

Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations

**In
Federal
Insurance**

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Summary:

Rationale

This Law was promulgated in order to compensate the victims of war operations, military mistakes and terrorist operations that took place in Iraq during and following the fall of the former defunct Baathist regime using facilitated procedures, controlled by accurate guarantees.

**In the Name of the People
Presidency Council of Iraq**

Pursuant to the House of Representative's decision in accordance with the provisions of items "First" of Article 61 and the provisions of paragraph "A", and in view of the expiry of the legal period provided for in Item "Fifth" of Article 138 of the Constitution

The following law has been promulgated:

Law No. 20 of 2009

Law on Compensating Victims of War Operations, Military Mistakes and Terrorist Operations

Article 1 – This Law aims to compensate every natural person caused damage as a result of the war operations, military mistakes and terrorist operations and determine the damages, their gravity, standards for compensation and means of claiming.

Article 2 – The compensation provided for in this Law includes the following damages:

**First: Martyrdom or being missing as a result of the operations provided for in this Law.
Second: Full or partial disability based on the report of a competent medical committee.
Third: Injuries/casualties and other cases that require temporary treatment based on the report of the medical committee specialized in this field.**

Fourth: Damages to property.

Fifth: Damages to jobs and studies.

Article 3 – The following shall be established in accordance with this Law:

First: Central Committee called the “Central Committee to Compensate the Victims of War Operations, Military Mistakes and Terrorist Operations”. It shall be headquartered in Baghdad and affiliated with the Prime Minister.

Second: Sub-committees in Baghdad, Kurdistan Region committee, a committee in every region that would be formed, and a committee in every governorate not organized into a region, called the “Sub-committee to Compensate Victims of War Operations, Military Mistakes and Terrorist Operations”. The Sub-committee may open offices in the areas it deems necessary, with the approval of the Central Committee.

Article 4 – First: The Central Committee provided for in item “First” of Article 3 of this Law shall be formed as follows:

A – A judge of the first degree nominated by the Supreme Judicial Council (Chair).

B – Representative of the Ministry of Defence with a title of Director General, member.

C – Representative of the Ministry of Interior with a title of Director General, member.

D – Representative of the Ministry of Finance with a title of Director General, member.

E – Representative of the Ministry of Justice with a title of Director General, member.

F – Representative of the Ministry of Health with a title of Director General, member.

G – Representative of the Ministry of Labour and Social Affairs with a title of Director General, member.

H – Representative of the Ministry of Human Rights with a title of Director General, member.

I – Representative of Kurdistan Region and every region that would be formed with a title of Director General, as a member.

Second: The committee may outsource experts and specialists from State departments or others to facilitate its work, in accordance with remunerations to be provided for in a decision by the Ministry of Finance.

Third: The Central Committee shall have a secretariat office with a number of employees nominated by the Ministry of Finance.

Article 5 – First: The Central Committee shall undertake the following tasks:

A. Ratify the recommendations issued by the Sub-committees relevant to compensation of property and missing persons, amending them or cancelling them after the expiry of the legal period for challenges provided for in Article (7) of this Law.

B. Dispose on the objections to the recommendations of the Sub-committees submitted by the victims, their families or the Ministry of Finance within (30) days from the date of registration with the Committee’s incoming communications.

C. Submit the decisions on compensation after ratification as provided for in paragraph A of this Article to the Ministry of Finance with a maximum period of (60) sixty days as of

the date of ratification by the Central Committee to dispense the compensation amounts.

Second: A. The Central Committee shall launch its work within three months from the date of entry into force of this Law. It shall meet at least once a week on the invitation of its chair or his delegate, with the majority of its members attending.

B. The Central Committee shall issue its decisions with the absolute majority of its members. In the event of equal votes, the Chair shall have the casting vote.

