

November 2022

# HANDBOOK

## ON COMPENSATION FOR VICTIMS OF TERRORISM



**FGTI**

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

# PREAMBLE

## WE ARE HERE TO HELP YOU

Everyone is different so our approach is to form a strong rapport with the victims and their loved ones and give them personalised support.

Every victim has their own experience, story and feelings. The compensation process cannot be a one-size-fits-all model. It must be highly personal.

Recognisant of this fact, our team has the single desire to meet the expectations of each person, to listen to them and to talk to them.

Once an application is made, we inform the victim of who will be working on their case. That person will be available and contactable by any means (direct phone line, email, meeting, etc.) according to the victim's preference.

Management is just as involved and available as our case managers are.

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# INFORMATION

This handbook seeks to clarify how terrorism victims can apply for compensation and how that compensation is paid out.

The technical terms used can seem cold and very remote from the pain and suffering endured by victims.

However, each application is individually studied by a case manager who will handle each victim's case with a sympathetic ear to their actual situation.

Some legal terms appear within this handbook and to help you understand them, you will see this icon.



Complicated and specific words are followed by an \*  
The definition of the terms will be at the bottom of the page.  
A glossary on page 39 also explains technical terms.

# The Guarantee Fund for Victims of Terrorist and Other Criminal Acts (FGTI) provides compensation to:



## VICTIMS OF TERRORIST ACTS



- Attacks committed on French territory from 1 January 1985 onwards
- All victims
- All nationalities

- Attacks perpetrated abroad from 1 January 1985 onwards
- Victims with French nationality and their beneficiaries of any nationality

The FGTI is informed of the attack and the victims' identities by the **French Public Prosecutor**.

The FGTI is informed of the attack and the victims' identities by the **Ministry of Foreign Affairs**.

The Fund enters into contact with the surviving victims and the beneficiaries of the deceased victims, whose identities have been passed on, in order to arrange compensation.



Any person who considers they are a victim can lodge a compensation application directly with the FGTI. VICTIMS HAVE TEN YEARS FROM THE DATE OF MEDICO-LEGAL STABILISATION OF INJURIES TO APPLY FOR COMPENSATION FROM THE FUND.

**The FGTI has the legal mission of giving full redress for damages\* suffered.**

To do this, legal practitioners and judges have created a **non-exhaustive** list of the various types of damages, known as the **Dintilhac classification\*** of damages.

**SOME OF THESE DAMAGES ARE ASSESSED DURING A MEDICAL EVALUATION.**

**A-Z**

**Beneficiaries:** spouses, ascendants, descendants and siblings

**Damage(s):** legal identification of a specific harm affecting the victim's finances or person. The types of damages currently used as a reference are called the Dintilhac classification. The definition of each item of damage under this classification is explained in this handbook.

**Dintilhac classification:** A reference tool for determining the compensation for injuries suffered by victims. This classification is used by all legal practitioners. It includes a list of damages that can affect direct and indirect victims.

# THE COMPENSATION PROCEDURE



## A. INITIAL CONTACT SENDING THE COMPENSATION APPLICATION

Once the FGTI knows the identity of the victims, it enters into contact with the beneficiaries\* of deceased victims and the physically injured victims who are on the single list of victims drawn up by the French Public Prosecutor.



Any person who considers they are a victim can lodge a compensation application directly with the FGTI. VICTIMS HAVE TEN YEARS FROM THE DATE OF MEDICO-LEGAL STABILISATION OF INJURIES TO APPLY FOR COMPENSATION FROM THE FUND.

In the case of a criminal trial, the compensation application can be sent within one year after the judgement.

In any event, since 2012, the FGTI's board of directors can decide whether or not to grant extra time to receive an application where a victim is time barred\* but request a waiver. The victim then speaks to the FGTI and explains why they were unable to enforce their rights within the legal time limit.

If the compensation application is admissible, an initial allowance\* is paid in the month following receipt of all requested supporting evidence.

If the compensation application is deemed inadmissible (ineligible), the person concerned can appeal the decision to the FGTI by writing or sending extra supporting evidence.

## B. PAYMENT OF ALLOWANCES

An allowance is a sum of money paid by the Guarantee Fund for Victims in advance and deductible from the full compensation. It allows the victim to cover initial costs while waiting for their compensation to be finalised.

It is paid in the month following receipt of the completed application, provided the admissibility criteria are fulfilled. The exact amount depends on the foreseeable extent of damages and the supporting documentation sent.

After an initial payment, subsequent allowances may be paid out to the victim based on current or future expenses and the expected total of damages.

The FGTI also covers funeral costs and usually pays them directly to the funeral parlour, subject to the general average cost incurred for funeral services.

### A-Z

**Time barred:** extinguishment of the right to initiate a legal action by a person who did not exercise that right within the legally prescribed time limit.

**Allowance:** a sum of money advanced by the Guarantee Fund for Victims (FGTI) to allow the victim to pay initial costs while waiting for the final compensation payment (after stabilisation of the victim's health). This allowance is deductible from the final payment.



## C. MEDICAL EVALUATION

The Guarantee Fund for Victims may set up a medical evaluation for physically and/or psychologically injured victims.

**The evaluation is a medical examination** that primarily aims to determine the extent of the victim's bodily injuries and the different types of damages suffered directly from the crime, which are eligible for compensation.

**The doctors assigned by the FGTI are legal experts registered with the courts of appeal. They carry out this assignment in complete independence, and have the sole goal of objectively assessing the consequences caused and attributable to the terrorist attack.**

At this time, the doctor assigned by the FGTI performs a clinical examination and speaks with the victim; where appropriate, they will also speak to the victim's advisor (doctor and/or lawyer).

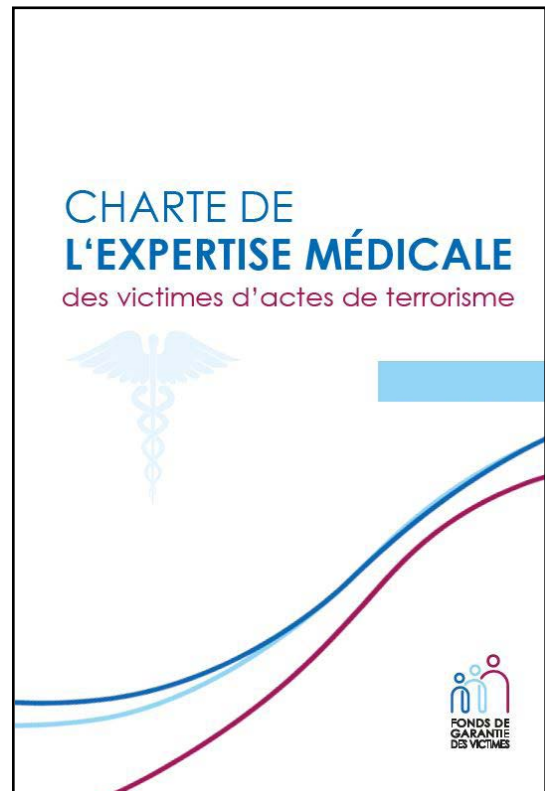
The victim will have to answer a series of prepared questions that are specific for victims of terrorist acts: their personal and/or professional situation, study of medical reports, complaints, etc.

