

GOVERNING DEPENDS ON JUSTICE

AL-WAQAI AL-IRAQIYA



OFFICIAL GAZETTE OF IRAQ

- ◆ DEVELOPMENT FUND FOR IRAQ
- ◆ PROGRAM REVIEW BOARD
- ◆ IRAQI PROPERTY RECONCILIATION FACILITY
- ◆ COUNCIL FOR INTERNATIONAL COORDINATION
- ◆ GOVERNING COUNCIL OF IRAQ
- ◆ TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS
- ◆ IMPLEMENTATION OF DE-BAATHIFICATION ORDER NO. 1
- ◆ MANAGEMENT OF DETENTION AND PRISON FACILITIES
- ◆ CRIMINAL PROCEDURES
- ◆ EVICTION OF PERSONS ILLEGALLY OCCUPYING PUBLIC BUILDINGS
- ◆ PENAL CODE
- ◆ TRAVELING ABROAD FOR ACADEMIC PURPOSES
- ◆ MANAGEMENT AND USE OF IRAQI PUBLIC PROPERTY
- ◆ MANAGEMENT OF DETENTION AND PRISON FACILITIES
- ◆ LICENSING TELECOMMUNICATIONS SERVICES AND EQUIPMENT
- ◆ TRADE LIBERALIZATION POLICY
- ◆ THE CENTRAL CRIMINAL COURT OF IRAQ
- ◆ PROHIBITED MEDIA ACTIVITY
- ◆ ESTABLISHMENT OF THE JUDICIAL REVIEW COMMITTEE
- ◆ PUBLIC INCITEMENT TO VIOLENCE AND DISORDER
- ◆ ORGANIZATION IN THE WORKPLACE
- ◆ THE PROHIBITION UNDER IRAQI LAW OF VEHICLES WITH TINTED WINDOWS
- ◆ CANCELING AL SALIHVI NOTARY PUBLIC OFFICE
- ◆ CANCELING JUVENILE COURT AND INVESTIGATION COURT OF AL KARKH
- ◆ CANCELING AL JAMI'A NOTARY PUBLIC OFFICE
- ◆ IRAQI GOVERNING COUNCIL

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COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 2

DEVELOPMENT FUND FOR IRAQ

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Noting the letter of May 8, 2003 from Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the United Nations Security Council (S/2003/538),

Recognizing that ninety-five percent of the proceeds of all export sales of petroleum, petroleum products, and natural gas from Iraq, as well as funds from other sources, shall be deposited into the Development Fund for Iraq until an internationally recognized, representative government of Iraq is properly constituted, and that five percent of the proceeds referred to in paragraph 20 of Resolution 1483 shall be deposited into the Compensation Fund established in accordance with Resolution 687 (1991),

Reaffirming that a major CPA objective is to ensure that the newly established Development Fund for Iraq and other Iraqi resources, including Iraqi petroleum and petroleum products, are dedicated to the well-being of the Iraqi people,

Committed to ensuring, consistent with paragraph 14 of Resolution 1483, that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefitting the people of Iraq,

I hereby promulgate the following :

**Section 1
Purpose**

- 1) This Regulation applies to the administration, use, accounting and auditing of the Development Fund for Iraq (the "Fund"). The Regulation is intended and shall be applied to ensure that the Fund is managed in a transparent manner for and on behalf of the Iraqi people, consistent with Resolution 1483, and that all disbursements from the Fund are for purposes benefiting the people of Iraq.

**Section 2
Responsibilities**

- 1) Administrator of the CPA (Administrator). Oversees and controls the establishment, administration and use of the Fund for and on behalf of the Iraqi people, and directs disbursements from the Fund for those purposes he determines to be for the benefit of the

DEVELOPMENT FUND FOR IRAQ

people of Iraq.

- 2) Director, Economic Policy, CPA, or other CPA official designated by the Administrator. Manages the Fund, in coordination with the Central Bank of Iraq, the U.S. Federal Reserve Bank of New York and, if the Administrator directs that accounts be opened in the Bank for International Settlements (Switzerland) and/or other financial institutions, in coordination with those institutions.
- 3) CPA Program Review Board (PRB). Reviews all competing requirements for the relief and recovery of Iraq, assesses all available resources, and, in consultation with the Iraqi interim administration, when established, develops for the approval of the Administrator spending plans, consistent with a comprehensive budgetary framework, that identify prioritized requirements for proposed disbursements from the Fund; considers in this process information provided by the CPA International Coordination Council, the International Advisory and Monitoring Board, and other entities, as appropriate.
- 4) CPA International Coordination Council. Advises the PRB on matters relating to international efforts to assist the people of Iraq in the relief, recovery and development of their economy, including proposing specific projects for funding consideration; supporting efforts to encourage the global donor community to participate in this effort; providing the PRB with information regarding the nature and scope of international assistance to Iraq; and, as requested, making recommendations to the PRB with regard to disbursements from the Fund.
- 5) International Advisory and Monitoring Board of the Development Fund for Iraq (the "IAMB"). Including duly qualified representatives of the Secretary-General of the United Nations, the Managing Director of the International Monetary Fund, the Director-General of the Arab Fund for Social and Economic Development, and the President of the World Bank, and not to exceed three additional duly qualified members appointed by the IAMB with the approval of the Administrator. The IAMB shall approve independent public accountants responsible for auditing the Fund, the Oil Proceeds Receipts Account referred to in section 2(9), and auditing export sales of petroleum, petroleum products, and natural gas from Iraq. The Administrator, in consultation with the IAMB, may appoint up to five non-voting observers to the IAMB. Consistent with its terms of reference, the IAMB shall perform functions similar to those of outside audit committees and may provide information and comments to the PRB and the Administrator as appropriate to serve the purposes of Resolution 1483 and this Regulation.
- 6) Central Bank of Iraq. Holds the Fund on its books and administers the Fund as directed by the Administrator or his delegate.
- 7) U.S. Federal Reserve Bank of New York (the "Federal Reserve Bank") (and/or the Bank for International Settlements (Switzerland), and/or other financial institutions, if the Administrator directs that accounts in such institutions be opened). As agreed between such institution(s) and the Administrator, opens and maintains on its books the "Central Bank of Iraq/Development Fund for Iraq" account, as requested by the Administrator. Pursuant to Resolution 1483 and this Regulation, it is understood that the Federal Reserve Bank will be requested to open and maintain on its books an Oil Proceeds Receipts Account (the "Receipts

Account") for the initial receipt of proceeds of all export sales of petroleum, petroleum products, and natural gas from Iraq and for the immediate transfer of ninety- five percent of such proceeds to the "Central Bank of Iraq/Development Fund for Iraq" account and five percent of such proceeds to the appropriate United Nations Compensation Fund account.

- 8) Independent public accountants (auditors). Nominated by the Administrator, approved by the IAMB, and reporting to the IAMB and the Administrator, the independent public accountants audit the Fund and audit all export sales of petroleum, petroleum products, and natural gas from Iraq, supporting the objectives of ensuring that the Fund is used in a transparent manner and that such export sales are made consistent with prevailing international market best practices.

Section 3

Establishment of the Fund

The Fund shall be held on the books of the Central Bank of Iraq, and the corpus of the Fund shall be held in an account entitled "Central Bank of Iraq/Development Fund for Iraq," in the Federal Reserve Bank (and/or other financial institution(s), if the Administrator so directs), for the Central Bank of Iraq.

Section 4

Control of the Fund

The Fund shall be controlled by the Administrator of the CPA, for and on behalf of the Iraqi people. The Central Bank of Iraq and the Federal Reserve Bank (and/or other financial institution(s), if the Administrator so directs), shall accept instructions, as agreed, concerning the Fund, including instructions to pay sums out of the Fund, only from the Administrator or his authorized delegee (s).

Section 5

Administration of the Fund

General. The Central Bank of Iraq/Development Fund for Iraq account in the Federal Reserve Bank shall be governed by the Federal Reserve Bank's standard terms and conditions regarding accounts of foreign central banks and governments, to the extent consistent with applicable law.

- 2) Communications Protocol. The Fund will be controlled by the Administrator through a communications protocol to be agreed upon between the Administrator and the Federal Reserve Bank (and/or other financial institution(s), if the Administrator so directs). This protocol shall be documented in a funds transfer security procedures agreement.
- 3) Deposits into the Fund. One billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8(a) and 8(b) of United Nations Security Council Resolution 986 (1995) have been transferred to the Fund; and it is anticipated that certain restored and surplus funds, pursuant to paragraphs 17 and 23 of Resolution 1483, will be transferred to the Fund. In addition, ninety-five percent of the proceeds from all export sales of

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petroleum, petroleum products, and natural gas from Iraq shall be deposited into the Fund, pursuant to paragraph 20 of Resolution 1483, and five percent of such proceeds shall be deposited in the Compensation Fund established pursuant to Resolution 687 (1991), pursuant to paragraph 21 of Resolution 1483. There shall also be accepted for deposit into the Fund any gifts, contributions, donations or other funds, revenues or proceeds.

- 4) Internal Accounting. The CPA shall obtain the services of an independent, certified public accounting firm to support the objective of ensuring that the Fund is administered and used in a transparent manner for the benefit of the people of Iraq, and is operated consistent with Resolution 1483. The accountants performing this function shall be separate from those public accountants (auditors) approved by the International Advisory and Monitoring Board.
- 5) Privileges and Immunities. The Fund, including the accounts that comprise its corpus, and the Receipts Account, shall enjoy the privileges and immunities as set forth in paragraph 22 of Resolution 1483, as well as privileges and immunities to which the Fund may be entitled under any other law, regulation, order, or directive.

