



Property Compensation Guidelines Iraq

Housing damages in Iraq

- An approximate 138,051 residential buildings are impacted by war
- Half of these structures are destroyed beyond repair
- The overall damages incurred in the seven directly affected governorates is US\$ 45.7 billion.
- The total damage to the Housing sector in the seven assessed governorates is estimated at US\$ 16.1 billion

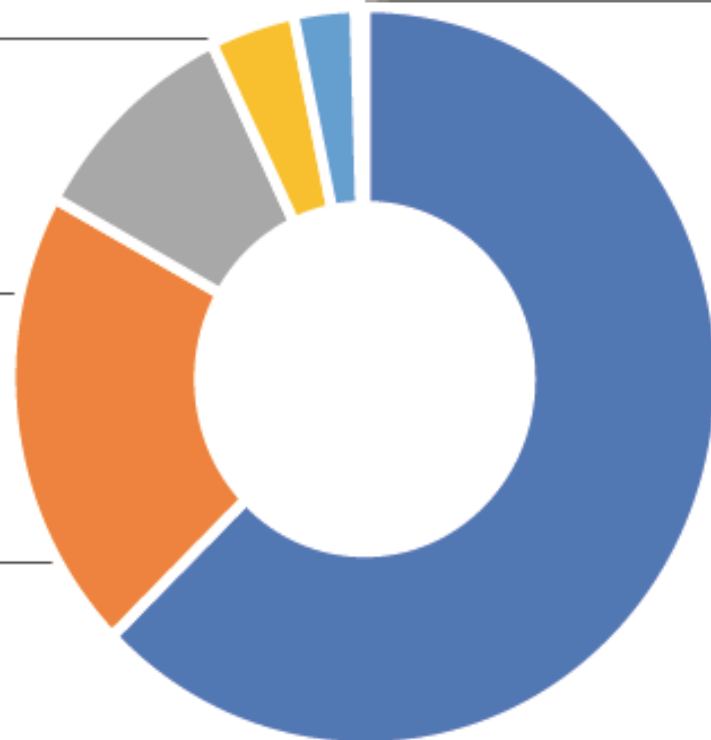
DESTROYED HOUSES PER GOVERNORATE

المنازل المدمرة حسب المحافظات
partially damaged or destroyed

كركوك
Kirkuk
3,9%

صلاح الدين
Salah Al Din
9,9%

الانبار
Anbar
20,4%



ديالى
Diyala
2,8%

نينوى
Ninewa
62,7%

Purpose of the Compensation Guidelines

- To establish a common understanding of the compensation scheme in Iraq
- To support HLP partners who are working on compensation in Iraq
- Support Shelter and humanitarian partners in Iraq
- Through HLP partners to assist claimants to file claims to compensation committee
- To better understand procedures, process of compensation claims

Property compensation in Iraq

- Iraqi Law 20 of 2009 and Law 57 of 2015
- Article 1 of Law 57

First - The aim of this law is to **compensate** every Iraqi natural or moral person who has been harmed by military operations, military mistakes, terrorist operations, the wounded people, Hashd Al Sha'bi and the Peshmerga, and determine the magnitude of the damage and the basis for compensation and how to claim it.

Second – Provide care, program, facilities and assistance to those covered by the provisions of this law in the legal, economic, social, financial, health, educational, cultural and other fields.

Central Compensation Committee

- Central Compensation Committee will be based in Baghdad
- Central Compensation Committee is chaired by a judge of first-category nominated by the President of the Supreme Judicial Council
- Comprises of representative from **the High Commission for Human Rights**, Ministry of Interior, Ministry of Finance (**MoF**), Ministry of Justice (**MoJ**), representative of victims by **General Secretariat of the Council of Ministers** and representative of Kurdistan Region of Iraq (**KRG**) as members.
- The Committee reports to the Council of Ministers Secretariat (COMSEC) in coordination with the Martyrs' Foundation.
- Central Compensation is the only authority which takes the decision on compensation for property, for the rest categories, decision can be taken in sub-committees
- The function of the Central Compensation Committee is to: approve, amend or refuse recommendations issued by sub-committees relevant to property compensation, review the recommendations of the sub-committees, and report their conclusions to the Ministry of Finance

Compensation Sub-committees

- Sub-committees will be comprised of a second-category judge as Chair who is nominated by the President of the Appeals area, a representative of the Ministry of Defence (MOD), Ministry of Interior (MOI) Ministry of Health (MOH), Real Estate and Land Registration office, Department of Martyrs Foundation and a representative from the affected governorate.
- The sub-committees are tasked with: receiving requests for compensation, assessing the level damage to properties, notifying claimants and decide on c compensation claims not related to property
- A Compensation sub-committee will be established in Baghdad
- A sub-committee established in each conflict affected governorate – including Kurdistan Region of Iraq (KRI)
- Offices opened in Nineveh-Mosul, Anbar, Salah-Al din, Diyala and Kirkuk governorates
- The governorate sub-committees can open offices in any area of their respective governorates in district or sub district level. Nineveh governorate is about to open 9 offices in different districts

What are the categories eligible for compensation?

