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Legislation

No. 45

Execution Law

With its amendments

No. (٤٥) Of 1980

قانون التنفيذ

مع تعديلاته

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Laws

Resolution No. (338)

In the name of the people

Revolutionary Command Council

Based on the provisions of paragraph (a) of Article (42) of the interim constitution, the revolutionary Command Council decided, in its session held on 2/ 3/ 1980 issuing of the following law:

No (45) of 1980

Execution Law

First Section

Basic Principles



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Chapter One

Objectives and Foundations of the Law

Article 1

The Execution Law aims to preserve the rights of the state and citizens and facilitate implementation Procedures, and educate citizens in the spirited of consensual execution for executive rulings and documents and respect for the rule of law, to ensure the stability of legal transactions between them, and to achieve national development goals.

Article 2

The principles of the Execution Law are:

First: Achieving the balance between the creditor's interest in obtaining his/ her legitimate right and the debtor's interest, that is not taken from his/ her property or his/ her freedom being unjustly infringed, and taking into account the human, social and economic considerations of the debtor .

Second: Simplifying the execution procedures and developing its methods, in manner that ensures the elimination of the phenomenon of delaying and obstructing the implementation of executive rulings and documents and developing the financial and administrative work in them, in accordance with the latest methods to provide the best services to citizens.



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Third: Forming specialized directorates for implementation, in accordance with the latest scientific foundations that ensure speed and accuracy in work, and respond to social and economic developments in the Iraqi country.

Chapter Two Scope of Application

Article 3

This Law shall be applied to:

First: Executive Provisions and documents.

Second: Foreign provisions Enforceable in Iraq, in accordance with the Law for Execution of Foreign provisions, taking into account the provisions of international conventions in force in Iraq

Third: Other issues that the laws stipulate the application of the Execution Law to them.



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Chapter Three Administrative and Financial Organization of the Execution Departments

Article 4

First: A department shall be formed in Baghdad with the name of (Execution Department) linked to the Ministry of justice, and it shall be considered one of its agencies.

Second: (Amended, see Amendments 10, 18)

The (Execution Department) shall be headed by a general director holding a (Bachelor's) degree in law, provided that he/ she has a judicial or legal practice for a period of no less than (twelve years), its management may be entrusted to adjudge of the (first or second class), with maintaining his/ her judicial capacity and rights therein.

Article 5

The centre of the (Execution department) shall be consisted of the following sections:

First: Planning and Statistic Section: Its management shall be entrusted to a manager holding bachelor's degree and the section shall undertake preparing plans aiming at developing the execution directorates in the administrative units, redistributing the workforce therein, rehabilitating and training them,



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conducting studies for the establishment of directorates distributing them throughout country and collecting and analyzing the necessary statistical data.

Second: Legal Relations Section: Its management shall be entrusted to a manager holding bachelor's degree in law, and the section shall undertake the following specializations:

- a. Studying issue related to the legal affairs of the department, and expressing opinion thereon.
- b. Representing the department before courts, judicial bodies and committees.
- c. Organizing contracts to which the department is party.

Third: Section of Financial Affairs: Its management shall be entrusted to a manager holding bachelor's degree with specialization, and the section shall undertake the following specializations.

- a. Carrying out Financial and accounting matters for the centre of the department.
- b. Supervising the financial and accounting work of the department's divisions in the administrative units.
- c. Auditing the financial and accounting work of the centre of the department and its divisions in the administrative units.
- d. Preparing the department's annual budget.

Fourth: The administrative Affair section: Its management shall be entrusted to a manager holding (Bachelor's degree), and the department shall undertake the following specializations:



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- a. Organizing the affairs of personnel's members working in the centre of the department and its divisions in administrative units.
- b. Providing administrative services to ensure the proper workflow in the centre of the department and its division.

Article 6

First: An (Execution Directorate) shall be formed in every place where there is a court of first instance.

Second: The execution directorates in the governorate centres shall be linked to the (Execution Department).

Third: The execution directorates within the governorate shall be linked to the (execution department) in its center, and in the event they are several, their link to one of them shall be determined by the Minister of justice.

Fourth: **(Repealed, see Amendments, 19)**

The Execution Directorate shall be managed by justice executer holding a (Bachelor degree in law. Provided that he/ she has judicial or legal practice after graduating from the collage for a period of no less than (five years) shall be exercise the powers specified for him/ her in this law.

Fifth: The first-instance judge shall be considered a Justice Executor, if does not have a special executor of justice, and the Minister of justice may designate any other judge to carry out the duties of the executor of justice.



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Article 7

The (Execution Directorate) shall be consisted of the following divisions:

First: Execution secretariat division: Its affairs shall be undertaken by judicial assistant holding a (Bachelor's) degree in law, it shall undertake the following tasks:

- a. Receipting executive rulings and documents and registering them in the Basic Register
- b. Organizing a file and card for each transaction in accordance to its registration in the Basic Register.
- c. Completing the executive transactions and related correspondences, until the execution is completed and the file and card are deposited to the preservation division
- d. Finding the settlement between the creditor and debtor in the card and sending it to the accounting division, and sending the file to the preservation division.

Second:

- a. Accounting division: Its affairs shall be handled by an employee holding a certificate of specialization, and shall undertake the following takes:
 1. Collecting the fees and submitting them to the treasury.
 2. Receiving the cards from the execution secretariat division to be the basis for keeping accounts.
 3. Receiving the deposits and depositing them in the bank
 4. Notifying of the following-up division when installments are not paid on time.
 5. Paying the amounts to those who are entitled to it on the dates specified by the General Manager.



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6. Monitoring the deposits whose owners didn't come to receive them, through cards and sending them to the treasury, in accordance with the provisions of the law.

b. Accounting Division shall be consisted of the following units:

1. Card unit.
2. Treasurer unit
3. Record organization unit.
4. administrative expense unit.

Third: Following-up division: It shall undertake the following takes:

- a. Following-up on the payments of installments by debtors.
- b. Carrying out and following-up on the notifications stipulated in this law.
- c. Notifying the creditor for the purpose of receiving what has been collected from the debtor for his/ her account.
- d. Directing and guiding the visiting citizens.

Fourth: Preservation Division: Its affairs shall be undertaken by specialized employee, its task is to keep all the directorate's files and follow-up the division's outgoing files, by keeping a special record for this purpose.

Fifth: The personnel's members and administrative services Division:

It shall undertake the completion of service matters for the personnel's members working in the Directorate in accordance with to the power entrusted to it and provide all administrative services to ensure the smooth running of work in the Directorate.

Sixth: Unit Affairs Division: This division shall be established in the execution directorates in the governorate centres to which the execution directorates in the governorate are linked, and it shall be responsible for



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coordinating the work within the governorate and overcoming its problems and providing it with instructions and directions received from the Execution Department.

Article 8

First: The Minister of Justice may issue instructions for detailing tasks entrusted to the divisions stipulated in this (Chapter) and defining the units of each of them, their specialties, connections, the way they work and granting the powers he/ she deems necessary.

Second: The work of several divisions may be entrusted to one employee when necessary.



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Section Two Executable Rulings and Documents

Chapter one Provisions

Article 9

Rulings issued by the courts of the country shall be executed in accordance with the provisions of this Law.

Article 10

The Justice Executer may seek clarification from the court that issued the ruling about the ambiguity contained in it and, if necessary, issue a decision instructs those concerned to visit it, without prejudice to the implementation of what is clear of the ruling to be enforced.

Article 11

Executing the Ruling of Wife's Compliance with her Husband (under the marriage contract. Translator) shall be limited to warning only.



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Article 12

Rulings issued by foreign courts shall not be enforceable in Iraq, unless they are deemed to be so, in accordance with the provisions established by the Law for Executing Foreign Ruling or the International Conventions in Force in Iraq.

Chapter Two Executable documents

Article 13

The right in the executive documents shall be known, deserved, unconditional, and not violation of public order or morals.

Article 14

(Amended, see Amendments, 3)

First: Executable documents are:

- a. Tradable commercial papers.
- b. Bonds containing an acknowledgment of a debt.
- c. Bonds proving for an in-kind right meeting the form stipulated by the law.
- d. Bonds evidencing for a personal right.
- e. The guaranty taking place before the Justice Executer.



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- f. The document of the Real-estate Registration Department for the remainder of the mortgaged (the authority in which the property is mortgaged) on the mortgagor after selling the mortgaged property.
- g. Argument, decisions and orders given the execution force by law.

Second: In the commercial paper, the debtor shall not be an endorser, and if the person against whom execution required is guarantor, the debtor shall be notified in order to find out what objections he/ she has.