Section 6 Disbursements from the Fund

- 1) Authority to Approve. Only the Administrator or his delegee gee may approve disbursements from the Fund.
- 2) Directions to Disburse. Sums shall be disbursed from the Fund, in accordance with this Regulation, only upon the express direction of the Administrator, or upon the express direction of individual(s) to whom the Administrator has delegated that authority.
- 3) Purposes. Sums may be disbursed from the Fund to meet the humanitarian needs of the Iraqi people and for the economic reconstruction and repair of Iraq's infrastructure; for the continued disarmament of Iraq; for the costs of Iraq's civilian administration; and for other purposes the Administrator determines to be for the benefit of the people of Iraq.
- 4) Proposals for Disbursements. Disbursements from the Fund generally shall be proposed through procedures prescribed in, or promulgated in implementation of the CPA Order establishing the PRB. These procedures shall ensure that proposed disbursements are set forth in a spending plan reflecting the cost, purpose and priority of the requirement, and that, prior to approval by the Administrator, all spending plans are developed in consultation with the Iraqi interim administration, once established.

Section 7 Auditing

The Fund and the export sales of petroleum, petroleum products, and natural gas from Iraq, shall be audited by independent public accountants nominated by the Administrator and approved by the IAMB. The expenses incurred in obtaining the services of the approved independent public accountants shall be charged against the Fund. The CPA shall cooperate fully with the IAMB and

the approved independent public accountants in carrying out each party's respective responsibilities. In particular, the CPA shall provide the IAMB and such accountants with access to the Fund's financial records, with confidential materials protected in a manner agreed between the parties.

**Section 8
Dissolution of the Fund**

Until the Fund is dissolved by the Administrator in a manner consistent with Resolution 1483, the Central Bank of Iraq shall continue to hold on its books the Fund. Also, as agreed between the Administrator and the Federal Reserve Bank (and/or other financial institution(s)), such institution(s) shall continue to maintain on its books the "Central Bank of Iraq/Development Fund for Iraq" account, and shall continue to accept deposits into, make disbursements from, and otherwise operate the account, in accordance with applicable laws, regulations, policies and agreements.

**Section 9
Entry into Force**

This Regulation shall enter into force on the date of signature

L. Paul Bremer, Administrator
Coalition Provisional Authority
15 June 2003

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 3

PROGRAM REVIEW BOARD

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Noting the letter of May 8, 2003 from Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the United Nations Security Council (S/2003/538),

Underscoring that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq,

Reaffirming that the CPA is committed to ensuring that all state- or regime-owned cash, funds or realizable securities that have been seized by Coalition Forces in Iraq consistent with the laws and usages of war, shall be used only to assist the Iraqi people and support the reconstruction of Iraq,

Noting that paragraph 8 of Resolution 1483 (2003) requests the Secretary General to appoint a Special Representative for Iraq whose responsibilities include, in coordination with the Authority, assisting the people of Iraq.

I hereby promulgate the following:

**Section 1
Establishment**

There is hereby established as a part of the CPA an entity to be known as the Program Review Board ("Board"). The Board shall report directly to the Administrator of the CPA ("Administrator"). The Board shall carry out its responsibilities, as defined in this Regulation, in a manner consistent with the CPA's obligation to ensure that funds available to the CPA for providing relief to, and the recovery of Iraq are managed in a transparent manner and consistent with applicable law, for and on behalf of the Iraqi people. In addition, the Board shall, when and to the extent appropriate, consult the Iraqi interim administration referred to in paragraph 9 of Resolution 1483 (2003), and shall seek every opportunity to further the CPA's objective of gradually transferring to the Iraqi interim administration the responsibility of budgeting Iraq's financial resources. This Regulation establishes the procedures applicable to the Board's operations.

Section 2 Responsibilities

- 1) Administrator of the CPA (Administrator). Acting on behalf of the CPA, oversees and controls the establishment and operations of the Board, for and on behalf of the Iraqi people, and takes final action on budgets proposed by the Board as he determines to be for the benefit of the people of Iraq, consistent with Resolution 1483 (2003) and applicable laws and regulations. Directly supervises the Chairman of the Board.
- 2) Council for International Coordination. Advises the Board on matters relating to international efforts to assist the people of Iraq in the relief, recovery and development of their economy, including proposing specific projects for funding consideration; coordinating technical assistance programs and other donor activities; encouraging the global donor community to participate in this effort by contributing to Iraq relief and recovery efforts; providing the Board with information regarding the nature and scope of international assistance to Iraq; and, as requested, making recommendations to the Board with regard to disbursements from resources available for the relief and recovery of Iraq.
- 3) International Advisory and Monitoring Board of the Development Fund for Iraq ["IAMB "]. Advises the Board on matters relating to external audit processes, financial reporting and internal control systems of the Development Fund for Iraq.

Section 3 Chairman of the Board

The Administrator shall appoint a Chairman of the Board, who shall preside over all sessions of the Board, resolve all administrative matters relating to the execution of this Regulation, cast the deciding vote in any matter on which the votes of the Board's members are tied, forward to the Administrator all proposed actions on behalf of the Board, and represent the Board in communications with individuals and entities outside the CPA. The Chairman shall report directly to the Administrator.

Section 4 Membership of the Board

The Board shall consist of the Chairman and the following voting and nonvoting members, and such other voting or nonvoting members as the Administrator may appoint, consistent with the objective of furthering meaningful representation of the Iraqi people and the Iraqi interim administration in the process of developing budgets for the relief and recovery of Iraq.

- 1). Voting members. The following members, or their designees, shall attend formal sessions of the Board and vote on matters properly brought before the Board.

PROGRAM REVIEW BOARD

Chairman
Director, Economic Policy
Director, Civil Affairs Policy;
Director, Agency for International Development, Iraq mission;
Director, Operations;
Director, Security Affairs;
Authorized representatives of
Commander of Coalition Forces
Iraqi Ministry of Finance
United Kingdom
Australia
Chairman, Council for International Coordination

- (a). When taking action on any matter directly relating to the disposition of funds appropriated by the U.S. Congress, the voting membership of the Board also shall include authorized representatives of the U.S. Department of Defense, U.S. Department of Treasury and U.S. Department of State. With approval of the Administrator, a CPA Director who serves as a voting member may serve concurrently as an authorized representative of the U.S. Departments of Defense, Treasury or State.
- (b). The authorized representatives of the Iraqi Ministry of Finance, United Kingdom, Australia and Chairman, Council for International Coordination, who otherwise serve as voting members of the Board, shall serve as nonvoting members when the Board is taking actions as described in subsection 4 (l)(a), above
- 2) Nonvoting members. The following members of the Board, or their designees, and such other members as the Administrator may designate, are authorized to attend all formal sessions of the Board:

CPA Comptroller
CPA General Counsel
Program Coordinator of the Board

Authorized representative of:

U.S. Office of Management and Budget
U.S. Office of the Secretary of Defense
International Monetary Fund
World Bank
U.N. Special Representative of the Secretary General for Iraq
International Advisory and Monitoring Board

Section 5
Program Review Committee and Staff

The Chairman of the Board shall establish a Program Review Committee and a staff to assist the Board in carrying out its responsibilities under this Regulation. The Board's staff shall be headed by a Program Coordinator, who shall also serve as Chairman of the Program Review Committee and a nonvoting member of the Board.

1) Program Review Committee (PRC).

The PRC shall be composed of individuals appointed by the Chairman of the Board, and should include representatives of the Coalition allies, the Council for International Coordination and the Iraqi Interim Administration (when established), and two nonvoting observers representing the International Auditing and Monitoring Board and the U.N. Special Representative of the Secretary General for Iraq. The PRC shall initially review all funding requests for which the PRB is responsible, categorize them, and make recommendations to the Board with respect to the priority, source of funding, and manner of executing the requirements. The PRC shall perform such other functions as the Chairman of the Board may direct.

2) Staff.

Under the direction of the Program Coordinator, the Board's shall :

- (a) Distribute procedures to all CPA staff elements and other non-CPA entities regarding the process for submitting funding requests;
- (b) Create and Maintain a database of all funding requests ;
- (c) Monitor and account for balances of all available funds subject to budgeting by the Board under this Regulation;
- (d) Receive all funding requests and assist proponents as necessary to ensure that applications contain all necessary information;
- (e) Ensure that all spending requirements have undergone prior review at the regional or ministerial level prior to submission;
- (f) Ensure that spending requests are fully consistent with a comprehensive budgetary framework;
- (g) Distribute copies of all spending requirements and related information to all members of the Board for consideration;
- (h) Coordinate with proponents regarding any requests by the Board for additional information;

- (i) Organize and prepare materials for sessions of the Board;
- (j) Create, maintain and distribute, as appropriate, all official records of the Program Review Committee and the Board.

