

In the name of the people

The Presidency Council of the Republic of Iraq

Resolution No. 63

Based on parliament's resolution in accordance with the provisions of item "First" of Article 61 and item "Third" of Article 73 of the Constitution

The President of the Republic has decreed on 30/12/2015

The promulgation of the following law:

No. 57 of 2015

Law

The First Amendment to the Law on Compensation of Victims of War

Operations, Military Mistakes and Terrorist Operations

No. 20 of 2009

Article 1 – The provision of Article 1 of the law shall be abolished and replaced with the following:

Article – 1 – First: This Law aims to compensate every natural or juridical Iraqi caused harm as a result of war operations, military mistakes and terrorist operations and the wounded of the Popular Mobilization Forces and the Peshmerga, and to determine the gravity of the damage, the basis for compensation and the means of claiming it.

Second: Provide care, programmes, facilities and assistance to those included in the provisions of this Law in the legal, economic, social, financial, health, educational, cultural and other fields.

Third: Create a department at the Martyrs Foundation to be called the Department for Martyred Victims of War Operations, Military Mistakes and Terrorist Operations, mandated with looking after and following up the affairs of martyrs and wounded persons included in the provisions of this Law in all domains.

Article – 2 – The provision of item "First" of Article 2 of the law shall be abolished and replaced with the following:

First: Martyrdom, being missed (in action), kidnapping, or injury as a result of the operations provided for in this Law.

Article – 3 – The provision of Article 3 of the law shall be abolished and replaced with the following:

Article – 3 – The following shall be established pursuant to this law:

First: A central committee to be named "The Central Committee to Compensate Persons Harmed as a Result of War Operations, Military Mistakes and Terrorist Operations" headquartered in Baghdad. It

shall be affiliated with the Cabinet's (Council of Ministers') Secretariat in coordination with the Department for Martyred Victims of War Operations, Military Mistakes and Terrorist Operations at the Martyrs Foundation.

Second: Subsidiary committees in Baghdad, a committee in Kurdistan Region and a committee in every governorate not affiliated with (not organized into) a region, called "The Subsidiary Committee to Compensate Persons Harmed as a Result of War Operations, Military Mistakes and Terrorist Operations" affiliated with the Department for Martyred Victims of War Operations, Military Mistakes and Terrorist Operations at the Martyrs Foundation. A subsidiary committee may open offices in the areas it deems necessary.

Third: A committee in every ministry or entity not affiliated with a ministry.

Article – 4 – The provision of Article 4 of the law shall be abolished and replaced with the following:

Article – 4 – First: The Central Committee provided for in item "Second" of Article 3 of this law shall be formed of a president and full-time members, as follows:

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|---|-----------|
| A. A first tier judge nominated by the President of the Supreme Judicial Council | President |
| B. Representative of the High Commission for Human Rights – Iraq, with a title of director at a minimum | Member |
| C. Representative of the Ministry of Interior, with a title of director at a minimum | Member |
| D. Representative of the Ministry of Finance, with a title of director at a minimum | Member |
| E. Representative of the Ministry of Justice, with a title of director | Member |
| F. Representative of the victims of war operations, military mistakes and terrorist operations, recommended by the Cabinet's Secretariat | Member |
| G. Representative of Kurdistan Region, with a title of director at a minimum | Member |

Second: The Committee may seek the assistance of experts and specialists from state departments or outsource them to facilitate its work in return for fees to be determined by a decision by the Central Committee President.

Third: The Central Committee shall have a Secretariat Office administered by an employee with a first university degree who is assisted by a number of employees recommended by the Cabinet's Secretariat.

Article – 5 – The provision of Paragraph A of item "First" of Article 5 of the law shall be abolished and replaced with the following:

First: - A – Certification, amendment or abolishment of the subsidiary committee recommendations on property compensation after expiration of the appeal period outlined in Article 7 of this law.