Third: In bonds that include an acknowledgment of a debt, the debtor in them should not be a non-joint guarantor, and if the guarantor is a joint guarantor, execution may be made against him/ her, with the obligation to notify the debtor to find out what objections he/ she has within (seven days) from the day following the date of his/ her notification.

Section Three

Execution Procedures

Chapter One

Consensual Execution

Article 15

First: The ruling or the executive document shall be submitted to Justice Executor, then the Justice Executor refers it for the purpose of collecting and registering the fee, then a decision is taken to accept or reject the execution.



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Second: If the Justice Executor decided to accept the execution, the competent employee shall organize a record that includes the following data:

- a. The name, nickname, profession and place of residence of each of the applicants for execution and the person executed .
- b. The date and number of the executive document, if any, and the authority that issued it
- c. Execution applicant's requests.
- d. Execution applicant's or his/ her representative's signature, if he/ she is authorized to execute by power of attorney certified by the Justice Executor or legally competent authority.

Article 16

If the executive document is not issued or certified by an official authority, execution applicant shall submit, with the original, three copies of it, a copy of it shall be kept in the executive file, and a copy shall be given to the execution applicant, certified by the competent employee confirming that it is identical to its original, and the a copy shall be delivered to the debtor.

Article 17

It is not permissible the executed document or a copy of it be given unless its owner or his/ her representative requests that by submitting a petition to the justice executor and the latter agrees to answer the request putting his/ her explanation about the stage to which the execution reaches on the executed document.



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Article 18

The debtor may consensually execute within implement seven days from the day following the date of his/ her notification of execution note, in this case, the debtor shall be exempted from the levying fees for what he/ she is executing.

Article 19

If the debtor is the execution applicant, the legal interest shall be cut off from the debt he/ she deposits to the Execution Directorate as of the date of deposit, and he/ she shall be exempted from the levying fee in proportion to what he/ she deposits, and the Execution Directorate shall notify the creditor thereon.

Article 20

(Repealed, see Amendments, 20)

Ministries, state departments and the socialist sector may consensually execute within thirty days from the day following the date of their notification of the execution note, and they shall be exempted from the levying fees for what they execute.

Article 21

First: The Execution Directorate may contact with all ministries, state departments and the socialist sector regarding its work.

Second: The competent employee in the ministries, state departments and the socialist sector shall be responsible for executing the orders and decisions issued by the execution



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directorates, and in the event that he/ she does not execute them, he/ she shall be penalized with the penalty justified in the Penal Code.

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Chapter Two Compulsory Execution

Article 22

(Amended, see Amendments, 21)

First: If the debtor does not consensually execute the ruling or the executive document, the Execution Directorate shall be carry out the compulsory execution in accordance with the provisions of this law.

Second: The Justice Executor may forcibly bring the debtor, when necessary, by note shall be issued for this purpose.

Article 23

It is not permissible to carry out any executive work after nine o'clock at night until six o'clock in the morning, nor on feasts and official holidays, except by a decision by the Justice Executor.

Article 24

The execution applicant may communicate any execution directorate, and if it is necessary, take measures outside the area of the directorate in which he/ she deposited the ruling or the executive document, and the directorate of the Execution Directorate shall deputize the directorate of that are to take those measures, and the deputized directorate shall provide the deputizing directorate with a copy of all its measures taken.



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Article 25

The Execution Directorate shall notify the debtor with execution notification note of the executive documents, provided that it includes the following matters:

First: The name of the two parties, their nicknames, their profession, their place of residence and the authority issued the executive document ,if any, its nature, content and what is required to be implemented in detail.

Second: It is permissible to object to the negotiable commercial paper and the bond that includes an acknowledgment of debt and personal right evidence bond mentioned in Article (14) of this law.

Article 26

If it is required to execute a negotiable paper or abound that includes an acknowledgment of debt mentioned in Article (14) of this law, it shall be taken into account after notification of the execution notification note:

First: If the debt or the executed right belongs to the state or the socialist sector, the objection of the debtor shall not delay the execution procedures, and the court visited by the debtor may not issue a decision to delay the execution, except in one of the following cases:

- a. If the debtor deposits the amount of the debt and its expenses as a trust in the court fund or in the Execution Directorate in the favour of the executing authority.
- b. If the debtor submits a bank guarantee or real estate to secure the debt and its expenses.

Second: If the debtor does not object, within the prescribed period, the directorate shall continue the compulsory execution procedures against him/ her.



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Third: If the debtor admits, during the objection period, all or part of the debt before the Justice Executor, then what he/ she admits shall be executed against him/ her.

Fourth: If the debtor denies the debt in whole or in part, the creditor shall be instructed to visit the competent court to prove the amount that was denied by the debtor, if this is proven, that court shall rule on the debtor with an amount for the treasury not exceeding five times the lawsuit fee and not less than twice lawsuit fee, and notifying of this the Ministry of Finance or the authority represents it in the governorates and the districts and sub-districts.

Fifth: Debtor who is unable to object to the execution within the prescribed period may, for force majeure, sudden accident or emergency circumstances, submit his/ her objection to the Justice Executor until the debt is collected, and then the Justice Executor may decide to accept the objection or reject it.

Article 27

(Repealed, see Amendments, 22)

If it's ascertained for the Justice Executor by a competent authority that the person to be notified does not have permanent, temporary or chosen, it shall decide to inform him/ her to publish in the Official Gazette, and the day following publication shall be considered the date of notification, provided that notification includes the content of the executed document and assigning the debtor to attend within fifteen days to carry out executive transactions in his/ her presence, and if this period lapses and he/ she does not attend, he/ she shall be considered abstaining from execution and shall be started the compulsory execution, and other notifications shall be taken into account the periods stipulated in this law.



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Article 28

First: The execution officer may visit the nearest police station to ward off the refrain or resistance he/ she encounters in the performance of his/ her duties and to use force when necessary to complete the executive transactions.

Second: The police station official shall provide the execution officer with sufficient strength to enable him to perform his/ her duties, and if the available strength is not sufficient, he/ she shall contact his/ her superiors to secure that.

Third: The person who fails to provide assistance shall be deemed refrained from perform his/ her job duties and shall be penalized by the penalty set forth in the Penal Code.

Article 29

Whoever prevents the execution officer to perform his/ her duties shall be guarantor the consequences of the damage caused to the execution applicant as a result of this prevention, and shall also be penalized by the penalty legally set forth.

Article 30

If the creditor proves the possibility of the debtor's fleeing and asks for guarantee of the debt, the Executor Justice shall, if he/ she is convinced of the validity of the claim, decide to oblige the debtor to provide guarantee for the debt, and if the debtor refuses to provide guarantee, the Justice Executer shall decide to disallow his/ her travel.



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Article 31

First: (Repealed, see Amendments, 11, 24)

The debtor shall be charged to pay the debt at once, otherwise he/ she shall be charged to inventory and listing his/ her movable and real estate property and his/ her other resources, and to provide a settlement of the debt in proportion to its amount within the scope of his/ her financial situation.

Second: If the debtor untruthful in his/ her statement of limiting his/ her property or resources in accordance with paragraph (First) of this Article, Justice Executor shall decide to refer him/ her to the investigating judge to take legal measures against him/ her for the charge of giving false information to an official authority.

Article 32

(Amended, see Amendments, 11)

The Justice Executor may decide whether the settlement offered by the debtor is appropriate to the debtor's financial situation or not, if he/ she see it is inappropriate, he/ she shall decide to amend it in light of what he/ she deems consistent with debtor's financial situation.

Article 33

If the Justice Executor decides to amend the settlement in accordance with the foregoing and the creditor doesn't not accept it, the creditor shall prove the debtor's ability to offer a better settlement with evidence of which the Justice Executor is convinced.



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Article 34

(Repealed, see Amendments, 12)

If the debtor does not implement the ruling that includes doing a specific thing whose implementation requires expenses, the creditor shall be charged paying them, provided that they are collected for him/ her from the debtor, if the creditor is unable or refuses to pay them, they shall be estimated by one or more experts chosen by the competent employee, then they shall be collected from the debtor in accordance with the provisions of this law.

Article 35

If the execution is carried out in accordance with the provisions of this law then the debtor breaches it without legal reason, the execution transaction shall be repeated again and legal measures shall be taken against him/ her to punish him/ her with the penalty prescribed by law.

Article 36

If the Execution Directorate collects excess amounts from the debtor and hands them to the creditor, they shall be recovered from him/ her without need for a ruling to be issued thereon.

