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رؤژنامهى فهرمى كوّمارى عىراق



تصدر عن وزارة العدل

وهزارهتى داد دهرى دهكات

Legislation

No. 5

Law of Compensation for Victims Who Lost Part of Their Bodies As a Result of the Practices of the Former Regime

No. (5) Of 2009

With its amendments

قانون تعوىض المتضررىن الذىن فقءوا جزءاً من أجسادهم جرّاء ممارسات
النظام البائد

مع تعءىلاته

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Laws

In the name of the people

The Presidency Council

Resolution No. (5)

Based on what had approved by the Parliament in accordance with the provisions of Article (61/ First) of the Constitution and based on Paragraph (a) of Item (Fifth) of Article (138) of the Constitution; the Presidency Council decided in its session held on 19/ 3/ 2009 issuing the following law:

No. (5) Of 2009

Law of Compensation for Victims Who Lost Part of their Bodies As a Result of the Practices of the Former Regime

Article 1

First: This law aims to compensate those affected who lost part of their bodies or they contracted a chronic disease or were subjected to mutilation for political reasons for the period from 17/ 7/ 1968 to 19/ 3/ 2003.



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Second: The compensation stipulated in Item (First) of this Article shall be due to the heirs of the person covered by the provisions of this law upon his/ her death.

Article 2

The person covered by the provisions of this law shall be compensated an amount equivalent to the percentage of his/ her disability supported by a decision of the competent medical committee, provided that the compensation shall not less than (500,000) five million dinars and not more than (10,000,000) ten million dinars.

Article 3

Those covered by the provisions of this law shall be granted the following privileges in addition to the amount of compensation stipulated in Article (2) of this law:

First: Preference in appointment to state departments and the public sector and the reinstatement for those wishing so who meets the conditions for appointment.

Second: Coverage with health care inside and outside Iraq.

Third: The preference in admission to primary and higher studies for those wishing to complete their studies, taking into account the availability of admission requirements, except for the age requirement.

Fourth: The preference for obtaining a marriage loan for the unmarried.

Fifth: Issuing a special ID for them, to be issued by the competent governor, for the purpose of honouring them morally and facilitating their visits to state departments.



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Article 4

First: A committee shall be formed in each governorate headed by a judge named by the President of the Supreme Judicial Council and the membership of representatives from the ministries and the following bodies, the position of any of them shall not be less than a manager:

- a. The Ministry of Health.
- b. The Ministry of Finance.
- c. Ministry of Labour and Social Affairs
- d. Ministry of Human Rights.
- e. The Ministry of Municipalities
- f. A representative of the province.

Second: The committee shall decide on compensation requests and submit its decision to the competent governor for approval.

Third: The committee may seek the assistance of whomever it deems appropriate with experience, competence and competence, without having the right to vote.

Fourth: The committee's meetings, workflow, quorum and any other matters shall be determined by instructions issued by the Prime Minister.

Article 5

Applications of those covered by the provisions of Article (1) of this law shall be submitted to the committee formed in the governorate within one year from the date of its entry into force, subject to a one-time extension by a decision of the Prime Minister.



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Article 6

The categories covered by the provisions of this law shall be determined by instructions prepared by the Ministry of Finance and issued by the Prime Minister.

Article 7

The Treasury Directorate in the province shall undertake the following:

First: Disbursing the amount of compensation to those covered by the provisions of this law or their heirs in accordance with the Qassam Shar'i (Islamic Inheritance Allotment Rule. Translator).

Second: Notifying the Accounting Department at the Ministry of Finance and providing it with lists of names of those who have been compensated and the amounts disbursed to them for the purpose of documentation.

Article 8

Privileges stipulated in this law may not be combined with any privileges similar to the same subject stipulated in any other law.

Article 9

The perpetrators of the acts referred to in Article (1) of this law, whether the perpetrator or accomplice, shall be referred to the Iraqi High Criminal Court for trial in accordance with the provisions of Article (12/ First/ j) of Court Law No. (10) Of 2005.



