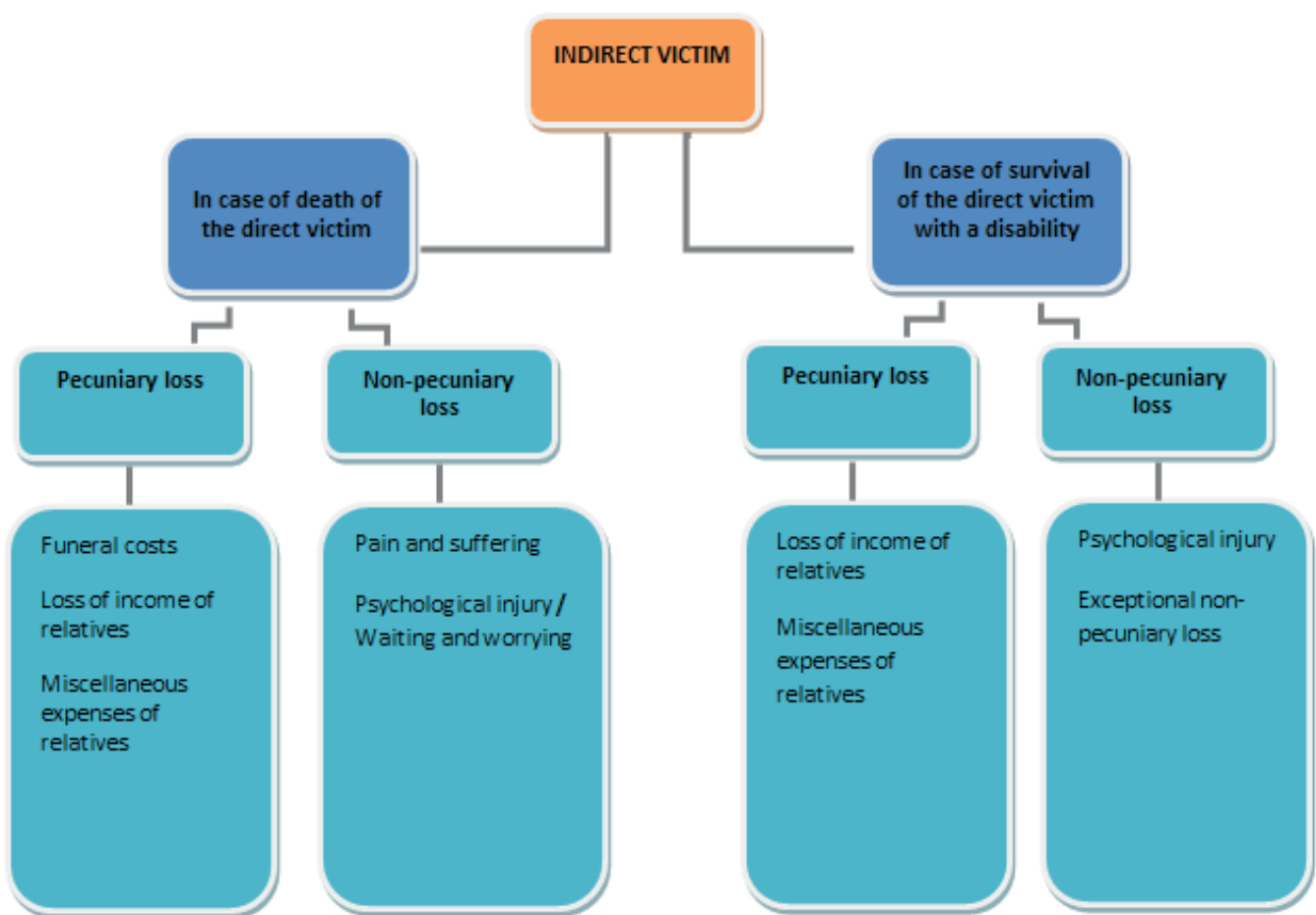
The Dintilhac nomenclature provides this classifications of injury to take into account exceptional situations for which the ‘traditional’ classifications of injury are not sufficient (for example: a father with a severe hand injury who can no longer communicate in sign language with his deaf daughter, or can only do so with great difficulty).



Compensation of indirect victims

Indirect victims are the beneficiaries of the direct victim.

As for direct victims, some of the classifications of injury listed below may not be applicable. Determination of injury is made on a case-by-case basis according to each victim's situation and the supporting documents produced.