Article 37

First: The Justice Executor shall make the creditor to swear in the truth-revealing oath of his/ her own accord in the event of the debtor's death.



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Second: The Execution Directorate shall continue to execute on the legacy, and if the heirs divide the legacy, the execution shall be carried out on each one of them in proportion to his/ her share thereof, after notifying them of the execution notification note.

Third: If the heirs deny taking their possession of the whole or some of the legacy after the death of their testator, the debtor, and during the execution, and the creditor is unable to prove taking their possession of the legacy with written evidence, and the deceased doesn't have clear property, then the creditor shall visit the competent court to prove that the said property belong to the debtor.

Article 38

The change of seizure that falls part or all of the thing to be executed on the date of filing the case in which the executed ruling is issued or after the registration of the executive document shall not affect the executive transactions, unless the actual change takes place for reasons unrelated to the debtor, and this is confirmed to the Justice Executor by written evidence, in that case, the last seizer shall be given a period not exceeding fifteen days to visit the competent court and obtain a decision delaying the execution.

Article 39

If the execution procedures necessitate returning things to the debtor for any reason whatsoever, or if things are found in the vacated place that the debtor refuses to receive, and its preservation requires expenses, the debtor shall be assigned to receive them within an appropriate period to be determined by the Justice Executor, and if he/ she refuses to receive them, then they shall be sold by auction, and the expenses of preserving them and the auction shall be deducted from their prices, and the rest shall be kept in trust in his/ her name and they shall be delivered to him/ her upon request, In the event that the value of the sold thing is not



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sufficient to pay the selling expenses, the remainder shall be collected in execution from the debtor in accordance with the provisions of this law.

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Chapter Three Physical Coercion

Article 40

First: The debtor may not be imprisoned in all cases except at the request of the creditor and a decision from the justice executor if he/ she is a judge.

Second: If the justice executor is not a judge, the matter is presented to the first judge of first instance to decide whether or not imprisonment according to the provisions of the law.

Third: It is not permissible to imprison the debtor for the same debt except once.

Article 41

Debtor may not be imprisoned in the following cases:

First: If the person is insolvent.

Second: If he/ she has not completed eighteen years of age or exceeds sixty years of age.

Third: The creditor's ascendants, descendants, brothers or spouses, unless the debt is an adjudged alimony.

Fourth: If he/ she has a salary or wages that he/ she receives from the state or the social sector.

Fifth: If the debt is extinguished or waived in any way.

Article 42

First: If the justice executor is convinced that the debtor is capable of repaying the debt or part of it and does not show an appropriate settlement and does not have visible funds



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subject to attachment, and rejects the settlement offered to him/ her by the justice executor, he/ she may be imprisoned.

Second: If the debtor stops fulfilling the settlement that he/ she has agreed to, he/ she may be imprisoned.

Article 43

The period of imprisonment may not exceed four months.

Article 44

If it is decided to imprison the debtor, he/ she shall be sent to prison directly if he/ she is present, or an order is issued for his/ her arrest if he/ she is absent.

Article 45

Imprisonment of the debtor shall not ever extinguish his/ her debt and does not affect the right of the creditor to request attachment of debtor's funds whenever it turns out that he/ she has funds.

Article 46

The debtor is released before the expiry of his/ her imprisonment period in the following cases:

First: when he/ she pays the debt for which he/ she was imprisoned;

Second: When his/ her funds is attached to meet the debt;

Third; If the creditor requests his/ her release from prison;

Fourth: If he/ she is afflicted with a disease whose recovery is not expected, based on the report of issued by an official medical committee.



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Article 47

First: The judicial executor shall write down the amount of the debt and his/ her expenses on the arrest warrant.

Second: The prison director shall release the debtor when depositing the debt with the expenses with the prison department.

Third: The prison director shall send the paid amount to the competent execution department.

Article 48

If the convict refuses to hand over the minor, he/ she shall be imprisoned no matter how long the period is until he/ she surrenders him/ her, provided that imprisonment is not permissible when the delivery period is out of the will of the convicted person.

Article 49

If the debtor refuses to implement the judgment or the executive document that includes extradition a certain thing that is not by virtue of the debt and that thing is not apparent to the eye and he/ she is unable to provide convincing evidence of its damage or loss, it is permissible to investigate it by a decision of the justice executor, and the debtor shall be imprisoned in accordance with the provisions of this law.



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Chapter Four Suspension and Delay of Execution

Article 50

(Amended, see Amendments, 4)

If the execution applicant refuses to comply with a request assigned to him/ her by the Execution Directorate related to the judgment or the document executed, and a period of thirty days has passed since that, the justice executor shall decide to delay the execution until a petition is submitted with a request for renewal.

Article 51

First: If the executed ruling is cassated, rescinded annulled all of it, the situation will be returned to what it was before execution without the need to obtain a judgment in this regard.

Second: If a part of the executed judgment is amended, rescinded or cassated, the execution shall be limited to the part that is gained the peremptory degree, and the situation with respect to the other part shall be returned to what it was before execution.

Article 52

The debtor may file a lawsuit to recover what has been unjustly collected from him/ her and compensated for the damage incurred by him/ her within one year from the date of repayment of the debt. This lawsuit shall be filed in the court of the place in which the execution took



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place, or in the court of the creditor's residence, and the lawsuit filed does not affect the execution unless the competent court decides to stay the execution.

Article 53

(Amended, see Amendments, 5, 25)

First: The judgment may be executed during the legal appeal periods, but the execution is delayed if the convicted person appears a citation of an objection to the judgment in absentia, an appeal or a cassation if the judgment is related to a real estate.

Second:

(Repealed, see Amendments, 13)

Execution shall be suspended in all cases if a decision is issued by the competent court in this regard.



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Section Four Seizure of the Debtor's Property Chapter One Provisions of Seizure

Article 54

The ruling or the executive document shall be executed to deliver a certain amount or something by virtue of the debt by attaching what is sufficient to be paid it from the debtor's property with expenses and fees and then selling it in accordance with the provisions of this law.

Article 55

Attaching, lifting and selling the debtor's property shall be at the request of the creditor and a decision from the justice executor.

Article 56

If the debtor's property are multiple, what enough of it shall be attached to pay the debt and the expenses.



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Article 57

The excess obtained from the attached property after the attachment shall belong to them in the ruling.

Article 58

The agreement of the two parties on attachment or sale procedures contrary to the provisions of this law shall not be taken into account.

Article 59

If it appears to the justice executor that the debtor has necessary property that cannot be attached and can be replaced with others of less value than them, then he/ she may attach and sell them and hand over to the debtor of their price an amount sufficient to meet his/ her need and pay the rest to the creditor.

Article 60

The creditor shall pay in advance all the expenses that should be disbursed for the attachment and sale, provided that they are collected for him/ her later from the debtor.

Article 61

(Repealed, see Amendments, 6, 14, 26)

If the creditor does not review the attachment transaction for a period of thirty days from the date of the last procedure and the detainee reviews his/ her property or the third person requiring to lift attachment, the Directorate of Execution shall inform the attachment applicant of the need to provide his/ her legitimate excuse within seven days from the day



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following the date of his/ her notification. If the person is of unknown place of residence, then the period is fifteen days after the announcement, starting from the day following the date of its publication in the Official Gazette. If he/ she does not provide a legitimate excuse during this period that justifies not reviewing it, the justice executor shall decide to lift it.



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Chapter Two Property That May not Be Attached

Article 62

(Amended, see the Amendments, 27)

The property shown below may not be attached or sold in return for the debt:

First: Property of state and socialist sector.

Second: Duly-endowed property and objects.

Third: What is sufficient for the debtor's livelihood and his/ her dependents from his/ her revenues

Fourth: The necessary household furniture for the debtor with his/ her family members, unless there is a debt arising from its cost.

Fifth: The machines and tools necessary for the debtor to practice his/ her profession or job, unless the debt arises from their cost.

Sixth: The supplies necessary for debtor's livelihood and his/ her family members for a period of one month.

Seventh: Books related to the debtor's profession.

Eighth: The equipment and tools of the farmer and the peasant related to farming and necessary for the practice of his/ her work, the seeds he/ she saves for farming, the fertilizer prepared for the reforming the land, the animals used in farming, what is sufficient for supporting him/ her and his/ her family from the farmer's land crops returns and materials necessary for his/ her livelihood for a period of one month.

Ninth: The fruits, vegetables and land crops before they have a material value

Tenth: What is more than one-fifth of the salary and allotments, including the cost-of-living allotments received by the employee, the member of military personnel, policeman, worker, pensioner and whoever receives a salary or wages from the state.



