



Property Compensation Guidelines

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Housing Damages in Iraq

- An approximate 138,051 residential buildings are damaged/destroyed during recent conflict
- Half of these structures are destroyed beyond repair
- The overall damages occurred in the seven 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

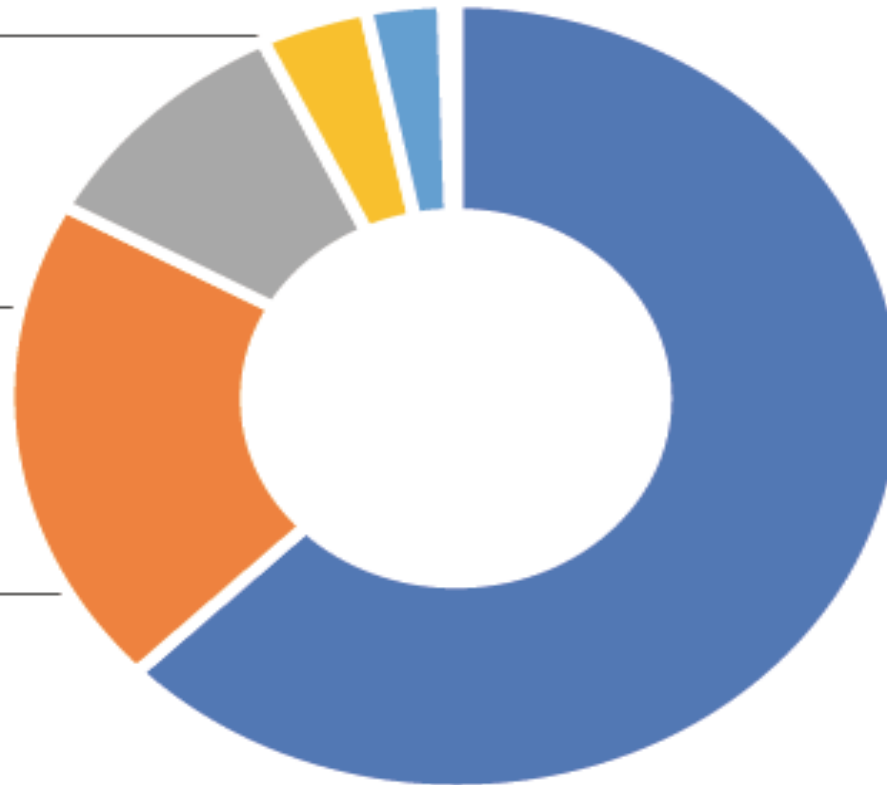
كركوك
Kirkuk
3,9%

صلاح الدين
Salah Al Din
9,9%

الانبار
Anbar
20,4%

ديالى
Diyala
2,8%

نينوى
Ninewa
62,7%



Property Compensation Guidelines

- HLP SC published Property Compensation Guidelines in December 2018, providing clarity on the process.
- Advocacy Note on property compensation has been published as well on March 2019, highlighting main challenges and recommendation related to compensation scheme in Iraq

Purpose of the guidelines and advocacy note are:

- To establish a common understanding of the compensation scheme in Iraq
- To support HLP partners working on compensation in Iraq
- To support all partners to understand the compensation scheme in Iraq
- Through HLP partners to assist claimants to file claims to compensation committee

Compensation Scheme in Iraq

- Iraqi Law 20 of 2009, **Law for the Compensation of Victims of War Operations, Military Errors, and Terrorist Actions**. Law 57 of 2015 (first amendment) and Law 2 of 2020 (second amendment)
- Article 1 of Law 57 of 2015 – **still valid**

The aim of this law is to **compensate** every citizen who has been harmed by conflict, military operations, military mistakes, terrorist operations and to determine the magnitude of the damages and the basis for compensation and how to claim it.