Second: The provision of item "Second" of Article 5 of the law shall be abolished and replaced with the following:

Second: The Central Committee meeting quorum shall be met with two thirds of its members in attendance. Its decisions shall be taken by a simple majority of votes by the attending members. If the votes are equal, the side with whom the President votes shall prevail.

Article – 6 – The provision of Article 6 of the law shall be abolished and replaced with the following:

Article – 6 – First: The subsidiary committee provided for in item “Second” of Article 3 of this law shall be formed of a president and two full-time members, as follows:

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| A. A second tier judge, at least, nominated by the President of the Appeal Circuit | President |
| 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 Governorate, with a title of director | Member |
| E. Representative of the Ministry of Health, with a title of director | Member |
| F. Representative of the Real Estate Registration Directorate in the governorate | Member |
| G. Representative of the Department of Victims of War Operations, Military Mistakes and Terrorist Operations at the Martyrs Foundation | Member |

Second: The Committee may seek the assistance of experts and specialists from state departments or outsource them to facilitate its work in return for remunerations to be set out by a decision by the Subsidiary Committee President.

Third: Each subsidiary committee shall have a Secretariat Office administered by an employee with a first university degree who is assisted by a number of employees nominated by the region or the governorate not affiliated with a region.

Fourth: A subsidiary committee shall be mandated with the following duties:

A – Receive applications from affected individuals, their families or those injured of the Popular Mobilization Forces supported by evidentiary documents.

B – Check the paperwork of the affected individuals detailed in paragraph A of item “Fourth” of this Article.

C – Identify damages and determine their gravity pursuant to the principles to be drafted by the Ministry of Finance based on the provisions of item “First” of Article 15 of this law.

D – Submit recommendations on property compensation applications/claims to the Central Committee within (30) thirty days from their issue date for certification.

E – Issue compensation decisions in cases of martyrdom, being missed, kidnapping, injury and the wounded of the Popular Mobilization Forces within a maximum period of (60) sixty days from the date the application fulfilling legal conditions is submitted.

F – Notify the affected individuals or their families, the Accounting Department at the Ministry of Finance, the Central Committee and the Martyr’s Foundation of the compensation decisions and recommendations.

Fifth: The Committee quorum shall be considered met with two thirds of the members in attendance. Its decisions shall be taken by a simple majority vote by the attending members. If the votes are equal, the side with whom the President votes shall prevail.

Sixth:

1 – The Committee provided for in item “Third” of Article 3 of this law shall be formed of (3) three employees, provided one of them should have a first university law degree at a minimum.

2 – The Committee provided for in paragraph 1 of this item shall undertake an administrative investigation to ensure the act that occurred (the issue in fact) was the result of a terrorist action, military mistake, or war operation, after reviewing the investigative documents. It shall submit its report and recommendations supported by all evidentiary documents within (15) fifteen days from the date the application is registered as the committee’s incoming mail to the competent minister or president of the entity not affiliated with a ministry for certification within (30) thirty days from receipt by his office.

3 – The ministry or entity not affiliated with a ministry shall provide a copy of the report and recommendations certified by the minister to the National Retirement Commission with certified copies of the investigative documents, certificate of death, the Sharia division of inheritance, the will or curatorship in the event of minors or their like, and the medical report with the retirement paperwork within (15) fifteen days from the date of certification by the minister or president of an entity not associated with a ministry.

4 – The applications by individuals covered by the provisions of this Law who are state and public sector employees in any form shall be submitted with the investigative papers prepared by the police station, the death certificate in case of martyrdom, the court ruling on the missing person, and the medical report on the injury or disability supported by a competent medical committee to the committee provided for in paragraph 1 of this item.

Seventh: The formed committees provided for in items “Second” and “Third” of Article 3 of this law must revisit their decisions at the request of the injured individual whose health condition has regressed as a result of the terrorist act, which was confirmed in the first medical committee report, following a recent report by the competent medical committee.

Eighth:

A – The ministry or entity not affiliated with a ministry shall dispense the grant amount to the family of the martyr or injured individual from its budget allocations after confirming that the martyrdom, injury, missing or kidnapping occurred as a result of the operations included in this law.