Section 6 Duties of the Board

- 1) General. The Board shall be responsible for recommending expenditures of resources from the Development Fund for Iraq and other resources identified in subsection 6 (3) of this Regulation, in a manner that meets the interests of the people of Iraq, furthers CPA's policy objectives, and comports fully with the CPA's stewardship and financial management duties under applicable laws and regulations, including United Nations Security Council Resolution 1483 (2003). The Board shall not be responsible for overseeing the manner in which approved spending requirements are executed.
- 2) Funding Plan. The Board shall be responsible for reviewing all identified requirements for the resources for which the Board is responsible; prioritizing these requirements; and integrating the prioritized requirements into a funding plan that forecasts available resources, recommends allocations of those resources, consistent with the purposes for which they are lawfully available and the relative priorities of all identified spending requirements; and sets forth the justification for the proposed expenditures and the recommended manner in which the expenditures should be executed (i.e., by contract or otherwise). In performing this function, the Board shall consider relevant information concerning relief and recovery efforts in Iraq and related budgeting documents, including the Iraqi Ministry of Finance budget of Iraqi resources.
- 3) Resources Subject to Funding Plan. In proposing funding plans for the relief and recovery of Iraq, the Board shall be responsible for recommending disbursements of:
 - (a) Funds appropriated for such purposes by the U.S. Congress;
 - (b) Iraqi property lawfully vested in the U.S. Treasury, to the extent that the Secretary of Defense is designated with authority to use such property to assist the Iraqi people and assist in the reconstruction of Iraq;
 - (c) Iraqi state- or regime-owned cash, funds, realizable securities, or other state- or regime-owned movable property seized in Iraq consistent with the laws and usages of war;
 - (d) The Development Fund for Iraq.
- 4) Preparation and Submission of Funding Plans.

- (a) **Frequency.** The Board shall submit funding plans at such times as the Chairman determines necessary to ensure the prompt and effective delivery of resources to Iraq, consistent with a comprehensive budgetary framework for Iraq.
 - (b) **Development.** The Board shall, with the concurrence of a majority of voting members, prescribe such procedures as may be necessary to enable the timely preparation of funding plans, including instructions for identifying and submitting spending requirements to the Board for consideration, and procedures for advising the Board of current relief and recovery activities in Iraq.
 - (c) **Content and Format.** Funding plans submitted by the Board shall include (i) a description of the amounts available within each source of funding subject to planning by the Board, as identified in Section 6 (3) of this Regulation; (ii) proposed funding requirements for each category of funding, prioritized to reflect the relative importance and urgency of the each such requirement; (iii) a recommendation as to the U.S. executive agency to which any funds appropriated by the U.S. government should be apportioned; and (iv) a recommendation as to the manner in which the prioritized spending requirements should be executed (i.e., by contract or otherwise). The Board shall submit proposed funding plans in a format to be approved by a majority of the Board's voting members.
 - (d) **Consultation with International Financial Institutions ("IFIs").** To ensure that proposed funding plans are developed in view of needs assessments being undertaken by the IFIs, the IFIs should be given an opportunity to consult with the Board and the PRC on projects of significant value.
 - (e) **Approval.** All proposed funding plans shall be submitted to the Administrator for approval.
 - (f) **Publication.** Approved funding plans shall be published in Arabic and broadly disseminated to the Iraqi people in a form to be prescribed by the Administrator.
- 5) **Execution of Funding Plans.** The Board shall propose principles and standards for expending funds for the relief and recovery of Iraq in a fair, consistent and transparent manner, through contracts or otherwise. In developing these proposed principles and standards, the Board shall consider prevailing international standards relating to procurement, including the codes and standards used by international financial institutions. Upon approval by a majority of the Board's voting members, the Chairman shall submit these principles and standards to the Administrator for final approval.
- 6) In carrying out these functions, the Board shall ensure appropriate coordination with the Special Representative of the Secretary General for Iraq, or his or her designee(s), in accordance with Resolution 1483 (2003) and, when and to the extent appropriate, shall consult the Iraqi interim administration referred to in paragraph 9 of Resolution 1483 (2003).

Section 7 Board Sessions

- 1) General. The Board shall meet at such times and in such locations as directed by the Chairman. The Board shall meet in formal session for the purpose of taking official action on any matter within the Board's responsibility, as set forth in this Regulation. At the Chairman's direction, the Board, or any part thereof, may meet in informal session, in order to plan or prepare for formal sessions of the Board, or carry out such other functions as the Chairman may prescribe, in furtherance of the Board's responsibilities.
- 2) Attendance. Formal sessions of the Board shall be attended by voting and nonvoting members and such other individuals as the Chairman may authorize. Informal sessions of the Board shall be attended by such members and other individuals as the Chairman may direct.
- 3) Quorum. The Board may take official actions only in formal sessions at which no fewer than seventy percent of the voting members of the Board are present.
- 4) Minutes. The Recorder of the Board shall prepare written minutes of each formal session of the Board, summarizing the Board's consideration of and action upon all matters brought before it. These minutes shall be made public.
- 5) Actions Relating to U.S. Government Appropriations. When taking action on any matter directly relating to the disposition of funds appropriated by the U.S. Congress, the voting and nonvoting membership of the Board shall be as prescribed in subsection 4(1) of this Regulation.

Section 8 U.S. Government Contracts and Grants

Nothing in this Regulation shall be construed to affect the validity of any contract or grant entered into by the U.S. Government with respect to relief or reconstruction in Iraq prior to the effective date of this Regulation.

Section 9 Dissolution of the Board

Until the Board is dissolved by the Administrator at the request of an internationally recognized, representative government of Iraq, the Board shall continue to operate in accordance with this Regulation and all other applicable laws, regulations, policies and agreements.

Section 10 Administrative Procedures

The Board may prescribe such additional administrative procedures as may be necessary to carry out its responsibilities under this Regulation. Such procedures shall be effective only upon approval by a majority of the Board's voting members.

Section 11
Entry into Force

This Regulation shall enter into force on the date of signature.

L. Paul Bremer; Administrator
Coalition Provisional Authority
15 June 2003

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 4

**ESTABLISHMENT OF THE
IRAQI PROPERTY RECONCILIATION FACILITY**

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing that large numbers of people from different ethnic and religious backgrounds in Iraq have been uprooted and forced to move from their properties to serve political objectives of the Baathist regime,

Recognizing that as a result of these Ba'athist policies, many individuals have conflicting claims to the same real property, resulting in instability and occasional violence,

Recognizing that pending the establishment of a means of finally resolving property related claims by a future Iraqi government, certain of these claims may be amenable to voluntary reconciliation immediately, thereby avoiding further instability and violence,

I hereby promulgate the following:

**Section 1
Establishment**

- 1) There shall be established an Iraqi Property Reconciliation Facility (IPRF) that shall commence operation at a time to be fixed by the Administrator, for the purpose of collecting real property claims and promptly resolving such claims on voluntary basis in a fair and judicious manner.
- 2) The IPRF shall operate under the authority of the Administrator and shall terminate operation at such time as the Administrator shall determine.
- 3) The Administrator may authorize the establishment of an IPRF Fund to be used in connection with the operations of the IPRF.

**Section 2
Delegation of Authority**

The Administrator may delegate any of the authorities hereunder, including by designating an international organization to implement IPRF.

**Section 3
Composition**

- 1) The IPRF central office shall be located in Baghdad, and it shall administer the IPRF and

coordinate with other entities as necessary to accomplish the objectives of the IPRF;

2) The IPRF shall also have several regional offices located throughout Iraq. Each office will be staffed with one or more international staff and five or more Iraqis who are representative of the geographical area covered by that office.

3) The Administrator, or his delegee in consultation with the Administrator, will elect the individuals who will serve in the regional offices and the Executive Secretariat.

Section 4 Powers and Functions

1) The head of the central office shall:

- a) provide advice to and coordinate with the regional offices to ensure consistent procedures and policies among the regional offices;
- b) report to the Administrator with respect to all aspects of the IPRF; and
- c) perform such other functions delegated by the Administrator.

2) The regional IPRF offices shall:

- a) provide information to the Iraqi public about the IPRF, its regional offices and the services provided by such offices;
- b) receive claims from individuals with property disputes;
- c) provide a voluntary dispute resolution and reconciliation facility that individuals may use to resolve their disputes; and
- d) perform such other functions delegated by the Administrator.

Section 5 Regulation

The IPRF shall be bound by and operate in accordance with any Regulations, Orders or Memoranda issued by the Administrator.

Section 6 Entry into Force

This Regulation shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
26 June 2003

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 5

COUNCIL FOR INTERNATIONAL COORDINATION

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Furthering paragraph 1 of Resolution 1483, appealing to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq,

Furthering paragraph 2 of Resolution 1483 calling upon Member States in a position to do so to respond immediately to humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure,

Noting that paragraph 8 of Resolution 1483 requests the Secretary General to appoint a Special Representative for Iraq whose responsibilities include, in coordination with the CPA, assisting the people of Iraq,

Noting the letter of May 8, 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) affirming that they and Coalition partners will work through the CPA to provide for security in and for the provisional administration of Iraq.

I hereby promulgate the following:

Section 1
Purpose

The Council for International Coordination (the "Council") is hereby established as an organization that will work on behalf of the CPA, to support, encourage and facilitate participation of the international community in relief, recovery and development efforts with respect to Iraq. The Council's efforts will not include coordination of assistance with respect to establishing an Iraqi police capability, establishing a New Iraqi Army or other security matters.

Section 2
Membership

- 1) The Council shall be composed of representatives from Coalition members and other countries that:

- (a) support the territorial integrity of Iraq, and a representative government for the Iraqi people that does not possess weapons of mass destruction, does not support terrorism, and seeks peace with its neighbors;
 - (b) possess expertise or other resources that will assist in furthering the purposes of the Council as set out in Section 1; and
 - (c) offer to provide a representative in Iraq.
- 2) The Administrator of the CPA shall appoint the initial representatives to the Council from Coalition members. The Chairman, designated under Section 3 of this Order, shall, after consultation with the existing members of the Council, nominate additional representatives for appointment by the Administrator.
- 3) Any remuneration or expenses of a representative to the Council will be the responsibility of the representatives' sending States.
- 4) The Council shall report to and work under the authority, direction and control of the Administrator.