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 (1)

- ~~Central Compensation Committee will be based in Baghdad~~ — **Three Central Compensation Committees (one for Kurdistan) will be established and attached to COMSEC and Martyrs Foundation.** Article 1 of Law 2 of 2020 (amends Article 3/First/Second of Law 20 of 2009)
- **Central Compensation Committee is chaired by a judge of first or second category nominated by the Chairperson of the Supreme Judicial Council-** Article 2 of Law 2 of 2020
- Compensation Commission is Comprised of Judge of the first **or second** category, who will be nominated (**as Chairperson**) **by Chairperson of the High Judicial Council** **Supreme Judicial Council**, representative from the **High Commission for Human Rights**, ~~Ministry of Interior~~, **Ministry of Housing and Construction**, Ministry of Finance (**MOF**), Ministry of Justice (**MOJ**), ~~representative of victims by General Secretariat of the Council of Ministers-~~**Representative of the Martyr Foundation** and representative of Kurdistan Region of Iraq (**KRI**) as members. Article 2 of Law 2 of 2020 (amends Article 4 of law 20 of 2009 -First: A, C and F)

Central Compensation Committee (2)

- ~~The meetings of the Central Committee meetings convenes by the attendance of two-third of its member~~ — Meeting shall be convened in the presence of its Chairperson/his/her representative and two of third members. The Committee meetings shall not be less than 3 meetings per week and decisions are issued by the simple majority of the votes of the attending members. If votes are equal, the side of the Chairperson vote shall prevail. Article 3 of Law 2 of 2020 (amends Article 5 of law 20 of 2009).
- The Central Committee reports to the General Secretariat of the Council of Ministers (COMSEC) in coordination with the Martyrs' Foundation. **COMSEC may issue the necessary instructions on the functions of these 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 for disbursement

Compensation Sub-committees (1)

- Sub-committees is comprised by a second-category Judge **who is nominated by the Chairman of the Appeals area as chairperson**, a representative of the Ministry of Defense (**MOD**), Ministry of Interior (**MOI**) Ministry of Health (**MOH**), Real Estate Registration Office, Department of Martyrs Foundation and a representative from the affected governorate. Article 4 of Law 2 of 2020 (amends Article 6/A/First of Law 20 of 2019)
- The sub-committees are tasked with: receiving requests for compensation, assessing the level damage to properties, notifying claimants and decide on compensation claims not related to property
- **Sub-committees are allowed to submit to presidency of the governorate's appeal court decision for the property compensation which do not exceed IQD 30,000,000 (thirty million/\$25 thousand) for approval.** Article 13 of Law 2 of 2020

Compensation Sub-committees (2)

- ~~A sub-committee is established in each conflict affected governorate – including Kurdistan Region of Iraq (KRI)~~ **One or more Compensation sub-committee will be established in Baghdad, Kurdistan Region, in addition to three sub-committees in war affected governorates.** Article 1 of the Law 2 of 2020 (amends Article 3/Second of Law 20 of 2009)
- **Sub-committees are allowed to open offices across governorates in districts and sub-districts. Sub-committee is obliged to provide all requirements needed to open the offices for compensation.** Article 1 of the Law 2 of 2020 (amends Article 3/Second of Law 20 of 2009)
- The Sub-committee has secretariat office run by officer with BA degree— **Each sub-committee shall have secretariat office which shall be managed by an employee of the Martyrs Foundation with University degree.** Article 4 of Law 2 of 2020 (amend Article 6/Third of Law 20 of 2009).
- In all governorates there are more than 50 offices across governorates to receive claims for compensation

What are the categories eligible for compensation?

- Martyrs, missing, 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/destroyed 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 for each type of the property

Who is eligible for compensation?

- All Iraqi individuals whose properties were are damaged/destroyed by during conflict by military operations and terrorist actions are entitled to financial compensation
- If property damages/destruction include multiple segments that belong to the citizens' property, it is possible to combine them all in one claim/dossier without being segmented
- 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), s/he can authorize another individual through a power of attorney, who can submit the claim on their behalf
- If the owner is deceased, his/her heirs can submit the claim after they have legally inherited the property
- Lessee, or legal person/representatives

What are the required documents to file a claim? (1)

- 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 obtained to Real Estate Registration Office

What are the required documents to file a claim? (2)

- 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, local authorities and two witnesses/neighbours
- A copy of the power of attorney is needed in cases if on behalf of claimant's representative, and include the inheritance allotment
- High quality pictures and other evidence that proves 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?

