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The Italian regulations in effect in favour of the victims of terrorism

The Basic Law

Law of 3 August 2004, n. 206

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"New rules in favour of the victims of terrorism and slaughters of such kind"

and subsequent amendments and integrations (indicated in italics)

Art. 1

1- The provisions of the present law are enforced for victims of actions of terrorism and slaughters of similar kind, carried out on the national or extra national territory, if involving Italian citizens, as well as their surviving relatives. For the purposes of the present law, repetitive criminal actions carried out on the national territory in public places or in places open to the public and aimed at specific subjects are included among the act of terrorism. (1)

1-bis. the provisions of the present law are extended, under the same conditions, to families of victims of the Air disaster, which occurred at Ustica June 27 1980, and to the relatives and survivors of the Victims of the so-called "Banda Della Uno Bianca". The amounts already received will be compensated to the beneficiaries. (2)

2., The measures referred to in law of the 20 October 1990, No. 302, 23 November 1998, No. 407, with the subsequent amendments, as well as article No. 82 of the law of 23 December 2000, No. 388, except for the subsection 6, are enforced for all that is not expressly provided for by the present law.

1) Period added from letter a) subsection 3 of article 34, law of 29 November 2007, n. 222, which converted into law and amended the ordinance law of 1 October 2007, n. 159.

2) Subsection added from subsection 1270 of article 1, Law of 27 December 2006, n. 296

Art. 2.

1. *The amount of the retirement salary to be paid to anyone who suffers or has suffered permanent disability of any extent and degree, because of actions of terrorism and slaughters of such kind, as well as to widows and orphans, has to be re-determined with a 7,5% increase (3), with regard to the payment of the occupational pension, the severance payment, and any other equivalent treatment .*

2. Those who have retired at the date of entering into force this law are entitled to an increase of pension and related benefits based on criteria specified by the present law.

3. Privileged retirement treatments deriving from the enrolment in mandatory insurance plans of employees, self-employed workers or professionals are excluded from the present regulation.

(3) Words substituted by previous introduced at letter b) subsection 3 of article 34, Law 29 November 2007, n. 222, into force on 1 December 2007, which converted into Law with amendments the ordinance Law of 1 October 2007, n. 159.

Art. 3.

1. All those who have suffered a permanent disability of any entity or degree that conditions their capacity to work due to actions of terrorism and slaughters of such kind, their relatives, even those who survived, limitedly to the spouse and children, even though of age, or in their absence to their parents, be they public or private employees or self-employed, are granted, also on their direct treatments, a ten year increase of contributory payments that will increase by an equal amount their accrued occupational pension as well as severance payment and other equivalent (4). For this a 5,807,000 euro expense is approved for the year 2004 and a 2,790,000 euro expense starting from the year 2005.

1-bis Professionals and self-employed workers are entitled to *a compensation, as equivalent treatment of severance pay, calculated on the basis of a 6.91% rate applied on the amount corresponding to ten times the average income, related to the last five years of work and revalued according to the art. 3, subsection 5, of legislative ordinance of 30 December 1992, n. 503, increased of 7.5%. The aforesaid compensation is determined and paid out in a single payment starting from the year of pension. (5)*

2. The pension accrued according to subsection 1 is exempted from the income tax (IRPEF)

(4) subsection as amended by subsection 794 and 795 of article 1, Law 27 December 2006, n. 296.

(5) subsection introduced from letter C) subsection 3 of article 34, Law 29 November 2007, n. 222, into force on 1 December 2007, which has converted into Law with amendments the ordinance law of 1 October 2007, n. 159.

Art. 4.

1. Those who have suffered permanent disability or a degree of disability that exceeds 80 percent of the working ability due to acts of terrorism and slaughters of such kind are considered equal to disabled war veterans according to the article 14 of the text referred to the ordinance of the President of the Republic dated 23 December 1978, no. 915. Hence the following expenditure is authorized:

126,432 euro for the year 2004, 128.960 euro for the year 2005, 131,539 euro starting from the year 2006.