Furthermore, the evaluation is carried out in an adversarial\* setting, that is to say that the victim or their advisors (doctor/lawyer) will have the opportunity put forward their position both legally and medically.

To ensure the adversarial nature of the evaluation at the medical level, the victim **can be helped and accompanied by the doctor of their choice**. The doctor's fees will be covered by the Guarantee Fund for Victims, in accordance with acceptable practices. The doctor assigned by the FGTI will listen to the arguments of the victim's doctor and/or lawyer, and will take them into account.

**If the victim's health has stabilised**, the doctor assigned by the FGTI will establish the date of stabilisation\*. It will then be possible to assess a certain degree of permanent disability (relating to the aftereffects), which will enable the doctor to determine the victim's definitive damage. Where the victim's health has not stabilised, the evaluating doctor assigned by the FGTI will state what the victim's current state of health is in the report (this will be a provisional conclusion) and suggest **a date for the next examination**.

In all cases, the doctor assigned by the FGTI will send, **within 30 days, their preliminary report** to the Guarantee Fund for Victims, the victim and, where applicable, the victim's doctor and lawyer. They will have **30 days to send their comments on this preliminary report**. The evaluating doctor must then send **their final report within 20 days**.



### A-Z

**Adversarial:** a principle to put parties on an equal, fair footing, obliging one party to produce any evidence or document to rebut the opposing party. In a medical evaluation, this consists of putting each party in a position to assert their position, both legally and medically.

**Stabilisation:** the time when the person's health condition is no longer likely to improve or worsen.

## D. OFFER OF COMPENSATION

### IN THE CASE OF INJURY

The offer of compensation\* is presented **after the stabilisation\* of physical or psychological injuries**, the date of which is determined by the independent doctor assigned by the FGTI.

On receipt of the final medical report, the Guarantee Fund for Victims passes onto the victim a detailed statement of the proposed compensation based on the report. Any sums paid by social security and other social protection bodies as well as any allowances already paid will have been deducted from the proposed compensation.

If a medical evaluation is not necessary given the medical reports submitted and expectations, the victim may request that the Guarantee Fund for Victims send an offer of compensation. This offer will be made based on the medical reports provided, the receipts of expenses incurred and the loss of earnings, less any amounts payable by social protection bodies and the allowances paid.

In all cases, the offer of compensation is **based on the different types of damages listed in Chapter 2**. It can be partial if there is any missing evidence for assessing certain types of damages.

### IN THE CASE OF DEATH

The offer of compensation is sent to the deceased's **beneficiaries**.

It includes compensation for **emotional hardship**, also known as "moral damage", the costs for funeral services and any **financial loss**, after deducting any amounts payable by social protection bodies. The financial loss is calculated according to the proportion of income that the deceased person would spend on their family.

### OFFER DEADLINES

The FGTI must submit an offer of compensation to the victim or the family of the deceased person **within three months of the filing of a completed application**.

Until a completed application is filed, the FGTI may speak with the victim or their lawyer about the different documents to produce.

When the FGTI submits the offer of compensation, it will pay a provisional amount at the same time of **80% of the total offer**, with deductions made for any allowances paid out.

### RECEIPT OF THE OFFER

When the offer of compensation is received, the victim can:

- ACCEPT IT
- DISPUTE IT (by discussing the matter with the FGTI case manager)
- REJECT IT: the victim should refer the matter to the courts, which will then determine the amount. The Paris Court of Justice holds jurisdiction over the compensation for victims of terrorist acts. The Guarantee Fund for Victims then pays out the compensation ordered by the court.

#### A-Z

**Offer of compensation:** the offer of compensation includes the types of damages determined for the victim on a case-by-case basis. Any allowances already paid out along with the benefits and compensation received for the same damage from other bodies (Social Security, etc.) will be deducted from the final amount. Acceptance of the offer enables payment of the final compensation amount.

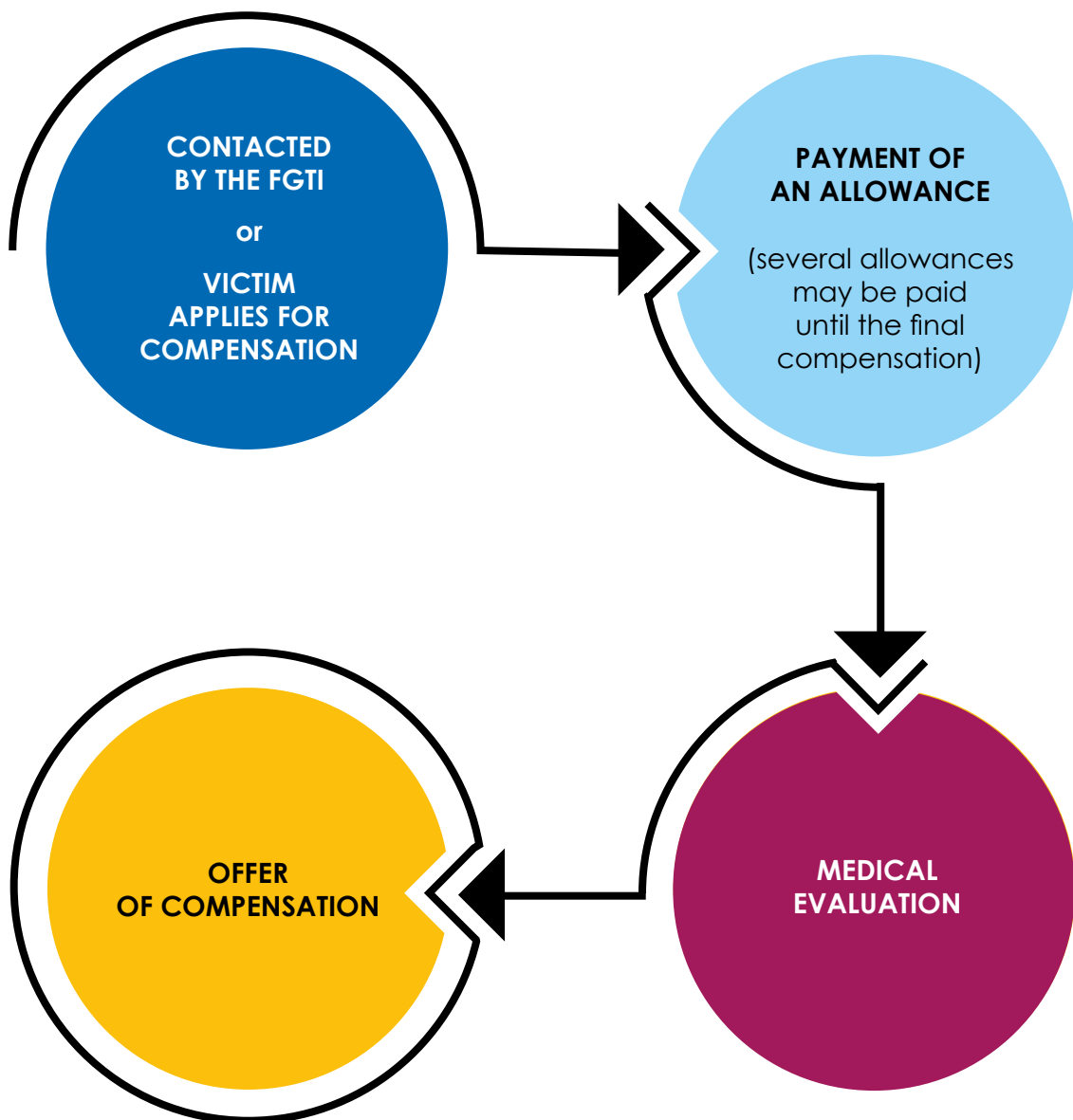
**Stabilisation:** the time when the person's health condition is no longer likely to improve or worsen.

