

(Unofficial Translation)

In the Name of the People,

The Presidency,

Decision No. (2)

Based on what was approved by the House of Representatives according to the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on 07. 01. 2020 to issue the following Law:

No. (2) for the year 2020

The Law on the Second Amendment to the Law No. (20) of 2009 for the Compensation of Victims of War Operations, Military Errors and Terrorist Actions

Article 1

The text of items (First) and (Second) of Article (3) of the Law shall be canceled and replaced by the following:

Article 3: Under this Law the following committees shall be formed:

First: Three central committees (one of which shall be for the Kurdistan Region) to be based in Baghdad and attached to the General Secretariat of the Council of Ministers and work in coordination with the Department of Martyrs Victims of Military Operations, Military Errors, and Terrorist Operations in the Martyrs Foundation in relation only to the files of the martyrs, the kidnapped, the missing and the injured. The General Secretariat of the Council of Ministers may issue the necessary instructions on the functions of these committees.

Second: One or more sub-committees in Baghdad, the Kurdistan region, and every governorate that are not attached to a region, in addition to three sub-committees in the governorates that had witnessed or are witnessing the operations aforementioned in the Law. These committees shall be called (The Sub-committee for the Compensation of those Affected by the War Operations, Military Errors and Terrorist Actions) are shall be attached to the Department of Martyrs Victims of Military Operations, Military Errors, and Terrorist Operations in the Martyrs Foundation, and operate in coordination with the respective governorate. The Committee has the right and, as needed, to open offices in the governorate's administrative units, districts and sub-districts. The governorate

shall be obliged to provide all the requirements needed by these committees to perform their duties.

Article 2

The texts of Paragraphs (A), (C), and (F) of item (First) of Article (4) of the Law shall be canceled and repealed by the following:

Article 4

First:

A. A judge of the first or second category to be nominated by the Chairperson of the Supreme Judicial Council, chairperson.

C. A representative of the Ministry of Housing and Construction with the title of Engineer, member.

F. A representative of the Martyrs Foundation, member.

Article 3

The text of item (Second) of Article (5) of the Law shall be canceled and replaced by the following:

Article 5

Second: The meeting of the Central Committee shall be held in the presence of its Chairperson or his/her representative and two thirds of its members. The number of the Committee meetings shall not be less than (3) three meetings per week, and its decisions shall be issued by the simple majority of the votes of the attending members. If the votes are equal, the side for whom the Chairperson votes shall prevail.

Article 4

First: The text of paragraph (A) of item (First) of Article (6) of the Law shall be canceled and item (Third) of the same Article shall be amended, and both shall be replaced by the following:

Article 6

First:

A. Judge nominated by the Chair of the Appeal Area, as chairperson.

Third: Each sub-committee shall have a secretariat office which shall be managed by an employee of the Martyrs Foundation holding an initial university degree and shall be assisted by a number of employees nominated by the Region or the governorate which is not attached to a Region.

Second: Item (Ninth) shall be added to Article (6) of the Law, and shall be read as follows:

Ninth: The concerned authorities shall facilitate the issuance of investigative papers on cases of death which the deceased's relatives were unable to obtain due to reasons beyond their control.

Article 5

Item (First) of Article (7) of the Law shall be amended to read as follows:

Article 7

First:

A. The injured or his/her relatives; the Ministry of Finance; the Martyrs Foundation; the National Board of Pensions or any other stakeholder may challenge at the Central Committee the decisions and recommendations of the sub-committees and committees formed in ministries and entities not affiliated with a ministry within (60) sixty days as from the day following the date of notification according to newly raised documents.

B. The Committee formed in accordance with Article (9-First) of Law No. 2 of 2016 shall audit files of those covered by Law No. 20 of 2009 under the same mechanism applied by the Committee.

Article 6

The text of paragraph (B) of item (Second) of Article (11) of the Law shall be amended to read as follows:

Article 11

Second:

B. If the person covered by the provisions of paragraph (B) of item (First) of this Article is referred to retirement due to a disability of 75% or more he/she shall be granted a pension equal to the salary and benefits received by his/her peers or a pension equal to three times the minimum pension salary provided for in the Unified Retirement Law No. (9) of 2014 as amended or any law that replaces it.