2. Those who have suffered permanent disability up to or exceeding 80 percent of the working ability caused by actions of terrorism and slaughters of such kind, have the right to receive the state pension immediately, which is calculated on the basis of the last entitled salary perceived according to the provisions contained in the Article 2, subsection 2.(6). To achieve the purpose the expenditure of 156,000 euro starting from the year 2004 is authorized.

2-bis. For the subjects who continued to work although the harmful event occurred prior to the date of entry into force of this Act, including cases of revision or first assessment, on condition that the 'disability' is not less than one quarter of the working ability and the revaluation of the all encompassing percentage which includes biological and moral damages , as indicated in Article 6, subsection 1, upon reaching maximum pension term including contribution years as provided for by art.3 subsection 1, the amount of the pension is equal to the last fully received annual salary restated according to the provisions contained in the article 2 subsection 1 (7)

3. The criteria under subsection 2 are applied to determine the amount of the pension, both reversionary pension and indirect aid in favour of the survivors in the event of death of the victim of actions of terrorism and slaughters of such kind; such pensions cannot be reduced according to the law.

4. Tax benefits under Article 2, subsection 5 and 6 of the Law 23 November 1998, n. 407, subject matter of exemption of tax (IRPEF), shall apply to the pension referred to in subsection 2 and 3.

(6) Words in substitutions of previous introduced from subsection a) subsection 106 of article 2, Law, 24 December 2007, n. 244.

(7) subsection added from subsection 792 of article 1, Law 27 December 2006, n. 296

Art. 5.

1. The sum under subsection 1 of article 1 by the Law of the 20 October 1990, n. 302 and subsequent amendments, is paid for a maximum amount of 200,000 euro, in proportion of the invalidity percentage found, at a rate of 2.000 Euro for every percentage point.

2. The provision under subsection 1 are also applied to grants already paid before the date of entry into force of the present Law, considering the revaluated amount as provided for by Article 6. For this reason, the expenditure of 12,070,000 euro is authorized for the year 2004.

3. To those who suffer and have suffered, as the result of injury or wound caused by actions of terrorism and slaughters of such kind, a permanent disability of not less than a quarter of working ability, as well as to the survivors of the victims, including children of age, it is granted, from the date of entering into force the present law, in addition to the grant under subsection 1, a special not reversible allowance pension of 1,033 euro per month, subject to automatic equalization under Article 11 of legislative ordinance of 30 December 1992, n. 503, and subsequent amendments. To this end THE EXPENDITURE OF 8,268,132 euro IS AUTHORIZED for the year 2004, 8,474,834 euro for the year 2005 and 8,686,694 euro from the year 2006. Surviving adult offspring, even though not residing with the victim at the date of terrorist event, are entitled, starting from 26 August 2004, to a non-reversible life income allowance under Article. 2 of the law of 23 November 1998, n. 407, and subsequent amendments. (8)

4. In case of death of the subjects under subsection 3, the survivors entitled to a reversible pension are granted two yearly payments, including the year end bonus, of the above said pension contribution but limited to the surviving spouse, children, adult offspring, parents, and to the brothers and sisters, if cohabiting and supported. To this end the expenditure of 857,000 euro shall be authorized for the year 2004 and of 12.500 euro from the year 2005.

5. The grant under Article 4, subsection 1, and Article 12, subsection 3, of the law of 20 October 1990, n. 302, as replaced by Article 3, subsection 2, letter b), of the law of 23 November 1998, n. 407, is paid to the extent of 200.000. FOR THE SAME PURPOSE THE EXPENDITURE OF 34,300,000 euro IS AUTHORIZED for the year 2004.

(8) Period added from letter (b) subsection 106 of article 2, Law, 24 December 2007, n. 244.

N. B. Subsection 2 Article 2 Law, 23 November 2008, n. 407 provides, for the same category of disabled and survivors of the victims, A FURTHER life-long monthly pension of Euro 500, which is cumulative and subject to revaluation despite the provisions of subsection 3. Therefore, these beneficiaries receive two monthly life annuities for the overall monthly amount of euro 1,533 subjects to revaluation from 26 August 2004 according to rules.

Art. 6.

1. The percentages of invalidity already recognized and compensated in accordance with the criteria and provisions of the current regulation at the date of entering into force of the present law, are revalued taking into account the possible elapse of physical aggravation and the recognition of the biological and moral damage. For the same purpose the expenditure of 300.000 euro is authorized for the year 2004.