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- Eleventh: Bills of exchange, for-orders bonds and all other negotiable commercial papers.
- Twelve: Works of author, pictures, maps and other artistic paintings before printing them. But if the work is prepared to be offered for sale in the same condition set by the author, it may be attached.
- Thirteenth: The distinguishing mark, commercial address, patent, and the industrial model.
- Fourteenth: The house of the debtor or his/ her dependents after his/ her death. The allowance for selling the house or the allowance for expropriating it for the public benefit shall be considered as a house, and the common share of the house and land prepared for the construction of a house on it shall also be considered as a house, but if the house is mortgaged or the debt is arising from the house's price, then it may be attached to meet an allowance of mortgage or the price.
- Fifteenth: The debtor's real estate that he/ she lives from its revenues that do not exceed his/ her needs and the needs of his/ her dependents after his/ her death. If the debt is mortgaged or if the debt is arising from its price, then it may be attached to meet an allowance of mortgage or the price.
- Sixteenth: By-allocation real estate, except in accordance with the real estate for which it was allocated.



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Chapter Three Seizure and Sale of Movable property Branch One Procedures for Attaching Movable property

Article 63

The justice executor or his/ her representative or his/ her directorate's employees shall execute the decision to attach the movable property of the debtor.

Article 64

Execution may be carried out in the absence of the attachment applicant and the property-attached person.

Article 65

The execution of the attachment decision, in the presence of the mukhtar, if present, or two witnesses who have no relationship and consanguinity to the executing employee, nor to one of the parties. The executing employee shall organize a report in which he/ she shall record the category, types, amount and value of the attached property, with the help of an expert, if necessary, and an indication of the place in which they are kept and how they are guarded. The executing employee and those present shall sign that report and submit it to the justice



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executor. If the attached item is a valuable, he/ she shall transfer it to the Directorate and deposit it in the place where the deposits are kept, otherwise, it shall be kept in accordance with its nature, whether that is with a seal of its location, by moving it to a suitable place, by depositing it in the hands of justice or by setting up a guard for it in return for a fee estimated by the executing employee and approved by the justice executor.

Article 66

If the employee who is executing the attachment decision finds that the property to be attached have already been attached from another authority, he/ she shall put the directorate's seal where the place of attachment is stated, or alert the judicial guard with whom the attached property are deposited about an occurrence of a second attachment for it, and establish a report shall be signed by him/ her, the person concerned and the judicial guard, and he/ she shall inform the attaching authority thereof, and the attached property shall be deemed to be attached with both debts.

Article 67

If the attachment is executed at the debtor's place of residence, and it is found that he/ she has attached the property to be attached, then this his/ her attachment shall a presumption of his/ her possession of it and the validity of its attachment , and it shall not be paid attention to the objections raised by the debtor or the others, except some or all of the property that may be attached from attachment , and this objection shall not lead to a delay of execution, unless the objector submits a document with a fixed date, or a decision issued by a competent court to delay the execution.

Article 68

If the employee who is executing the attachment finds that the debtor's residence is not his/ her place of residence, or finds others residing with him/ her other than his/ her family members, and it becomes clear to him/ her through the investigation that the object to be attached belongs to the debtor, then he/ she shall proceed with the attachment procedures. But if he/ she ascertains that it belongs to a person other than the debtor, then the attachment



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decision shall not be executed, and a report shall be drawn up to be submitted to the justice executor, who may decide whether to repeal the attachment decision or continue executing it, and in this case, the third party may review the competent court.

Article 69

First: If the attachment took place in the presence of the debtor, the employee responsible for the attachment shall explain to the debtor that the judgment or the in-writing instrument must be executed issued within (three days) from the day following the imposition of the attachment, otherwise the attached property will be sold, in accordance with the provisions of this law.

Second: If the attachment is made in the absence of the debtor, the justice executor shall inform him/ her of the summary of the minutes, and that if he/ she does not initiate the execution of the judgment or the in-writing instrument within (three days) from the day following his/ her notification, the attached funds shall be sold, in accordance with the provisions of this law.

Article 70

If it appears to the justice executor that the attached property is perishable, or if their value does not bear the expenses of maintaining them, then he shall decide to sell them immediately, to maintain the interests of both parties.



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Branch Two

Procedures for Selling the Movable Property

Article 71

(Repealed, see the Amendments, 28)

First: The sale of the attached movable property shall be announced in the Official Gazette (Al-Waqai' Al-Iraqiyya), and the declarations shall be posted in the location of the property, the place of its sale and the attaching department.

Second: If the value of the attached property does not bear the publishing expenses, it is sufficient to posting the advertisements only.

Third:

(Repealed, see the Amendments, 15)

The declaration shall include the property's category, type, amount and estimated value and the place of auction and the day and hour of its conduct, provided that the period between the date of publication and the auction date is not less than (three days).

Fourth: A copy of the Official Gazette (Al-Waqai' Al-Iraqiyya) and the declaration paper shall be kept in the executive file.

Fifth: The justice executor shall organize a report executing what is mentioned in the foregoing paragraphs of this Article.

Article 72

First: The auction shall be conducted in the nearest commercial centre to the place where the attached item is kept. The justice executor may designate another place for sale, as required by the nature of that property.



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Second: The person wishing to participate in the auction shall deposit securities not less than (ten per cent) of the value of the estimated property.

Third: It is not permissible for the executor of justice and the employees of his/ her directorate, nor their spouses, in-laws or relatives, up to the (fourth degree), to participate in the auction directly or through an intermediary for their own account or for the account of others.

Article 73

First: The attached property shall be sold at the place designated for it by one of the real estate brokers and the auction shall be opened not less than (60%) sixty per cent of the appraised value; The sold money shall be handed over to the one who is awarded the auction with the last allowance after paying its price. The bid has been five minutes since it started and is not increased shall be considered the end of the outbidding.

Second: If the bid's result allowance is not reached (70%) seventy per cent of the estimated value for it, it shall be re-estimated and a new auction shall be announced, and the assignment shall not take place, unless the allowance reaches (70%) seventy per cent of the estimated value, or else the sale procedures are extended again. In all cases, the property shall not be sold if the allowance does not reach (70%) seventy per cent of the value of the last estimate.

Article 74

If the one who is awarded the bid recoils from buying, the property shall be placed in the auction again, then the Execution Directorate shall obtain from the abstainer the difference between the two allowances with the expenses, and if there is no willingness to buy after the abstention, so the guarantees are considered to belong to the debtor and delivered to the creditor, calculated on his/ her debt, and the value of the money is re-estimated, and its sale is announced again.



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Chapter Four Seizure of What the Debtor Has With the Others

Article 75

If the debtor's property to be attached are with third party, the third party shall be reported about the attachment decision, and it shall be made understand that it shall not hand over the mentioned property to anyone, and that it shall be responsible for them, and it may not dispose of them, except by a decision from the justice executor, and it may submit any statements and objections, and the execution officer shall organize a report thereon.

Article 76

First: (Repealed, see the Amendments, 16)

A third party may inform the attaching directorate whether it has property that belongs to the debtor or not.

Second: If a third party denies the existence of property belongs to the debtor that it has, the creditor may refer to the competent court in this regard.

Article 77

If the third party certifies that there is property belonging to the debtor in its possession, then the third party shall indicate its nature, type and amount, and submit it to Directorate of Execution upon request. If it does not do so, or if that is not requested, it shall be responsible



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for the property, in accordance with the descriptions set forth in the memorandum of notification of the attachment under.

Article 78

If a third party does not deliver the property that is attached, based on its certification of presence property with it, to the Execution Directorate or hand it over to any person, then that property or its equivalent value from the third party's property by a decision of the just executor, and it shall be sold in accordance with the provisions of this law.

Article 79

The rent allowance for the debtor's property may be attached. The tenant's claim that he has paid the rent allowance shall not be heard, if this payment occurred in violation of the law, and in this case it shall be a guarantor of the allowance, except if the payment is proven by an official deed, and a ruling issued by a competent court.

Article 80

If the attached is nominal shares or loan bonds, then the authority issuing them shall be informed of the attachment, which entails the liability of third parties, in accordance with the provisions of this chapter, provided that when selling them, the system related to them shall be taken into account.

Article 81

If the attached is an executed debt in an executive file, the justice executor shall mark the attachment in the register relevant for that file and on the same file as well, and on the first page of it in accordance with this chapter, if the amount attached is disbursed otherwise, the justice executor shall bear the third party's responsibility for amount mentioned pursuant to this chapter.