B – The ministry or entity not affiliated with a ministry must notify the Budget Department at the Ministry of Finance to cover the dispensed amount.

Article – 7 – The provision of Article 7 of the law shall be abolished and replaced with the following:

Article – 7 – First: The affected individual, his family, or the Ministry of Finance may appeal the decisions and recommendations of the subsidiary committees and the committees formed of the ministries and entities not affiliated with a ministry to the Central Committee within (30) thirty days from the day following the notification date.

Second: The individual affected by the Central Committee’s decisions may appeal its decisions before the Administrative Justice Court (30) thirty days from the decision notification date. The court ruling may be appealed before the Supreme Administrative Court within (30) thirty days from the date of notification of the decision by the court or the decision is considered notified.

Article 8 – The provision of Article 9 of the law shall be abolished and replaced with the following:

First: The family of the martyr and individuals injured with a disability rate between 75% and 100% shall be compensated the amount of (5,000,000) five million dinars.

Second: The individual injured with a disability rate between 50% and 74% shall be compensated at no less than (3,000,000) three million dinars and no more than (4,500,000) four million five hundred thousand dinars.

Third: The individual injured with a disability rate less than 50% shall be compensated the amount of (2,500,000) two million and five hundred thousand dinars.

Article – 9 – The provision of Article 11 of the law shall be abolished and replaced with the following:

Article – 11 – As an exception to the provisions of the Unified Pension Law No. 9 of 2014 or any law replacing it, the successors of the following:

A – The minister and those of his rank and who receive his salary, the deputy minister and those of his rank and receive his salary, individuals of a senior “special” rank, director generals and those of their rank and receive their salaries, shall be granted a pension equal to the salary and allowances of his peers in the job according to the valid salary scale, taking into account the duration from the date of martyrdom to the date of this law’s validity as actual service for purposes of bonuses, advancement, promotions and retirement.

B – Martyrs who are state employees, employees of the public sector, the mixed sector and contractors, shall be granted a pension equal to the salary and allowances of their peers in the job according to the valid salary scale or a pension equal to three times the minimum pension provided for in the Unified Pension Law No. 9 of 2014 or any law replacing it, whichever is higher, taking into account the duration from the date of martyrdom to the date of this law’s validity as actual service for purposes of bonuses, advancement, promotions and retirement.

Second: - A – If the individual covered by paragraph A of item “First” of this Article is retired due to his affliction with a disability that completely or partially prevents him from performing his job duties, as confirmed by an official medical committee that he is unable to work, he shall be granted a pension equal to (80%) eighty percent of the last salary and allowances that he received.

B – If the individual covered by the provisions of paragraph B of item “First” of this Article is retired due to his affliction with a disability that completely prevents him from performing his job duties, he shall be granted a pension equal to the salary and allowances that were received by his peers or a pension equal

to three times the minimum pension provided for in the Unified Pension Law No. 9 of 2014 or any law replacing it, whichever is higher.

C – If the individual covered by the provisions of paragraph B of item “First” of this Article is retired due to his affliction with a partial disability as confirmed by an official medical committee that he is unable to work, he shall be granted a pension that is proportionate to the disability degree from the salary and allowances received when he was retired, provided that it is no less than the minimum pension provided for in the amended Unified Pension Law No. 9 of 2014 or any law replacing it. If the employee had actual service that qualifies him to earn a pension that is higher than the disability percentage, he shall be granted the higher pension.

Third: - A – As an exception to the provisions of the amended Homeland Security Forces Service and Retirement Law No. 18 of 2011 and the amended Military Services and Retirement Law No. 3 of 2010, the family of the martyred member of the Homeland Armed Forces, Armed Forces and other security institutions shall be granted the right to choose between the pension and pension rights provided for in paragraph B of item “First” of Article 11 of this law and the pension and retirement rights provided for in the amended Homeland Security Forces Service and Retirement Law No. 18 of 2011 and the amended Military Service and Retirement Law No. 3 of 2010.