2. To those victims, of actions of terrorism and slaughters of such kind, and their families, is ensured psychological assistance supported by the State. For this purpose the expenditure of 50.000 euro shall be authorized from the year 2004.

ART. 7.

To the pensioners, victims of actions of terrorism and slaughters of such kind, and to their survivors is ensured continuous adaptation of the amount of the pension to the salary paid to active workers who are in corresponding economic position and with equal seniority. To this end the expenditure of 75,180 euro shall be authorized starting from the year 2004.

Art. 8.

The documents and the acts of the procedures for the clearance of the benefit provided by the present law are exempt from tax.

2. Compensations granted are in any case not subject to any direct or indirect tax.

Art. 9.

1. The Disabled victims of acts of terrorism and slaughters of such kind, and the family members, including the family members of the deceased, limited to the spouse and children, and in the absence of these, the parents, are exempt from participation in the expenditure for each any type of health and pharmaceutical care.

THE BENEFIT under ARTICLE 1 of the law of 19 July 2000, n. 203 IS EXTENDED To THE SAME SUBJECTS. (9)

9) Period added from subsection c) subsection 106 of article 2, L., 24 December 2007, n. 244.

Art. 10.

1. During criminal, civil, administrative and accounting proceedings the legal aid of the victims of acts of terrorism and slaughters of such kind and of the survivors is provided by the State. To this end the expenditure of 50.000 euro is authorized which takes effect from the year 2004.

2. IN CASE NO COMMUNICATION OF THE DEPOSIT OF THE CRIMINAL judgment relating to the facts under Article 1, subsection 1, has been made the injured parties may promote the civil action against those directly responsible within the time limit revocation of a year from the date of entry into force of this law, regardless of running of the limitation of the right.

Art. 11.

1. Assuming that in legal, administrative or accounting sittings the disability and degree or the death related with actions of terrorism and slaughters of such kind are found by definitive deed, including the criminal judicial expertise and technical expertise or the certification of local health agencies or hospital and the Military Hospital, a civil procedure before the Court in monocratic composition is established at the request of party, within the period of six months of the date of entering into force of this law,. This procedure must be concluded with judgment subject to the appeal referred to in Article 12, subparagraph 2.

Art. 12.

The monocratic court, according to the place of residence of the victims or survivors fixes one or at the most two hearings, no more than forty-five days apart. Once the above said term has expired, the litigation is deemed for sentence within four months after the expositions of the litigants, the provided proofs and conclusions.

Art. 13.

1. The competent administration of the State, even before the beginning of any judicial or administrative action, ex-officio or at the request of party, may offer the victim of acts of terrorism and murder this kind or to the heirs a sum as final clearance, which, in case of acceptance, is prejudicial to any other action, and is to be considered a transaction at all effects.

2. The clearance under paragraph 1 shall be made within four months of the deliberations.

Art. 14.

1. The recognition of infirmity, the revaluation of suffered aggravation according to Article 6 and pensions rule, and any financial bonus in favor of the victims of actions of terrorism and slaughters of such kind MUST BE CONCLUDED WITHIN THE PERIOD OF FOUR MONTHS from THE SUBMISSION OF THE APPLICATION BY THE PERSON ENTITLED.

The application is noticed TO THE PREFECTURE of residence.

The provisions of the Regulation referred to the ordinance of the President of the Republic 28 July 1999, n. 510. shall apply, as compatible.

Art. 15.

1. The benefits under the present law are enforced to the events which occurred on national territory from 1 January 1961. To this end the expenditure of 1,500,000 euro is authorized for the year 2004.

2. For the events occurred abroad and involving Italian citizens, the benefits under this Act shall apply with effect from 1 January 2003. *The benefits of this Act shall also apply to the events abroad with effect from 1 January 1961, of which the victims were Italian citizens resident in Italy at the time of the event. (10)*

(10) Period added from letter d) subsection 106 of article 2, Law, 24 December 2007, n. 244.

Art.16.

