

GUIDE

July 2024

TO COMPENSATION FOR VICTIMS OF TERRORIST ACTS



FGTI

The Guarantee Fund for Victims
of Terrorist Acts and other
Offences

PREAMBLE

CONTACTS AT YOUR SERVICE

Each victim has his own path, his own experience, his own feelings: the indemnity process cannot be staged. It is, on the contrary, highly personalized.

With this in mind, the compensation officers of the Victims Guarantee Fund are there to meet the expectations of each victim in terms of listening and exchanges.

The Fund communicates to the victim, as soon as his file is opened, the complete contact details of his agent of indemnification who will be available and reachable by any means (direct telephone, email, meeting, ...) according to the victim's preference.

The management is just as involved and accessible as the compensation officers.

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INFORMATION

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

The technical terms used may seem far removed from the reality of the suffering experienced by victims.

However, during the individual examination of each application, the compensation officers approach each victim with understanding as much as possible as to the reality of their situation.

To help understand some of the legal terms used, we have created this symbol.



The more difficult or specific terms are followed by an *
Their definitions can be found at the bottom of the page. There is also a glossary explaining technical terms on page 40.

The Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) covers :



VICTIMS OF TERRORIST ACTS



- Attacks committed in France on or after 1 January 1985
- All victims
- All nationalities

- Attacks committed abroad on or after 1 January 1985
- All victims of French nationality and their beneficiaries regardless of nationality



The Public Prosecutor informs the FGTI about the attack and the identity of the victims



The Ministry of Foreign Affairs informs the FGTI about the attack and the identity of the victims



The Fund 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 Fund. VICTIMS HAVE A PERIOD OF 10 YEARS FROM THE DATE OF MEDICO-LEGAL CONSOLIDATION TO APPLY TO THE FUND.

The FGTI's statutory role is to provide full compensation for the injury* suffered.

To this end, legal practitioners and particularly magistrates have drawn up a **non-exhaustive** list that divides injury into several classifications, the so-called **Dintilhac nomenclature* of classifications of injury**.

SOME OF THESE CLASSIFICATIONS OF INJURY WILL BE ASSESSED DURING A MEDICAL EXAMINATION.

A-Z

Beneficiaries: spouses, ascendants, descendants and siblings.

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.

Dintilhac nomenclature: reference tool concerning compensation for victims of personal injury. This nomenclature is used by all legal practitioners, and it includes a list of injuries that concern direct and indirect victims.

COMPENSATION PROCEDURE



1.

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 may also submit a compensation claim directly to the Fund. **VICTIMS HAVE A PERIOD OF 10 YEARS FROM THE DATE OF MEDICO-LEGAL CONSOLIDATION TO APPLY TO THE FUND.**

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 has been entitled, at the request of victims whose claims fall outside the prescribed time limit, to decide whether or not to waive this lapse of rights*. 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.

If the compensation claim is inadmissible (ineligibility of the person for compensation), the applicant may appeal to the FGTI against this decision.

B. PAYMENT OF AN ADVANCE

An advance* on compensation is paid by the French Guarantee Fund for Victims 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 foreseeable extent of the 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 French Guarantee Fund for Victims 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 victim's personal injury to the victim and the classifications of injury that can be compensated as a direct result of the incident.

Doctors assigned by the FGVI are legal experts registered with the appellate courts. They carry out this tasks independently, with the sole aim of objectively assessing the consequences that were caused by and can be attributed to the attack.

At this point, the doctor assigned by the FGVI carries out a clinical examination and has a conversation with the victim and, where appropriate, their adviser (doctor and/or lawyer).

