

**Law on compensating people affected by**  
**War Operations, Military accidental errors, and Terrorist Actions**  
**Number 20 of 2009.**

Pursuant to what has been decided by the Council of Representative in accordance with item (first) of [article \(61\)](#) and paragraph (a); and because the legal period stated by item (fifth) of [article \(138\) of the constitution](#).

**Article 1**

**First:** - the purpose of this law is to compensate every Iraqi Citizen (Natural person or Juridical person) affected by a damage caused by war operations, military accidental errors, and terrorist actions. The law also compensates the wounded fighters of Alhash Alsha'bi (PMF – Popular Military Forces) and Peshmergha forces; moreover, this law tries to determine the seriousness of the damage, basic principles to compensate for that damage, and how to claim such right.

**Second:** - this law aims at providing care, programs, aids to those covered by this law legally, economically, socially, and financially; this law cares about health, education, culture and other aspects and needs of the affected people.

**Third:** - start new Department at the Martyrs' Foundation to be named as (Department of martyrs of war operations, military accidental errors, and terrorist actions); this department shall assume the responsibility of following up issues of the martyrs and the wounded citizens covered by this law at all aspects. (1)

**Article 2**

The compensation stated by this law shall cover the following:

**First:** martyrdom, missing in action, kidnapping, or injury because of the operations stated by this law. (2)

**Second:** full or partial disability based on a medical report issued by a specialized medical committee.

**Third:** injuries and other cases that require temporary treatment based on the specialized medical report in this field.

**Fourth:** damaged property.

**Fifth:** disadvantages relevant to job or education.

**Article 3**

According to this law, the following shall be formed

**First:** a central committee named as (the Central Committee on compensating people affected by War Operations, Military accidental errors, and Terrorist Actions). It shall be located in Baghdad, and it reports to the Secretariat of Ministers' Council in coordination with Department of martyrs of war operations, military accidental errors, and terrorist actions of Martyrs' Foundation.

**Second:** sub-committees in Baghdad, a committee in Kurdistan Region, and a committee in each Region-independent province named as the (Sub-committee to compensate people affected by War Operations, Military accidental errors, and Terrorist Actions) at Martyrs' Foundation. The sub-committee is entitled to open an office at areas where the sub-committee sees it necessary.

**Third:** a committee at each ministry or ministry-independent entity. (3)

#### **Article 4**

**First:** the central committee stated by item (second) of article (3) of this law shall be comprised of a head and full time members as per following:

- a- First class judge nominated by president of the High Judicial Council. Head
- b- Representative of the High Commission for Human Rights (Director or less). Member
- c- MOI representative (Job title at least Director). Member
- d- MOF representative (Job title at least Director). Member
- e- MOJ representative (Job title/Director). Member
- f- Representative of victims of war operations, military accidental errors, and terrorist actions by Secretariat of Ministers' Council. Member
- g- KRG representative (Job title at least Director). Member

**Second:** the committee may outsource experts from government or non-government entities to streamline its actions against fees to be determined by head of the central committee.

**Third:** the central committee has secretary office run by an officer with BA degree assisted by number of staff to be assigned by the Secretariat of Ministers' Council. (4)

#### **Article 5**

**First:** the central committee shall assume the following tasks:

- a- Approve the recommendations issued by the sub-committees relevant to the property compensations, or make amendments or cancel the recommendations when period of appeal stated by article (7) of this law.
- b- Decide on the objections made to the recommendations of the sub-committees raised by the affected individuals or their relatives or by MoF in 30 days of registering the objections in the register of the committee.
- c- Submit decisions relevant to the, compensations (mentioned by item (a) of this article) after being approved, to MoF no later than (60) days of the approval made by the central committee to disburse amounts of compensation.

**Second:** the central committee meeting convenes by the attendance of two-thirds of its members; decisions shall be issued by simple majority of the votes present at the meeting, when votes are equal the side that has the head's vote shall outweigh. (5)

## **Article 6**

**First:** the sub-committee stated by item (second) of article (3) of this law shall be comprised of head and full time members:

- a- Judge (no less than class 1) nominated by president of the area appeal court. Head
- b- Representative of MoD (job title - Director). Member
- c- Representative of MoI (job title - Director). Member
- d- Representative of the province (job title - Director). Member
- e- Representative of MoH (job title - Director). Member
- f- Representative of Real estate Registration Directorate (job title - Director). Member
- g- Representative of Department of martyrs of war operations, military accidental errors, and terrorist actions of Martyrs' Foundation. Member

**Second:** the committee may outsource experts from government or non-government entities to streamline its actions against fees to be determined by head of the sub-committee.