Section 3

Chairman and Vice Chairman

- 1) The Administrator shall designate a Chairman and a Vice Chairman of the Council. The Chairman shall be from a country that is a member of the Coalition Forces, and the Vice Chairman shall be from Australia, the United Kingdom, or the United States.
- 2) The Chairman, and in his or her absence, the Vice Chairman, or other mutually agreed designee, will chair the meetings of the Council, and will participate in the CPA Program Review Committee and the CPA Program Review Board, both of which shall be established separately from this Order.
- 3) The Chairman and the Vice Chairman shall nominate directors, as necessary, for appointment by the Administrator.
- 4) The Chairman and the Vice Chairman shall nominate a Senior Iraqi Advisor, for appointment by the Administrator.

**Section 4
Functions and Powers of the Council**

1) The Council shall have the following functions and responsibilities

- (a) encourage the international community to provide funds and other forms of assistance to Iraq, consistent with Resolution 1483, and, in particular, paragraphs 1, 2 and 26 of Resolution 1483;
- (b) coordinate international assistance for Iraq from States, non-governmental organizations and international organizations, including receiving and analyzing project-proposals from the international community, identifying priority needs for funding, and helping match international resources to prioritized needs;
- (c) report and make recommendations to the CPA Program Review Board on the international community's assistance efforts in Iraq;
- (d) inform the CPA Program Review Board of those priority assistance projects in Iraq for which international community funding has not been made available;
- (e) working through the Program Review Committee and the Program Review Board, make recommendations to the Administrator on project approvals;
- (f) provide briefings to, and work as a liaison with, the international community;
- (g) coordinate visits to CPA by international visitors;
- (h) identify available international expertise, and make recommendations to the Administrator, regarding possible use of this expertise within the CPA;
- (i) working through the Chairman and any appropriate subordinates, provide oversight to the facilities manager of the Iraq Forum;
- (j) Recommend specific assistance projects for coordination and oversight by the Council, as directed by the Administrator; and
- (k) Perform such other functions as the Administrator assigns to the Council

2) In carrying out these functions, consistent with paragraph 8 of Resolution 1483, the Council shall ensure appropriate coordination with the Special Representative of the Secretary General for Iraq, or his or her designee(s), and, consistent with paragraph 2 of Resolution 1483, with other organizations appealing for or providing humanitarian assistance for Iraq. The

COUNCIL FOR INTERNATIONAL COORDINATION

Council shall also coordinate its assistance efforts with the respective member State's assistance efforts, including groups such as the Senior Coalition Contribution Group.

Section 5
Meetings of the Council

- 1) Meetings of the Council shall be chaired by the Chairman, and, in his or her absence, by the Vice Chairman or a mutually agreed designee.
- 2) A quorum of half of the members of the Council, plus one, is required in order for the Council to meet and make decisions. As necessary, the Chairman may permit participation pursuant to a written proxy.
- 3) Decisions of the Council shall be made by consensus whenever possible and otherwise by the majority vote of the Council. Each member shall have one vote. In the event of a tie, the chair for the meeting shall cast the deciding vote.
- 4) The Council may invite any persons to its meetings as may be necessary for the transaction of its business.

Section 6
Entry into Force

This Regulation shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
17 June 2003

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 6

GOVERNING COUNCIL OF IRAQ

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Recognizing that, as stated in paragraph 9 of Resolution 1483, the Security Council supports the formation of an Iraqi interim administration as a transitional administration run by Iraqis, until the people of Iraq establish an internationally recognized, representative government that assumes the responsibilities of the CPA,

Noting that on July 13, 2003, the Governing Council met and announced its formation as the principal body of the Iraqi interim administration referred to in paragraph 9 of Resolution 1483,

Affirming that the CPA and the Special Representative of the UN Secretary General have worked together and will continue to work together in a cooperative and consultative process to support the formation and operation of the Governing Council and welcomed the formation of the Governing Council on July 13, 2003,

Acknowledging that, consistent with Resolution 1483, the Governing Council has certain authorities and responsibilities as representatives of the Iraqi people, including ensuring that the Iraqi people's interests are represented in both the interim administration and in determining the means of establishing an internationally recognized, representative government,

Emphasizing that, consistent with Resolution 1483, the Governing Council and the CPA, each in coordination with the Special Representative of the UN Secretary General, undertake to work together in a cooperative and consultative process for the benefit of the Iraqi people,

I hereby promulgate the following:

Section 1 Recognition of Governing Council

The CPA recognizes the formation of the Governing Council as the principal body of the Iraqi interim administration, pending the establishment of an internationally recognized, representative government by the people of Iraq, consistent with Resolution 1483.

Section 2 Relationship between Governing Council and the CPA

1) In accordance with Resolution 1483, the Governing Council and the CPA shall consult and coordinate on all matters involving the temporary governance of Iraq, including the authorities of the Governing Council.

2) All officials of the CPA are hereby instructed promptly to respond to all requests for experts, technical assistance or other support requested by the Governing Council.

Section 3
Entry into Force

This Regulation shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
13 July 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 6

EVICTON OF PERSONS ILLEGALLY OCCUPYING PUBLIC BUILDINGS

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Recognizing that the assets and property of the Iraqi Baath Party constitute State assets,

Concerned by the continuing threat to security and civil order posed by the illegal occupation of public property and improper disposition of that property,

Acting on behalf, and for the benefit, of the Iraqi people,

I hereby promulgate the following:

**Section 1
Eviction**

- 1) The CPA now exercises control over all public property within Iraq. Any individual or groups determined to be in illegal occupation of such public property shall be evicted.
- 2) The determination of illegal occupancy under this Order shall be made by the Commander of Coalition Forces or his designee.

**Section 2
Inventory**

The CPA shall prepare and maintain an inventory describing the location and contents of all public property and property formerly owned by the Baath Party within Iraq.

**Section 3
Right of Appeal**

Individuals or groups who are evicted from public property, or property formerly owned by the Baath Party within Iraq, may appeal their eviction by submitting, to the Administrator or his designee, written evidence showing a valid right of occupancy, such as evidence of purchase for full value, or that the property did not properly fall within Section 1 of this Order.

EVICTIION OF PERSONS ILLEGALLY OCCUPYING PUBLIC BUILDINGS

**Section 4
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
8 June 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 7

PENAL CODE

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming the provisions of General Franks' Freedom Message to the Iraqi People of April 16, 2003,

Recognizing that the former regime used certain provisions of the penal code as a tool of repression in violation of internationally recognized human rights standards,

Acting on behalf, and for the benefit, of the Iraqi people,

I hereby promulgate the following:

Section 1
Judges, Police and Prosecutors

All judges, police and prosecutors shall perform their duties in accordance with CPA Regulation No. 1 (CPA/IREG/23 May 2003/01) and in accordance with any other Regulations, Orders, Memoranda or instructions issued by the CPA.

Section 2
Suspension of Certain Provisions of Penal Code

- 1) Without prejudice to the continuing review of Iraqi laws, the Third Edition of the 1969 Iraqi Penal Code with amendments, registered in Baghdad on the fifth day of Jumada I 1389 or the nineteenth day of July 1969, shall apply, with the exception that i) Part Two, Chapter Two, Paragraph 200, and ii) Part Two, Chapter Three, Section One, Paragraph 225 are hereby suspended.
- 2) Legal proceedings may be brought with respect to the following offenses only with the written permission of the Administrator of the CPA:
 - (a) Part One, Chapter Four, Paragraphs 81-84, publication offenses.
 - (b) Part Two, Chapter One, Paragraphs 156-189, offenses against the external security of the state.
 - (c) Part Two, Chapter Two, Paragraphs 190-195; 198-199; 201-219, offenses against the

internal security of the state.

(d) Part Two, Chapter Three, Section One, Paragraphs 223-224; 226-228, offenses against public authorities.

(e) Part Two, Chapter Three, Section Two, Paragraph 229, offense of insulting a public official.

Section 3 Penalties

- (1) Capital punishment is suspended. In each case where the death penalty is the only available penalty prescribed for an offense, the court may substitute the lesser penalty of life imprisonment, or such other lesser penalty as provided for in the Penal Code.
- (2) Torture and cruel, degrading or inhuman treatment or punishment is prohibited.
- (3) No person will be prosecuted for aiding, assisting, associating with, or working for Coalition Forces or the CPA.

Section 4 Nondiscrimination

In exercising their official functions, all persons undertaking public duties or holding public office, including all police, prosecutors, and judges, must apply the law impartially. No person will be discriminated against on the basis of sex, race, color, language, religion, political opinion, national, ethnic or social origin, or birth.

Section 5 Delegation of Authority

The Administrator of the CPA may delegate his authority under this Order.

Section 6 Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
10 June 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 8

TRAVELING ABROAD FOR ACADEMIC PURPOSES

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming the provisions of General Franks' Freedom Message to the Iraqi People of April 16, 2003,

Recognizing that the free exchange of ideas and the pursuit of academic excellence is necessary to the establishment of representative self-government in Iraq,

Acting on behalf, and for the benefit, of the Iraqi people,

I hereby promulgate the following:

Any statute, regulation, instruction or policy of the former Iraqi government that imposes restrictions or procedures on faculty, employees or students of public universities, colleges or other institutions of higher education who desire to travel abroad for educational purposes, is hereby rescinded. Effective immediately, the acting presidents of public universities, colleges or other institutions of higher education shall have exclusive authority to approve requests from faculty, employees and students of their institutions to travel abroad for any academic purpose, including teaching; pursuing programs of study; or attending or participating in sabbaticals, seminars, conferences, meetings, or similar events.