Laws

Chapter Five Attaching Salaries and Allowances

Article 82

(Repealed, see Amendments, 7)

First: It is permissible to attach a salary and allowances for the employee, military man, policeman, worker and those with pensions, and anyone who receives a salary or wages from the state a percentage not exceeding one fifth of allowances and salary he/ she receives , including the cost-of-living allowances

Second: Either if the debt does not belong to the state or the socialist sector, then attachment shall not be permissible, in accordance with Paragraph (First) of this article, unless the a final court ruling-decided debt, and the consent of the debtor is not taken into account otherwise.

Third:

(Repealed, see Amendments, 9)

Subject to the provision of the two paragraphs above, it is permissible to attach preferred debt by the alimony that has not been cumulative, no matter how much, and the debtor's other funds have been attached.

Article 83

Attaching the salary and allowances shall not prevent the attachment of the other debtor's property.



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Article 84

The person responsible for the salary and allowances shall be obligated to implement the decision of attachment , and he/ she shall the capacity of third party when the Directorate of Execution informs him/ her of the attachment , and he/ she shall response it within (seven days) regarding the implementation of the required attachment and the amount of the salary and allowances, and he/ she shall inform it of every change in the debtor's position, salary and allowances.

Article 85

(Amended, see the Amendments, 29)

If the person responsible for the paying salary does not deduct the amount attached from the debtor's salary and allowances, or he/ she collects it incompletely, the Execution Directorate shall collect it from his/ her salary and allowances or from his/ her other money by a decision issued by the justice executor, and he/ she may recourse against the debtor with what has received from him/ her by a decision of justice executor.



Laws

Chapter Six
Real Estate Seizure and Sale
Branch one
Real Estate Seizure

Article 86

First: If it is decided to attach the real estate in accordance with this law, the Justice Executor shall notify the Real Estate Registration Department by placing the attachment sign on the real estate registry, and it shall inform the attaching directorate of placing the attachment sign on the real estate and indicating its original or dependent rights.

Second: No transaction may be carried out on the real estate after placing the attachment sign without the approval of the Implementation Directorate that placed the attachment .

Article 87

The debtor shall be notified of the attachment of his/ her real estate and the obligation to pay the debt and its annexes within (ten days) from the day following the date of his/ her notification; otherwise his/ her attached real estate shall be sold.

Article 88

(Repealed, see Amendments, 8)

The justice executor shall deal with the seizure of the attached real estate and organize a report in which the location of the real estate, its category, type, boundaries, descriptions, mini



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houses, area, number, the condition of all that has been built on it, planted or fixed firmly in it, with an indication of the amount and type of that, the time of maturation of the crops, the description of the occupant of the real estate, the documents on which he/ she is based, the amount of the rent allowance, the conditions for its payment, the amount paid from it, and the documents proving that, then the approximate value of the attached real estate and the amount of its annual receipt shall be recorded, and he/ she may seek the assistance of one or more experts for all of this, the minutes shall be assigned by the justice executor, expert and each of the execution applicant and the executing employee, if they are present.

Article 89

The attached real estate may be kept in the possession of its occupant until the end of the auction, unless he/ she caused damage to it or caused a decrease in its value, or he/ she refrained from displaying it to those wishing to buy it, then it may be vacated by a decision of the justice executor, taking into account the provisions of the Regulating Renting Real Estate Law.

Article 90

If the debtor's attached real estate is not mortgaged and its net revenues in one year are sufficient to meet the debt for which the real estate was attached, then the justice executor may attach the proceeds of the real estate for the payment of the debt, provided that the real estate shall remain attached until the debt is paid, however, if the aforementioned proceeds are attached with a preferred debt or if this debt could not be paid, then the attached real estate may be sold.



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Branch Two Real Estate Sale

Article 91

The justice executor may authorize the debtor to sell his/ her attached real estate for no less than the estimated value, provided that the competent Real Estate Registration Department deducts the debt and its attachments at the time of sale.

Article 92

(Amended, see the Amendments, 93)

If there are many attachments on a real estate, it shall be sold in one auction, and the entity that performs the auction shall inform the other attaching entities about that, and then all the attachments shall be transferred to the sale allowance.

Article 93

(Repealed, see the Amendments, 30)

First: The justice executor shall, after completion of the seizure transaction, organize a list of the real estate auction, in which he/ she shall show its fixed descriptions upon seizure, and announce the placement of the real estate in the auction for a period of (thirty days) from the day following the publication of the advertisement.

Second: If there is more than one attached real estate, an outbidding list shall be organized for each real estate separately, unless the justice executor decides it is advantageous to sell more than one real estate in one list.



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Article 94

The real estate auction shall not be conducted in the execution directorate in whose area it is located. If the real estate is outside the area of the attaching directorate, the auction shall be conducted by proxy, provided that the deputizing directorate shall undertake transactions for notifying the debtor.

Article 95

(Repealed, see the Amendments, 31)

The sale of the attached real estate shall be announced in the Iraqi Official gazette , and a copy of the announcement posted on the directorate's notes board and another one on the entrance of the real estate. The justice executor may, in addition, decide to publish and broadcast the announcement in other media if he/ she deems that the interest requires so.

Article 96

The announcement must include all descriptions of the real estate, its steady conditions and its estimated value when seizure, along with the names and nicknames of the creditor and debtor, the date and time of the auction, the conditions for participation in it and the directorate in which the auction is held.

Article 97

First: The auction shall be considered open from the day following the publication of the announcement, and those who are willing to participate in it and having the right to own shall visit the execution directorate, provided that each of them deposits guarantees of no less than (ten per cent) of the estimated value of the real estate. If the bidder is the creditor or partner, he/ she shall be exempted from the guarantees in an amount



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equivalent to his/ her debt or share, subject to provisions of the Para (Third) of Article (72) of this law.

Second: At twelve after noon on the thirty day on Monday, it shall be called for three times to participate in the outbidding in the directorate and it shall be conducted publicly and the outbidding shall not be opened for less than (70) seventy per cent of the estimated value, then the justice executor shall decide the definitive referral to the last bidder, and the bid that does not increase within five minutes shall be considered the end of the outbidding.

Third: The debtor shall be notified of the final referral and charged with paying the debt within (ten days) from the day following the date of his/ her notification, otherwise the real estate shall be registered in the name of the buyer.

Fourth: It is permissible to joining the last bid amount before the expiry of the ten days mentioned in the preceding paragraph, provided that the addition is not less than five percent of the last bid. At that point, a new auction is announced for a period of (three days) starting from the day following the publication of the advertisement, after which the final assignment will take place.

Fifth: In the event of removal of the coparcenary (joint ownership. Translator), joining to the outbidding shall be accepted at a rate of (5%) five per cent of the last outbidding allowance within three days from the day following the date of the assignment, and upon the outbidding joining, outbidding shall be opened for three days from the day following the date of the announcement, then the final assignment takes place.

Article 98

First: If the allowance of the outbidding result does not amount to (80%) eighty per cent of the estimated value of the real estate at the time of its attachment , it may not be transferred, rather the outbidding shall be extended for fifteen days from the day after the outbidding announcement is made.

Second: If the allowance of the second outbidding does not reach (70) seventy percent of the estimated value of the real estate when the time of its attachment, it may not be transferred, but the justice executor shall decide to re-estimate its value by the experts and to announce the outbidding again in accordance with the provisions of this chapter.



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Article 99

If the assignee (The person to whom the ownership of the real estate has been assigned in accordance with the outbidding. Translator) retracts paying the outbidding allowance or the registration fees and its expenses, the real estate shall be offered to the bidder who ceases outbidding before him/ her (Second highest bidder in the auction. Translator) in the same outbidding allowance that he/ she offered. If the real estate devolves upon this second outbidder, the retracting assignee shall be fined, by a decision of the justice executor, the difference between the two allowances from his/ her outbidding guarantees, if it is not sufficient, the fine amount shall be taken from his/ her other money. If the second bidder insists on refusing to buy the real estate as well, the outbidding shall be taken place on the real state for a period of fifteen days starting from the day following the date of announcement, the retracting assignee shall be fined the difference between the two allowances by a decision of the justice executor, and if no desire to buy occurs after the retraction, then the outbidding guarantees shall be considered to belong to the debtor and handed over to the creditor calculated on his/ her debt, and the value of the real estate shall be re-estimated and its sale shall be re-announced.