**Third:** the sub-committee has secretary office run by an officer with BA degree assisted by number of staff to be assigned by the Kurdistan Region or the Region-independent province.

**Fourth: the sub-committee shall assume the following tasks:**

- a- Receive compensation requests made by the affected individuals or by their relatives, the injured fighters of Alhashd Alsha'bi. Supporting documents should be enclosed with the requests.
- b- Supporting documents check shall be performed on the proofs presented by the affected individuals mentioned by paragraph (a) of item (fourth) of this article.
- c- Count the damages and determine upon their seriousness according to the principles prepared by MoF based on item (first) of article (15) of this law.
- d- Submit recommendations about property compensation requests to the central committee in (30) days of the date the recommendations have been issued for approval.
- e- Issue compensation decisions for martyrdom, missing in action, kidnapping, and injury, and for Alhasd Alsha'bi wounded fighters in no later than (60) days of the date the compensation request (meets legal requirements) has been submitted.
- f- Notify the affected individuals or their relatives, MoF accounting department, the central committee, and Martyrs' Foundation of the decisions and recommendations made about the compensations.

**Fifth:** the committee meeting convenes by the attendance of two-thirds of its members; decisions shall be issued by simple majority of the votes present at the meeting, when votes are equal the side that has the head's vote shall outweigh.

**Sixth:**

- 1- The committee stated by item (third) of article (3) of this law shall be formed of (3) employees one of them should be at least with BA degree in law.
- 2- The committee stated by paragraph (1) of this item shall conduct administrative investigation to verify that damage occurred was a terrorist action, a military accidental errors or a war operation after examining all investigating paper. The committee shall submit its recommendations supported by all required proofs in (15) fifteen days of registering the compensation request in the register of the committee to the concerned minister or to the head of the ministry-independent entity to approve the recommendations in (30) days of the date they have been received by the office.
- 3- The ministry or the ministry-independent entity shall provide the National Retirement Commission with copy of the report and recommendations approved by the minister. The ministry or the ministry-independent entity shall also attach authenticated copies of the investigating papers, death certificate, heirs deed, Custodianship deed, or the guardianship deed (in case minors or equivalent involved), and the medical report the retirement paperwork in (15) days of the date the minister or head of the ministry-independent entity has approved the report and the recommendations.
- 4- Requests, made by those covered by this law (employees of State and Public Sector - no matter what title they have) shall be submitted to the committee stated by paragraph (1) of this item. The requests should have the investigating papers conducted by the concerned police station, death certificate, circumstances of martyrdom, ruling by the court about missing in action, and the medical report that verifies the disability supported by an official medical report

**Seventh:**

The formed committees stated by items (second) and (third) of article (3) of this law shall abide to reconsider their decisions based on a request made by the injured individual whose health condition has been aggravated because of a terrorist action mentioned by the first medical report supported by a recent report issued by the concerned medical committee.

**Eighth:**

- a- The ministry or the ministry-independent entity shall disburse the compensation to the martyr or injured individual family from gratuities budget line after verifying that the martyrdom, injury, missing in action, or kidnapping have occurred because of reasons covered by this law.
- b- The ministry or the ministry-independent entity shall notify budget department of MOF to cover the disbursed amount of the compensation. (6)

**Article 7**

**First:** The affected individual or his / her family or MoF are entitled to object to decisions and recommendations made by the sub-committees and the committees formed by ministries or ministry-independent entities to the central committee in (30) days of the day next to the date when recommendations and decisions have been communicated to them.

**Second:** the individual affected by the central committee decisions has the right to challenge the decisions of the central committee at the Administrative Justice Court (30) days after the decision has been communicated. The court's decision is subject to appeal at the High Administrative Court within (30) days from the date the ruling issued by the court has been communicated, or considered as communicated. (7)

## **Article 8**

It is not permissible to combine between the compensation stated by this law and the compensation for the damage stated by another law; in case the affected individual has got a compensation less than the one stated by this law, he/she shall be given the difference (what has been disbursed and the compensation he/she deserves by this law).

## **Article 9**

**First:** family of the martyr or the injured individual with disability percentage of (75% - 100%) shall be compensated an amount of (5,000,000) five million IQD.

**Second:** the injured individual with disability percentage of (50% - 74%) shall be compensated an amount of no less than (3,000,000) three million IQD and not more than (4,500,000) four million and five hundred thousand million IQD.