## D. OFFER OF COMPENSATION How compensation is paid out

The compensation can be paid out as a lump sum and/or as an annuity (periodic payments). The decision is taken in agreement with the victim (judge not involved) and based on the amount and the damage to be compensated for.

In fact, a lump-sum payment is not always appropriate for the victim, especially if they will have a long-term expense (e.g., assistance from a carer for everyday activities).

On the other hand, if the victim needs adjustments to their home or car, a lump-sum payment may be more appropriate.



# TYPES OF DAMAGES

2.

### DAMAGE CORRESPONDS TO A SPECIFIC INJURY OR LOSS TO THE VICTIM'S PERSON OR FINANCES.

In determining compensation, judges refer to the Dintilhac classification\* of damages, which is applied by all courts.

The courts use an updated work tool comprising an indicative benchmark for certain types of damages, with ranges of compensation amounts.

The FGTI also uses these tools to determine its offer of compensation for direct victims (those who personally suffered damages or lived through the event) and beneficiaries where a direct victim has died.

#### THE TYPES OF DAMAGES ARE DIVIDED INTO TWO CATEGORIES:



**Financial  
damages**



**Non-financial  
damages**

From the date of stabilisation, injuries are considered to have stabilised and become permanent. It will then be possible to distinguish between **temporary damages** (pre-stabilisation) and **permanent damages** (post-stabilisation).

Certain damages are established by the medical evaluation (temporary functional impairment, permanent functional impairment, pain and suffering, etc.) and other damages are assessed by the FGTI case manager based on documentary evidence (various expenses, loss of earnings, loss of future earnings, etc.).

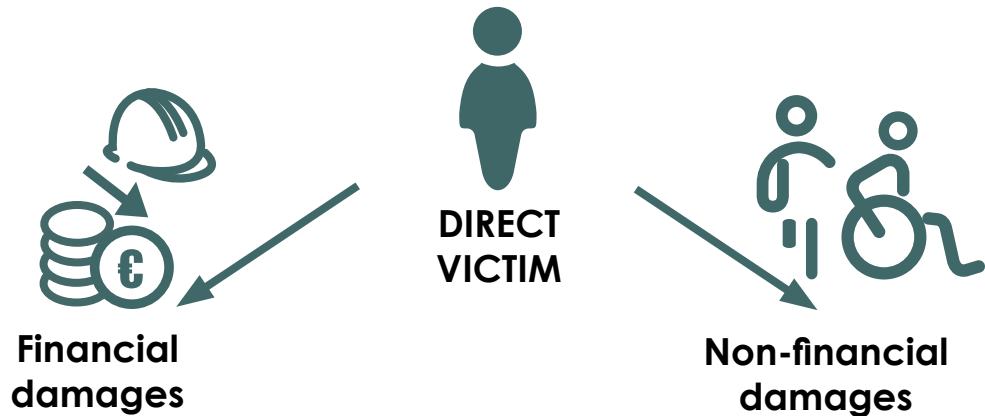
The Guarantee Fund for Victims then determines its offer **on a case-by-case basis**, referring to the types of damages selected by the independent doctor assigned by the FGTI and the submitted proof.

## COMPENSATION FOR DIRECT VICTIMS

A direct victim is a person who personally lived through the event and suffered injury.

ALL TYPES OF DAMAGES LISTED BELOW DO NOT NECESSARILY APPLY TO ALL SITUATIONS.

The determination of damages is done on a case-by-case basis and according to the victim's personal situation and the evidence submitted.



Temporary damages	Permanent damages	Temporary damages	Permanent damages
<ul style="list-style-type: none"> <li>• current healthcare expenses</li> <li>• miscellaneous costs</li> <li>• loss of current earnings</li> </ul>	<ul style="list-style-type: none"> <li>• future healthcare expenses</li> <li>• accommodation adaptation costs</li> <li>• vehicle adaptation costs</li> <li>• carer costs</li> <li>• loss of future earnings</li> <li>• career impact</li> <li>• loss of education or training opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• temporary functional impairment</li> <li>• pain and suffering</li> <li>• anguish induced from impending death</li> <li>• temporary disfigurement</li> </ul>	<ul style="list-style-type: none"> <li>• permanent functional impairment</li> <li>• loss of enjoyment</li> <li>• permanent disfigurement</li> <li>• sexual dysfunction</li> <li>• inability to have a family life</li> <li>• extraordinary permanent damages</li> </ul>

## A. FINANCIAL DAMAGES

### I/ TEMPORARY financial damages



**THIS SECTION LOOKS AT THE FINANCIAL DAMAGES SUFFERED BETWEEN THE TERRORIST ACT AND THE DATE OF THE MEDICO-LEGAL STABILISATION OF THE VICTIM**



#### I/a. CURRENT HEALTHCARE EXPENSES

Healthcare expenses **prior to stabilisation** include:

- hospital costs (excluding co-payment and hospital excess, etc.)
- surgical costs
- medical costs
- paramedical costs (nurses, physiotherapy, orthoptic, speech therapy, etc.)
- drug expenses
- prosthetics
- equipment
- cosmetic procedures, etc.

**Medical care and/or follow-up psychiatric consultations** relating to the terrorist act are **fully covered by health insurance**.

Victims do not have to make any advance payment for costs except for any excess fees which will be reimbursed by **their health insurer** and, if applicable, **their supplemental health insurer**.

If victims **do have to cover any costs**, the FGTI will include the portion not covered by health insurers **in the compensation**.



The **victim must keep all receipts for costs that they had to cover** so that those costs can be included in the compensation. Receipts for expenses will be required.

#### I/b. MISCELLANEOUS COSTS

This category includes expenses for **non-work activities**:

- childcare,
- housekeeping,
- transportation, etc.



**Compensation for miscellaneous costs is based on receipts**

This category also includes fees that the victim has had to pay to doctors for advice and attending the medical evaluation.

**In relation to temporary care** by a third person **for essential everyday activities**, this is assessed by the FGTI-assigned doctor and based on need. Unlike other miscellaneous costs, compensation for this care does not depend on the supply of receipts; however, receipts will enable compensation to be based on its actual hourly cost.