Article 100

If the bid is delayed for not more than six months for legal reasons, it shall be returned for fifteen days with a new announcement, and if it is delayed for more than six months, the previous transactions shall be repealed and the process of laying the hands again and announced a new bid in accordance with the provisions of this law.

Article 101

Firs: The outbidding shall not be postponed due to the claim of ownership of the attached property or the rights arising therefrom, unless this claim is submitted before the final assignment, then, the Execution Directorate shall require the plaintiff to provide a guarantor to guarantee the creditor's damage and loss as a result of the delay, then it shall give him/ her seven days to visit the competent court and obtain from it a decision



Laws

to delay the execution, otherwise, the Execution Directorate shall continue its procedures in accordance with the provisions of this law.

Second: If a suit for entitlement is filed for a part of the attached property and the competent court decides to delay the auction, then it shall be permissible to continue the execution transaction of the other parts if that is possible.

Article 102

First: The buyer shall pay the outbidding allowance and the real estate registration fees and its expenses within fifteen days from the date of the final assignment, otherwise, he/ she shall be considered retractor.

Second: The buyer shall, who pays the allowance, registration fees and expenses, be considered the owner of the property upon the expiry of the ten-day period granted to the debtor in accordance with Paragraph (Three) of Article (97).

Article 103

After the assignment and receipt of the price, the Execution Directorate shall request the competent Real Estate Registration Department to register the sold property in the name of the person to whom it is finally transferred.

Article 104

The buyer may request annulment of the outbidding by submitting a request to the justice executor if the property is not registered in his/ her name in the Real Estate Registration Department within thirty days from the date of payment of the registration fees and expenses, unless it is caused by him/ her.

Article 105

First: When a property is registered in the name of the buyer, the Execution Directorate shall ask its occupants to vacate it and hand it over to the buyer within thirty days, and if this



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period expires without handing over the property, the Execution Directorate shall order the forcible eviction, unless another law prohibits it.

Second: In handing over a property and in resolving disputes about it, the state it was in when it was attached shall be taken into consideration.

Third: Additions related to the property after it was attached shall be included in the sale.

Article 106

If it appears, upon handing over the property, that there are seasonal crops in it that are not included in the sale, the buyer shall be charged with paying their existing value. In the event of disagreement between the buyer and the owner of the crops, each of them shall appoint an expert and a third expert appointed by the justice executor shall be added to them to estimate their existing value. If the buyer does not pay this value immediately, the property shall not be dispossessed, but rather the buyer shall wait until their maturation, and then delivery shall be taken place.



Laws

Chapter Seven Selling the Mortgaged Property

Article 107

Mortgaged movable and real estate property may be sold as security for a debt if it is found that its value exceeds the insured debt and the owner of the ordinary debt requests to sell them, provided that:

First: Outbidding shall not be opened for an amount less than the insured debt.

Second: When the sale is completed, the rights to the owner of the preferred debt shall be paid first, and then the remainder shall be paid to the owner of the ordinary debt.



Laws

Section Five

Debt Preference Rights and Distribution of Execution Proceeds to Creditors

Chapter One Debt Preference Rights

Article 108

(Repealed, see the Amendments, 32)

First: The Preference of the debt shall not be realized except by a provision in the law or it is expressly written in the executive document.

Second: The debts of the state and the socialist sector executed in the execution directorates shall be considered preferred debts of the first degree and they shall be paid before any other debt, even if this debt is preferred or documented with a mortgage.

Article 109

The interest that rules the origin of the debt shall be followed in terms of debt preference rights.

Article 110

First: The priority of one of the creditors in attaching the debtor's money shall not give him/her preference right to his/ her debt.



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Second: If the late attachment is based on a ruling based on a verbal admitting, a breach of oath, or a written admitting, and it has not been officially proven that its date precedes or coincides with the advanced attachment, then the late attacher may not participate in the attached property, but may collect his/ her debt from the debtor's other property.

Third: The provisions of Paragraph (Second) of this Article shall be applied if the late attachment is based on a document that has not been officially proven that its date precedes or coincides with the advanced attachment.



Laws

Chapter Two

Distribution of the Execution proceeds

Article 111

First: The executive expenses spent by the creditor in order to collect the amounts collected in accordance with this law shall be initially deducted from those amounts, and if the remainder is not sufficient to pay the creditors' demands who demand the payment of their debts, remainder shall be divided among them in proportion to the amount of each of them if those debts are all preferred or ordinary of the same rank.

Second: If the debts are ordinary and preferred, then the preferred debt creditors shall be paid their debts first, then the remainder shall be distributed to the ordinary debt creditors, provided that the advance-rank preferred debt creditors shall be paid their debts first, then the late-rank preferred debt creditors.



Laws

Section Six

The Statute of Limitation Forfeiting the Execution and Forfeiture of the Right to Claim Deposits

Chapter One

The Statute of Limitation Forfeiting the Execution

Article 112

If the ruling or the document deposited for execution is left and its owner doesn't visit the competent department for (seven years) from the date of the last transaction, then its executive power shall be forfeited.

Article 113

If the Justice Executor realizes that the legal limitation period has passed since the judgment or the document filed for execution, he/ she shall take a decision to suspend the execution.



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Article 114

The ruling that has passed (seven years) since it acquired the peremptory degree may not be executable.

Article 115

The legal excuses that stop or interrupt the statute of limitations stipulated in the Civil Code shall be applied to the statute of limitations stipulated in this law.

Article 116

Every period that has passed between the date of depositing bonds, commercial papers and arguments to the Execution Directorate and the date of making creditor to understand the need to visit the competent court shall be deducted from the calculation of the legal periods.



Laws

Chapter Two

Forfeiture of the right to claim deposits

Article 117

(Repealed, see Amendments, 2)

The right to claim the cash and in-kind deposits deposited with the Directorate of Execution shall be forfeited if the person entitled to them does not visit the competent department to receive them within (five years) as of the next day of his/ her notification date, and if his/ her place of residence is unknown, he/ she shall be notified by announcement in the Official Gazette (Al-Waqai' Al-Iraqiyya), and upon the expiration of the mentioned period, they shall be recorded as revenue for the treasury.



Laws

Section Seventh

Methods of Appealing the Decision of the Justice Executor

Article 118

The decision of the justice executor may be appealable through:

First: The grievance against the decision.

Second: The Cassation

Article 119

First: The validity of the legal periods for appealing the decision of the Justice Executor shall start from the day following making the litigant to understand the decision if he/ she is present and his/ her signature on it or recording his/ her refusal to sign, or from the day following notification of the decision if the litigant is absent.

Second: The litigant may review the legal methods of appeal against the decision before being notified of it.

Article 120

The litigant may appeal against the decision of the Justice Executor before him/ her within (three days) with a petition submitted to him/ her, and the Justice Executor may support, amend or annul the decision within (three days) from the date of submitting the request to him/ her.



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Article 121

The cassation appeal against the decision of the Justice Executor is considered shall be a waiver of the right of grievance.

Article 122

The litigant may appeal in cassation against the decision of the Justice Executor or the decision issued by him/ her after grievance with the district court of appeal within (seven days) with a petition submitted to the Justice Executor or to the competent court of appeal.

Article 123

The appeal in cassation against the decision of the Justice Executor shall not cease the executive procedures, unless the court to which the appeal is submitted decides so during that.

Article 124

The decision of the first instance court judge issued to imprison the debtor shall be subject to appeal in cassation by the debtor with the District Court of Appeal within (seven days) from the date of his/ her imprisonment, and in the event the judge refuses to imprison the debtor, the creditor may appeal against it in cassation within (seven days) from the day following the issuance of the decision.



Laws

Section Eighth Final Provisions

Article 125

The provisions of this law shall be applied to the existing executive transactions before its entry into force from the stage they reach.

Article 126

The Head of the Execution Department and the Justice Executors shall receive allowances at the rate of (30%) thirty per cent of their nominal salaries if they are not judges. These allowances shall be excluded from the provisions of the Law on Allowances for State employees and Wage-Earners.

Article 127

(Repealed, see Amendments, 33)

The phrase (Justice Executor) shall replace the phrase (Head of Execution) and the phrase (Judicial Assistant) shall replace the phrase (Execution Officer) wherever either of them is mentioned in the laws and regulations.

Article 128

Execution Law No (30) of 1957 and its amendments shall be repealed, and any text that contradicts the provisions of this law shall not be enforced.



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Article 129

This law shall be entered into force (sixty days) after its publication in the Official Gazette.