- In principle, any evidence which proves that the damages/destruction have occurred during the war should be submitted to sub-committee
- These could include any pictures, videos, 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

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:
- Procedures are quite complex and complicated
- No bylaw or administrative procedures
- Guidebook issued by COMSEC is also difficult to be understood by beneficiaries
- Differs slightly from governorate to another

What are the procedures to file a claim? (1)

- 1) Claimants are to collate all necessary documents mentioned above and fill in a **Property Proof Form** to be submitted for investigation stating the damages
- 2) 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 s/he is not affiliated with an extremist group
- 3) Claimant will have to wait for the police to verify the claim
- 4) Once the investigation reports are processed, the claimant will present-submit ID and ownership documents to the compensation sub-committee at the district/administrative unit, and will be provided with a Damage Count Form and will be instructed to wait to be notified on the date of the expected visit by evaluation expert to assess property damages
- 5) The fees (\$70 approximately) 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? (2)

- 6) The Evaluation Report conducted by Evaluation Expert will be handed over by claimant to the compensation committee
- 7) 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
- 8) The file will be forwarded to the Central Compensation Committee in Baghdad, then to Ministry of Finance for money allocation
- 9) In case the claimant does not agree with the first instance, s/he can appeal to Central Compensation Committee to challenge the first instance decision within ~~30~~ 60 days. Article 5 of Law 2 of 2020 (amends Article 7/First of Law 20 of 2009)
- 10) In case that claimant is not satisfied with the decision of the Central Compensation Committee s/he can appeal to Supreme Administrative Court also
- 11) **Sub-committees are obliged to present recommendations/decisions to public prosecutor to confirm his/her opinion whether the they are in agreement with the law.** Article 11 of Law 2 of 2020