### A. FINANCIAL DAMAGES

#### I/ TEMPORARY financial damages



THIS SECTION LOOKS AT THE FINANCIAL DAMAGES SUFFERED BETWEEN THE TERRORIST ACT AND THE DATE OF THE MEDICO-LEGAL STABILISATION OF THE VICTIM



#### I/c. LOSS OF EARNINGS

This relates to the **loss of income** suffered by the victim, because of their injury, between the date of the terrorist act and the date of stabilisation, **after any benefits from social protection bodies (CPAM, private health insurance, etc.)**.

This loss is determined:

- **for employees**

by an employer certificate, payslips or receipts of daily compensation paid by social protection bodies.

- **for self-employed or non-salaried workers**

by the submission of the tax assessment notice and annual accounts (balance sheet, P&L, notes) for at least the last two fiscal years.

#### II/ PERMANENT financial damages



THIS SECTION DETAILS THE FINANCIAL DAMAGES SUFFERED AFTER THE DATE OF THE MEDICO-LEGAL STABILISATION OF THE VICTIM

#### II/a. FUTURE HEALTHCARE EXPENSES

Future healthcare expenses are:

- hospital costs
- medical costs
- paramedical costs (nurses, physiotherapy, orthoptic, speech therapy, etc.)
- drug and similar costs, even if occasional but medically foreseeable, made necessary by **the victim's health condition after stabilisation** for example the periodic replacement of orthopaedic support, prosthetic, hearing aid, etc.



If any expenses have been borne by the victim, they must provide all receipts.



## A. FINANCIAL DAMAGES

### II/ PERMANENT financial damages

#### II/b. ACCOMMODATION ADAPTATION COSTS

**These expenses relate to costs that the direct victim must pay out to adapt their housing to their disability.**

**This compensation is based on invoices**, quotes or the report conclusions of a specialist (architect, occupational therapist) on the type and cost of the work needed for the victim to live in their home.

Accommodation adaptation costs incurred before the stabilisation date may be reimbursed under the miscellaneous costs section (see I/B. above).

#### II/c. VEHICLE ADAPTATION COSTS

This item includes **expenses that are necessary to adapt one or more vehicles** to the needs of the **permanently disabled victim**.

The valuation of this type of damage is based on invoices, quotes or the report conclusions of a specialist. The costing of this type of damage considers the additional cost represented by the expense, i.e.:

- the extra cost for purchasing the vehicle compared to the value of the vehicle owned by the victim before injury.
- the extra cost for modifications made to a standard model.
- the extra cost for any difference between the budget required in travelling by car and the budget for using now inaccessible public transport, where the victim usually travelled by public transport.

Moreover, the Guarantee Fund for Victims takes into account how often cars are replaced in France (average range: 7-10 years).

#### II/d. CARER COSTS

**The damage to be compensated matches the cost of the necessary presence of a carer** (who can be a relative of the victim) to help them over the long term in their everyday actions, ensure their safety and make up for their loss of independence.

**Compensation for this item is most often in the form of an annuity\*** to customise the care to the victim's long-term needs. It is determined by assessing on the day of the offer the salary of the carer with due regard to their qualifications.

### A. FINANCIAL DAMAGES

#### II/ PERMANENT financial damages

##### II/e. LOSS OF FUTURE EARNINGS

**This compensates the victim for the loss of or definitive reduction to their income** as a result of permanent disability that hinders their working life after the terrorist act.



**The compensation is based on evidence submitted by the victim (tax assessment notice, payslips, etc.).**

##### II/f. CAREER IMPACT

**The purpose of such compensation is to offset the harm caused to the victim's work life.** The harm suffered by the victim may render them less valuable in the labour market, eliminate a professional opportunity (a promotion, for example) or increase hardship in their position. The harm suffered may even force the victim to abandon their career to take up another because of their disability.

This heading supplements the compensation for loss of earnings.

Compensation under this heading also offsets the costs for reskilling (traineeship, for example) and the loss of pension points (impact on future retirement).

Assessment of the damage suffered is based on documents provided by the victim (employer certificate, etc.) and the rebuilding of the likely career.

##### II/g. LOSS OF EDUCATION OR TRAINING OPPORTUNITIES

This heading seeks to provide redress for lost years of schooling, university, training or similar, following the harm suffered by the victim. This type of damage includes a delay in education or training as well as any change in direction.

Compensation is based on the victim's personal circumstances.

## B. NON-FINANCIAL DAMAGES

### I/ TEMPORARY non-financial damages



THESE ARE NON-FINANCIAL DAMAGES SUFFERED BETWEEN THE TERRORIST ACT AND THE DATE OF THE VICTIM'S STABILISATION.



#### I/a. TEMPORARY FUNCTIONAL IMPAIRMENT

This concerns the difficulties encountered in performing everyday tasks following the injury suffered and its subsequent development. The period considered is the time from the terrorist act until full recovery of personal recreational activities.

The temporary functional impairment is assessed by the doctor assigned by the FGTI. That doctor determines the period of total and/or partial difficulties, with a co-efficient.

Compensation is based on how long the difficulties are suffered and whether they are total or partial in nature.

#### I/b. PAIN AND SUFFERING

This covers physical and mental pain and suffering, as well as associated disorders, endured by the victim from the day of the terrorist act until the stabilisation of their condition.

Following the stabilisation date, pain and suffering fall under permanent functional impairment and will be compensated under that heading.

The doctor assigned by the FGTI assesses the pain and suffering endured according to a scale from 1 to 7 (one being very mild and seven being very acute).

Compensation is made based on the concise description of the degree of pain and suffering as determined by the FGTI-assigned doctor, case law\* and the following benchmark:

These are minimum amounts and may change according to the victim's circumstances.

Pain and suffering	Amount in euros
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

## 2. TYPES OF DAMAGES

### B. NON-FINANCIAL DAMAGES

#### I/ TEMPORARY non-financial damages



THIS SECTION LOOKS AT NON-FINANCIAL DAMAGES SUFFERED BETWEEN THE TERRORIST ACT AND THE VICTIM'S STABILISATION DATE.



#### I/c. ANGUISH INDUCED FROM IMPENDING DEATH

**Anguish induced from impending death** may be accepted as a type of damage suffered by the victim at the time of the terrorist act. This type of damage is evaluated in a specific manner.

The compensation proposed is based on the victim's circumstances.

#### I/d. TEMPORARY DISFIGUREMENT

This relates to temporary physical injuries causing a change in the person's physical appearance with very damaging consequences for the person.

The Dintilhac classification expects that this heading only applies in very particular cases, **such as serious burns or significant facial injury**.

The proposed compensation considers the nature, location, extent and severity of the physical injury as described by the FGTI-assigned doctor as well as the time during which the victim has suffered from this disfigurement.

### II/ PERMANENT non-financial damages



THIS SECTION LOOKS AT NON-FINANCIAL DAMAGES SUFFERED AFTER THE VICTIM'S STABILISATION DATE.

#### II/a. PERMANENT FUNCTIONAL IMPAIRMENT

This heading seeks to provide redress for the damage that **exclusively affects the victim's personal life**. In this regard, it not only covers the injuries to the victim's physiological abilities but also the constant pain felt, the loss in quality of life and difficulties encountered in daily life after the stabilisation in the victim's health.