**Third:** the injured individual with disability of less than (50%) an amount of (2,500,000) two million and five hundred thousand million IQD. (8)

## **Article 10**

**First:** Family of the martyr includes:

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

**Second:** pension shall be distributed to beneficiaries as per valid [Unified Retirement Law 27 of 2006](#) amended.

**Third:** compensation shall be distributed according to legitimate inheritance.

**Fourth:** share of the martyr's family (beneficiaries of minors) shall be disbursed to the custodian or guardian who is required to disburse the share in favor of the minor beneficiaries.

## **Article 11**

**First** – as an exception from [Unified Retirement Law \(9\) of 2014](#) or any law that supersedes it, the heir of each of the following:

- a- The minister and those who are of the same level of the minister and those who are paid as much as the minister is paid, the ministry deputy and those who are of the same level of the deputy minister and those who are paid as much as the deputy minister is paid; those assuming the special-level positions; Directors General and those who are of the same level of the of Directors General and those who are paid as much as the Directors General are paid; all of them shall be given a pension that equals the salary and allowance of their peers in the position according to the valid payment scale. The duration from the date of martyrdom to the date this law has been put into effect shall be calculated as actual service for the sake of bonus, promotion, and retirement.
- b- The state or public and mixed sector employee, and the retirees who meet martyrdom shall be given pension that equals salary and allowance of their peers in the position according to the valid payment scale, or pension that equals three time the minimum limit of the pension stated by [Unified Retirement Law \(9\) of 2014](#) or any law that supersedes any of them along with calculating the duration from date of martyrdom to the date this law has been put into effect shall be calculated as actual service for the sake of bonus, promotion, and retirement.

### **Second:**

- a- If those covered by paragraph (a) of item (first) of this article have retired because of a disability that prevent them fully or partially from performing their job (disability should be officially approved by a medical committee), they shall be given a pension that equals (80%) eighty percent of the last salary and allowance paid to them.
- b- If those covered by paragraph (b) of item (first) of this article have retired because they are fully disabled from performing their job, they shall be given a pension that equals to the salary and allowance they have been paid to their peers or a pension that equals three times the minimum limit of the pension stated by [Unified Retirement Law \(9\) of 2014](#) or any law that supersedes them (whichever the higher salary)
- c- If those covered by paragraph (b) of item (first) have retired upon a request made by their side because of being partially disabled and upon an approval made by an official medical committee as not fit to perform job. They shall be paid a pension - that is proportionate with the level of disability - of the last salary and allowance they have been

paid at the time of retirement provided the pension should not be less than the minimum limit decided by [Unified Retirement Law \(9\) of 2014 amended](#) or any superseded law. In case the employee has an actual service that make him/her eligible to be paid a higher pension of the level of disability, then he/she shall be paid higher pension.

**Third:**

- a- As an exception of [Internal Security Forces Service and Retirement Law \(18\) of 2011](#) amended and [Military Service and Retirement Law \(3\) of 2010](#) amended, the family of the martyr who is member of internal security forces, armed forces, or other security services shall be given the choice to be paid the salary and retirement entitlements stated by paragraph (b) of item (first) of article (11) of this law or the salary and retirement entitlements stated by [Internal Security Forces Service and Retirement Law \(18\) of 2011](#) amended.
- b- As an exception of Internal Security Forces Service and Retirement Law (18) of 2011 amended and Military Service and Retirement Law (3) of 2010, the injured members of internal security forces, armed forces, and other security services shall be given the choice between the salary and the retirement entitlements stated by paragraphs (b and c) of item second of article 11 of this law and the salary and retirement entitlements stated by Internal Security Forces Service and Retirement Law (18) of 2011 amended and [Military Service and Retirement law \(3\) of 2010](#) amended. (9)

**Article 12**

Those covered by this law who are no State or public or mixed sector employees shall be given a pension as follows:

**First:**

- a- Family of the martyr or the injured person with 75-100% disability shall be paid a pension that equals three times the minimum pension stated by [Unified Retirement Law \(9\) of 2014](#) or any superseded law.
- b- Those with 50-74% disability shall be paid double the minimum limit of the pension stated by [Unified Retirement Law \(9\) of 2014](#) or any superseded law.
- c- Those with 30-49% disability shall be paid as much as the minimum limit of the pension stated by [Unified Retirement Law \(9\) of 2014](#) or any superseded law.
- d- Those with 29% disability or less shall be paid half of the minimum limit of the pension stated by [Unified Retirement Law \(9\) of 2014](#) or any superseded law

**Second:** the injured person's pension stated by this article shall be transferred to the eligible heirs after death.

**Third:** the individual covered by this law is entitled to combine what he/she is entitled of the pension given to the martyr or the injured person with 50% disability or above, and any pension share or social welfare salary or any other salary.