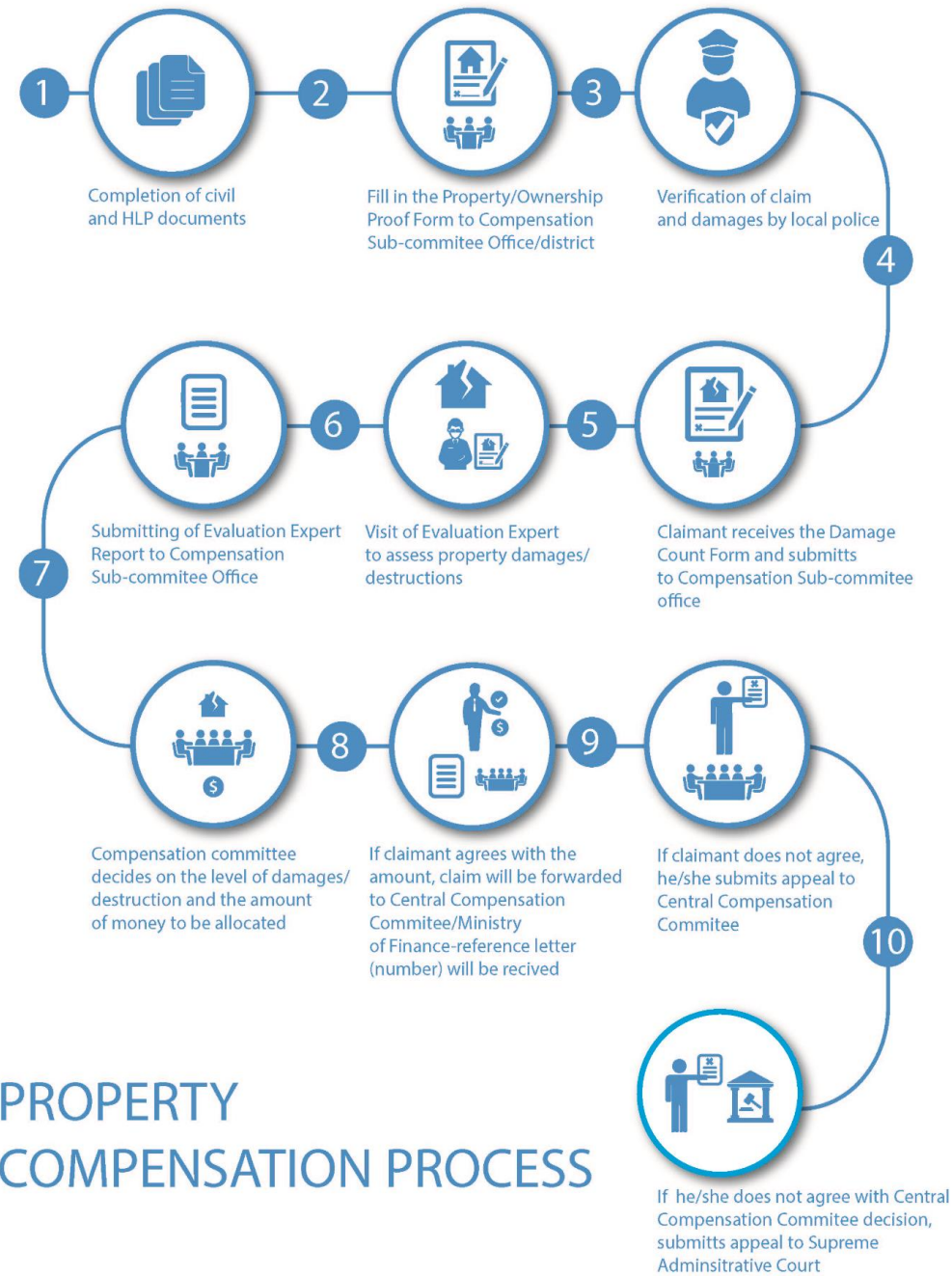
Other amendments in the Law 2 of 2020

- Article 16/**First** of Law 2 of 2020:
 - Through the concerned governorate, the Ministry of Finance shall pay the compensation amounts to the affected claimants **according to the decisions issued by the committees:**
 - **A.** Property damage approved according to decisions issued by the sub-committee and approved by the Central Committee or the presidency of the governorate's appeal court.
- Article 16/**Second** of Law 2 of 2020:
 - Through the concerned governorate, The Ministry of Finance shall take into account the **priority of payments to be made according to the precedence of the decisions' date issued.**
- Article 16/**Third** of Law 2 of 2020:
 - The Ministry of Finance shall allocate in the budget of each governorate within the annual federal budget law the compensation amounts for cases mentioned in the provisions of this law.