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
7 June 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 9

MANAGEMENT AND USE OF IRAQI PUBLIC PROPERTY

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Noting the needs of Coalition Forces and the CPA with respect to the use of public property in order to meet their obligations and facilitate administrative functions,

Affirming the CPA's obligation to responsibly manage Iraqi public property on behalf of the Iraqi people,

Furthering CPA Order No. 4, Management of the Property and Assets of the Iraqi Baath Party (CPA ORD/25 May 2003/04),

I hereby promulgate the following:

Section 1
Register of Public Property

The CPA Facility Manager shall maintain a Register of Property and Assets documenting relevant information concerning all public property occupied, used, managed and assigned by the CPA, including all information that must be recorded in accordance with CPA/ORD/25 May 2003/04.

Section 2
Categories of Public Property

This Order applies to the occupancy, use, management and assignment of two categories of public property:

- (a) **Category 1** - Property that is assigned to, occupied and used by the CPA, Coalition Forces, Iraqi Ministries, government offices of Coalition members, emerging Iraqi administrative or political organizations, and property that is necessary for the administration of social services to the people of Iraq; and
- (b) **Category 2** - Property that is temporarily made available to private individuals or organizations, including commercial or other enterprises that provide services to, or at the request of, the CPA.

Section 3
Category 1 Properties

- 1) Applications to occupy and use Category 1 properties shall be forwarded to the CPA Facility Manager for approval. Applications shall be in writing, and shall state the requirement for and proposed use(s) of the property, and specifically describe the property sought, including its condition and exact location.
- 2) Properties will be allocated at the discretion of the Facility Manager, in accordance with priorities and policies set by the Administrator.
- 3) Where a property is allocated, the Facility Manager shall issue a Letter of Authority that identifies the approved occupant, and the terms, conditions and duration of occupancy and use.
- 4) The maximum duration of any occupancy and use approved under this Order will be one year from the date of approval, or until the termination of the CPA, whichever occurs first.
- 5) The CPA's approval of an application to occupy and use a Category 1 property shall not give rise to any obligation or liability on the part of the CPA, or any State participating in the CPA, to any applicant, other than to benefit in quiet possession for the duration of the approved term, subject only to the CPA's obligation to maintain security.
- 6) The CPA's approval of an application to occupy and use a Category 1 property shall not give rise to any obligation on the part of the Iraqi Government in any way.

Section 4
Category 2 Properties

- 1) Applications for Category 2 Properties shall be forwarded to the CPA Facility Manager for initial approval. Applications shall be in writing, and shall state the requirement for and proposed use(s) of the property, and specifically describe the property sought, including its condition and exact location.
- 2) Properties will be allocated at the discretion of the CPA Facility Manager, in accordance with priorities and policies set by the Administrator.
- 3) Following approval by the CPA Facility Manager, the application will be forwarded to the CPA Office of General Counsel, which will prepare a license governing terms, conditions and duration of occupancy and use, and specify the required consideration for occupancy and use of the property.

MANAGEMENT AND USE OF IRAQI PUBLIC PROPERTY

- 4) The maximum duration of any license executed under this Order will be one year from the commencement date specified in the license, or until the termination of the CPA, whichever occurs first.
- 5) No license executed under this Order shall give rise to any obligation or liability on the part of the CPA or any State participating in the CPA to any licensee, other than to be left in quiet possession for the duration of the approved term, subject only to the CPA's obligation to maintain security.
- 6) No license executed under this Order shall give rise to any obligation on the part of the Iraqi Government in any way.

Section 5 Preservation of Current Arrangements

- 1) Coalition Forces, CPA offices, Coalition government offices, Iraqi Ministries and other Iraqi government entities already occupying public property shall follow the procedures set out in Section 3 herein for a Letter of Authority documenting their continuing occupancy and use of public property.
- 2) Any current occupations of Category 2 property shall follow the procedure set out in Section 4 herein for execution of a license governing continuing occupancy and use.

Section 6 Inspections

- 1) The CPA Facility Manager shall have the authority to enter properties covered under this Order, in order to inspect and inventory such properties and assets. The Facility Manager may remove furnishings, assets or other movable property from public buildings for storage, or transfer such property between or among public buildings, as he determines appropriate. No furnishings, assets or other movable property may be removed from or transferred between or among public buildings, without the written approval of the CPA Facilities Manager.
- 2) Interfering with the Facility Manager in the performance of his duties under this section, or removing furnishings, assets or other movable property from public buildings without the approval of the Facility Manager, shall constitute a violation of this Order, and may subject the violator to appropriate punishment.

Section 7 Assignment of Functions and Coordination

- 1) The CPA Facility Manager may assign duties to other elements of the CPA, and request the

MANAGEMENT AND USE OF IRAQI PUBLIC PROPERTY

support of the Commander of Coalition Forces, as necessary to accomplish the public property management responsibility described in this Order.

- 2) In carrying out his responsibilities under this Order, the Facility Manager shall coordinate closely with the Iraqi Ministry of Housing and Construction, in order to facilitate the transfer of public property management responsibilities to the future government of Iraq.

**Section 8
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
8 June 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 10

MANAGEMENT OF DETENTION AND PRISON FACILITIES

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing the urgent necessity to ensure safe and humane prisons in order to re- establish law and order and provide for the safety of the people of Iraq,

I hereby promulgate the following:

Section 1

Authority Over Detention and Prison Facilities

Full authority and control over all detention and prison facilities, currently exercised by the Ministry of Labor and Social Affairs and the Ministry of Interior, is hereby vested in the Ministry of Justice. The Directorate of Adult Prisons and the Directorate of Juvenile Prisons in the Ministry of Labor and Social Affairs, all facilities under their authority, and all employees thereof, are hereby transferred to the Ministry of Justice.

Section 2

Interagency Cooperation

The Ministry of Labor and Social Affairs, the Ministry of Interior, and the Ministry of Justice, and all other relevant elements of government, shall cooperate in this effort. The Ministry of Justice, under the authority, direction and control of the Administrator of the CPA, may prescribe any administrative procedures necessary to ensure a properly coordinated transfer of the detention and prison facilities in accordance with this Order.

Section 3

Prison and Detention Facility Standards

There shall be promulgated pursuant to this Order an Implementing Memorandum that will set out fundamental standards applicable to the operation of all prison and detention facilities under the authority of the Ministry of Justice.

Section 4

Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
5 June 2003

COALITION PROVISIONAL AUTHORITY ORDER 11

LICENSING TELECOMMUNICATIONS SERVICES AND EQUIPMENT

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing the need to restore essential telecommunications services throughout Iraq and to regulate licensing and frequency spectrum management on behalf of the people of Iraq,

I hereby promulgate the following :

Section 1 Definitions

- 1) "*Commercial telecommunications*" includes all telecommunications and radio services (and related equipment) that are offered for public use and for which a fee is charged;
- 2) "*Frequency spectrum*" means the range of frequencies that are available for assignment to radio operators for the provision of commercial telecommunications, telecommunications, broadcasting and other such services;
- 3) "*Telecommunication*" means the conveyance of speech, music and other sounds, visual images or signals by electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical means.

Section 2 Authority to License

- 1) On behalf of the CPA, the Ministry of Transportation and Communications (the Ministry), shall assume responsibility for licensing all commercial telecommunications services in Iraq. Commercial telecommunications equipment may not be installed or operated without prior written authorization from the Ministry. Any equipment used for such commercial purposes without prior authorization will be subject to seizure without compensation.
- 2) This Order applies only to commercial telecommunications. Thus, services operated by government organizations, non-government organizations, international entities, and commercial enterprises for their own use, for which no fees are charged, can continue to operate without the prior authorization of the Ministry, unless the equipment requires use of the frequency spectrum.

LICENSING TELECOMMUNICATIONS SERVICES AND EQUIPMENT

- 3) The Ministry shall control, plan, administer, manage and license the radio frequency spectrum. The Ministry shall honor Iraqi international commitments with respect to radio communication and telecommunication matters, unless prevented by security considerations or overriding international humanitarian law obligations. Accordingly, in exercising its responsibilities under this Order, the Ministry shall comply with applicable standards and requirements of the International Telecommunication Union and its Radio Regulations, as agreed to or adopted by Iraq, unless prevented by reason of security considerations or overriding international humanitarian law obligations.
- 4) Applications to provide commercial telecommunications services, or for civil use of the frequency spectrum, shall be made to the Ministry.

**Section 3
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
8 June 2003

TRADE LIBERALIZATION POLICY

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 12

TRADE LIBERALIZATION POLICY

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming the provisions of General Franks' Freedom Message to the Iraqi People of April 16 2003,

Recognizing the central role of international trade in Iraq's recovery and its development of a free market economy,

Acting on behalf, and for the benefit, of the Iraqi people,

I hereby promulgate the following :

**Section 1
Suspension of Tariffs and Trade Restrictions**

All tariffs, customs duties, import taxes, licensing fees and similar surcharges for goods entering or leaving Iraq, and all other trade restrictions that may apply to such goods, are suspended until December 31, 2003. For the remainder of this year, the CPA will not collect any such fees for goods entering or leaving Iraq by land, sea or air.

**Section 2
Exceptions**

The suspension directed under Section 1 of this order shall not apply to the goods described in the attached Annex to this Order.