**Fourth:** if the martyr is single and his parent are deceased, brothers and sister shall be eligible to for the pension.

**Fifth:**

- a- Paying the pension to sons and brothers of the martyr shall be suspended when they complete eighteen years of age (those who are not disabled) ten years after the date the salary decided by this law has been received.
- b- Paying the pension to daughter and sister of the martyr shall be suspended when they get married or they get another salary ten years after they receive the salary decided by this law.

**Sixth:** paying the pension shall continue as an exception of paragraphs (a & b) of item (fifth) of this article as follows:

- a- To the parents.
- b- To son and daughter if continue their education.
- c- To disabled son and daughter regardless of their age or education.
- d- To wife of the martyr, or his daughter or sister until they get married or they are employed; paying the pension shall resume if marriage of daughter or sister is over.

**Seventh:** in case paying the pension is suspended for any of the eligible persons (the martyr's family), the pension shall be re-distributed to other equally.

**Eighth:** if the martyr was married to more than one wife, each one of them and his eligible sons and daughters shall have rights and entitlements decided for one wife according to this law.

**Ninth:** if more than one person met martyrdom for the martyr, a 50% shall be added to each martyr to the due pension and to all rights and other financial entitlements.

**Tenth:** paying the pension and the allowance for the heirs of the martyr, missing in action, and the kidnapped person shall continue until the pension is received.

### **Article 13**

**First** – wife of the martyr and his sons shall be granted a house or apartment or plot of land, a plot of land shall also be granted to the parents of the martyr. The concerned ministries shall abide to execute this as quickly as possible. Priority shall be given to those covered by this law. In case the wife and her sons have been granted a plot of land, the shall be given a soft loan.

**Second:** in case the above stated in article (first) of this article cannot be fulfilled, those covered by this item shall be given cash allowance of (50,000,000) fifty million IQD.

**Third:** A house with an area that is more than 50% of the area of the house given to the family of one martyr shall be assigned; In case a plot of land is assigned, its area should be larger than

50% of area of the land assigned to the family of one martyr and a similar increase shall be added to the soft loan; such increase is due for one time only.

**Fourth:** family of the martyr if they complete the real estate registration process for the granted property or constructing the granted plot of land according to this law shall be exempted from paying taxes and duties required by all laws.

**Fifth:** families of the martyrs shall be not required to meet the condition of (Birth Place) and rules stated by [Revolutionary Command Decision number \(120\) of 1982](#) and its due regulations.

Sixth: injured persons with 30% disability covered by this law shall be granted a plot of land or an apartment as an exception from [Revolutionary Command Decision number \(120\) of 1982](#) and its due regulations, and exception from (Birth Place); if the what has been stated by this item cannot be fulfilled, the value of the land or the apartment shall be given in cash according to market price. (11)

#### **Article 14**

**First:** the students who have been deprived of education for reasons relevant to this law shall be returned to school according to regulation decided by the concerned authorities.

**Second:** employees who have been obliged to leave their job for reasons relevant to this law shall be returned to their job or similar one, and they shall be paid their salaries and entitlements for the period during which they have been obliged not to show up for work.

#### **Article 15**

**First:** MoF shall issue the basics and process of claiming the compensations based on the central committee recommendations.

**Second:** MoF shall be responsible to execute the central committee decisions issued to disburse compensations.

#### **Article 16**

**First:** this law shall supersede the [two order \(10\)](#) and [\(17\) of 2004](#) issued by the Ministers' Council.

**Second:** all previous decisions and regulations for compensating people affected by War Operations, Military accidental errors, and Terrorist Actions shall be void when this law is put into effect.

**Article 17**

Those who have been convicted by judicial rulings/decisions (until they are proven innocent) against terrorist actions stated by [Counter-Terrorism law \(13\) of 2013](#) shall be excluded from this law.

**Article 18**

Ministry of Finance should issue regulations to facilitate the execution of this law.

**Article 19**

This law shall be put into effect on March 20, 2003.

**Article 20**

This law covers members of the armed forces, internal security forces, and other security services until their own law shall be issued.

**Article 19**

This law shall be executed from the date it is published on official Gazette.

**Justifications**

This law has been legislated in the view of compensating people affected by War Operations, Military accidental errors, and Terrorist Actions that have occurred in Iraq at or after the time of the fall of the ex-Baathist regime with simplified and accurate procedures.