This type of damages compensates for any loss of personal independence suffered by the victim in their daily activities as well as all particular difficulties remaining after stabilisation. The FGTI-assigned doctor selects a functional impairment rate from 1% to 100% with reference to the "**Indicative Scale for the Evaluation of Disability Rates in Ordinary Law**" published by the *Concours Médical* in 2001.

The compensation depends on the functional impairment rate set by the doctor assigned by the FGTI and on the victim's age at the time of stabilisation.

## B. NON-FINANCIAL DAMAGES

### II/ PERMANENT non-financial damages

The amounts proposed in the table below, which are based on age and the permanent functional impairment rate, are multiplied by the determined rate. For example, in the case of a 50% permanent functional impairment rate in a 25-year-old victim, the calculation is as follows: 4,210 x 50 = €210,500.

Impairment rate	aged 0 to 10	aged 11 to 20	aged 21 to 30	aged 31 to 40	aged 41 to 50	aged 51 to 60	aged 61 to 70	aged 71 to 80	aged 81 and over
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%	2,750	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	3,450	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. NON-FINANCIAL DAMAGES

#### II/ PERMANENT non-financial damages

##### II/b. LOSS OF ENJOYMENT

This heading solely seeks to offer redress for the specific loss of the victim's possibility to resume a sport or recreational activity that they regularly practised before the terrorist attack.

**Assessment of the loss is carried out by looking at the activities that the victim practised previously and the proof of such activities (memberships, bills, witness accounts, etc.). The intensity and frequency of the activity is taken into consideration.**

##### II/c. PERMANENT DISFIGUREMENT

This type of compensation is to offer redress for physical injuries that permanently alter the victim's physical appearance.

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

Compensation is based on the selected degree of disfigurement and the details contained in the medical evaluation report. It takes into account different parameters such as age, and the type and location of the disfigurement.

Disfigurement	Amount in euros
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 and may change according to the victim's circumstances.

## B. NON-FINANCIAL DAMAGES

### II/ PERMANENT non-financial damages

#### II/d. SEXUAL DYSFUNCTION

This heading redresses damage to the victim's sex life. It includes, in particular, difficulties in having sexual relations.

Compensation is based on the details stated by the FGTI-assigned doctor in their report.

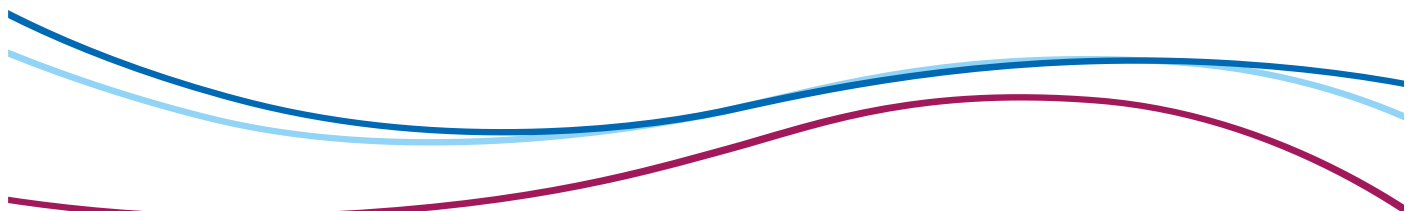
#### II/e. INABILITY TO HAVE A FAMILY LIFE

The purpose of this type of damages is to compensate for the **loss of hope, opportunity or possibility of creating a family** due to the seriousness of the permanent disability affecting the victim **after their health has stabilised**. In other words, the victim will have lost the opportunity to get married, start a family, raise children or, more generally, suffered disruption to their **life plans forcing the victim to give up on aspects of a family life**.

The compensation takes into account the victim's circumstances and the practice of the courts.

#### II/f. EXTRAORDINARY PERMANENT DAMAGES

The **Dintilhac classification** has established this heading to take into account those exceptional situations that do not readily fall under the other "traditional" headings (for example, where a father's hand is so severely injured that he can no longer or finds it very difficult to sign to his deaf daughter).

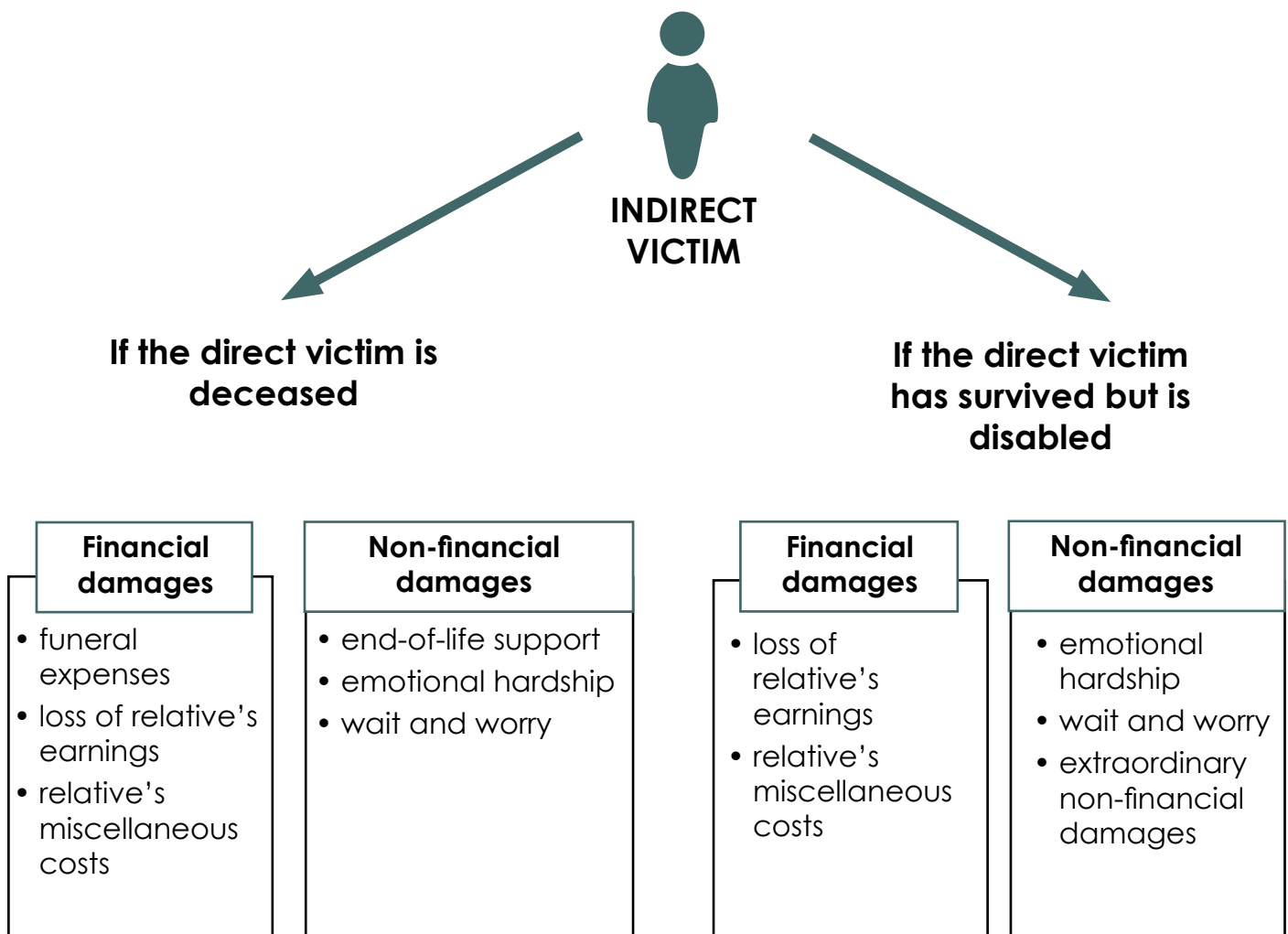


### COMPENSATION FOR INDIRECT VICTIMS

Indirect victims or victims by extension are the beneficiaries of the direct victim.