1. The burden resulting from the implementation of this law, except for what provided for under art. 15, subsection 2, second period, which globally adds up to 64,100,000 euro for the year 2004, 12,480,000 euro for the year 2005, 12,900,000 euro from the year 2006 including minor revenues arising from subsection 2 of article 3, evaluated in:

407,238 euro for the year 2004,

610,587 euro for the year 2005

814,476 euro from the year 2006

and those resulting from subsection 1 of article 9, evaluated in

130,500 euro from the year 2004 shall be compensated by a corresponding reduction of the budgeted expenses in the 2004-2006 three-year budget, within the range of the current "special funds" estimated by the Ministry of Economy and Finance for the year 2004, partly using:

4,210,000 euro for the year 2004, from the provision made by the same Ministry;

4,997,000 euro for the year 2004,

506,000 euro for the year 2005 and 1,430,000 euro for the year 2006, from the provision made by the Ministry of Justice.

26,450,000 euro for the year 2004, 27,000 euro for the year 2005 and 29,000

euro for the year 2006, from the provision made by the Ministry of Foreign Affairs;

3,401,000 euro for the year 2004, 7,456,000 euro for the year 2005 and 9,273,000 euro for the year 2006, from the provision made by the Ministry of Internal Affairs;

1,027,000 euro for the year 2004, 682,000 euro for the year 2005 and 2,168,000 euro for the year 2006, from the provision made by the Ministry of Defense;

21,436,000 euro for the year 2004 and 3,809,000 euro for the year 2005, from THE PROVISION made by THE MINISTRY OF AGRICULTURE AND FORESTRY AND 2,579,000 euro for the year 2004, from the provision made by the Ministry of Communications (11).

2. The Minister of Economy and Finance will monitor the financial burden under this law, also for the purposes of the adoption of the corrective measures referred to in Article 11-1b, paragraph 7, law of 5 August 1978, n. 468, and subsequent amendments, namely the corrective measures required, pursuant to Article 11 (3) (i-5c), of the same law. Any orders issued pursuant to Article 7, second subparagraph, n. 2), law of 5 August 1978, n. 468, before the entry into force of the measures or measures referred to in previous section, shall be promptly forwarded to the Chambers, accompanied by special illustrative relations.

3. The Minister of the Economy and Finance is authorized to make, with its decrees, the necessary changes to the budget.

(11) Words added from letter e) subsection 106 of article 2, L., 24 December 2007, n. 244.

Law of 20 October 1990, n. 302
Rules in favor of the “victims of terrorism and organized crime”

Criteria in force to hand out compensatory benefits

Art. 1
Cases of donation

1. Those who suffer permanent disability (1) because of wounds or injuries related with terrorism and acts of subversion of the democratic order on the territory of the state, are granted a donation of up to Euro 200,000 (2), on the basis of the degree of disability related to working ability at a rate of Euro 2,000 per percentage point on condition that the injured subject did not contribute to the criminal acts above said and with reference to the art. 12 of code of criminal procedure.

1-bis. The dispositions, of the subsection 1, are not valid when the donation has already been requested or granted by another country.

2. Furthermore the donation, in which the subsection 1, is granted to those who suffer permanent disability because of wounds or injuries related with felonious harmful acts occurred on the territory of the state committed with the purpose of accomplishing the aims of the associations as under art. 416 bis of the criminal code;
provided that:

a) the injured party did not take part in the felonious harmful action or other offences under art. 12 of the code of criminal procedure.

b) the injured party is, at the time of the event, unrelated with any criminal relation and environments, except if he proves the accidental occurrence of his involvement liabilities during the harmful criminal action, or it appears that the subject, at the time of the event, was already dissociated or estranged from any criminal relation in which he participated.

3. Furthermore the a foresaid donation is grant to those who suffer permanent disability because of wounds or injuries related with precautionary or suppression operation of felonious actions according to the subsection 1 and 2, provided that the injured party has no relation with the criminal actions during the aforesaid operations.

4. Furthermore but the cases under subsection 3, the donation is granted to those who suffer permanent disability because of wounds or injuries related with “help out” or “rescue operations” on the territory of the state, both under legal written request and verbally in flagrancy of crime or due to help provided to public officials, police officers of the criminal investigation department, and public services.

5. For the purpose of the present article, the permanent disability that causes the arrest of occupation or employment is equal to a permanent disability of 4/5 of the working ability.