IN CASE OF DEATH OF DIRECT VICTIM

I. PECUNIARY LOSS

A. Funeral costs

This refers to funeral and burial costs. In principle, payment will be made directly to the funeral directors on the basis of invoices, up to an amount calculated based on the average cost of funerals.

B. Loss of income of relatives

This refers to the loss or drop in income suffered by the spouse (or partner) and dependent children as a result of the victim's death. To determine the loss or drop in income affecting relatives, the Guarantee Fund takes the annual household income before the victim's death as a reference point, taking into account the victim's share of consumption and the income their spouse continues to receive.

C. Miscellaneous expenses of relatives

This classification of injury aims to compensate the relatives of the direct victim for miscellaneous expenses they may have been incurred upon their death. It covers, for example, transport costs for geographically distant close relatives (parents, children, brothers and sisters) to attend the funeral.

Compensation is paid on the basis of supporting documents.

II. NON-PECUNIARY LOSS

A. Pain and suffering

This remedies the disruption to everyday life suffered by the relatives of the direct victim from the date of the terrorist act to the date of death as a result of the injuries sustained. It includes the entire period of care before death.

Relatives must have cohabited and had an emotional relationship with the direct victim.

Compensation takes into account the particular circumstances of each of the relatives and relevant court practices.



B. Psychological injury

This refers to compensation for the psychological injury suffered by some relatives as a result of the death of the direct victim.

Relatives who are especially affected include spouses, ascendants, descendants and siblings. Beyond this, special cases may be taken into account on the basis of emotional ties.

Compensation takes into account degree of kinship.

Relationship		Amount
Spouse/partner		€35,000
Children for the death of a parent	Child up to the age of 25	€25,000
	Child over the age of 25 living at home	€20,000
	Child over the age of 25 not living at home	€15,000
Parents for the death of a child	Child up to the age of 25	€35,000
	Child over the age of 25 living at home	€30,000
	Child over the age of 25 not living at home	€25,000
Grandparents for the death of a grandchild	Evidence of regular contact	€11,000 *
	No evidence of regular contact	€7,000
Grandchildren for the death of a grandparent	Evidence of regular contact	€10,000 *
	No evidence of regular contact	€7,000
Brothers/sisters	Cohabitation	€15,000
	Without cohabitation	€12,000

* *These amounts may be increased to take into account cohabitation of the beneficiary and the deceased.*



Psychological injury takes into account the pathological impact that the death may have had on some relatives.

Grief is made up of several phases that can last from 1-2 years. Grief becomes pathological when psychopathological disorders or symptoms appear that did not exist prior to the death of the victim of the terrorist act. Pathological grief is diagnosed by a doctor.

When it happens to a relative of the victim, who continues to suffer the impact, a medical examination may be organised to assess the injury. The offer of compensation is based, in this case, on medical findings.

Subject to cohabitation, waiting and worry may be compensated under suffering endured by relatives prior to the announcement of the victim's death.

This injury is assessed either specifically under suffering endured as determined by a medical examination, or by an increase in the level of psychological injury.

Fear of imminent death, suffered by the victim during the terrorist act, is presumed in the case of death. Compensation ranges from €5,000 to €30,000 depending on the victim's situation. Compensation for this injury and any suffering endured forms part of the deceased's estate. Subject to cohabitation, waiting and worry may be compensated under suffering endured by relatives prior to the announcement of the victim's death.

This injury is assessed either specifically under suffering endured as determined by a medical examination, or by an increase in the level of psychological injury.



IN CASE OF SURVIVAL OF DIRECT VICTIM

I. PECUNIARY LOSS

A. Loss of income of relatives

This refers to the loss or drop in income suffered by close relatives (spouse (or partner) and dependent children) exclusively as a result of the direct victim's disability.

To determine the loss or drop in income affecting relatives, the Guarantee Fund takes as a reference point the annual household income before the injury that led to the direct victim's disability, taking into account the victim's share of consumption and the wages their spouse (or partner) continues to receive.

B. Miscellaneous expenses

This classification of injury aims to compensate relatives of the direct victim for any miscellaneous expenses they may have incurred during or after the trauma of the victim suffering from a disability.

It covers mainly transport and accommodation costs.

Compensation is paid on the basis of supporting documents.