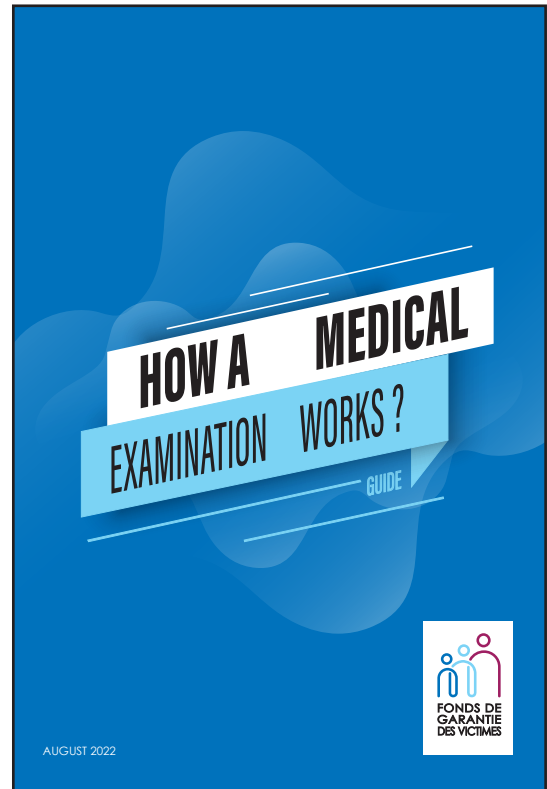
The assigned doctor must answer a series of set questions as part of a specific expert assessment for victims of terrorist acts : personal and/or professional situation of the victim, study of medical documents, complaints, etc.

The expert assessment is also carried out in accordance with the adversarial principle* - the victims themselves, or through their advisers (doctors, lawyer), 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 for Victims, in accordance with the rules in force. The doctor assigned by the FGVI will listen to and take into account the arguments of the doctor and/or their lawyer assisting the victim.

If the victim's condition is stable, the doctor assigned by the FGVI will set the date of consolidation*. It will then be possible to assess the degree of permanent disability (the consequences of the attack), allowing the victim's definitive injury to be determined. If no consolidation is possible at the time, the doctor assigned by the FGVI will give an opinion on the victim's current state of health (provisional conclusions) and propose **a date for the next examination**.

In any case, the doctor assigned by the FGVI will then send **a preliminary report within 30 days** of the expert's examination to the Guarantee Fund for Victims, the victim and, if applicable, their doctor and lawyer who will have **30 days to send their observations on this preliminary report**. The assigned doctor must then send **the final report within 20 days**.



A-Z

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.

Consolidation : the moment 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.

D. OFFER OF COMPENSATION*

IN CASE OF BODILY INJURIES

The offer of compensation* is presented **following consolidation of the physical or psychological consequences of the attack**, the date of which is determined by the independent doctor assigned by the FGTI.

On receipt of the final medical report, the French Guarantee Fund for Victims 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 French Guarantee Fund for Victims to send them an offer of compensation. The Guarantee Fund will base its ruling on the medical certificates submitted, any outstanding costs and loss of income demonstrated, 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**, any funeral costs and may cover some **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 SCHEDULE

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 provisional payment, after deduction of any advances already paid.