(1) the limitations of benefits, at first only to the disabled even or more than 25%, was cancelled according to the article 1, subsection 1 of the law of 23 November 1998, n. 407 that is in favor of all disabled

(whatever percentage and degree). (2) Present maximum compensation provided by the law of 3 august 2004, n. 206; the previous limit was of Lit. 100 millions according to the law n. 466/80 then increased up to Lit. 150 millions by the law n. 302/90

Art. 7

Criteria of decision making and reference to the legal findings

1. The concerned administrative bodies decide for the grant of benefits provided by the present law. The decisions are made by sentence on the basis of the findings in jurisdictional sitting.

In lack of sentence, the administrative decision is made on the base of known information and the carried out investigations. Even if the sentence is not conclusive.

2. To that end, the concerned administrative bodies sentence on the kind of harmful criminal actions, on the fortuitous connection among the harmful criminal actions and the injuries occurred, on the positive and negative premises provided by the present law to hand out the benefits.

3. In lack of sentence and under request of the interested parties, if the decision is made to hand out the benefits, the concerned administrative bodies lay down only the payment of life income annuity, an injunctive interim payment of up to the 90% of the total amount of the donation, according to the cases provided by the present law and previous declared option.

4. For the cases under subsection 3, according to the outcome of the first degree sentence, the concerned administrative bodies enforce the findings contained in it and verify once again the existence of the premises to grant the donation thus granting or refusing the definitive grant of the life income annuity or the balance of donation in a single payment. Nevertheless, there is no payment of what already paid except one single share of up to 20%.
(2)

5. In lack of sentence, if the decision is negative to hand out the benefits, the concerned bodies enforce what established by the first-degree sentence to lay down the confirmation or the modification of previous decision. Even if the above-mentioned sentence is not conclusive.

6. The decision is definitive, in every respect of what already established by the previous subsections, save for the jurisdictional appeal. The possible

conflict among the assumptions placed on the basis of the first degree sentence and those passed as final judgment is irrelevant for the benefit already paid.

(1) Modification introduced from letter a) article 1, subsection 1, law ordinance 4 February 2003 associated with the swap law of 2 April 2003, n.56

(2) Words added from letter a) article 1, subsection 1, law ordinance 4 February 2003 associated with the swap law 2 April 2003, n.56

Art. 8. Revaluation of benefits

The life income annuity, in which the present law, are subjected to an automatic annual reassessment for an amount equal to the inflation rate found for the previous year on the basis of the ISTAT data, the life income annuity are exempt from any taxes.

The grants foreseen by the present law are revalued according to the criteria in which the subsection 1 on the date of payment and are free of the IRPEF tax.

Art. 9 Enforcement of benefit of war

1. The provisions under the law in force in favour of disabled ex service men and the family of the civil victims are applied in favour of the civil disabled, the victims and their family, (2) because of acts of terrorism carried out in Italy.
2. The condition of civil disabled and victim of terrorism, as well as victim of the organized crime, are certified (3) by the prefect of the residence place according the disposition laid down with ordinance of the minister of the interior.

(2) Words added from letter a) article 3, subsection 1 of the law 23 November 1998, n. 407

(3) Words in substitution of the previous and introduced from letter b) article 3, subsection 1 of law 23 November 1998, n. 407

Art. 10 Benefit and damage reimbursement

1. The donation and life income annuity, under the present law, are granted independently of
 - financial condition and age of the injured subject or beneficiary subjects

- the right to receive damage compensation by the responsible of felonious actions.
- 2. Nevertheless, if the beneficiary has already obtained the damage compensation, the relative amount is deducted from the total amount of the donation.
- 3. If the compensation has not already been paid, the State acts as surrogate for the beneficiaries' right on those responsible up to the amount of the grant or the amount corresponding to the capitalization of the life annuity.

Art. 13

Combination of benefits

- 3. Equally, the donation which is granted or conferrable according to the same circumstances whatever the private situation of the harmed subject or beneficiaries is, are not cumulative with public benefit in single and recurring payments.

Law of 23 November 1998, n. 407
"new rules in favour of the victims of terrorism and organized crime"

Benefit: Facilitated placement

art.1.