II. NON-PECUNIARY LOSS

A. Psychological injury

This remedies the psychological injury suffered by some relatives of severely disabled victims in view of the pain and suffering of the direct victim.

Relatives who are especially affected include spouses, ascendants, descendants and siblings. Beyond this, special cases may be taken into account on the basis of emotional ties.

Compensation takes into account degree of kinship.

B. Exceptional non-pecuniary loss

The Dintilhac nomenclature provides this classification of injury for relatives cohabiting with the severely handicapped victim, to take into account exceptional circumstances for which the 'traditional' classifications of injury are not sufficient.



EXCEPTIONAL INJURY SPECIFIC TO VICTIMS OF TERRORIST ACTS

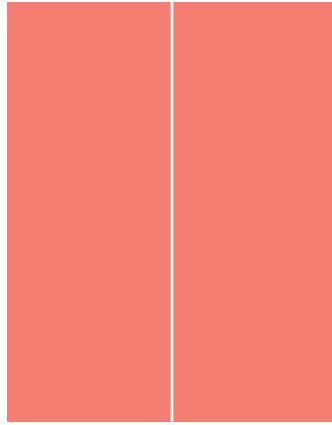
In addition to the classifications of injury defined by the nomenclature, the Board of Directors of the FGTI has decided to include a specific exceptional injury for victims of terrorist acts (PESVT) to take into account the specific nature of their situation and in particular the state of post-traumatic stress and/or disorders related to the specific nature of these events.

This classification is therefore applicable to victims who have suffered physical and/or psychological injury. The amount, a minimum of €10,000, is set by the Board of Directors of the FGTI.

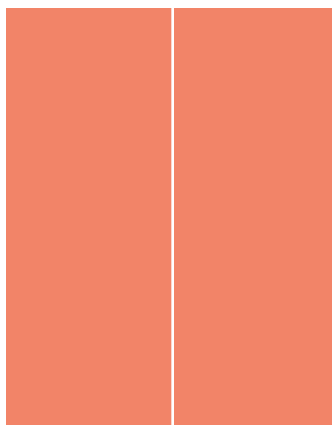
The Board of Directors of the FGTI has also made the decision to award a sum for PESVT to the beneficiaries of deceased victims. The amount is set according to degree of kinship:

Beneficiary		Amount
Spouse/ partner		€17,500
Children for the death of a parent	Child up to the age of 25	€12,500
	Child over the age of 25 living at home	€10,000
	Child over the age of 25 not living at home	€7,500
Parents for the death of a child	Child up to the age of 25	€17,500
	Child over the age of 25 living at home	€15,000
	Child over the age of 25 not living at home	€12,500
Grandparents for the death of a grandchild	Evidence of regular contact	€5,000
	No evidence of regular contact	€3,500
Grandchildren for the death of a grandparent	Evidence of regular contact	€5,000
	No evidence of regular contact	€3,500
Brothers/ sisters	Cohabitation	€7,500
	Without cohabitation	€6,000





3. OMBUDSMAN



The Ombudsman is available to persons who wish to make a complaint regarding the compensation procedure or accompanying arrangements.

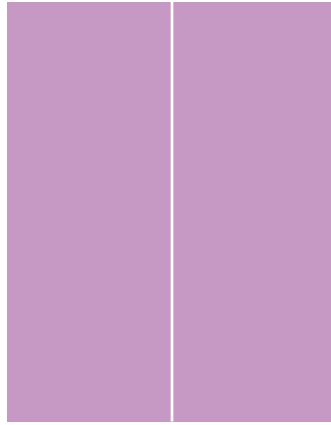
Natural persons may apply to the Ombudsman for any disputes relating to:

- a lack of response from the FGTI within the prescribed period to a compensation claim made in writing;
- challenging a refusal to pay by the FGTI;
- a breach of the rules and commitments of the FGTI, in particular those mentioned in the victims' charter and the medical examination guidelines available on the Guarantee Fund's website.

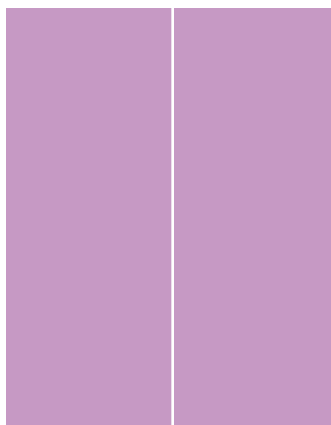
The Ombudsman has no jurisdiction to hear challenges related to the amount of compensation offered or claims for which legal action is ongoing.