RECEIPT OF THE OFFER

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

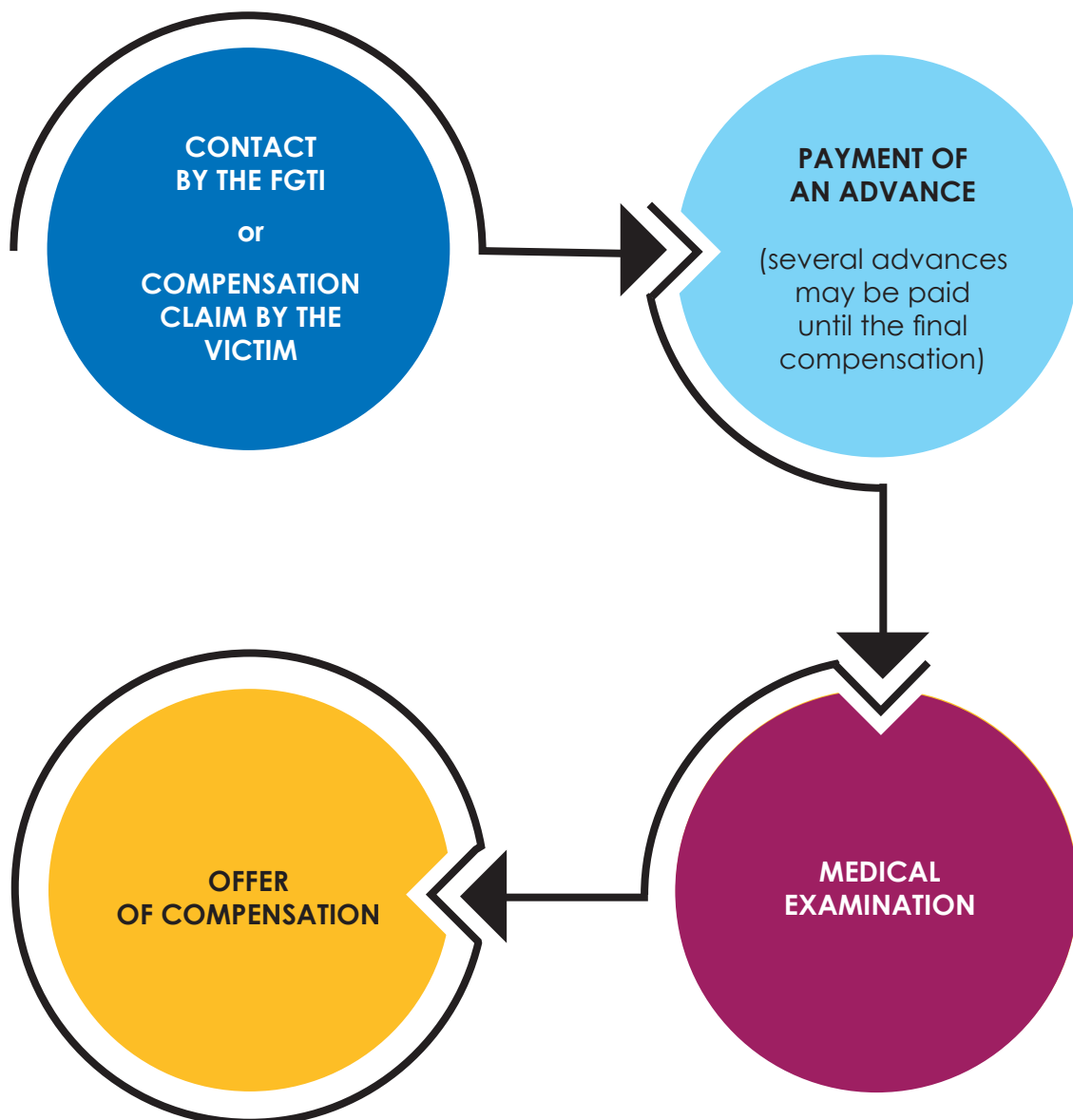
- ACCEPT IT
- DISCUSS IT (through conversations with the FGTI compensation officer)
- REJECT IT : the amount of compensation is then decided by a court, following referral by the victim. The matter should be referred to the Court of Paris, which holds jurisdiction over matters of compensation to victims of terrorists acts (JIVAT). The Guarantee Fund for Victims will make a payment based on the ruling made.

D. COMPENSATION OFFER Payment methods of the 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 in everyday life).

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.



CLASSIFICATIONS OF INJURY

2.

A CLASSIFICATION OF INJURY IS THE SPECIFIC DAMAGE THAT AFFECTS THE VICTIM OR THEIR ASSETS.

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.

THE CLASSIFICATIONS OF INJURY ARE DIVIDED INTO TWO CATEGORIES :



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 compensation officers on the basis of supporting documents (miscellaneous expenses, loss of current earnings, loss of future earnings, etc.).

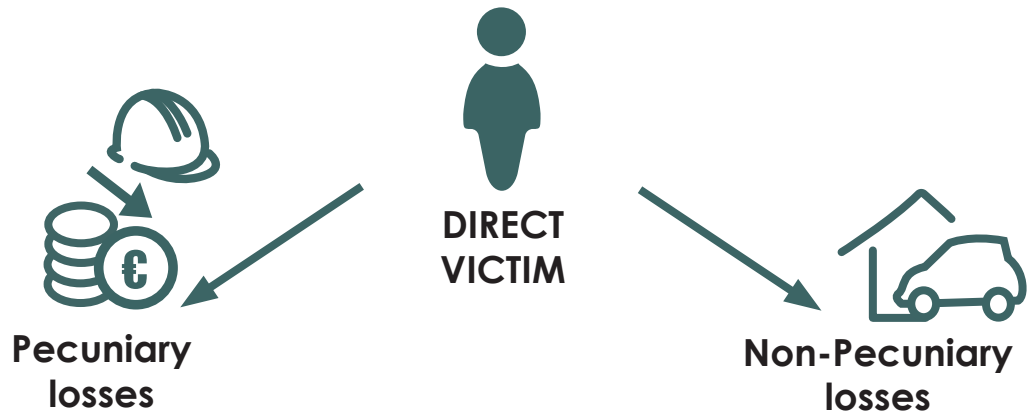
In this way, the Guarantee Fund for Victims determines its offer, **on a case-by-case basis**, according to the classifications assessed by the independent doctor assigned by the FGTI and the supporting documents produced.