Saddam Hussein,
Chairman of the Revolutionary Command Council



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Amendments



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First Amendment

In the Name of People

Revolutionary Command Council

Resolution No. 626

Based on the provisions of Paragraph (a) of Article (42) of the Interim Constitution, the Revolutionary Command Council decided, in its session held on 11/ 5/ 1982 promulgating the following law:

No. (48) of 1982
Law of the Amendment to the
Execution Law No. (45) of 1980

1

Article 1

The text of Paragraph (Fourth) of Article (6) of Execution Law No. (45) of 1980 shall be amended and read as follows:



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4. the Directorate of Execution shall be managed by a Justice Executor who holds a Bachelor's degree in law, provided that he/ she has a judicial or legal practice after graduation from the college for a period of no less than (three years), and he/ she shall exercises the specialization specified for him/ her in this law.

Article 2

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

Saddam Hussein,
Head of the Revolutionary Command Council



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Second Amendment

Resolution No. 38

In the name of the people, Revolutionary Command Council

Based on the provisions of paragraph (a) of Article (42) of the Constitution, the Revolutionary Command Council decided in its session held on 14/ 1/ 1987 promulgating the following law:

No. (10) of 1987 Law of Second Amendment to the Execution Law No. (45) of 1980

2

Article 1

Article (117) of Execution Law No. (45) of 1980 shall be repealed and replaced with the following:

Article 117

The right to claim the cash or in-kind trust deposited with the Execution Directorate shall be forfeited if the beneficiary does not visit the competent department to receive it within three years starting from the day following the date of his/ her notification if his/ her place of



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residence is known. and if his/ her place of residence is unknown, his/ her right to claim shall be forfeited after elapsing of five years from the date of registration of the trust in the Execution Directorate, and it shall be recorded as revenue for the treasury.

Article 2

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

Saddam Hussein,
Head of the Revolutionary Command Council



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Third Amendment

**In the name of the people;
Revolutionary Command Council**

**Resolution No. 184
Resolution Date: 22 Rajab 1419 AH,
11/ 11/ 1998 AD**

Based on provisions of Paragraph (a) of Article (42) of the Constitution, the Revolutionary Command Council has decided promulgating the following law:

**No. (22) of 1998
Law of Third Amendment to the Execution
Law No. (45) of (1980)**

3

Article 1

The following shall be added to Article (14) of the Execution Law No. (45) of 1980, and it shall be Paragraph (Fourth) in this Article:



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Fourth: It shall be required in the ordinary enforceable bonds that the debtor shall not be outside Iraq or whose place of residence is unknown, or died during the period of notification of the execution.

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Article 2

The text of Article (50) of the law shall be Paragraph (First) and the following shall be added to be Paragraph (Second) in the Article:

Second: If the ruling or document deposited for execution is left and the execution applicant doesn't visit the competent authority about it for a period of one year starting from the date of the last transaction, the Justice Executor shall decide to delay execution until a petition for renewal is submitted.

5

Article 3

The following shall be added to Article (53) of the Law, and it shall be Paragraph (Third):

Third: If the debtor delivers what has been ruled and the expenses to the Execution Directorate and refers to one of the methods of appeal provided for in Paragraph (First) of this Article, then it is not permissible to hand over the ruled to the creditor only after the ruling acquires peremptory degree or the creditor provides a guarantor to guarantee the return of the ruled and the expenses in the event of annulment of the ruling.



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6

Article 4

The text of Article (61) of the law shall be repealed and replaced with the following:

Article 61

If the debtor does not visit the competent authority about the attachment transaction within nineteen days from the date of the last procedure, and the person whose property is seized or a third person visits the same demanding that the attachment be lifted, the Justice Executor shall decide to lift it, and the attachment shall be considered legally lifted if the creditor doesn't visit the Execution Directorate within one hundred and eighty days from the date of the last procedure.

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Article 5

The text of Paragraph (Second) of Article (82) of the law shall be repealed and replaced by the following:

Second: If the debtor does not belong to the state or the socialist sector, then the attachment shall not be permissible in accordance with Paragraph (First) of this Article, unless the debt is established by a final judicial ruling or under an official marriage pretext in relation to collection of the dowry, and the debtor's consent to the contrary shall not be taken into consideration.



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Article 6

The text of Article (88) shall be repealed and replaced with the following:

Article 88

The Justice Executor shall conduct the seizure of the attached real estate in the presence of the execution applicant or his/ her legal representative, and he/ she shall prepare a record in which he/ she shall record the location of the real estate, its category, type, borders, descriptions, mini-houses, area, number and the condition of all what built or planted in it, indicating the amount and type of the same, the crop maturity time, the description of the occupant of the property, documents on which he/ she relied on, the amount of the rent allowance, the conditions for paying it, the amount of what has been paid from it, the documents proving that, the approximate value of the attached and the amount of its annual return, and he/ she may seek the assistance of one or more experts for all of this, and the Justice Executing, the expert, the execution applicant or whoever legally acts on his/ her behalf and the executed person if he/ she is present shall sign the record.

Article 7

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

Saddam Hussein;
Head of the Revolutionary Command Council



Laws

Fourth Amendment

**In the name of the people
Revolutionary Command Council**

Resolution No: 117

Resolution Date: 12/ Safar/ 1422 AH, 5/ 5/ 2001 AD

Based on the provisions of Paragraph (a) of Article (42) of the Constitution, the Revolutionary Command Council has decided to promulgate the following law:

No. (44) Of 2001

**Law of the Fourth Amendment to the
Execution Law No. (45) of 1980**

9

Article 1



Laws

The text of Paragraph (Third) of Article (82) of the Execution Law No. (45) of 1980 shall be repealed and replaced by the following:

Third: Taking into account the provisions of Paragraphs (First) and (Second) of this Article, the non-accumulated adjudged alimony may, no matter how much it is, be attached, and it shall be collected from the total salary, allowances, incentives and gratuities and from any financial source that comes from the state and shall be deemed an preferred debt.

Article 2

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

Saddam Hussein;
Chairman of the R evolutionary Command Council



Laws

Fifth Amendment

In the name of the People
Presidency Council

Resolution No. (24)

Based on the what had been approved by the Parliament, in accordance with the provisions of the Paragraph (First) of Article (61) of the Constitution, and on the basis of the provisions of Paragraph (Fifth/ a) of Article (138) of the Constitution, the Presidency Council decided in 11/ 6/ 2007 promulgating the following law:

No. (25) of 2007

Law of Fifth Amendment to the
Execution Law No. (45).

10

Article 1

The following shall be added to Article (4) of Execution Law No. (45) of 1980 and shall be Paragraph (Third) in the Article.



Laws

Third: The Execution Department shall undertake following-up the work of the Execution Directorate and diagnosing defects in procedures and inspecting the efficiency of the performance of its staff on the field and build their capacity through seminars and training courses.

11

Article 2

The text of Article (32) of the law shall be Paragraph (First) and the following shall be added to the Article to be Paragraph (Second) in it.

Second: The Justice Executor may, during the settlement and at the request of the creditor, oblige the debtor to provide a guarantor to paying off the debts within the settlement decided by the executor.

12

Article 3

The text of Article (34) shall be repealed and replaced with the following:

Article 34

If the debtor does not execute the ruling contained doing something requires expenses, the creditor shall be charged with paying them, provided that they shall be collected for him/ her from the debtor. If the creditor fails or abstains to pay them, they shall be estimated by an



Laws

expert or more chosen by the Justice Executor, and then they shall be collected from the debtor in accordance with the provisions of the Law.

13

Article 4

The text of paragraph (Second) of Article (53) of the Law shall be repealed and replaced with the following:

Second:

- a. The execution of the ruling subject to expedited enforcement shall not be ceased if it is related to the alimony when challenged it before the competent court.
- b. The execution shall be ceased in all cases if there is a decision rendered by the competent court.

14

Article 5

The text of article (61) shall be repealed and replaced with the following:

Article 61

If the creditor does not visit the competent authority about the treatment of attachment within (30) thirty days from the date of the last procedure, and the property-attached person or the



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third person visits the competent authority demanding the attachment to be lifted, the Justice Executor shall decide notifying the creditor to proceed with the attachment and sell during (30) days, and when he/ she is informed and doesn't visit the competent authority, the attachment shall be lifted by a decision of the Justice Executor, provided that the collection fee shall be collected from the creditor.

15

Article 6

The text of paragraph (Third) of Article (71) of the law shall be repealed and replaced with the following:

Third: The announcement shall include the category of the property to be sold, its type and amount and estimated value and the place of the outbidding and day and hour to be conducted, provide that the outbidding on the tenth day of the day following the publication in the local newspapers.