ALL DAMAGES LISTED BELOW WILL NOT NECESSARILY  
APPLY IN EVERY CASE.

The calculation of damages is done on a case-by-case basis. It will depend on the personal circumstances of each victim and the proof submitted.





## A. DEATH OF THE DIRECT VICTIM

### I/ Financial damages

#### I/a. FUNERAL EXPENSES

**This concerns the cost for funeral services and burial.**

Payment will be based on invoices and made directly to the funeral parlour, subject to a limit of what funeral services generally cost.

#### I/b. LOSS OF RELATIVE'S EARNINGS

**This covers the loss or reduction in income suffered by the spouse (or partner) and the dependent children following the death of the victim.**

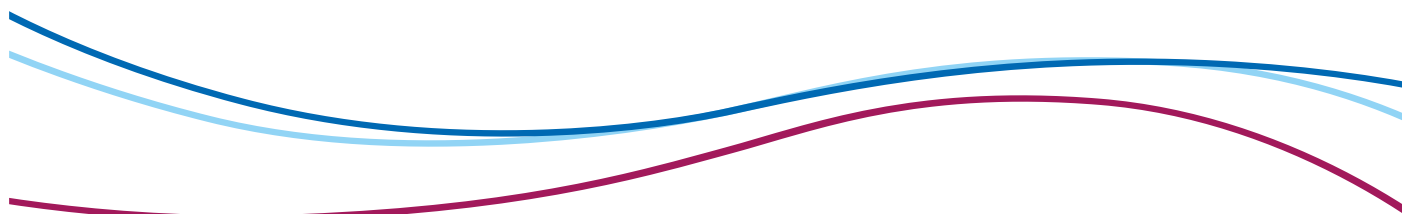
To determine the lost or reduced income, the Guarantee Fund for Victims uses the annual household income prior to the victim's death as a benchmark, considers the proportion consumed by the victim and looks at the income the spouse continues to receive.

#### I/c. RELATIVE'S MISCELLANEOUS COSTS

**This heading seeks to compensate the direct victim's relatives for miscellaneous costs that they may have incurred on the occasion of the victim's death.**

It can include transportation costs for close family members (parents, children and siblings living far away) to go to the funeral.

Compensation is based on receipts.



### A. DEATH OF THE DIRECT VICTIM II/ Non-financial damages

#### II/a. WAIT AND WORRY

This heading redresses the suffering endured by loved ones in waiting to learn about the victim's fate.

#### II/b. END-OF-LIFE SUPPORT

**This heading seeks to offer redress for the upheaval in daily life** suffered by the direct victim's relatives between the date of the terrorist act until the victim dies from their injuries. It covers any period of care and support prior to death.

The relatives must have been physically and emotionally living with the direct victim.

Compensation takes into account the particular circumstances of each relative and the practice of the courts\* in this matter.

#### II/c. EMOTIONAL HARDSHIP

This compensates for the moral damage suffered by certain family members following the direct victim's death.

The specific family members concerned are spouses, ascendants, descendants and siblings. Particular cases may be considered for other relations where there are emotional bonds.

**Compensation takes into account the degree of kinship.**

Emotional hardship considers the deleterious impact that the victim's death has had on family members.

Grief is characterised by several stages and can last between one and two years. Grief can become unwholesome once the grieving person presents psychopathological disorders or symptoms that did not exist prior to the victim's death. Pathological grief is diagnosed by a doctor.

When it affects a victim's family member, a medical evaluation may be arranged to assess damages. In such a case, the compensation is based on the doctor's conclusions.

Kinship		Amount
<b>SPOUSE/COHABITEE</b>		€35,000
<b>CHILDREN</b> for the death of a parent	Child up to age 25	€25,000
	Child over 25 living at home	€20,000
	Child over 25 living away from home	€15,000
<b>PARENTS</b> for the death of a child	Child up to age 25	€35,000
	Child over 25 living at home	€30,000
	Child over 25 living away from home	€25,000
<b>GRANDPARENTS</b> for the death of a grandchild	Proof of regular relations	€11,000 *
	No proof of regular relations	€7,000
<b>GRANDCHILDREN</b> for the death of a grandparent	Proof of regular relations	€10,000 *
	No proof of regular relations	€7,000
<b>SIBLINGS</b>	Living together	€15,000
	Not living together	€12,000

\* These amounts may be increased to take into account that the deceased and the beneficiary were living together.

### A. SURVIVAL OF THE DIRECT VICTIM

#### I. financial damages



##### I/a. LOSS OF RELATIVES' EARNINGS

This heading deals with the loss of or reduction in earnings suffered by family members, such as the spouse (or cohabitee) and dependent children, as a consequence of the direct victim's disability.

To determine the lost or reduced income, the Guarantee Fund for Victims uses, as a benchmark, the annual household income prior to the victim's injury causing the disability, considers the proportion consumed by the victim and looks at the income the spouse (or cohabitee) continues to receive.

##### I/b. RELATIVES' MISCELLANEOUS COSTS

This type of damage seeks to compensate family members of the direct victim for various expenses that might have been incurred during or after the victim's injury causing disability.

It mainly covers transportation and housing costs.

Compensation is based on receipts.

#### II. non-financial damages



##### II/a. EMOTIONAL HARDSHIP

This compensates for the moral damage suffered by certain family members of severely disabled victims, considering the pain and suffering of the direct victim.

The specific family members concerned are spouses, ascendants, descendants and siblings. Particular cases may be considered for other relations where there are emotional bonds.

Compensation takes into account the degree of kinship.

##### II/b. EXTRAORDINARY NON-FINANCIAL DAMAGES

The Dintilhac classification has established this heading for those living (cohabiting) with the severely disabled victim, to cover those exceptional situations that do not readily fall under the other "traditional" types of damages.

### III. EXTRAORDINARY DAMAGES SPECIFIC TO TERRORISM VICTIMS

Besides the types of damages laid out in the Dintilhac classification, the FGTI's board of directors has decided that an **extraordinary damages specific to terrorism victims** (PESVT in its French initials) should be applied to such victims to take into account the particular nature of their situation and their post-traumatic stress and/or problems relating to the nature of those events.