COMPENSATION OF DIRECT VICTIMS

Direct victims are those who have personally survived the incident and suffered injury.

NOT ALL OF THE CLASSIFICATIONS OF INJURY LISTED BELOW
WILL APPLY IN EVERY SITUATION.

Determination of injury is made on a case-by-case basis, according to each victim's situation and the supporting documents produced.



Temporary losses	Permanents losses	Non-Pecuniary losses	Permanent losses
<ul style="list-style-type: none"> • current healthcare costs • miscellaneous expenses • current loss of earnings 	<ul style="list-style-type: none"> • future healthcare costs • cost of home adaptations • cost of vehicle adaptations • assistance from a third party • future loss of earnings • impact on professional life • impact on education or training 	<ul style="list-style-type: none"> • temporary functional impairment • suffering endured/fear of imminent death • temporary disfigurement 	<ul style="list-style-type: none"> • permanent functional impairment • loss of enjoyment of life • permanent disfigurement • sexual harm • social dysfunction and social disability • exceptional permanent harm

2. CLASSIFICATIONS OF INJURY

A. PECUNIARY LOSSES I/ TEMPORARY PECUNIARY LOSSES



THIS REFERS TO FINANCIAL LOSS SUFFERED BETWEEN THE DATE OF THE TERRORIST ACT AND THE DATE OF MEDICO-LEGAL

I/a. CURRENT HEALTHCARE COSTS

Healthcare expenses **before consolidation** consist mainly of :

- hospital fees (excluding patient contribution and user fees),
- surgical expenses,
- medical costs,
- paramedical expenses (nursing, physiotherapy, oculomotor therapy, speech therapy, etc.),
- pharmaceutical expenses,
- prosthetics,
- medical 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 **essential that the victim keeps receipts for these outstanding costs** in order to be compensated for them. These supporting documents proving expenses.

I/b. MISCELLANEOUS EXPENSES

This classification includes expenses for **non-work activities** to be covered :

- childcare costs,
- home costs,
- transport costs, etc.



Compensation for miscellaneous expenses is paid upon production of supporting documents

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

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, the compensation does not depend on supporting documents being produced ; however, producing such documents allows compensation to be paid at the actual hourly rate.

I/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.).**

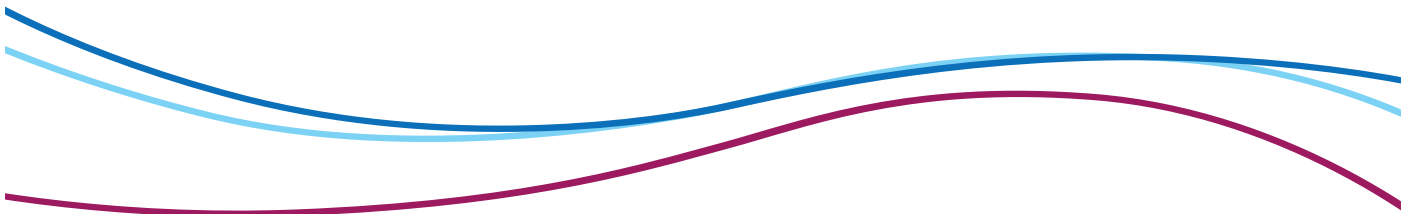
This loss is determined :

- **in the case of employees**

through a statement from the employer, payslips or evidence of daily sickness benefits paid by welfare agencies.

- **in the case of professionals in private practice or the self-employed**

through the production of tax statements and annual accounts (balance sheet, operations, exhibits) over at least the last two years of work.