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Article 10

All decisions issued by the dissolved Revolutionary Command Council related to the purposes of this law shall be repealed.

Article 11

The Minister of Finance shall issue instructions to facilitate the implementation of the provisions of this law.

Article 12

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

Tariq al-Hashemi

Vice President of the Republic

Adel Abdul-Mahdi

Vice President of the Republic

Jalal Talabani

President of the Republic.



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**In the name of the people
Presidency of the Republic**

Resolution No. (7)

Based on what had been approved by the Parliament in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution; the President of the Republic decided on 25/ 3/ 2018 to issue the following law:

No. (7) of 2018 Law of the Second Amendment to the Law of Compensation for Victims who Lost Part of their Bodies as a Result of the Practices of the Former Regime No. (5) Of 2009 Amended

Article 1

Paragraph (d) of Item (First) of Article (4) of the law shall be repealed.

Article 2

An Item shall be added to Article (3) of the law and its sequence shall be (Seventh) and shall be read as follows:



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Seventh: Those who are covered by the provisions of this law, non-employees and retirees, shall be granted the minimum pension salary stipulated in the Unified Pension Law. No. (9) Of 2014 or any law replaces it.

Article 3

An Item shall be added to Article (4) and its sequence shall be (Fifth), and it shall be read as follows:

Article 4

Fifth:

- a. A person whose application has been rejected may appeal against the decision of the committees formed in accordance with the Item (First) of this article before the same committee.
- b. A grievant of the committee's decision may appeal the decision issued as a result of the grievance to the competent Court of First Instance after (60) sixty days from the date of notification of it, and the court's decision shall be subject to appeal before the Court of Appeal in its cassation capacity within (30) thirty days from the date of notification of the ruling decision or being considered notified.

Article 4

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

Fuad Masum
President of the Republic



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**In the name of the people
Presidency of the Republic**

Resolution No. (103)

Based on what had approved by the Parliament in accordance with the provisions of Clause (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on 17/ 12/ 2012 to issue the following Law:

No. (102) of 2012 Law of the First Amendment to the Law of Compensation for Victims Who Lost Part of Their Bodies as a Result of the Practices of the Former Regime No. (5) of 2009

Article 1

Item (First) of Article (1) of the law shall be amended and read as follows:

Article 1

First: This law aims to compensate those affected who lost part or parts of their bodies, infected by a chronic disease, disability or handicap, or were subjected to mutilation or torture in prisons due to their opposition to the policies of the former regime or their



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confrontations with the repressive agencies affiliated with it for the period from 17/ 7/ 1968 to 9/ 04/ 2003.

Article 2

Article (2) of the law shall be amended and read as follows:

Article 2

Those covered by the provisions of this law shall be compensated an amount equivalent to the percentage of his/ her disability supported by a decision of the competent medical committee, provided that it is not less than (10,000,000) ten million dinars and not more than (15,000,000) fifteen million dinars:

Article 3

First: Item (First) of Article (3) of the law shall be amended and read as follows:

First: Preference in appointment or reinstatement in government departments and the public sector shall be for those who have been denied appointment and employment and they shall be included in the Politically-Dismissed persons Reinstatement Law No. (24) Of 2005 Amended.

Second: Item (Sixth) shall be added to Article (3) of the law and reads as follows:

Sixth: Those persons covered by the provisions of this law shall be granted a residential plot or a cash allowance for it as an exception from Resolution No.(120) of 1982.

Article 4

Article (5) of the law shall be amended and read as follows:



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Applications of those covered by the provisions of Article (1) of this law shall be submitted to the committee formed in each province within one year from the date of its entry into force, subject to extension by a decision of the Prime Minister.

Article 5

This law shall be applied to previous cases that were compensated in accordance with this law.

Article 6

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

Jalal Talabani
President of the Republic