16

Article 7

The text of Paragraph (First) of Article (76) shall be repealed and replaced with the following:

First: The third party may inform the attaching directorate about having property belonging to the debtor or not during (7) seven days from the date of his/ her notification of the attachment.



Laws

17

Article 8

The following shall be added to the text of Article (93) of the law and shall be Paragraph (Third) in the Article:

Third: The debtor's real estate may not be sold if his/ her residence is unknown and has not been duly notified in accordance of the law.

Article 9

Sections (6) and (7) of Coalition Provisional Authority (dissolved) Order No. (78) of 2004 shall be repealed.

Article 10

The phrase (socialist sector) wherever it mentioned in this law shall be deleted and replaced with (public sector).

Article 11

This law shall be effective once it is published in the Official Gazette.

Jalal Talabani, President of the Republic
Tariq Al Hashemi, Vice President of the Republic
Adil Abdul Mahdi, Vice President of the Republic



Laws

Sixth Amendment

In the name of the people

Presidency of Republic

Resolution No. 13

Based on what had approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Three) of Article (73) of the Constitution;

President of the Republic decided on August 22, 2019, promulgating the following law:

No. (13) of 2019

Law of the Six Amendment to the Execution Law No. (45) of 1980

18

Article 1

The text of Paragraph (Two) of Article (4) of the Execution Law No. (45) of 1980 shall be repealed and replaced with the following:



Laws

Second:

- a. The Department shall be managed by an employee with the title of General Manager who holds at least an initial university degree in law and has legal or judicial practice in the department's field of work for a period of no less than (15) fifteen years and shall be appointed in accordance with the law.
- b. The Director General shall be assisted by an employee entitled Assistant Director General for Legal Affairs, who holds an initial university degree in law and has legal experience in the department's field of work.
- c. The Director General shall be assisted by an employee entitled Assistant Director General for Financial Affairs, who holds an initial university degree in his specialization and has financial experience in the department's field of work.

19

Article 2

The text of Paragraph (Fourth) of Article (6) of the law shall be repealed and replaced with the following:

Fourth:

- a. Each of the Execution Directorates shall run by Justice Executor hold an initial university degree in law and has legal or judicial practice after graduation for a period of no less than (3) three years, and who has passed a legal course in the field of work of the department for a period of no less than four months.



Laws

- b. The Justice Executor who occupies the position of execution manager (Justice Executor) shall be sworn the following oath before the Minister or his/ her representative before practicing the work:

(I swear by GOD, the Most High, the Most Great, I shall perform duties of my job and apply laws justfully).

20

Article 3

The text of Article (20) of the law shall be repealed and the following shall replace it:

Article 20

The state and the public sector departments may consensually execute within (60) sixty days from the day following the notification of the execution note, and they shall be exempted from the collection fee for debts those collected from the origin of the debt.

21

Article 4

Paragraphs (Third) and (Fourth) shall be added to Article (22), as following:

Third: If the debtor hides from the police, the investigating judge shall be approached to issue an arrest warrant against him/ her.



Laws

Forth: In the event that the debtor is brought after the end of the official working hours, he/ she shall be presented to the investigating judge to decide on his/ her legal status.

22

Article 5

The text of Article (27) of the law shall be repealed and replaced with the following:

Article 27

If it is ascertained by the Justice Executor through the competent authorities that the person to be notified does not have a permanent, temporary or chosen residence, then the Justice Executor shall decide to notify him/ her by publishing in two widely spread local newspaper, and the day following publication shall be deemed the date of the notification, provided that the announcement includes the content of the executed document and instructing the debtor to attend within (15) fifteen days from the date of notification to initiate the executive transactions in his/ her presence, and if this period expires and he/ she does not attend, he/ she shall be deemed abstaining from execution and the compulsory execution shall be proceeded, and in other notifications, the periods stipulated by the law shall be taken into consideration.

23

Article 6

The text of Paragraph (First) of Article (31) of the law shall be repealed and replaced with the following:



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First:

- a. The debtor shall be charged with paying the debt in one deal, otherwise, he/ she shall be charged with inventorying and indicating his/ her movable and immovable property and all his/ her other resources, and showing a settlement of the debt commensurate with its amount within the scope of his/ her financial situation.
- b. The value of the marital furniture shall be excluded from the provisions (a) of this paragraph, and the debtor shall be charged with the paying it in one deal if it appears that the debtor has disposed thereof.

24

Article 7

Paragraph (Third) shall be added to Article (32) and read as following:

Third: If the debtor refuses to present a guarantor to pay the debt, the judge of first instance shall be approached to detain the debtor until the presentation of a guarantor.

25

Article 8

The text of Paragraph (First) of Article (53) of the law shall be repealed and replaced with the following:



Laws

Article 53

The ruling may be executed during the legal appeal period, but the execution shall be delayed if the convicted person presents a citation of the occurrence of objection to the default judgment, appeal or the occurrence of cassation if the ruling is related to real estate, with the exception of rulings and decisions issued against state departments, as their execution shall be delayed until they acquire the peremptory degree.

26

Article 9

The text of Article (61) of the law shall be repealed and replaced with the following:

Article 61

If the creditor does not visit the competent authority about the attachment transaction within (90) nineteen days from the date of the last procedure and the property-attached person or the third person visit the competent authority about his/ her property demanding the removal of the attachment, the Justice Executor shall decide to inform the creditor to proceed with the attachment and sale procedures within (60) sixteen days, and if he/ she is notified and doesn't visit the competent authority, the attachment shall be lifted by Justice Executor's decision, provided that the collection fee shall be levied from the creditor, and the creditor may recourse against the debtor for paying the fees he/ she (namely creditor) paid.



Laws

27

Article 10

The following shall be added to Article (62) of the law and it shall be paragraphs (Seventeenth), (eighteenth) and (nineteenth) in the Article:

Seventeenth: The housing unit allowance or the amount of compensation paid to the relatives of the martyrs in accordance with the Martyrs Foundation Law no. (2) 2016 if it dedicating for housing and the beneficiary does not have a residence on a independence basis.

Eighteenth: Property of foreign embassies and diplomatic bodies.

Nineteenth: Social protection salary.

28

Article 11

The text of Paragraph (First) of Article (71) of the law shall be repealed and replaced with the following:

First: The sale of the attached movable property shall be announced in two widely spread local newspapers and the announcements shall be posted in the place where the property is located and sold and the attaching department.



Laws

29

Article 12

The paragraph (Second) shall be added to the Article (85) to read as following:

Second: A fine of (50,000) fifty thousand dinars shall be imposed on the employee responsible for the deduction in the event of his/ her delay in sending the deduction amount by a decision issued by the Justice Executor, and in the event of repeated delay, the mentioned amount shall be doubled.

30

Article 13

The paragraph (Third) of Article (93) shall be repealed and replaced with the following:

Third: The real estate of the unknown-residence-place debtor may not be sold, unless he/ she is notified thereabout duly in accordance with the law, provided that the debt under execution is established by a court ruling of a final degree.

31

Article 14

The text of the Article (95) of the law shall be repealed and replace with the following:



Laws

Article 95

First: The sale of the attached property shall be announced in two widely spread local newspaper and a copy of the announcement shall be posted in the directorate and another at the entrance to the real estate, and the Justice Executor may, in addition, decide to publish the announcement and broadcasting it in other media if he/ she sees that the interest requires that.

Second: It is not permissible to sell the attached property until after the decision has reached the peremptory degree.

32

Article 15

The text of the Article (108) of the law shall be repealed and replace with the following:

First: Debt's preference shall be achieved only by a provision in the law or expressly written in the executive document.

Second: The debts of the state, the public sector and the accumulated alimony for the wife, children and parents that are ruled and executed in the execution directorates shall be deemed preferred debts of the first degree and shall be levied before any other debt, even if this debt is preferred and documented with a mortgage.

33

Article 16



Laws

A new article to the final provisions shall be added, and it shall be in a sequence of (127) and the articles shall be re-sequenced:

Article 127

First: The judicial assistant shall be included in the provisions of Article (15), Item (First) of the Arm Law No. (51) Of 2017.

Second: The Ministry of Interior shall be obligated to support the decisions issued by the competent courts through the Justice Executor by providing adequate protection at the time of execution, taking into account the provision of protection for the Justice Executor when necessary.

Article 17

Rulings and decisions issued against state departments shall be executed after they have acquired a peremptory degree.

Article 18

Any text that contradicts the provisions of this law shall not be enforced.

Article 19

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



Laws

**D. Barham Salih,
President of the Republic**

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