Article 7

First: The text of Article 12 of the Law shall be canceled and replaced by the following:

Article 12:

Taking into account the provisions of Article (11) of the Law, those who are covered shall be granted a retirement pension according to the following:

Second: The text of paragraph (D) of item (First) and item (Fourth) of Article (12) of the Law shall be canceled and both shall be replaced by the following:

First: D. Those who have a disability at the rate of 29% or less shall be granted a disability award which shall be calculated according to the following equation: the percentage of the disability multiplied by Iraqi Dinars (IQD) 500,000 (five hundred thousand) for each degree of disability and shall apply to previous cases as of the effective date of the Law No. 20 of 2009. The National Board of Pensions shall undertake to pay the award and settle the resulting amounts.

Fourth: A. In the event that the martyr was single or divorced (or whose wife and parents have died before or after his/her death), his/her brothers and sisters shall be entitled to the retirement pension and the plot of land stipulated according to the provisions of this Law. In the absence of their presence, the retirement pension and the plot of land shall be transferred to half brothers and sisters. The provision of this item shall apply to those who are covered by Law No. 2 of 2016.

B. The divorced martyr or the martyr whose wife has died before or after his martyrdom and has no children from him is considered a single martyr.

Third: The text of paragraph (D) of item (Six) of Article (12) of the Law shall be amended, and paragraphs (E), (F) and (G) shall be added to this item and shall read as follows:

Sixth:

D. The daughter or the sister until she is married or employed, and it shall be reinstated at the end of the marital relationship. This provision shall apply to those covered by the provisions of Law No. 2 of 2016.

E. The wife of the martyr (who is married) but not employed and has children from the martyr shall deserve the retirement pension stipulated in this Law at least half the minimum pension stipulated in the Unified Retirement Law No. 9 of 2014 as amended or any law that replaces it. This provision shall apply to those covered by Law No. 2 of 2016.

F. The martyr's wife (who is presently married) but not employed and does not have children from the martyr, whose parents have died before or after martyrdom, shall be entitled to a retirement pension not less than the minimum pension determined by the Unified Retirement Law No. 9 of 2014 (as amended) or any other law that replaces it. The rest of the pension stipulated in the provisions of this Law shall be equally distributed to brothers and sisters. The provisions of this paragraph shall apply to those covered by Law No. 2 of 2016.

G. The wife of the martyr (who is unmarried) but not employed and does not have children of the martyr, whose parents have died before or after martyrdom, shall be entitled to half of the pension determined according to the provisions of this Law. The other half shall be distributed equally among the martyr's brothers and sisters.

Fourth:

The text of item (Eight) of Article 12 of the Law shall be amended to read as follows:

Article 12

Eighth: If the martyr is married to more than one wife, each of his wives and his children from them shall be entitled to enjoy the same rights and privileges established for one family in accordance with the provisions of this Law. In case the wife or the children are living on their own they shall be considered as a single family for the purposes of applying the provisions of this item, taking into account paragraphs (E, F and G) of item (Sixth) of this Article.

Article 8

Items (Eleven) and (Twelve) shall be added to Article (12) of Law No. 57 of 2015 (Concluding Provisions) to read as follows:

Eleven:

A. Those who are covered by the provisions of Law No. 20 of 2009 as amended, and who have earned another certificate equal or higher than the certificate assigned to them after appointment, have the right to change the job title according to the certificate obtained and the right to calculate and equate the higher certificate as an exception to Instructions No. (5) for the year 1976. The provisions of this item shall apply to those covered by the provisions of Laws No. 2 of 2016, No. 4 of 2006 (as amended) and No. (24) of 2005 (as amended).

B. The Department of Studies and Planning in the Ministry of Higher Education and Scientific Research shall be obligated to grant each of the categories of martyrs (the victims of the defunct regime, the victims of terrorism, members of the Popular

Mobilization Forces and Peshmerga Forces a 10% for the initial daytime studies and 10% for the initial evening studies.

Twelve:

A. The employees of the Martyrs Foundation shall be covered by Article (15) of Law No. 22 of 2008.

B. Ministries, entities not affiliated with a Ministry and the governorates shall facilitate the procedures of transferring employees covered by the provisions of this Law to the Department of Martyrs Victims of Military Operations, Military Errors, and Terrorist Operations in the Martyrs Foundation to meet the need of employees and for the purpose of expediting the settlement of files.