**Section 3
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
7 June 2003

ANNEX

**COALITION PROVISIONAL AUTHORITY NUMBER 12
TRADE LIBERALIZATION POLICY**

PROHIBITED EXPORTS

Foodstuffs

Sugar

Tea

Imported rice

Imported vegetable oils and fats

Lentils and chickpeas

Dried beans

Milk powder and infant formula

Yellow corn for animal feed

Animals

Female camels, goats, cows, sheep, buffalo, donkeys and horses

Deer and mules

Manufactured goods

Cars, vehicles and other machinery

Ferro-concrete, iron, iron reinforcing rods

Galvanized iron plates, steel sheets and plates

All kinds of wood

Mineral water pipes and their fittings

Ceramic and other bathroom furnishings including taps and sinks

Plain and colored window glass

Copper and lead

Other articles

Bar soap and detergents

Date palm seedlings and shoots

Historical artifacts

RESTRICTED AND PROHIBITED IMPORTS

Certain goods designated by the Ministry of Trade will still be subject to import requirements and fees, such as personal automobiles. Prohibitions remain on magazines and films contrary to public norms; on dual-use chemical materials in accordance with international obligations; and on the sale or supply to Iraq of arms and related materiel other than those required by the CPA, consistent with UN Security Council Resolution 1483.

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 13 (REVISED)

THE CENTRAL CRIMINAL COURT OF IRAQ

Pursuant to my authority as head of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Committed to promoting the development of a judicial system in Iraq that warrants the trust, respect and confidence of the Iraqi people,

Noting the continuing need for military support to maintain public order,

Furthering the CPA's duty to restore and maintain order and its right to ensure its security and fundamental standards of due process,

Recognizing the role that Iraqi jurists and legal systems must assume in addressing those serious crimes that most directly threaten public order and safety,

Acting on behalf, and for the benefit of the Iraqi people,

I hereby promulgate the following:

Section 1

Establishment of Central Criminal Court of Iraq

- 1) There shall be established a Central Criminal Court of Iraq (hereinafter "the Central Court"), which shall sit in the city of Baghdad and in such circuit sessions in other locations in Iraq as provided for in this Order. The Central Court shall have national jurisdiction over matters referred to it in accordance with Section 20.
- 2) The Central Court shall consist of two chambers:
 - a) an Investigative Court; and
 - b) a Trial Court

Section 2

The Investigative Court

- 1) The Investigative Court shall consist of a single judge, and will operate in accordance with the requirements and procedure of Investigative Courts under the Iraqi Law on Criminal

THE CENTRAL CRIMINAL COURT OF IRAQ

Proceedings of 1971, as amended, and as further modified by any CPA Orders, Implementing Memoranda, and this Order.

- 2) The Investigative Court shall have jurisdiction over all criminal offenses assigned to it by the Administrator.
- 3) The Investigative Court shall not have jurisdiction over any civil matter, other than victim compensation claims associated with a criminal matter before the court, or any matter not assigned to it by the Administrator.

Section 3 Trial Court

- 1) The Trial Court shall be constituted as a three member judicial panel, which will operate in accordance with the requirements and procedures of Felony Trial Courts under the Iraqi Law on Criminal Proceedings of 1971, as amended, and as further modified by any CPA Orders, Implementing Memoranda and this Order.
- 2) The Trial Court shall have jurisdiction only over matters referred to it by the Investigative Court of the Central Court.

Section 4 Applicable Law

In exercising its jurisdiction, the Central Court shall apply the 1969 Penal Code of Iraq, as modified by CPA Order No 7 (CPA/ORD/ 9 June 2003/07) and the 1971 Criminal Proceedings Code of Iraq as modified by CPA Implementing Memorandum No. 3 (CPA/MEM/18 Jun 2003/03) The Central Court shall have jurisdiction over crimes committed in Iraq since 19 March 2003, such as are referred to it by the Administrator in accordance with Section 20.

Section 5 Judges of the Central Court

- 1) The judges of the Central Court shall be appointed for a term of one year by the Administrator, following recommendations from the Judicial Review Committee. The term of appointment may be extended by agreement. Judges shall be appointed in accordance with the following criteria:
 - (a) be an Iraqi national;
 - (b) be of high moral character and reputation;

THE CENTRAL CRIMINAL COURT OF IRAQ

- (c) have a background of either opposition to the Baath Party, non- membership of the Baath Party or membership that does not fall within the leadership tiers described in CPA / ORD/16 May 2003/011 and entailed no involvement in Baath Party activity;
 - (d) have no criminal record unless the record is a political or false charge made by the Baath Party regime;
 - (e) have had no involvement in criminal activities;
 - (f) have demonstrated a high level of legal competence; and
 - (g) be prepared to sign an oath of office.
- 2) A judge of the Central Court may only be removed by the Administrator where there is clear evidence of unlawful or unethical conduct, breaches of the requirements of this Order, or incompetence on the part of the member.
- 3) The Administrator may appoint reserve judges of the Central Court in accordance with the criteria set out in this section. Reserve judges may act as judges of the Central Court when a panel member is for any reason unable to perform his or her duties, or otherwise provide additional support as necessary.
- 4) Judges of the Central Court shall not disclose any information or personal data related to or obtained in the discharge of their functions, except where authorized by the Administrator for public information or research purposes.

Section 6 Independence of the Judiciary

- 1) Judges of the Central Court shall perform their duties independently and impartially, and in accordance with applicable laws in Iraq and the oath or solemn declaration given by them to the Administrator pursuant to this Order.
- 2) Judges of the Central Court shall decide matters before them without discrimination on the grounds of race, nationality, ethnicity or religion and in accordance with their impartial assessment of the facts and their understanding of the law, without improper influence, direct or indirect, from any source.
- 3) Any hierarchical organization of the judges or any difference among judges in grade or rank shall in no way interfere with the duty of the judge, whether exercising jurisdiction individually or acting collectively on a panel, to pronounce judgment in accordance with this Order.
- 4) While in office, judges and prosecutors of the Central Court shall be barred from accepting

political or any other public office, or from accepting any employment, including for teaching law, participating in the drafting of law, or carrying out legal research on a part-time basis, unless for honorary unpaid purposes.

Section 7 **Refusal of Justice**

No judge of the Central Court may refuse to hear, try or decide a case that is brought before the court in accordance with the relevant procedural provisions.

Section 8 **Disqualification of Judges**

- 1) The Administrator may, at the request of a judge or a party to a proceeding, excuse that judge from the exercise of a function in any case in which the impartiality of the judge might reasonably be doubted on any ground.
- 2) A judge of the Central Court shall be disqualified from a case in accordance with this Order if that judge has previously been involved in any capacity in that case before the Court.
- 3) A judge of the Central Court shall be obliged to request that the Administrator excuse him or her from the exercise of a function in any case in which a party to the proceedings is a spouse, relative of second degree or other close relationship of that judge.
- 4) Any question as to the disqualification of a judge shall be decided by the Administrator.

Section 9 **Legal Cooperation**

- 1) All Courts in Iraq shall cooperate with a request by the Central Court to:
 - (a) question witnesses who are registered or permanently accommodated in the area of the requested Court's jurisdiction;
 - (b) carry out at-the-scene examinations or re-enactments of crimes in the area of the requested Court's jurisdiction;
 - (c) serve summonses of the Central Court on witnesses in the requested court's jurisdiction;
 - (d) serve decisions of the Central Court on individuals in the requested court's jurisdiction;
 - (e) execute the decisions of the Central Court if the subject of dispute is located in the

THE CENTRAL CRIMINAL COURT OF IRAQ

requested court's jurisdiction;

(f) access files of the requested court for information purposes or decision.

Section 10 Hearings

- 1) Hearings of the Central Court and deliberations, generally, shall take place at the seat of the court in Baghdad and in such circuit locations in any other part of Iraq as the Administrator determines.
- 2) The panel of judges or, where applicable, the individual judge may decide to hold hearings of the Court in places other than at the seat of the Court or circuit locations, if the interests of justice require. In making the decision, the panel of judges or the individual judge shall be guided by the particular circumstances of the case and their responsibility to facilitate equal access to justice.
- 3) The hearings of the Court, including the pronouncement of the decision, shall be public, unless otherwise determined by the Secretary or by Iraqi law.
- 4) Radio and television broadcasting within the courtroom is prohibited, except for the broadcast of a final judgement in appropriate cases.
- 5) The hearings of the Central Court, including the pronouncement of the decision, shall be public, unless otherwise determined by the judge or judges in accordance with Iraqi law or due to security considerations.
- 6) The deliberations of a judge or judges shall remain confidential.

Section 11 Transcript of Proceedings

- 1) The secretary shall ensure that, in each hearing conducted by the Trial Court, a transcript of the proceedings. The transcript will be made available, on request, to all parties to the proceedings, including their legal counsel.
- 2) In the case of the Investigative Court the judge shall take, as appropriate, notes of the proceedings and submit them to the files.
- 3) Upon request, the transcript or notes shall be made available to the public, unless a determination has been made under this Order that the hearing shall not be public.

requested court's jurisdiction;

(f) access files of the requested court for information purposes or decision.

Section 10 Hearings

- 1) Hearings of the Central Court and deliberations, generally, shall take place at the seat of the court in Baghdad and in such circuit locations in any other part of Iraq as the Administrator determines.
- 2) The panel of judges or, where applicable, the individual judge may decide to hold hearings of the Court in places other than at the seat of the Court or circuit locations, if the interests of justice require. In making the decision, the panel of judges or the individual judge shall be guided by the particular circumstances of the case and their responsibility to facilitate equal access to justice.
- 3) The hearings of the Court, including the pronouncement of the decision, shall be public, unless otherwise determined by the Secretary or by Iraqi law.
- 4) Radio and television broadcasting within the courtroom is prohibited, except for the broadcast of a final judgement in appropriate cases.
- 5) The hearings of the Central Court, including the pronouncement of the decision, shall be public, unless otherwise determined by the judge or judges in accordance with Iraqi law or due to security considerations.
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- 2) In the case of the Investigative Court the judge shall take, as appropriate, notes of the proceedings and submit them to the files.
- 3) Upon request, the transcript or notes shall be made available to the public, unless a determination has been made under this Order that the hearing shall not be public.