II/ PERMANENTS PECUNIARY LOSSES



THIS REFERS TO FINANCIAL LOSS SUFFERED AFTER THE DATE OF THE MEDICO-LEGAL CONSOLIDATION

II/a. FUTURE HEALTHCARE COSTS

Future healthcare costs are :

- hospital fees
- medical expenses
- paramedical costs (nursing, physiotherapy, oculomotor therapy, speech therapy, etc)
- pharmaceutical and similar expenses, even if occasional, which are medically foreseeable, and necessary due to **the victim's health condition after consolidation** for example the periodic replacement of braces, prosthetics, hearing aids, etc.



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

II/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).

II/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, in other words :

- the higher purchase price of the vehicle compared to the value of the one the victim had before the injury ;
- 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 for Victims also takes into consideration a replacement period in line with the average for French car owners (7-10 years).

II/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 the 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.

II/e. LOSS OF 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.).

II/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).

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

II/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.

B. NON-PECUNIARY LOSSES I/ TEMPORARY NON-PECUNIARY LOSSES



THIS REFERS TO NON-FINANCIAL LOSS SUFFERED BETWEEN THE DATE OF THE TERRORIST ACT AND THE DATE OF CONSOLIDATION.

I/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.

I/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 :

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

Suffering Endured	Amount in euros
1/7	1,100
2/7	2,500
3/7	4,500
4/7	10,000
5/7	20,000
6/7	35,000
7/7	50,000

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.

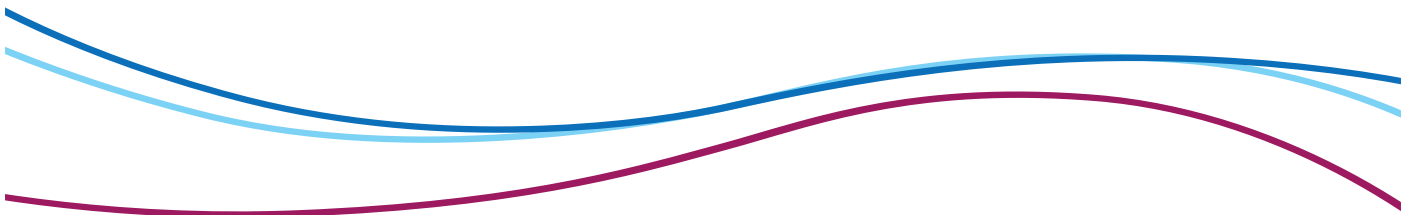
Compensation ranges from €2,000 to €5,000 depending on the victim's situation.

I/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.



II/ PERMANENTS NON-PECUNIARY LOSSES



THIS REFERS TO NON-FINANCIAL LOSS SUFFERED AFTER THE DATE OF CONSOLIDATION.

II/a. PERMANENT FUNCTIONAL IMPAIRMENT

This classification addresses 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 lives, 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 according on the **« Indicative scale of assessment 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.

2. CLASSIFICATIONS OF INJURY

The amounts shown in the table below, according to age and level of permanent functional impairment, are multiplied by the designated 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 x 50 = €210,500.

Rate of IPP (partial permanent disability)	0 to 10 years	11 to 20 years	21 to 30 years	31 to 40 years	41 to 50 years	51 to 60 years	61 to 70 years	71 to 80 years	81 years 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	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

II/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.

II/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.

Permanent Disfigurement	Amount in euros
1/7	1,100
2/7	2,500
3/7	4,500
4/7	10,000
5/7	20,000
6/7	35,000
7/7	50,000

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

II/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.

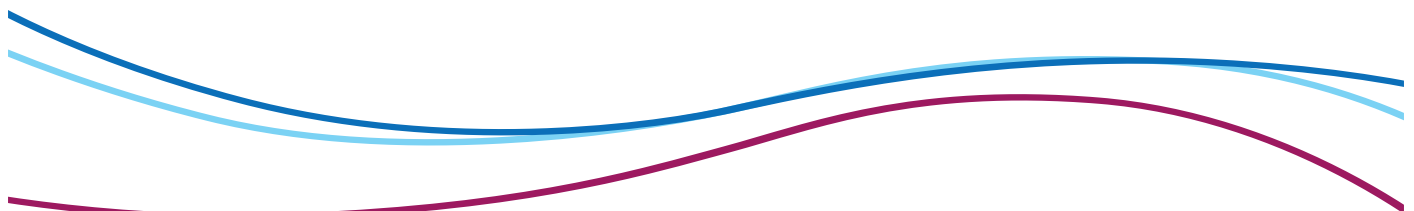
II/e. SOCIAL DYSFUNCTION AND SOCIAL DISABILITY

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.