B – As an exception to the provisions of the amended Homeland Security Forces Service and Retirement Law No. 18 of 2011 and the amended Military Services and Retirement Law No. 3 of 2010, injured members of the Homeland Security Forces, Armed Forces and other security institutions shall be granted the right to choose between the pension and pension rights provided for in paragraphs B and C of item “Second” of Article 11 of this law and the pension and retirement rights provided for in the amended Homeland Security Forces Service and Retirement Law No. 18 of 2011 and the amended Military Service and Retirement Law No. 3 of 2010.

Article – 10 – The provision of Article 12 of the law shall be abolished and replaced with the following:

Article – 12 – The individuals included in the provisions of this law who are not state employees, employees of the public sector and the mixed sector shall receive a pension as follows:

First: - A – Families of martyrs and individuals afflicted with a disability between 75% and 100% shall receive a monthly pension equal to three times the minimum pension provided for in the Unified Pension Law No. 9 of 2014 or any law replacing it.

B – For persons afflicted with a disability between 50% and 74%, a monthly pension equal to twice the minimum pension provided for in the Unified Pension Law No. 9 of 2014 or any law replacing it.

C – For persons afflicted with a disability between 30% and 49%, a monthly pension equal to the minimum pension provided for in the Unified Pension Law No. 9 of 2014 or any law replacing it.

D – For persons afflicted with a disability less than 29% %, a monthly pension equal to half the minimum pension provided for in the Unified Pension Law No. 9 of 2014 or any law replacing it.

Second: The pension provided for in this article shall be transferred from the injured individual after his death to his successors.

Third: Individuals included in the provisions of this law may combine their dues from the martyr and injured pension for the martyr and the injured individual with a disability percentage of 50% and above with any retirement share, social welfare salary, or any other salary.

Fourth: If the martyr is unmarried, and the parents are deceased, the pension shall be transferred to the siblings.

Fifth: - A – The pension paid to the male children and siblings of the martyr shall be suspended when they complete eighteen years of age, if they are not impaired due to a malformity or disability (10) ten years from the date of receiving the pension designated pursuant to the provisions of this law.

B – The pension paid to the martyr's daughter or sister shall be suspended upon their marriage or securing another pension (10) years from the date of receiving the pension designated pursuant to the provisions of this law.

Sixth: The payment of the pension shall continue, as an exception to paragraphs A and B of item "Fifth" of this Article as follows:

A – To the parents

B – To the son and daughter if they are pursuing their education

C – To the son and daughter with special needs, regardless of their ages and study status.

D – The martyr's wife, daughter or sister, until they are married or appointed, and shall be reinstated once the marital relationship is dissolved.

Seventh: If the pension payment is suspended to an eligible individual from the martyr's family, the share will be redistributed among the remaining ones equally.

Eighth: If the martyr is married to more than one woman, each of his wives and beneficiary children shall enjoy the same rights and privileges assigned to the single wife in accordance with the provisions of this law.

Ninth: If the martyr's family has multiple martyrs, a percentage of (50%) fifty percent shall be added for every martyr over the due pension and all other financial rights and privileges.

Tenth: The payment of the pension and allowances shall continue for the successors of the employee martyr, missing, and kidnapped, until the pension is received.

Article – 11 – The provision of article 13 of the law shall be abolished and replaced with the following:

Article – 13 – First – The martyr's wife and children shall be granted a home, apartment, or a plot of residential land, as well as a residential plot of land for the martyr's parents. The stakeholder ministries shall abide by implementing this as soon as possible. Priority shall be granted to those included in the provisions of this Law. If a plot of land is granted to the wife and her children, they are given a soft (concessional or seasoned) real estate loan.

Second: If the implementation of item "First" of this Article is not possible, those covered by it shall be paid a cash amount of (50,000,000) fifty million dinars.

Third: A housing unit at a value that exceeds 50% of the area of that offered to the family of the single martyr, and if a plot of land is allocated, its size must be 50% larger than that allocated for the family of a single martyr with a similar increase in the real estate loan. These increases are granted one time only.