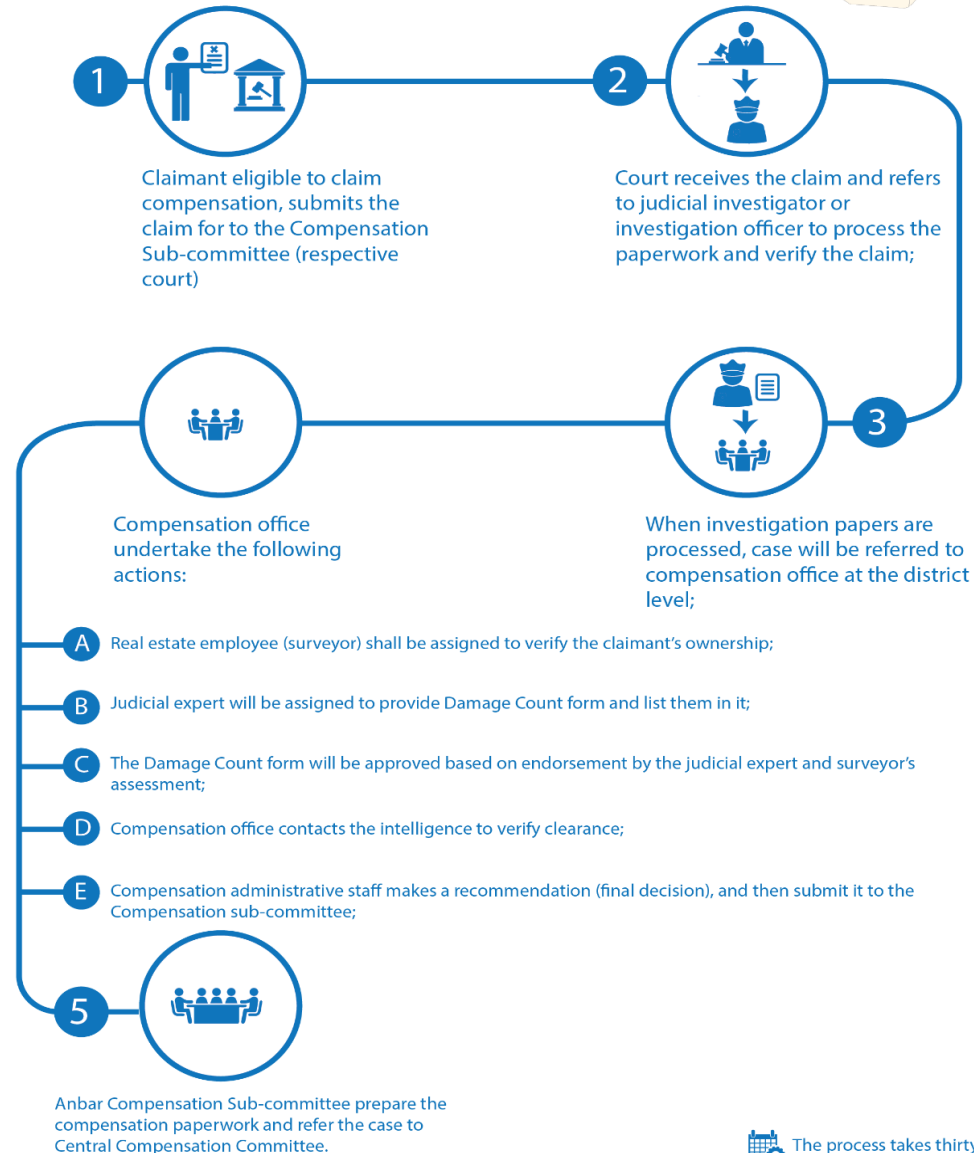
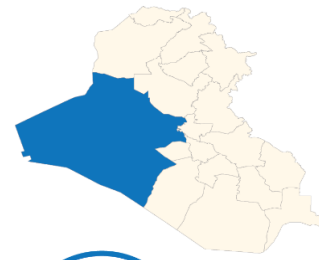
How long does it take to file a claim?