Article 6 – First: The sub-committees provided for in Item “Second” of Article 3 of this Law shall be formed as follows:

- A. A judge of at least the second degree nominated by the President of the appeal district, chair.**
- B. Representative of the Ministry of Defence with a title of Director, member.**
- C. Representative of the Ministry of Interior with a title of Director, member.**
- D. Representative of the Ministry of Finance with a title of Director, member.**
- E. Representative of the Ministry of Justice – Director of Real Estate Registration in the governorate, member.**
- F. Representative of the Ministry of Health with a title of Director, member.**
- G. Representative of the Ministry of Labour and Social Affairs with a title of Director, member.**
- H. Representative of the Ministry of Human Rights with a title of Director, member.**
- I. Representative of the governorate with a title of Director, member.**

Second: The committee may outsource (seek the assistance of) experts and specialists from State departments to facilitate its work, in accordance with remunerations provided for in a decision by the Ministry of Finance.

Third: Every sub-committee shall have a secretariat office with a number of employees.

Fourth: The sub-committees shall undertake the following tasks:

- A. Receive applications form the victims or their families**
- B. Audit the compensation transactions**
- C. Identify the damages and determine the gravity in view of the standards that will be provided for by the Ministry of Finance in accordance with the provisions of Article (15) item “First” of this Law.**
- D. Submit the recommendations on the requests for compensation of property and missing persons to the Central Committee within (15) fifteen days as of the date of issuing them for ratification.**
- E. Submit the decisions for compensation in cases of martyrdom and injury within a maximum period of (60) days from the date of submitting the application that fulfils the legal conditions.**
- F. Notify the victims or their families and the Ministry of Finance of the compensation decisions as soon as they are submitted to the Central Committee.**

Fifth: A. The sub-committee shall meet at least twice a week on the invitation of its chair or his delegate, with the majority of its members in attendance.

B. The committee’s decisions shall be taken with the absolute majority of its members. In the event of equal votes, the Chair shall have the casting vote.

Article 7 – Victims, their families or the Ministry of Finance may object to the recommendations of the sub-committees before the Central Committee within (30) thirty days starting from the day following the date of notification.

Article 8 – The compensation provided for in this Law may not be combined with the compensation for the very same damages provided for in another law. If the victim receives compensation that is less than the compensation due in accordance with this Law, the difference between what he was granted and what he is due in accordance with this Law shall be granted to him.

Article 9 – First: Persons covered by the provisions of this Law who are members of the armed forces, internal security forces and other security apparatuses/services (permanent and contract staff) shall be granted:

- A. For families of martyrs, an amount of (5,000,000) five million dinars.**
- B. For persons afflicted with a disability rated between 75% and 100%, an amount of (5,000,000) five million dinars.**
- C. For persons afflicted with a disability rated between 50% and 74%, a minimum amount of (2,500,000) two million five hundred thousand dinars and a maximum of (4,500,000) four million five hundred thousand dinars.**
- D. For persons afflicted with a disability rated less than 50%, an amount of (2,000,000) two million dinars.**

Second: Persons not covered by item “First” of this Article shall be granted:

- A. For families of martyrs, an amount of (3,750,000) three million seven hundred and fifty dinars.**
- B. For persons afflicted with a disability rated between 75% and 100%, an amount of (3,750,000) three million seven hundred and fifty dinars.**
- C. For persons afflicted with a disability rated between 50% and 74%, a minimum amount of (2,000,000) two million dinars and a maximum of (3,000,000) three million dinars.**
- D. For persons afflicted with a disability rated less than 50%, an amount of (1,750,000) one million seven hundred and fifty dinars.**

Article 10 – 1 First: The families of martyrs shall mean:

- 1. Parents**
- 2. Sons**
- 3. Daughters**
- 4. Husband or wives**
- 5. Brothers and sisters.**

Second: The pension shall be divided among the persons due in accordance with the provisions of the valid amended Unified Pension Law No. 27 of 2006.

Third: The grants shall be divided according to the Sharia inheritance.

Fourth: The share of the martyr’s family who are minors shall be granted to the legal guardian or custodian, who must spend it in their interest.