Article 9

The text of Article (17) of the Law shall be canceled and repealed by the following:

Article 17

Those against whom judicial judgments have been issued shall be excepted from the provisions of this Law until they are found innocent of terrorist crimes stipulated in the Anti-Terrorism Law No. 13 of 2005, or those against whom the provisions of items (First) and (Second) of Article (5) of Martyrs Foundation Law No. 2 of 2016 are applied.

Article 10

The text of Article (20) of the Law shall be repealed and replaced by the following:

Article 20

First: The families of martyrs and injured persons affiliated with the Internal Security Forces, the Armed Forces and the Security Apparatus shall be granted the rights and privileges stipulated in the provisions of this Law and the other valid, relevant laws.

Second: The martyr and the injured person, who is referred to retirement due to an injury and who is a member of the staff employees of the armed forces and security forces in the ministries of defense and interior and the Popular Mobilization Forces shall be given a service reward equivalent to the retirement pension multiplied by 12. This applies to those who had not receive the end-of-service reward stipulated in the Unified Retirement Law No. 9 of 2014, as amended.

Third: In the event that the retirement pension is cut off from the son of the martyr for any reason whatsoever, the National Board of Pensions shall be obliged to grant the pension to his successor with special needs, and he/she has the right to assign the pension to other persons covered by the provisions of this law. This provision shall apply to those covered by the Martyrs Foundation Law No. 2 of 2016

Article 11

The Sub-committees are obligated to present the recommendations and decisions issued by them to the public prosecutor to confirm his/her opinion regarding these recommendations and decisions in terms of whether they are in agreement with the law or not, or to submit any other observations in a manner that guarantees the preservation of public money.

Article 12

First: The word (Eighth) shall be added to item (First) of Article (8) of Law No. 2 of 2016 and to read as follows:

Article 8

First: Each of the formations stipulated in items (Second), (Third), (Fourth) and (Eighth) of Article (7) of Law No. 2 of 2016 shall be run by an experienced and specialized employee holding the title of general manager and at least an initial university degree. He/she shall be appointed according to the provisions of the relevant law.

Article 13

The Sub-committees shall undertake to submit to the presidency of the governorate's appeal court the decisions they take for compensation of property whose amounts do not exceed IQD 30,000,000 (thirty million) for approval. These decisions shall then be referred to the Ministry of Finance for payment. The Sub-committees shall be obligated to refer all of the abovementioned decisions to the Central Committee to be electronically archived therein.

Article 14

The Martyrs Foundation and the National Board of Pensions shall issue the necessary instructions to facilitate the implementation of the provisions of this Law.

Article 15

Any text which conflicts with the provisions of this Law shall be null and void.

Article 16

First: Through the concerned governorate, the Ministry of Finance shall pay the compensation amounts to the affected claimants according to the decisions issued by the committees which shall be formed under the provisions of this Law according to which compensation is made in the following cases:

A. Property damage approved according to decisions issued by the sub-committee and approved by the Central Committee or the presidency of the governorate's appeal court.

B. The cases of martyrdom, loss, kidnapping or injury in accordance with the decisions issued by the Sub-committee in coordination with the Department of Martyrs Victims of Military Operations, Military Errors, and Terrorist Operations in the Martyrs Foundation.

Second: Through the concerned governorate, The Ministry of Finance shall take into account the priority of payments to be made according to the precedence of the decisions' date of issue, as well as the priority of payments in cases of martyrdom and their number.

Third: The Ministry of Finance shall allocate in the budget of each governorate within the annual federal budget law the compensation amounts for cases mentioned in the provisions of this Law.

Article 17

This law shall be enforced from the date of its publication in the Official Gazette.

Barham Salih

President of the Republic

Mandating Reasons

In order to include, do justice to all martyrs' segments and ensure equality for them to enjoy all the rights and privileges granted under the valid laws; to alleviate the suffering of citizens in the areas affected by war operations, military mistakes and terrorist operations; to form more than one compensation sub-committee in each governorate and increase the number of compensation central committees; to complete the largest number of citizens' compensation transactions; to allow the families of martyrs and injured personnel of the Internal Security Forces, the Armed Forces and Security Apparatus to enjoy the benefits provided for in the Law; and to allow the public prosecution organs to play their part in preserving the public money, this Law was enacted.