Section 16
Court Staff

- 1) Each chamber of the Central Court shall have such qualified staff as may be required for the proper functioning of the chambers and the discharge of the responsibilities of its judges.
- 2) Each panel of judges or each individual judge shall be assisted during the trial sessions by a member of the court staff.
- 3) The Court staff shall be selected by the Ministry of Justice.

Section 17
Investigative Support

- 1) The Investigative Court or Prosecutor shall be able to request the investigation of matters arising from material presented to the judge. Investigative support will be coordinated through the Senior Adviser of the Ministry of Justice.
- 2) The Prosecutor may draw on Iraqi and Coalition resources in order to meet the requests of the Investigative Court. Any material produced by Coalition resources will be admissible in evidence if it satisfies the requirements of Iraqi law as modified by any CPA Order or Memorandum.
- 3) The Central Court shall not be able to compel the production of Coalition documentary or other material or the attendance of Coalition personnel.

Section 18
Amicus Curiae

Any CPA or Coalition Forces personnel shall have the right to appear before any of the chambers of the Central Court as *amicus curiae* for the purpose of adducing or proving evidence.

Section 19
Duration of Central Court

The Central Court shall remain in operation for a period to be determined by the Administrator or as provided by an internationally recognized, representative government established by the people of Iraq which assumes the responsibility of the CPA. The functions, constitution and jurisdiction of the Central Court may be subject to adjustment by further Orders or Implementing Memoranda of the CPA or as provided by an internationally recognized, representative government established by the people of Iraq which assumes the responsibility of the Authority.

Section 20
Selection of Matters

The Administrator, on the advice of the CPA General Counsel, shall determine the matters that are to be submitted to the Central Court. In making this determination the following criteria shall be applied:

- (a) The accused is suspected of committing a felony that:
 - [i] is intended to destabilize government institutions or processes, in Iraq;
 - [ii] involves violence of a scale or organization that transcends provincial boundaries;
 - [iii] involves race, nationality, interethnic gender or religious based violence;
 - [iv] is related to the instigation of the removal by force of any government, the CPA or competent Iraqi authorities;
 - [v] involves the illegal trafficking in weapons, drugs, or persons across provincial boundaries or international borders; or
 - [vi] involves the use of fraudulent practices across provincial boundaries and international borders.
 - (b) The accused held a position of influence within the prior regime, and as a result of that position, may still be capable of influencing the decisions of the judiciary or other governmental institutions.
 - (c) The accused is suspected of committing a crime of violence that involves multiple victims.
 - (d) The accused, either acting alone or as part of a group, is engaged in criminal and or terrorist activities that are directed at the civilian population or members of the CPA or Coalition Forces operating legally within Iraq.
 - (e) The accused is suspected of an offense that involves bribery, solicitation of a bribe or any form of public corruption or misconduct.
- 2) Requests for referrals of cases to the Central Court shall be forwarded by the Senior Adviser of the Ministry of Justice to the Administrator. The Senior Adviser may file such requests on his own initiative or in response to an application from :
- (a) accused persons under Iraqi law;
 - (c) the Commander, Coalition Forces, and
 - (d) any Iraqi court;
 - (d) the Senior Adviser of the Ministry of Interior.
- 3) This Order shall not apply to courts-martial, military commissions, provost courts and other military tribunals convened by member states of the Coalition. Nothing in this Order shall

THE CENTRAL CRIMINAL COURT OF IRAQ

deprive courts-martial, military commissions, provost courts or other military tribunals of jurisdiction that exists under the law of war or law of occupation. Coalition Forces shall not be permitted to retry any person dealt with by the Central Court for substantially the same offense.

- 4) No other Iraqi court shall be permitted to retry or punish any person already convicted or acquitted by the Central Court for substantially the same offense.

Section 21 Appeals

- 1) The accused, the plaintiff and the Prosecutor shall have the right of appeal from the decisions of the Investigative Court to the Trial Court.
- 2) The accused, the plaintiff, and the Prosecutor shall have the right of appeal from the decisions and judgments of the Trial Court to the Court of Cassation.
- 3) All appeals arising from Central Court proceedings shall be heard in accordance with the 1971 Criminal Proceedings Code of Iraq, as amended, and as modified by CPA Implementing Memorandum No 3 referred to herein.

Section 22 Representation of the Accused

- 1) All accused persons appearing before the Central Court, shall have the right to representation by an attorney of their choice. Where an accused person is unable to afford the services of an attorney the Central Court will provide them with a suitably qualified attorney.
- 2) Any counsel provided for the accused in accordance with relevant Orders and Implementing Memoranda of the CPA shall have at least five years trial experience.

Section 23 Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
11 July 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 14

PROHIBITED MEDIA ACTIVITY

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U. N. Security Council resolutions, including Resolution 1483 (2003),

Noting the extensive specific authority granted to the CPA under the laws and usages of war for the control of all appliances, whether on land, at sea, or in the air, adapted for the transmission of information, whether State or privately owned,

Recognizing the importance of the provision of accurate information to the Iraqi people,

Committed to creating an environment in which freedom of speech is cherished and information can be exchanged freely and openly,

Welcoming the emergence of a free and independent media in Iraq,

Determined to prevent the misuse of media to promote violence or undermine public security generally,

I hereby promulgate the following:

**Section 1
Definition**

"Media organization" includes individuals or groups, and private, corporate, or public entities, domestic or international, established for the purpose of transmitting information by any means.

**Section 2
Prohibited Activities**

Media organizations are prohibited from broadcasting or publishing original, re- broadcast, re-printed or syndicated material that:

- (a) incites violence against any individual or group, including racial, ethnic or religious groups and women;
- (b) incites civil disorder, rioting or damage to property;
- (c) incites violence against Coalition Forces or CPA personnel;

PROHIBITED MEDIA ACTIVITY

- (d) advocates alterations to Iraq's borders by violent means;
- (e) advocates the return to power of the Iraqi Baath Party or makes statements that purport to be on behalf of the Iraqi Baath Party.

Section 3 Detection of Prohibited Activities

- 1) The Administrator shall have the authority to use all the capabilities available to the CPA or the purpose of detecting prohibited activities under this Order.
- 2) The Administrator may authorize on-site inspections of Iraqi media organizations, without notice, in order to ascertain compliance with this Order and to seize any prohibited materials and production equipment and seal off any operating premises. No compensation will be allowed for any such material or equipment seized, or premises closed.

Section 4 Emergency Security Response

- 1) Where any media activity poses an imminent threat to the security of Coalition Forces or CPA personnel, or a significant and immediate threat to public order, the Commander of Coalition Forces may take direct action to prevent or defeat the threat. Any action taken in accordance with this section will be immediately reported to the Administrator.
- 2) Nothing in this Order limits the authority of the Commander of Coalition Forces to execute military operations under applicable Rules of Engagement.

Section 5 Penalties

- 1) Any media organization found to be broadcasting, publishing, or attempting to broadcast or publish prohibited material in violation of this Order may be detained, arrested, prosecuted and, if convicted, sentenced by relevant authorities to up to one year in prison or a fine of up to USD1,000.00.
- 2) The Administrator may, in his discretion, withdraw the license, close the operation, confiscate the property, and seal the premises of any media organization found to be in breach of this Order.

Section 6
Appeal by a Media Organization

Any media organization whose license, property, premises or operation has been withdrawn, seized, sealed or closed, may submit to the Administrator written evidence as to why the action should be reversed.

Section 7
Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
10 June 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 15

ESTABLISHMENT OF THE JUDICIAL REVIEW COMMITTEE

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Noting the obligation on the CPA to restore and maintain order and the right of the CPA to take measures for its security, to ensure fundamental standards of due process and to promote the rule of law,

Noting that the Iraqi justice system has been subjected to political interference and corruption over the years of Iraqi Baath Party rule,

Noting that it is inherent to the stability of any society that the judicial system be independent and impartial but is seen to be so,

Recognizing the role that the Judicial Review Committee will have in ensuring as far as possible the highest standard of judicial service in,

Acting in accordance with the Administrator's Order Number 1 of May, 16, 2003 on the De-Baathification of Iraqi Society (CPA/ORD 16 May 2003/01),

I hereby promulgate the following:

**Section 1
Establishment**

- 1) There will be established an entity to be known as the Judicial Review Committee (hereinafter "the Committee") which will commence operation at a time to be fixed by the Administrator.
- 2) The Committee will operate at the discretion of the Administrator and will terminate operation at a time to be fixed by the Administrator.

**Section 2
The Iraqi Judiciary Act**

In accordance with Section 3 of Coalition Provisional Authority Regulation Number 1, the Iraqi Organization of the Judiciary Act of 1979 ("Iraqi Judiciary Act") shall be suspended insofar as its provisions conflict with this Order, or any decision of the CPA, the Senior Advisor or the Judicial Review Committee. Nothing in the Iraqi Judiciary Act, or any other Iraqi law, shall impede the

ESTABLISHMENT OF THE JUDICIAL REVIEW COMMITTEE

operation of the Committee as provided for in this Order and the Committee Terms of Reference.

Section 3
Composition of the Committee

- 1) The Committee shall be composed of three Iraqi members and three international members who shall be nominated by the Senior Advisor and appointed by the Administrator, and who shall serve at, the discretion of the Administrator.
- 2) The members of the Committee shall be qualified lawyers within their national jurisdictions and shall serve for a period of three months unless otherwise specified at the time of appointment.