At the end of its work, the Ombudsman issues an independent opinion to the victim and the FGTI. The mediation process is set out in detail in guidelines available online on the Guarantee Fund's website





4. PRACTICAL ASPECTS



1. What is a victim ?

The victim is the person who has suffered injury as a direct result of the terrorist act. A distinction is made in law between a direct victim and an indirect victim.

The direct victim is the one who has personally suffered injury, whereas the indirect victim is a relative (or beneficiary) of the direct victim.

2. How do I apply to the FGTI ?

A request to open a claim with a view to compensation requires submitting a completed form, accompanied by supporting documents, to the FGTI.

Depending on the situation, two compensation claim forms are available: a form to be completed by the victim and/or a form to be completed by the beneficiary in the case of death.

These compensation claim forms can be downloaded from the website www.fondsdegarantie.fr

A complete claim must include:

- the full personal details of the claimant: surname, first names, nationality, address, occupation, family status ;
- a photocopy of their identity card, resident card, passport or family record book ;
- the date and location of the attack ;
- the police report, witness statements or a statement from the French consulate, in the case of a terrorist act committed abroad ;
- initial medical certificates, hospitalisation reports, sick leave ;
- all information relating to social security and supplemental health insurance (number, centre, address, plan) ;
- whether the terrorist act occurred in the workplace or on the journey to or from work and, where appropriate, the name and address of the employer;
- all information relating to income and loss of earnings;
- photocopies of receipts for costs incurred (specialists' or third party fees, childcare, transport, etc.) ;
- evidence of the injury suffered ;
- the amount of benefits received from social security (daily sickness benefits, annuities) and insurance ;
- bank account details.



These documents may be sent bit by bit, depending on when the victim can take possession of them.

Victims or their beneficiaries should send their compensation claim to:

Fonds de Garantie des victimes d'actes de Terrorisme et d'autres Infractions

64 rue DeFrance - 94682 Vincennes cedex – France.

The compensation claim, and any other requests by the victim for assistance in putting together their claim, can also be made by email:

For the NICE attacks: victimes14juillet2016@fga.fr

For the 13 November 2015 attacks: victimes13novembre@fga.fr

For other attacks: victimes.terrorisme@fga.fr

Victims can also use the platform set up by the government: unique site for information and reporting for victims (website: www.gouvernement.fr/guide-victimes)

Claims submitted on this website are immediately sent to

3. How do I apply to the FGTI Ombudsman ?

Compensation claimants or their duly authorised representatives (lawyer, victim support association) can apply to the Ombudsman by registered letter with acknowledgement of receipt at the following address: 64 rue DeFrance, 94682 Vincennes cedex or by email at: lemediateur@fgti.fr

The form for referral to the Ombudsman is on the Guarantee Fund's website.

The Ombudsman acknowledges receipt of the claim and keeps the claimant informed of the admissibility of their request for mediation and the opinion issued after examination.

If deemed necessary, the Ombudsman may request a meeting with the claimant and the person in charge of the case at the FGTI.

4. What is the purpose of compensation ?

The principle for all compensation is full redress, i.e. returning the victim as far as possible to the situation they were in before the event that caused them injury.

Of course, financial compensation will never replace the loss of a loved one or make up for permanent physical or psychological injury. However, it will help victims rebuild their lives and cope with the seriousness of the situation. It is also a way to avoid adding financial difficulties to emotional and/or physical pain.



5. Which amounts received by victims are deducted from the compensation ?

Compensation must be paid at no profit or loss to the victim, i.e. they will be compensated for all their injuries, but they must not receive more than that. For this reason, all amounts received from other sources for the same injuries are taken into account, such as benefits for work-related accidents, death benefits, disability benefits, daily sickness benefits, benefits under everyday accident cover, etc.

However, donations and payments from life insurance or associations are not deducted from the compensation paid to the victim by the Guarantee Fund.

6. What are the conditions for compensation for relatives of injured victims ?

The Guarantee Fund may, upon production of supporting documents, reimburse the travel costs of some relatives (spouse, ascendants, descendants, siblings) to be at the bedside of hospitalised victims.

For more information, compensation procedures are set out in detail in the chapter on 'compensation of indirect victims' on pages 18 and 19 of this guide.