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

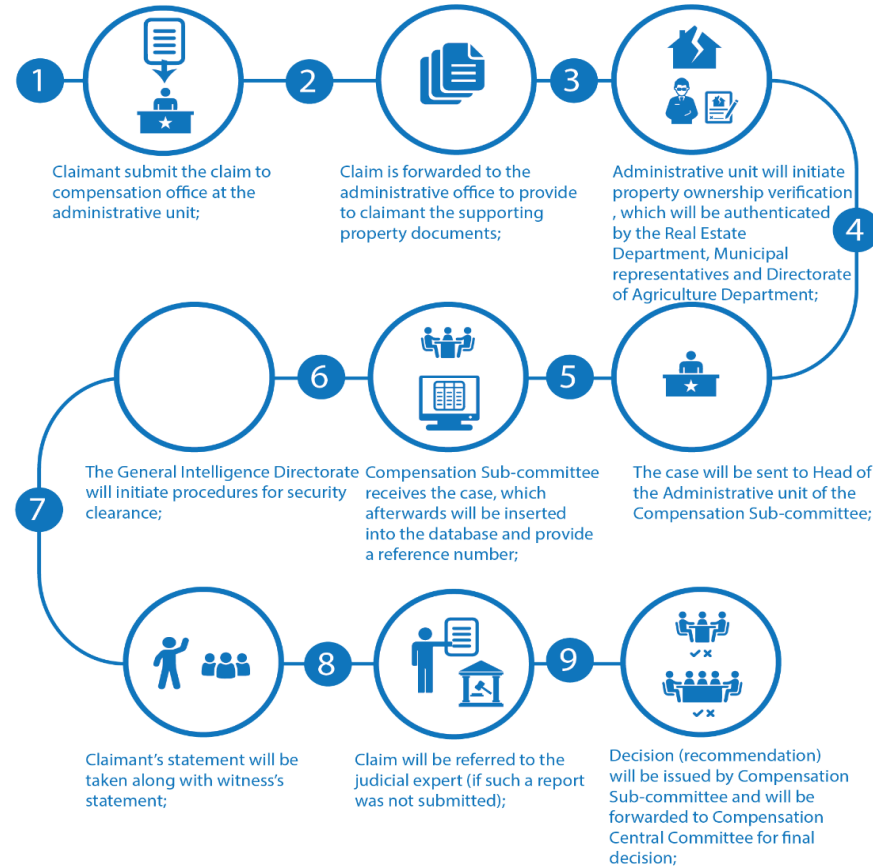
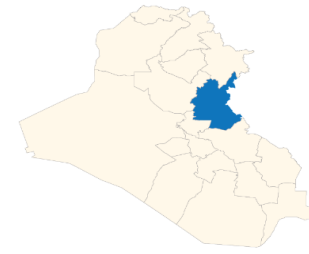