II/f. EXCEPTIONAL PERMANENT HARM

The Dintilhac nomenclature uses this classifications of injury to take into account exceptional situations for which the 'traditional' classifications of injury are inadequate (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).

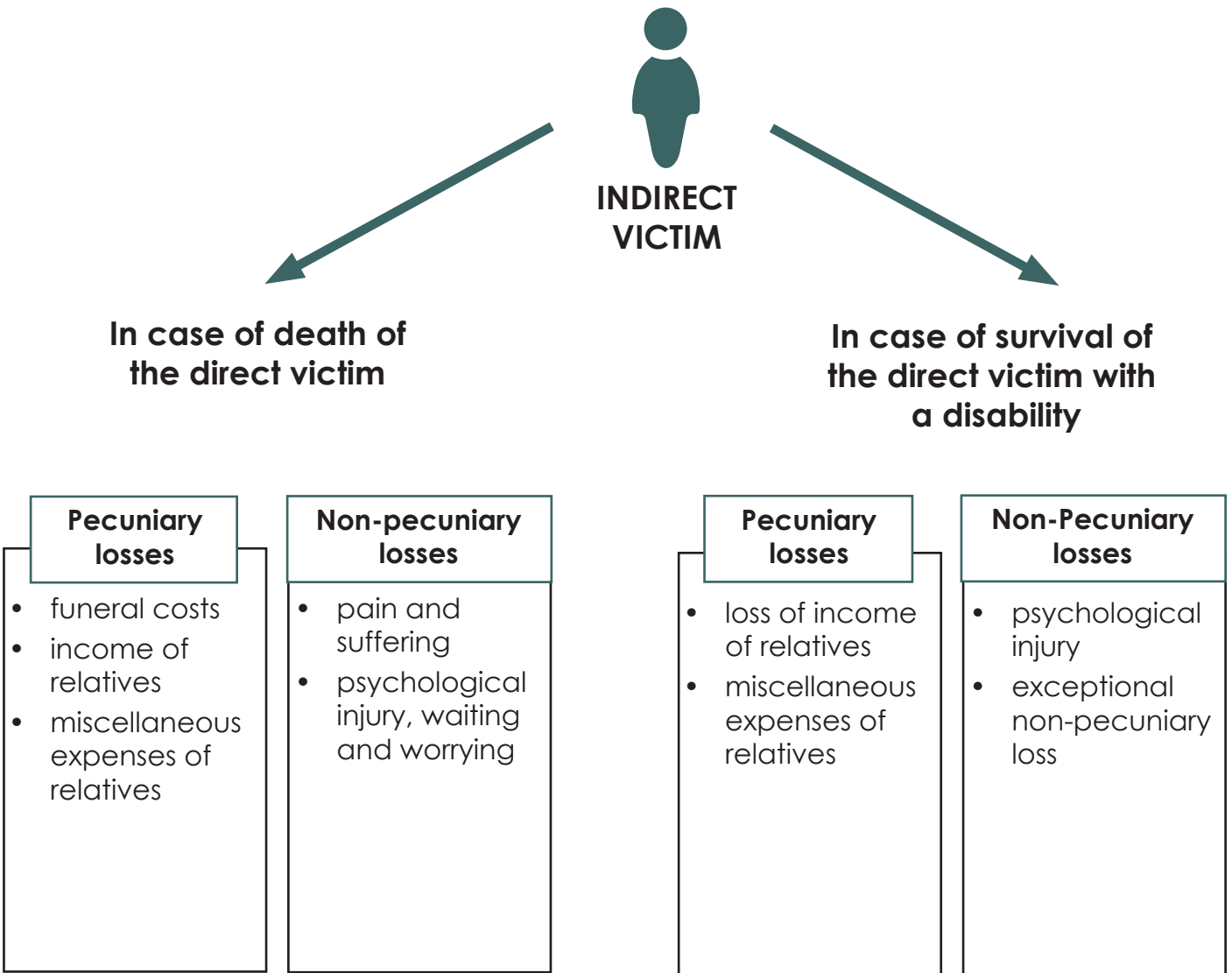


COMPENSATION OF INDIRECT VICTIMS

Indirect victims are the beneficiaries of the direct victim.