Article 11 – The persons covered by the provisions of this Law shall be exempt from the amended Unified Pension Law No. 27 of 2006, as follows:

First: The successors of the minister and anyone of his degree, special degrees, director generals and anyone of their degree, and acting director generals and higher, shall be granted a pension equal to 80% of their last wages, as well as the allowances received.

Second: The descendants of the martyrs who are employees of the State, the public sector, the mixed sector and the contractors and staff of the armed forces, internal security forces and other security apparatuses (services) shall be granted a pension equal to the total of the last wages and the allowances received.

Third: The descendants of the martyrs who were volunteers while present at the entrance of the volunteer centres for the armed forces, internal security forces and other security apparatuses (services) shall be granted a pension equal to the wages and allowances of their peers upon appointment.

Fourth: If an employee is retired as a result of affliction with a disability that is completely preventing him from performing his job duties, he shall be granted a pension equal to the last wages and allowances received before the affliction.

Fifth: If an employee is retired at his request as a result of affliction with a partial disability that is supported by a competent medical committee, he shall be granted a pension that is proportionate to the degree of disability from the last wages and allowances received before the date of affliction with disability.

If the employee had actual service qualifying him to receive a higher percentage than the disability percentage, he shall be granted the higher percentage.

Article 12 – The persons covered by the provisions of this Law who are not State, public sector and mixed sector employees shall be granted a monthly wage, as follows:

First: Families of martyrs shall be paid an amount equal to the minimum pension provided for in the amended Unified Pension Law No. 27 of 2006, with an increase of 70% of the pension. If a person receives a pension for any other reason, he shall be paid the higher pension.

Second: Persons fully or partially disabled and unable to work shall be paid a pension proportionate to the degree of disability from the pension provided for in item "First" hereof.

Article 13 – Families of martyrs and persons afflicted with a full or partial disability who are covered by the provisions of this Law shall be granted a lot for housing purposes, if they do not have one or a home. The concerned ministries shall be mandated with enforcement.

Article 14 – First: Students who were denied their studies for reasons relevant to the subject of this Law shall be re-enrolled in accordance with controls to be designated by the relevant entities.

Second: Employees who were forced to leave their jobs for reasons relevant to the subject of this Law shall be reinstated in their positions or similar ones and shall be paid wages and dues for the period during which they were forced to refrain from work.

Article 15 – First: The Ministry of Finance shall issue standards and processes for claiming compensation following the recommendations of the Central Committee.

Second: The Ministry of Finance shall enforce the decisions of the Central Committee on compensation.

Article 16 – First: This Law shall replace the Orders 10 and 17 of 2004 issued by the Cabinet.

Second: All former decisions and instructions relevant to the compensation of victims of war operations, military mistakes and terrorist operations shall be nullified after this Law's entry into force.

Article 17 – Persons against whom judicial decisions have been passed for crimes of terrorism provided for in the Anti-Terrorism Law No. 13 of 2005 shall be exempted from the provisions of this Law until proven innocent.

Article 18 – The Ministry of Finance must issue instructions to facilitate the enforcement of this Law's provisions.

Article 19 – This Law shall come into force as of 20/3/2003.

Article 20 – Members of the armed forces, internal security forces and other security apparatuses (services) shall be covered by the provisions of this Law until a special law is promulgated for them.

Article 21 – This Law shall be enforced on the date of its publication in the Official Gazette.

Copy of the original legislation:

Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations.

References for the legal provisions in the original legislation:

<u>Title</u>	<u>Author</u>	<u>Last update</u>
<u>Instructions No. (4) of 2011 Pension Rights and Grants for Families of Martyrs, Casualties, Missing and Kidnapped Persons as a Result of War Operations, Military Mistakes and Terrorist Operations provided for in accordance with the Law No. 18 of 2009</u>	zaid	13 July 2011 12:14 pm
<u>Federal Insurance</u>		