PROPERTY COMPENSATION PROCESS

COMPENSATION CLAIM PROCEDURES IN ANBAR GOVERNORATE

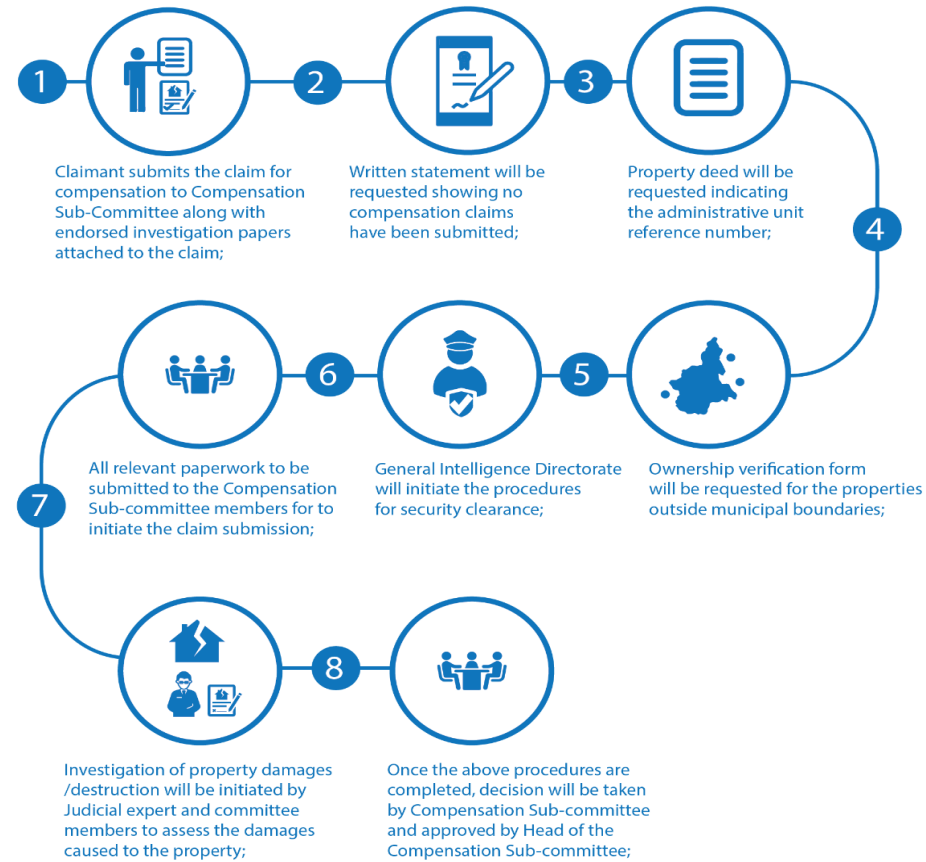


COMPENSATION CLAIM PROCEDURES IN DIYALA GOVERNORATE



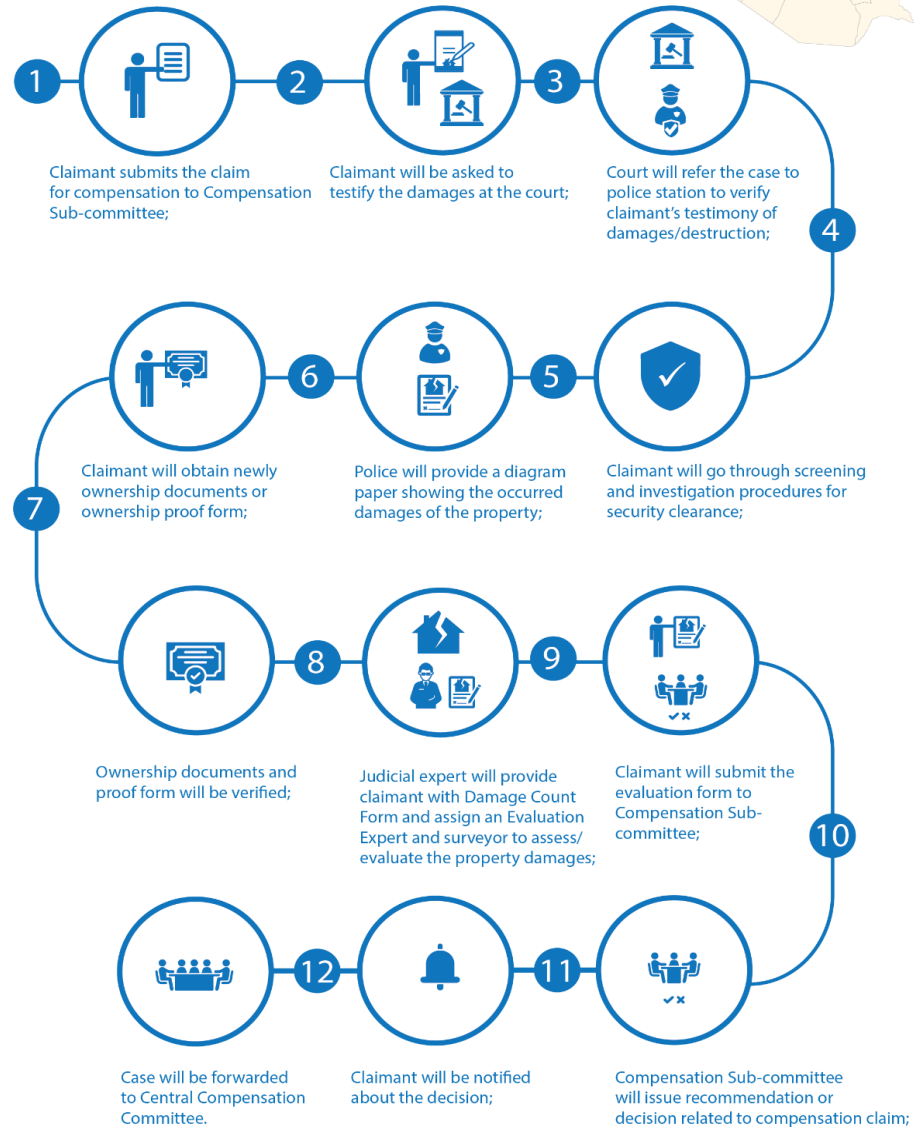
The process takes three months to one year.