This heading applies to direct victims who suffered a physical and/or psychological trauma. The FGTI's board of directors sets the amount, with the minimum being €10,000.

The board has also taken the decision to grant an amount under PESVT to beneficiaries of deceased victims. The amount is based on their relationship to the deceased:

Beneficiary		Amount
<b>SPOUSE/COHABITEE</b>		€17,500
<b>CHILDREN</b> for the death of a parent	Child up to age 25	€12,500
	Child over 25 living at home	€10,000
	Child over 25 living away from home	€7,500
<b>PARENTS</b> for the death of a child	Child up to age 25	€17,500
	Child over 25 living at home	€15,000
	Child over 25 living away from home	€12,500
<b>GRANDPARENTS</b> for the death of a grandchild	Proof of regular relations	€5,000
	No proof of regular relations	€3,500
<b>GRANDCHILDREN</b> for the death of a grandparent	Proof of regular relations	€5,000
	No proof of regular relations	€3,500
<b>SIBLINGS</b>	Living together	€7,500
	Not living together	€6,000

# THE OMBUDSMAN

**3.**

 **Anyone who wants to lodge a complaint with regard to their compensation procedure or how they are being treated can do so to the ombudsman.**

Any natural person may refer a dispute to the ombudsman where:

- the FGTI has not responded to a written compensation application within the legal timeframe
- the person objects to the FGTI refusing to cover expenses
- FGTI does not comply with its rules and commitments, including those stated in the victim's charter or the medical evaluation charter which are available on the Guarantee Fund for Victim's website.

The ombudsman is unable to deal with disputes on the amount of the compensation offer or on complaints that have been referred to the courts.

**After investigating the matter, the ombudsman will issue an independent opinion** to the victim and the FGTI.

The ombudsman process is described in a charter that is available on [the website of the Guarantee Fund for Victims](#).

# **FREQUENTLY ASKED QUESTIONS**

**4.**





## WHO IS A VICTIM?

A victim is someone who has suffered injury or loss directly from a terrorist act. The law distinguishes between a direct victim and an indirect victim.

The direct victim personally suffers injury or loss whereas the indirect victim (a victim by extension) is a relative (or beneficiary) of the direct victim.



## HOW CAN A MATTER BE REFERRED TO THE FGTI?

**The application to open a case on compensation requires the applicant to send a completed application form to the FGTI, along with supporting documentation.**

There are two application forms available, depending on the case:  
a form to be completed by the victim **and/or** a form to be completed by the beneficiary if the victim is deceased.

These compensation application forms can be downloaded from the website:  
[www.fondsdegarantie.fr](http://www.fondsdegarantie.fr)

### For an application to be completed, it must contain:

- All personal information on the applicant: **full name, nationality, address, occupation, civil status**
- A photocopy of the identity card, residency permit, passport or family record book
- The place and date of the attack
- The police report, witness statements or certificate of the French consulate (for terrorist acts perpetrated in another country)
- Initial medical certificates, hospitalisation reports, leave from work
- The value of benefits received from **social security** (subsistence allowance, annuity) and insurance
- All information relating to social security and supplemental health insurance (social security number, centre, address, scheme)
- A statement as to whether the terrorist act **occurred at the place of work or on the commute** and, where applicable, provide the name and address of the employer
- All information relating to income (tax return, payslips, etc.) and loss of earnings
- Photocopies of receipts for expenses incurred (specialist fees, third party fees, childcare, transport, etc.)
- Bank account details (RIB)
- Proof of loss and damages suffered.

These documents can be sent in gradually, whenever the victim has them in their possession.

VICTIMS AND BENEFICIARIES MUST SEND THEIR APPLICATION TO:

**Fonds de Garantie des victimes d'actes de Terrorisme et d'autres Infractions  
64 bis avenue Aubert - 94682 Vincennes cedex – France.**

The application, as well as any other enquiries on how the victim can build up their file, can also be sent by email:

- For the attacks on 13 November 2015: [victimnes13novembre@fgvictimes.fr](mailto:victimnes13novembre@fgvictimes.fr)
- For the Nice attack: [victimnes14juillet2016@fgvictimes.fr](mailto:victimnes14juillet2016@fgvictimes.fr)
- For other attacks: [victimnes.terrorisme@fgvictimes.fr](mailto:victimnes.terrorisme@fgvictimes.fr)

The victim can also use the platform set up by the French government:  
**the one-stop information and declaration window for victims**  
(website: [www.gouvernement.fr/guide-victimnes](http://www.gouvernement.fr/guide-victimnes))

Applications lodged through this website are immediately transmitted to the FGTI.



#### HOW CAN A MATTER BE REFERRED TO THE FGTI OMBUDSMAN?

The applicant for compensation or their duly appointed representative (lawyer, victim support association) refers a matter to **the Ombudsman by sending a registered letter with acknowledgement of receipt** to:

**64 bis avenue Aubert, 94682 Vincennes cedex, France or by emailing:  
[lemediateur@fgti.fr](mailto:lemediateur@fgti.fr)**

**The complaint form** is available on the Guarantee Fund for Victims website. The Ombudsman acknowledges receipt of the complaint and keeps the person informed on the complaint's admissibility and sends them their opinion after investigating.

If deemed necessary, the Ombudsman may request to meet the complainant as well as the FGTI case manager.



#### HOW DOES COMPENSATION HELP?

Its principle is to provide **full redress**, that is to say **return, insofar as possible**, the direct or indirect victim to the situation they were in **before the attack** that injured them.

**Financial compensation will never replace the loss of a loved one nor will it repair permanent physical or psychological injuries. However, it does help in rebuilding the victim's life and help them confront the problems they will have. It also serves as a way to not place financial difficulties on top of any physical and/or mental pain.**

## ? WHERE A VICTIM RECEIVES SUMS OF MONEY FROM OTHER SOURCES, WHICH ONES ARE DEDUCTED FROM THE COMPENSATION?

The victim is not supposed to profit from or lose out on the compensation provided. **The victim will be indemnified for all injuries and losses** but they will not receive any more than that.

For this reason, any money received from other sources to compensate for the same damages are taken into account. These include:

- occupational accident annuities
- death benefits
- disability pensions
- subsistence allowances
- pay-outs from everyday accident policies
- and others

On the other hand, life assurance, gifts, aid from charities are not deducted from the compensation paid by the FGTI to the victim.

## ? WHAT KIND OF COMPENSATION IS AVAILABLE TO FAMILY MEMBERS OF INJURED VICTIMS?

The Guarantee Fund for Victims can, on the basis of receipts, reimburse the travelling costs for certain relatives (spouse, ascendants, descendants, siblings) in visiting the hospitalised victim.

For further information, the forms of compensation are laid out in the section “COMPENSATION FOR INDIRECT VICTIMS” on page 24.

## ? WHAT HAPPENS IF THE FGTI'S OFFER OF COMPENSATION IS REJECTED AND THE MATTER IS REFERRED TO THE COURTS, ESPECIALLY IN RELATION TO PESVT (extraordinary damages specific to terrorism victims)?

The FGTI is obliged to maintain its offer before the court, including the amount for PESVT.