- Martyrdom, missing in action, kidnapping, or injury
- Full or partial disability based on a medical report issued by a specialized medical committee
- Injuries and other cases that require temporary treatment based on the specialized medical report in this field
- **Damaged property**
- Disadvantages relevant to job or education.

What are the sub-categories for property compensation?

There are six sub-categories which focuses on property damages

1. Houses
2. Shops
3. Companies
4. Farming Lands
5. Vehicles
6. Furnitures

All claims are considered on case by case basis and the compensation amount depends on the level of damage to each type of the property

Who is eligible for compensation?

- All Iraqi individuals whose properties were are damaged or destroyed by military operations and terrorist actions are entitled to financial compensation
- If damages occurred include multiple segments that belong to the citizens' property, it is possible to combine them all in one dossier without being segmented, for example, damages that affect the house, the furniture, and vehicles, this is to spend less time at processing such claims.
- It is not allowed to combine between the compensation stated by this law and the compensation for the damage stated by another law;
- In case the affected individual received a compensation less than the one stated by this law, he/she shall be given the difference (what has been disbursed and the compensation he/she deserves by law)

Who can file a claim?

- In principle all property owners can submit a claim for compensation
- If an owner is not able to submit the claim in person (absent, disabled, ill or unfit to travel)
- They can authorize another individual through a power of attorney, who can submit the claim on their behalf.
- If the owner is deceased, the inherited persons can submit the claim after they have legally inherited the property
- Lessee, Rent contracts, Legal person/representatives

What are the required documents to file a claim?

- To prove their identity, a claimant must attach a copy of a **valid document: National Identification Card**, Unified Card, Civil Status Card, Certificate of Citizenship, Residence-housing Certificate Card, Ration card, Custodianship deed, Guardianship deed in the case of minors or missing persons, as well as attaching the representative's or inheritors' assignment
- Proof of ownership/property title deed (**taboo**)
- In case lost/ can be obtain to Real Estate and Land Registration Office

What are the required documents to file a claim?

- If not in possession of ownership documents, S/He will need to file request to obtain Ownership Proof Form, which can be validated by Mukhtars, community leaders, municipal council, local authorities and two witnesses/neighbours
- A copy of the power of attorney in cases where it is compensation claimer's representative, and include the inheritance allotment
- High quality pictures and other evidence that damages occurred during recent conflict
- Beneficiaries who are not in possession of the pictures or evidence, may seek alternative proof such as written statement by Mukhtars, mayor, neighbours, community leaders validating the level of damages

How can claimants prove property damages?

- The Law on Compensation does not provide clear guidance on how to prove property damages that occurred during the conflict
- In principle, any evidence which proves that the damages have occurred during the war should be submitted to sub-committee
- These could include any pictures, videos, utility bills, agreements on shelter rehabilitation/construction with humanitarian or development agencies and NGOs, or other relevant supporting documents.
- Article 6 of the Law 57, stipulates that the committee is responsible to verify that damages are a result of the war or terrorist attacks
- An Evaluation Expert will be sent by Compensation Sub-Committee to provide a credible evaluation of damaged/destroyed property. Fee will be paid by owner
- List of Evaluation Experts can be found on the roster of Appeal Court Presidency

What are the procedures to file a claim

- There are certain procedures that any claimant will need to go through in order to successfully submit his/her claim.
- Quite complex
- Not clear how to proceed further
- No bylaw or administrative procedures
- Guidebook is also difficult to be understood by citizens
- Differs slightly from governorate to another
- HLP Sub-Cluster in Iraq conducted an informal survey on the procedures for submitting a claim, drawing from different sources of information and available legal documents and guidelines, including HLP partners

What are the procedures to file a claim?

- Claimants are to collate all necessary documents mentioned above and fill in a Property Proof Form to be submitted to the Investigation Court stating the damages
- After obtaining and submitting the Property title deed, the owner will have to go through an investigation/screening process (investigation judge, secretariat and then referred to police station) to obtain a security clearance validating that he/she is not affiliated with an extremist group
- Claimant will have to wait for the police to verify the claim and property damages/destruction;
- Once the investigation reports are processed, the claimant will present-submit ID and ownership documents to the Compensation sub-committee office at the district/administrative unit, and will be provided with a Damage Count Form and instructed to wait to be notified by the sub committee office on the date of the expected visit by evaluation expert to assess property damages
- The fees for the Evaluation Expert will have to be paid by the claimants, as the expert will have to visit the property and assess the level of damages. The assessment form will be signed by the Evaluation Expert that assessed and evaluated the level of damage to the property;

What are the procedures to file a claim?