ALL 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.



A. IN CASE OF DEATH OF THE DIRECT VICTIM I/ PECUNIARY LOSSES

I/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.

I/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.

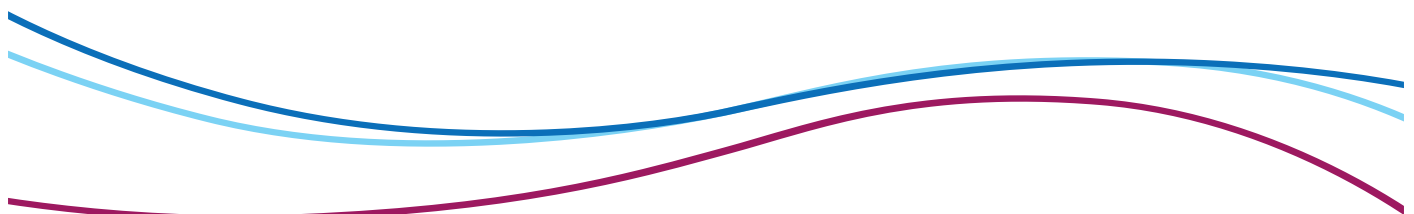
To determine the loss or drop in income affecting relatives, the Guarantee Fund takes the annual household income before the victim's death as a reference point, taking into account the victim's share of consumption and the income their spouse continues to receive.

I/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 close relatives (parents, children, brothers and sisters) who live far away to attend the funeral.

Compensation is paid on the basis of supporting documents.



II/ I/ NON-PECUNIARY LOSSES

II/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 the practice of the relevant court s*.

II/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.

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 worrying** 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.

2. CLASSIFICATIONS OF INJURY

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.



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.

A. IN CASE OF SURVIVAL OF THE DIRECT VICTIM

I. PECUNIARY LOSSES



I/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.

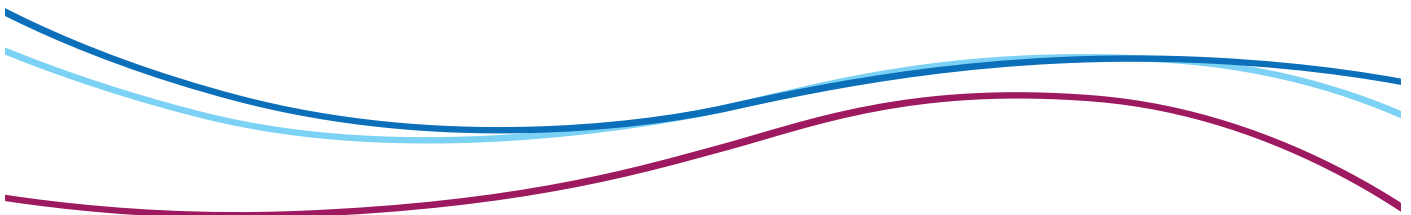
To determine the loss or drop in income affecting relatives, the Guarantee Fund takes as a reference point the annual household income before the injury that led to the direct victim's disability, taking into account the victim's share of consumption and the wages their spouse (or partner) continues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

I/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 LOSSES



II/a. PSYCHOLOGICAL INJURY

This addresses 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.

II/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 inadequate.

III. 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 :

Beneficiaries		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

THE OMBUDSMAN

3.



The Ombudsman is available to persons who wish to make a complaint regarding the compensation procedure or support 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 victim's charter and the medical examination guidelines available on the website of the Guarantee Fund for Victims.

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 website of the Guarantee Fund for Victims](#).

PRACTICAL ASPECTS

4.

? 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.