7. What are the consequences of refusing an offer of compensation from the FGTI and applying to the county court, in particular for PESVT ?

The FGTI undertakes to keep its offer open in court, including for PESVT.

8. How do I apply to the county court ?

Claimants can apply, through a lawyer, to the relevant county court, which is the county court of Créteil (jurisdiction of the registered office of the FGTI) or that of the location of the attack (if committed in France).

Victims of terrorist acts are entitled to legal aid, regardless of their income, in the event of legal proceedings.

9. What can this money be used for ?

Victims of legal age are free to use their compensation as they see fit.

Payment in the form of annuities for significant pecuniary loss may, however, safeguard victims (certainty of regular payments).

Minors will be able to use their compensation under the supervision of the guardianship judge.



10. Is it possible to reopen claims after an agreement has been reached? If so, under what conditions ?

Claims can be reopened if the victim's condition has worsened.

Victims must send the Guarantee Fund medical documents proving the deterioration of their condition, which must be directly related to the events that led to the initial compensation. The Guarantee Fund will send these documents to its doctor to determine the appropriateness of a new examination.

The time limit for submitting a claim of deterioration is 10 years from the new date of consolidation.

The Board of Directors of the FGTI may decide whether or not to lift the time limit (cf. page 4).

11. What about tax ?

Compensation paid by the Guarantee Fund is not subject to income tax.

12. Inheritance of deceased victims

The inheritance of persons who died as a direct result of a terrorist act, when death occurs within three years of the attack, is exempt from death duties.

ntaux de l'ONACVG.

La liste complète est sur le site de l'ONACVG : www.onac-vg.fr

13. What does civilian war victim status provide ?

The law awards civilian war victim status to victims of terrorist acts committed after 1 January 1982.

Victims of terrorist acts are therefore the responsibility of the Ministry of Defence and benefit from specific rights and benefits:

- Pension rights :

Victims of acts committed between 1 January 1982 and 31 December 1984 may receive a military disability pension, since the FGTI only has jurisdiction over acts committed after this period.

Victims of acts committed after 31 December 1984 may not combine the pension with compensation paid by the FGTI, but may be able to receive a differential payment.

Amounts paid by the FGTI and health insurance will be taken into account.

Claims should be sent to:

Ministère de la Défense - Sous-Direction des Pensions

5 place de Verdun - 17016 La Rochelle cedex - FRANCE

Website: www.defense.gouv.fr



- **Associated rights :**

- o Reserved employment: victims and, under certain conditions, beneficiaries, may be covered by the law on reserved employment.
- o Tax measures: for those with a rate of disability of 40% or above recognised by the Pensions Department, the family quotient of income tax is increased by a half-share (subject to conditions).
- o Free care and equipment.
- o Disability card from the ONACVG (National Office for Veterans and Victims of War) awarded to those with a disability rate of 25% or above recognised by the Department of Pensions. This entitles them to priority treatment and discounted fares (with the SNCF, the RATP and other public transport companies) and a priority parking card subject to conditions.

- **Status of ward of the state :**

The status of ward of the state entitles the recipient to maintenance, study, holiday and retraining grants and exemption from university registration fees. Adoption by the state is granted by the county court in the claimant's place of residence.

This status is open to orphans under the age of 21 whose mother or father died as the result of a terrorist act committed in France or, provided the parents are French nationals, an attack committed abroad; children under the age of 21 who are themselves victims of a terrorist act; under certain conditions, children under the age of 21 whose mother or father has received compensation from the FGTI; and the children of victims born within 300 days of a terrorist act.

The status of ward of the state offers children and young people additional and specific protection, in addition to that provided by their families. It in no way places them under the responsibility of the State. Families and guardians retain the full exercise of their rights with regard to the children, in particular freedom of choice in education.

- **War widow and war widower status:**

The spouse (husband/wife or civil partner) of a victim who died as a result of a terrorist act is considered a civilian war victim and may apply to become a subject of the National Office for Veterans and Victims of War (ONACVG). However, strictly speaking, the status of war widower or war widow is only awarded when the spouse died at war.

The spouse of a victim who died as a result of a terrorist act may, under certain conditions, receive a pension. Claims should be sent to the

Pensions Department (cf. page 26). Pension entitlement takes effect the day after the day of death and takes into account amounts paid by the FGTI and health insurance.