- The Evaluation Report conducted by Evaluation Expert will be handed over by claimant to the compensation committee.
- The court (Compensation sub-committee) will certify the level of damage and its indicating the compensation amount that he/she is entitled for once funds are dispersed,
- The file will be forwarded to the Central Compensation Committee in Baghdad, then to Ministry of Finance for money allocation;
- In case the claimant does not agree on the value of the compensation, he/she can appeal to Central Compensation Committee to challenge the initial decision;
- In case that claimant is not satisfied with the decision of the Central Compensation Committee he/she can appeal to Supreme Administrative Court also;

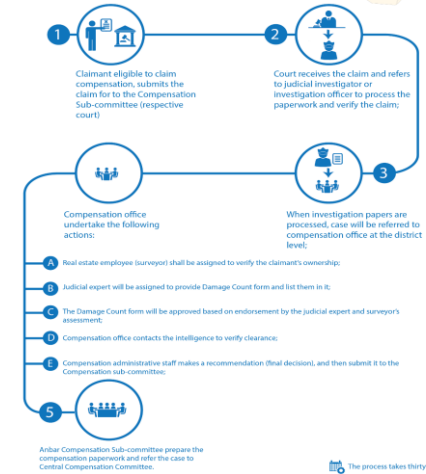
How long does it take to file a claim?

- Anbar – 30 days
- Diyala – from 3 - 12 months, depends on ownership documents
- Kirkuk – 2 months
- Nineveh 6 -12
- SAD – 30 days

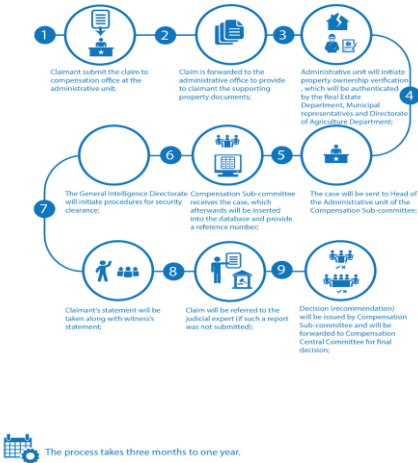
Process Flowcharts



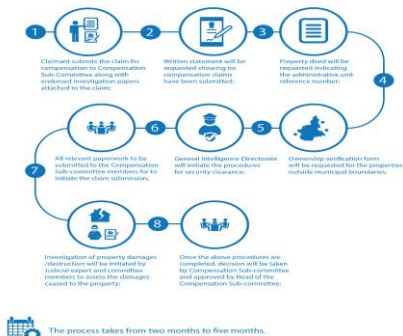
COMPENSATION CLAIM PROCEDURES IN ANBAR GOVERNORATE



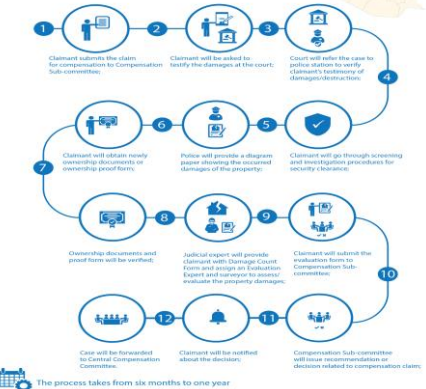
COMPENSATION CLAIM PROCEDURES IN DIYALA GOVERNORATE



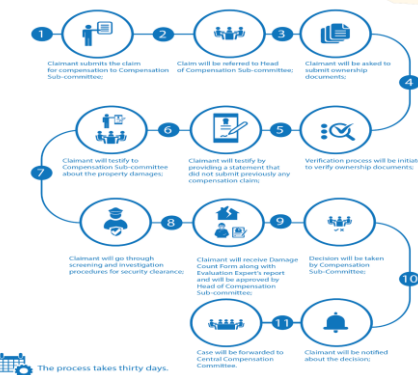
COMPENSATION CLAIM PROCEDURES IN KIRKUK GOVERNORATE



COMPENSATION CLAIM PROCEDURES IN NINEVEH GOVERNORATE



COMPENSATION CLAIM PROCEDURES IN SALAH AL-DIN GOVERNORATE



What are the challenges compensation?

Thank you