COMPENSATION CLAIM PROCEDURES IN KIRKUK GOVERNORATE



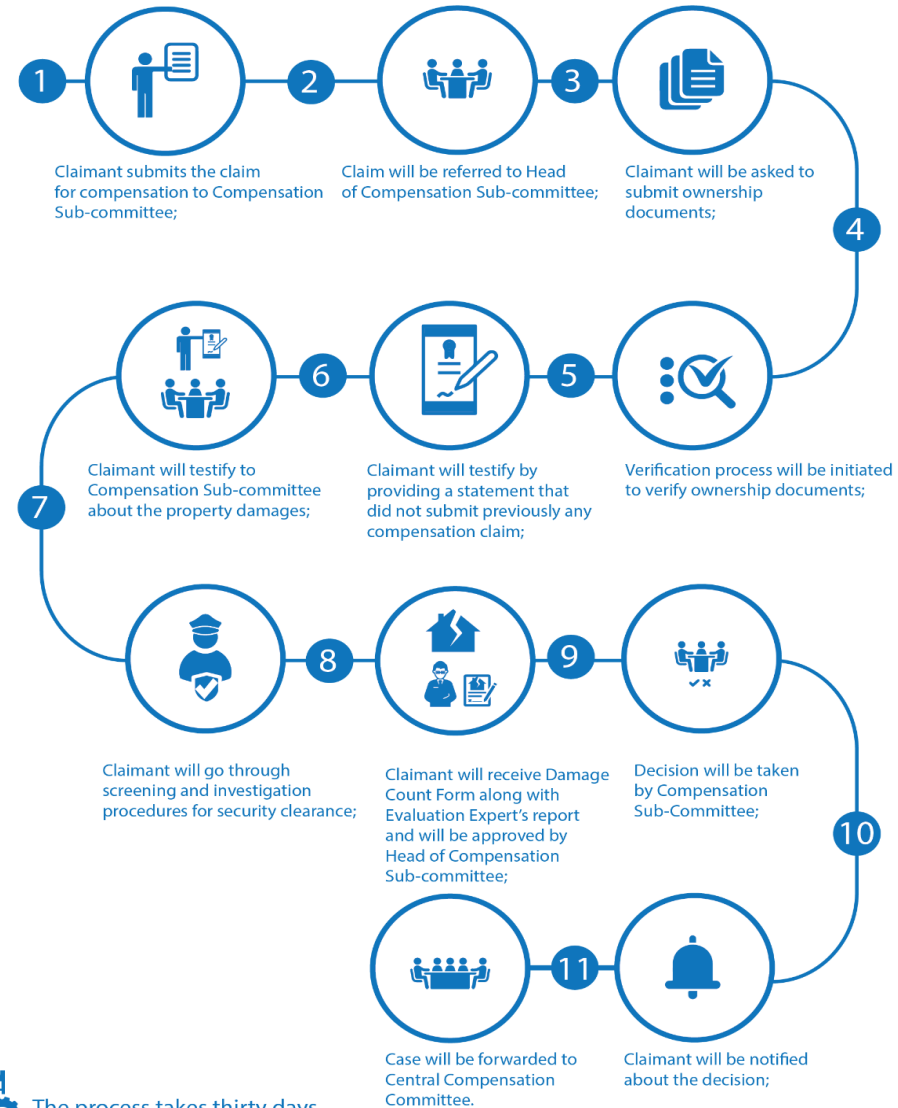
The process takes from two months to five months.

COMPENSATION CLAIM PROCEDURES IN NINEVEH GOVERNORATE



The process takes from six months to one year

COMPENSATION CLAIM PROCEDURES IN SALAH AL-DIN GOVERNORATE



The process takes thirty days.

Claims submitted to Compensation Committee*

Year	Cases
2016	15,031
2017	9,229
2018	8,406
2019	14,419

*Information provided by partners

Disbursement for Compensation*	
Year	Amount in IQD
2016	70,110,547,589
2017	149,853,453,472
2018	103,569,770,977
2019	102,000,000,00-allocated

- **Challenges**
- Complicated procedures, long and costly process
- Lack of financial and logistic support to committees
- Insufficient number of investigation judges serving the sub-committee offices
- Data is not being digitalized
- Multiple claims for the same property
- Unexperienced administrative staff
- Political, tribal and beneficiaries' interference
- Missing, outdated or destroyed HLP documents
- Forged documents and false claims
- Evaluation experts are paid by beneficiaries
- Lack of criteria for the damage evaluation
- Weak coordination between Central and Sub-Compensation Committees
- Lack of presence of HLP partners in the field or governorates
- Insufficient money allocated from government for disbursement
- Women HLP rights and people perceived affiliation with ISIL
- Committees replaced/new ones will be established

For more information:

- HLP SC Property Compensation Guidelines
- HLP SC Advocacy Note
- Law 20 of 2009
- Law 57 of 2015
- Law 2 of 2020
- Guidebook issued by COMSEC

All available in Arabic and English language

Questions?