## ? HOW CAN A CASE BE REFERRED TO THE COURTS?

The applicant can refer their case, through a lawyer, to the Paris Court of Justice, which holds jurisdiction over the **compensation for victims of terrorist acts**.

Victims who **lack the resources** can receive legal aid in the event of legal proceedings.



### WHAT CAN THE MONEY BE USED FOR?

**A victim of legal age can use the compensation however they wish.**

However, annuities paid for significant financial damages are to provide security to the victim (certainty of regular income).

**The guardians of a victim who is a minor will have control over the minor's compensation.**



### IS IT POSSIBLE TO REOPEN A CASE AFTER AGREEMENT? IF SO, UNDER WHAT CIRCUMSTANCES?

The case may be reopened if the victim's health deteriorates.

The victim should send to the Guarantee Fund for Victims the **medical records certifying the deterioration in their health** and its direct link to the events that gave rise to the original compensation.

The Guarantee Fund for Victims will pass these documents on to its doctor to decide whether a **new evaluation** should be carried out.

**The deadline** for applications based on health deterioration is **ten years from the new stabilisation date**.

Any waiver of this deadline is at the discretion of the FGTI's board of directors.



### WHAT TAXES ARE PAYABLE?

**Compensation paid out by the Guarantee Fund for Victims is exempt from income tax.**



### THE ESTATE OF A DECEASED VICTIM

The inheritance received from the estate of a person who died as a direct consequence of a terrorist act, if the death occurs within three years of the attack, is exempt from inheritance tax.



## WHAT DOES BEING RECOGNISED AS A CIVILIAN VICTIM OF WAR BRING WITH IT?

Victims of terrorist acts committed on and after 1 January 1982 are legally recognised as civilian victims of war.

Victims of terrorist acts fall under the responsibility of the Ministry of Defence and they receive specific rights and benefits.

Victims of terrorist acts perpetrated between 1 January 1982 and 31 December 1984 may receive a military disability pension. The FGTI only has jurisdiction over acts after this date.

Victims of terrorist acts committed after 31 December 1984 cannot combine the pension with the compensation paid by FGTI, but they **could receive an annuity for the difference**.

The money paid by the FGTI and health insurers will be taken into account.

Applications should be sent to the French Ministry of Defence:

**MINISTÈRE DE LA DÉFENSE – Sous-Direction des Pensions  
5 place de Verdun – 17016 La Rochelle cedex – France**

Website: [www.defense.gouv.fr](http://www.defense.gouv.fr)

RIGHT TO A PENSION

ANCILLARY RIGHTS

**Reserved jobs:** victims and, under certain conditions, beneficiaries may have statutory access to reserved jobs.

**Tax measures:** where a person is recognised by the Pensions Section as being at least 40% disabled, the family quotient applied to income tax calculations is increased by one-half point (with conditions attached).

**Free care and apparatuses**

**Disability card from the ONACVG** (French Office for Veterans and War Victims) granted where a person is recognised by the Pensions Section as being at least 25% disabled: it gives holders priority and reduced prices (from public transport companies, including the SNCF and RATP) as well as a disabled parking badge, subject to conditions.

## 4. FREQUENTLY ASKED QUESTIONS

### WARD OF THE NATION

**Becoming a ward of the Nation** allows the ward to receive allowances for subsistence, studies and holidays, and reskilling, as well an exemption from university tuition fees.

The court with jurisdiction over where the petitioner resides decides on whether or not to make the person a ward of the Nation.

The following people may become a ward of the Nation:

- orphans under the age of 21 whose mother or father died from a terrorist act committed on French soil, or whose parents being French nationals died from a terrorist attack abroad
- children under the age of 21 who are victims themselves of a terrorist act
- under certain conditions, children under the age of 21 whose mother or father received compensation from the FGTI
- children of victims, who were born in the 300 days following a terrorist attack.

Being a ward of the Nation provides such children and youths additional special protection to bolster that received from their families.

They are not placed under the responsibility of the State.

Families and guardians can still fully exercise their rights with regard to the children and can freely choose how they should be educated.

### WAR WIDOWS AND WIDOWERS

The spouse (**married or in a civil union**) of a person who died because of a terrorist act **is considered a civilian victim of war** and can apply to be placed under the responsibility of the French Office for Veterans and War Victims (ONACVG).

The status of war widow or widower is only granted if the spouse died in a war.

The spouse of a person who died because of a terrorist act may, **under certain conditions**, receive a pension.

The application must be sent to the Pensions Section (see page 38).

The right to a pension is effective from the day after the date of death and takes into account all sums paid by the FGTI and health insurance.

### PLACED UNDER THE RESPONSIBILITY OF THE ONACVG

Victims of terrorist acts are deemed to be the responsibility of the ONACVG (French Office for Veterans and War Victims). The office carries out social actions and provides administrative assistance to civilian victims of war.

The ONACVG also provides support to victims in the procedure of becoming a ward of the Nation, transmits pension applications to county directorates, organises aid for returning to the job market, awards financial aid and many other actions.

To gain the status of a civilian victim of war, it is necessary to apply to the county office of the ONACVG.

The full list is available on the ONACVG website: [www.onac-vg.fr](http://www.onac-vg.fr)

**Adversarial:** a principle to put parties on an equal, fair footing, obliging one party to produce any evidence or document to rebut the opposing party. In a medical evaluation, this consists of putting each party in a position to assert their position, both legally and medically.

**Allowance:** a sum of money advanced by the Guarantee Fund for to allow the victim to pay initial costs while waiting for the final compensation payment (after stabilisation of the victim's health). This allowance is deductible from the final payment.

**Annuity:** An annuity for an individual is a fixed sum paid at regular intervals for a pre-determined duration.

**Beneficiaries:** spouses, ascendants, descendants and siblings.

**Case law:** Case law is the entire set of decisions issued by various courts in relation to a particular legal issue. From these decisions, one can deduce a legal principle. Case law is a reflection of how courts interpret laws and statutes. It is a source of law and constitutes a reference point for subsequent decisions.

**Damage(s):** legal identification of a specific harm affecting the victim's finances or person. The types of damages currently used as a reference are called the Dintilhac classification. The definition of each item of damage under this classification is explained in this handbook.

**Dintilhac classification:** A reference tool for determining the compensation for injuries suffered by victims. This classification is used by all legal practitioners. It includes a list of damages that can affect direct and indirect victims.

**Estate:** Total value of money and possessions forming the deceased person's wealth to be distributed amongst heirs.

**Offer of compensation:** the offer of compensation includes the types of damages determined for the victim on a case-by-case basis. Any allowances already paid out along with the benefits and compensation received for the same damage from other bodies (Social Security, etc.) will be deducted from the final amount. Acceptance of the offer enables payment of the final compensation amount.

**Stabilisation:** the time when injuries stabilise and take on a permanent character such that treatment is no longer necessary except to avoid deterioration, and it is possible to determine a certain degree of permanent disability leading to definitive damages.

**Time barred:** extinguishment of the right to initiate a legal action by a person who did not exercise that right within the legally prescribed time limit.



FONDS DE  
GARANTIE  
DES VICTIMES

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