? 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.**

There are two compensation claim forms available, depending on the circumstances : a form to be completed by the victim **and/or** a form to be completed by the beneficiary in the case of the victim's 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: **first names, surname, 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 (social security number, centre, address, plan), The total of benefits received from **social security** (daily sickness benefits, annuities) and insurance
- A statement whether the terrorist act **occured in the workplace or on the journey to on from work** and, where appropriate, the name and address of the employer
- All information relating to income (tax statement, payslips, etc.) and loss of earnings/income
- Photocopies of receipts for costs incurred (specialists' or third party fees, childcare, transport, etc.)
- Bank account details
- Evidence of the injury and losses suffered

These documents may be sent on a piecemeal basis, 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 bis avenue Aubert - 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 attack in Nice : victimes14juillet2016@fgvictimes.fr
- For the attack of 13 November 2015 : victimes13novembre@fgvictimes.fr
- For other attacks : victimes.terrorisme@fgvictimes.fr

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

Claims submitted on this website are immediately sent to the FGTI.



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 bis avenue Aubert, 94682 Vincennes cedex or by e-mail at : lemediateur@fgti.fr

The form for referral to the Ombudsman is on the website of the Guarantee Fund for Victims. 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.



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.

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.

? WHICH AMOUNTS RECEIVED BY VICTIMS ARE DEDUCTED FROM THE COMPENSATION ?

Compensation should not cause a victim to either gain or lose out from their situation, 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 as compensation 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 for Victims.

? WHAT ARE THE CONDITIONS FOR COMPENSATION FOR RELATIVES OF INJURED VICTIMS ?

The Guarantee Fund for Victims 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 « COMPENSTION OF INDIRECT VICTIMS » p23.

? WHAT ARE THE CONSEQUENCES OF REFUSING AN OFFER OF COMPENSATION FROM THE FGVI AND APPLYING TO THE COUNTY COURT, IN PARTICULAR FOR PESVT ?

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

? HOW DO I APPLY TO THE COUNTY COURT ?

The claimant may refer the matter, through a lawyer, to the Paris court, where the **JIVAT** (jurisdiction over matters of compensation to victims of terrorist acts).

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

? WHAT CAN THIS MONEY BE USED FOR ?

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

Payment for significant pecuniary loss in the form of an annuity may, however, give victims some peace of mind (certainty of regular income).

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

? 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 for Victims **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 for Victims 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 waive this lapse of rights.

? WHAT ABOUT TAX ?

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

? 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 inheritance tax.



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

Victims of acts committed until 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**

Website : www.defense.gouv.fr

PENSION RIGHTS

ASSOCIATED RIGHTS

Reserved employment : victims and, under certain conditions, beneficiaries, may be covered by the law on reserved employment.

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).

Free care and equipment

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 holders 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 nation entitles the ward to maintenance, study, holiday and retraining grants and exemption from university registration fees.

This status is granted by the court with jurisdiction over the claimant's place of residence.

The following may be made wards of the nation :

- orphans under the age of 21 whose mother or father died from an act of terrorism committed in France or, if the parents held French nationals, in an attack committed abroad
- children under the age of 21 who were victims of an act of terrorism
- under certain conditions, children under the age of 21 whose mother or father has received compensation from the FGTI
- the children of victims born within 300 days after an act of terrorism.

The status of ward of the nation 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, 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 36*).

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

Estate : Total value of assets constituting the inheritance left by a deceased person (property, monet, etc.)

Relatives or Beneficiaries : the spouse, parents, grandparents, children, grandchildren, brothers and sisters.

Consolidation : the moment 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.

Adversarial principle : principle of equal and fair treatment between the parties, who are obliged to submit any evidence or documents to the examination of 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.

Lapse of rights : the loss of a person's right to take legal action due to a failure to initiate the action within the legally prescribed time limit.

Case law : Case law is the body of rulings customarily handed down by the various courts in relation to a given legal problem and from which legal principles can be inferred. Case law is a reflection of the way the courts interpret law and statutes. It is one of the sources of law and is a reference for other rulings.

Dintilhac nomenclature : Reference tool concerning compensation for victims of personal injury. This nomenclature is used by all legal practitioners, and it includes a list of injuries that concern direct and indirect victims.

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 (Social Security, etc.), will be deducted from the final amount offered. Acceptance of this offer enables full payment of the final compensation.

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.

Advance : an advance on compensation is paid by the Guarantee Fund for Victims to allow the victim to meet initial costs while awaiting final compensation (after consolidation of their state of health).

Annuity : An annuity is, for an individual, a sum of money received periodically for a set period that is determined in advance.



FONDS DE
GARANTIE
DES VICTIMES

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