- **Status of subject of the ONACVG:**

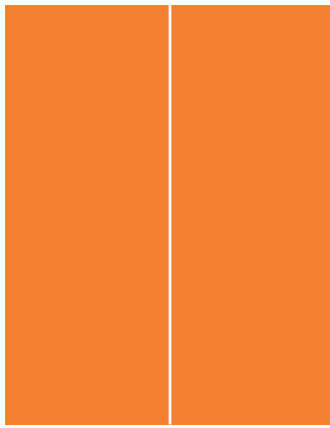
Victims of terrorist acts have the status of subjects of the ONACVG, which provides advocacy and administrative support to civilian war victims.

The ONACVG also supports victims in the process of being adopted by the State, passes pension claims on to the relevant departments, arranges help to return to work, provides financial support, etc.

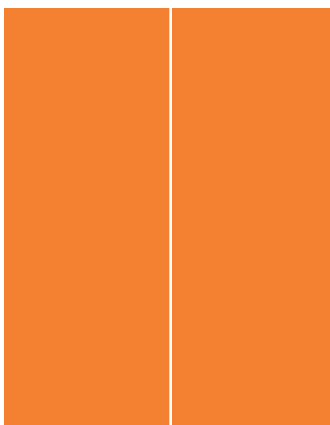
Claims for civilian war victim status must be submitted to the relevant department of the ONACVG.

The full list is on the ONACVG website: www.onac-vg.fr





5. GLOSSARY



GLOSSARY

Advance: an advance on compensation is paid by the Guarantee Fund to allow the victim to meet initial costs while awaiting final compensation (after consolidation). Following an initial payment, additional advances may then be paid based on costs incurred by the victim and the expected end status of the injury.

Adversarial principle: principle of equal and fair treatment between the parties, who are obliged to submit any evidence or documents in response to the opposing party. In the case of an expert assessment, the adversarial principle consists of making sure each party has the opportunity to present their case, both legally and medically, throughout the assessment.

Beneficiary: a beneficiary is an indirect victim who is entitled to compensation, in relation to an injury they have personally sustained, as a result of a family relationship with the deceased direct victim.

Classification of injury: legal identification of the specific damage that affects the victim or their assets. The list of classifications of injury currently used as a reference is the Dintilhac nomenclature. The definition of each classification of injury of this nomenclature is outlined in this document.

Compensation framework: reference table based on case law, which is used to determine the amounts awarded for certain classifications of injury and is a guideline only.

Consolidation: consolidation occurs when injuries stabilise and become permanent, making treatment unnecessary except to prevent deterioration, and making it possible to assess the degree of permanent disability causing definitive injury.

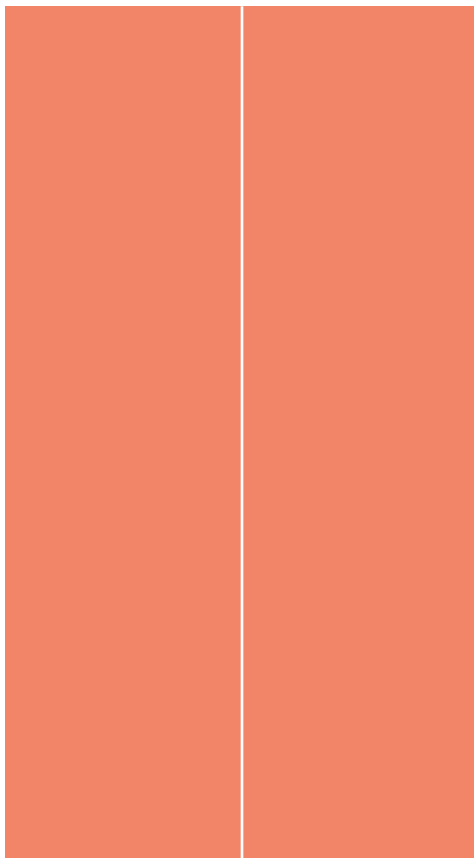
Deterioration: medico-legal deterioration is characterised by a new personal injury that did not appear in the medical findings on which final compensation for bodily injury was based. The deterioration must have a certain and direct link to the initial injuries.

Offer of compensation: the offer of compensation brings together the classifications of injury assessed on a case-by-case basis for the victim. Any advances that have already been paid, as well as benefits and compensation received from other bodies for the same injury, will be deducted from the final amount offered. Acceptance of this offer enables full payment of the final compensation.









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