Fourth: The family of the martyr shall be exempted if they complete the real estate registration paperwork for the plot of land allocated for them or building on the land granted to them in accordance with the provisions of this law from the taxes and fees provided for in all the laws.

Fifth: The families of the victims shall be exempted from the hometown condition and the provisions of the Dissolved Revolution Command Council No. 120 of 1982 and the instructions issued in accordance with it.

Sixth: Injured individuals included in the provisions of this law, with 30% or more disability shall be granted a plot of land or apartment as an exception to the provisions of the Dissolved Revolution Command Council No. 120 of 1982 and the instructions issued in accordance with it and an exception from the hometown condition. If it is not possible to implement the provisions of this item, they shall be paid its value at the prevailing market price.

Closing Provisions

Article – 12 – First – A medal shall be created, called “The Martyrdom Medal”, to be granted to the family of the martyr along with the privileges outlined in the Medals Law. Its shape, measurements and method of granting it shall be detailed in instructions issued by the Cabinet.

Second – The individuals included in the provisions of this law shall be granted the right to choose the location where they want to work in their field of their work for a single time and shall be given priority in appointment and assumption of public positions when a specialization is available.

Third – The individuals included in the provisions of this law shall be exempted from public transport fees on airplanes, trains and public transport vehicles inside and outside the Republic of Iraq once a year for purposes of treatment or education.

Fourth – All ministries and entities not associated with a ministry shall allocate a minimum percentage of 10% of all job ranks for individuals included in the provisions of this law.

Fifth – A minimum percentage of 10% of study seats shall be allocated for exemptions from the conditions and instructions applied for acceptance in undergraduate and graduate studies for individuals included in the provisions of this law, at no less than a single seat in every specialization. Applicants shall compete among themselves for these seats.

Sixth – The Pilgrimage Commission (for minor (*Umrah*) and major (*Hajj*) pilgrimages) shall allocate (5%) five percent of the pilgrimage seats annually for the individuals included in the provisions of this law.

Seventh: - A – Missing and kidnapped individuals included in the provisions of this law and individuals for whom paperwork has been filed by their families shall be treated as martyrs in accordance with this law for purposes of receiving their pension and continuing with it until their death certificate is issued.

B – Applicants who are family members of missing and kidnapped individuals and who have received financial dues in violation of the law shall be subject to the penal provisions in the Iraqi Penal Code No. 111 of 1969 and its amendments, and they shall be mandated to refund all amounts received unjustly to the treasury. Guarantors shall be subject to the same penalties referred to above against the applicants.

Eighth – Injured individuals covered by the provisions of this law shall receive the same treatment as martyrs upon their death due to the same injury.

Ninth – The Ministry of Health shall be mandated to treat all injured individuals covered by the provisions of this law inside and outside the Republic of Iraq.

Tenth – Once the martyr's family receives its dues outlined in this law, they do not waive the right to claim any other rights in accordance with the provisions of criminal or civil liability or the provisions of any other laws.

Article – 13 – The Departments of Popular Mobilization Forces and Martyr Victims of War Operations, Military Mistakes and Terrorist Operations at the Martyrs Foundations shall handle the affairs of the injured individuals included in the provisions of this law.

Article – 14 – This law shall come into effect on the date of publication in the Official Gazette.

Fouad Masoum

President of the Republic

Rationale

This law was promulgated to ensure equity for the individuals included in the provisions of Law No. 20 of 2009 in terms of rights and privileges with the individuals covered in the provisions of the Martyrs Foundation Law No. 3 of 2006; create a department at the Martyrs Foundation to look after the individuals included in the provisions of this law and include the injured individuals from the Popular Mobilization Forces and Peshmerga as well the individuals injured as a result of fighting the defunct Ba'ath party; to facilitate the procedures governing the work of the subsidiary committees and the Central Committee; address the flaws that appeared from the practical implementation of the law; improve the living conditions of those groups and compensate them for the harm done to them.