The subjects under article 1 of the law of 20 October 1990, n. 302, as amended by the subsection 1 of the present article, and the spouse and survived children as well as any supported in-living brothers, if they are the only survivors of the deceased subjects, or those affected by permanent disability enjoy the right of the mandatory job placement under provisions of the law in use with preference over any other category and over others holding equal titles.

The recruitment by direct call are foreseen for the professional profiles of the staff under contract of the district "department" up to the eighth salary level and the subjects under present subsection, including those who are already working.

It being understood that the percentage of the recruitments foreseen by the provisions of the law in use, the recruitments are subject to passing the qualifying test, as under art. 32 of the ordinance of the president of the republic of 9 May 1994, n. 487, as amended by the article 4 of the ordinance of the president of the republic of 18 June 1997, n. 246, from the sixth to the eighth salary level and may not exceed the rate of 10% of the staff's vacancy.
(1)

Period in replacement of previous and introduced in subsection 1, ART. 2 L., 17 August 1999, n. 288.

Compensatory benefit: First Life income annuity

Art.2

Those who suffered permanent invalidity due to wounds or injuries suffered because of events as under subsection 1, 2, 3, and 4 of the article 1, of law of the 20 October 1990, n. 302 and the survivors of terrorist acts are granted a life income annuity of monthly Euro 500 (2) subjected to automatic equalization under article 11 of the legislative decree of 30 December 1992, n. 503. The above said in addition to the grants provided for under the already mentioned law n. 302 of 1990.

For the purpose under subsection 1, THE PERSON REFERRED TO IN THE FIRST subsection 1 of art. 6 of the law 3 August 1980, n. 466, as replaced by art. 2 of the law of 4 December 1981, n. 720, in the order indicated therein, shall be considered survivor.

Original amount Lit. 500.000 rised as indicated by 1 January 2004 by art. 4, paragraph 238 L., 24 December 2003, n. 350.

Benefit: scholarships

Art. 4.

As from the school and academic year 1997-1998, privileged scholarships are granted to the orphans and children of the victims of terrorism, and the subjects in which the article 1, of law of the 20 October 1990, N. 302, as amended by article 1, subsection 1, of the present law for each year of primary and secondary school, below and above, and of university course (3)

The scholarships are exempted of any taxes. To implement the present article the annual expenditure of "Lire 1.000 millions" shall be authorized as from the year 1998.

(3). Words that replace the previous, introduced by the art. 3, of Law of the April 2, 2003, n. 56

Art. 4

Indemnity benefit

Donations to survivors (1)

1 Family members of those who lose their life because of wounds or injuries related with the actions under article 1, even if there are numerous subjects involved, are granted a total amount of Euro 200,000 (2), according to the order under art. 6 of the law 13 August 1980, n. 466, as amended by the article 2 of the law 4 December 1981, n. 720.

2. Furthermore the donation, under subsection 1, is granted to the known living-in subjects of the deceased person, who were supported during the last 3 years preceding the event and who are not relatives, in-laws or living more uxorious.

The previously mentioned subjects receive the donation according to the abovementioned article 6 of the law 13 August 1980, n. 466, after the living-in supported brothers and sisters.

(1) In brief identified according to following order (except the previous):

- Survivor spouse and children if supported
- Children (for lack of the survivor spouse or if the same one has no occupational pension

right)

- parents

- Brothers or Sisters if supported and living-in

- it being understood that the order above indicated for the categories 2),3),4 follows the provisions for legal succession provided by the civil code.

In lack of the above mentioned subjects, and according to the article 82, subsection 4, law of 23 December 2000, n. 388; the other recognizable categories, since only survivors, even if no supported in-living, are: orphans, brothers and sisters and ascendants in direct line.

In conclusion according to the article 4, subsection 2, law of 20 October 1990, n. 302, always in lack of the previous categories:

- In-living partner supported by the deceased victim during the last 3 years previous the event.

(2) Maximum Present compensation prescribed by the law 3 August 2004, n. 206; the previous limit was Lit. 100 millions according to the law n. 466/80 then increased up to Lit. 150 millions by the law n. 302/90

Turin, March 20, 2009

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