Section 4
Powers and Functions

- 1) The Committee shall investigate and gather information on the suitability of judges and prosecutors to hold office. It shall have the power to remove judges and prosecutors from office, confirm their continued holding of office, appoint replacements for judges and prosecutors removed from office, and resolve the claims of judges and prosecutors who assert that they were improperly removed from office.
- 2) The Committee will act in accordance with the Committee Terms of Reference.

Section 5
Obligation to Provide Information

- 1) All persons shall, on request by the Committee, and in accordance with the Terms of Reference, provide all authorized information within their possession, control or knowledge concerning any matter regarding which the Committee is authorized to obtain information.

Section 6
Regulation of the Council

- 1) The Council shall be bound by and operate in accordance with its Terms of Reference and any Regulations, Orders or Memoranda issued by the Administrator.
- 2) The Senior Adviser shall fix the remuneration of members of the Committee.
- 3) The Iraqi members of the committee shall retain any governmental positions that they hold. Any member of the Committee may continue to hold employment positions that they held prior to joining the Committee, if the Senior Advisor determines that they are able to do so

ESTABLISHMENT OF THE JUDICIAL REVIEW COMMITTEE

without impeding their service on the Committee and that no conflict of interest or bias is created thereby.

**Section 7
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
23 June 2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 16

TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council Resolutions, including 1483 (2003),

Recognizing that it is desirable as soon as, possible to restore the normal transit and movement of people to and from Iraq,

Acknowledging that the Iraqi laws on immigration, customs and quarantine should remain in place unless exceptions prove necessary for security reasons or otherwise to accomplish the obligations of the CPA under the laws and usages of war,

Noting that the current security situation in Iraq does not permit the unrestricted resumption of normal transit and movement,

I hereby promulgate the following:

**Section 1
Definitions**

- 1) "*Authorized officer*" means any Coalition personnel or Iraqi officials designated by the CPA to perform border control, customs or quarantine services.
- 2) "*Coalition personnel*" means all non-Iraqi military and civilian personnel under the authority of the Coalition Forces Commander, as well as all non-Iraqi military and civilian personnel assigned to, or under the direction or control of, the Administrator of the CPA.
- 3) "*Goods*" means any substance, organism, article, or thing, whether manufactured or natural, which may be moved across the borders of Iraq and which is not a human body, a cadaver or human remains.
- 4) "*Member of the crew*" means a person, including a master, who is employed on a vehicle to perform duties during a voyage or trip related to the operation of the vehicle or the provision of services to passengers.
- 5) "*Terrorism*" means the use or threatened use of unlawful violence against civilians, noncombatants, or other innocents, calculated to cause fear or to coerce or intimidate governments or societies, and motivated by political, religious, or ideological goals.

TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS

- 6) "*Terrorist organization*" means an organization whose objective is to support or commit acts of terrorism, directly or indirectly, physically or financially.
- 7) "*Transportation company*" is any corporation, enterprise or other entity transporting persons to Iraq.
- 8) "*Travel documents*" means documents required by the CPA for entry into and exit from Iraq and may include a valid Iraqi passport or an internationally recognized document proving Iraqi citizenship, a valid entry or exit visa, and travel permits issued by an authorized travel permit issuing authority.
- 9) "*Vehicle*" means any conveyance that may be used for transportation by land, water, or air.

Section 2 Preservation of Laws

- 1) All Iraqi laws regarding immigration, emigration, customs and quarantine shall remain in force unless specifically suspended by this Order.
- 2) Wherever a stipulation or provision of this Order or any other CPA Regulation, Order, or Memorandum conflicts with a current provision of Iraqi immigration, emigration, customs and quarantine laws, the stipulation or provision contained in such Regulation, Order, or Memorandum shall prevail.
- 3) The edict of the former President Saddam Hussein regarding the expiration of "N" series passports issued during the years 1996 to 2002, fixing their expiration in the year 2003, is hereby suspended. All "N" series passports will continue in effect for their statutory duration.
- 4) All Iraqi passports that have expired within the last four years will be deemed valid until December 31, 2003 for the exclusive purpose of direct return travel to Iraq, with such travel to be completed by December 31, 2003. Such a passport will not be considered valid for any other purpose.
- 5) All current Iraqi passports that have a four-year expiration period may be extended to eight years by any travel permit issuing authority. Any passport purporting to have been issued after March 19, 2003 that does not bear a CPA stamp is invalidated.

Section 3 Right to Exit

- 1) Subject to compliance with Iraqi law and with border control procedures established from time to time by the CPA, all persons may exit from Iraq, provided they are in possession of

TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS

necessary travel documents and are not subject to any travel restrictions under applicable law including this Order.

2) The following persons shall require special clearance to exit Iraq and may be prevented from exiting at the discretion of the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, when appointed [hereinafter Interim Minister of the Interior]:

- (a) Senior regime or military leadership and Senior Party Members or office holders of the Baath Party, as described in CPA/ORD/16 May 2003/01;
- (b) Persons suspected of having committed serious crimes;
- (c) Persons who are known or are suspected to have links to a terrorist organizations or who are suspected to have committed or to have provided financial, material, or technological support for acts of terrorism; and
- (d) Persons suspected of being involved with the manufacture, development, research, or transfer of technology or material related to weapons of mass destruction; or having knowledge of the location of weapons of mass destruction, or the identity of persons with such knowledge.

Section 4 Examinations for Entry

- 1) Subject to the present Order, a person seeking entry to Iraq shall appear before an authorized officer of the CPA (hereinafter "officer") at a port of entry, border control station, or at such other place as may be designated by the Senior Advisor of the Ministry of Interior, in coordination with the Interim Minister of the Interior, for examination to determine whether the person may be granted entry to Iraq.
- 2) A person appearing for examination shall answer truthfully all questions put to that person and shall produce such documentation as may be required for the purpose of establishing whether the person may be granted entry.

Section 5 Permits to Enter Iraq

- 1) Persons seeking entry to Iraq are to be classified as either persons who require permits granting entry into Iraq (hereinafter "permits") or persons who do not require such permits. Officers shall issue permits valid for up to 90 days, in accordance with this Order and with applicable law.

- 2) Persons not requiring permits to enter Iraq are all those persons not otherwise denied permits under this Order who are
 - (a) citizens of Iraq or persons who were born in Iraq,
 - (b) Coalition personnel, or
 - (c) United Nations officials or any official of any other UN organization. Persons requiring permits are all persons who are not listed in this Section 5.2.
- 3) Permits may be obtained and issued from any Iraqi embassies that have reopened, and from CPA offices established for this purpose within Iraq.

Section 6 Powers of an Officer

- 1) An officer who receives an application for a permit shall Either approve or refuse the application, and shall notify the applicant of the decision. At any time after an application for a permit is approved, the officer may:
 - (a) Alter or revoke any terms and conditions subject to which the person was granted entry;
 - (b) Add terms and conditions as prescribed by the present Order and other CPA Regulations, Orders or Memoranda; and/or
 - (c) Extend the permit.
- 3) Subject to the present Order, a visitor seeking an extension of a permit shall appear before an officer at such place as may be designated by the CPA Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, for examination to determine whether the visitor may be granted an extension of a permit.
- 4) A visitor appearing for examination shall answer truthfully all questions put to that visitor and shall produce such documentation as may be required for the purpose of establishing whether the visitor may be granted an extension of a permit.

Section 7 Persons Who May be Denied Entry to Iraq

- 1) An officer who receives an application for a permit may refuse the application if the officer has reasonable grounds to believe that the applicant:

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- (a) knowingly provided any false, misleading, or inaccurate information in the course of the application process;
 - (B) is suffering from any serious communicable disease, or is suffering from any disorder, disability or other health impairment for which commercial health services are not readily available in Iraq;
 - (c) will be unable or unwilling to support themselves, financially and those persons who are dependent on the applicant;
 - (d) is or was a member of a criminal organization;
 - (e) will commit offenses, or engage in criminal activity planned and organized by persons acting in concert with or in furtherance of the commission of any offense;
 - (f) will engage in or has engaged in an act of terrorism, or is a member of a terrorist organization or an organization that there are reasonable grounds to believe will:
 - [i] engage in acts which are offensive to the principles of democratic government, institutions or processes, in Iraq; or
 - [ii] engage in or instigate the removal by force of any government;
 - (g) will engage in acts of violence that may endanger the lives or safety of persons in Iraq, or who is a member of an organization that engages in such acts;
 - (h) has committed acts or omissions that constituted a war crime or a crime against humanity; or
 - (I) has previously been deported from, or denied entry to, Iraq by the CPA, or an international territory with border control formalities.
- 2) In exercising the discretion set out in this Order, an officer shall consider whether the entry of the person poses a substantial risk to the people or interests of Iraq or in the case of a person who has established that he or she is an Iraqi national, whether entry should be denied because of security or military necessity;
- 3) A person denied entry under this Order may appeal to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior for a review of the case. The determination of the Senior Advisor of Ministry of the Interior, in coordination with the Interim Minister of the Interior, will be final.

**Section 8
Notice to Depart**

- 1) Where an officer, upon examination of a person, is of the opinion that it would be contrary to the present Order to grant entry to the person, or to extend the permit of a person, the officer may, as appropriate:
 - (a) allow that person to leave Iraq immediately; and/or
 - (b) serve that person with a Notice to Depart (hereinafter "Notice") within a specified period.
- 2) A Notice must specify:
 - (a) that the person must depart Iraq within a specified period;
 - (b) the reasons why the Notice is being served;
 - (c) that the person may object in writing to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior within a specified time to this Notice, or give reasons why the Notice should not remain in force; and
 - (d) that timely compliance will not have adverse consequences for the return of a person who otherwise complies with entry requirements.
- 3) Where the Senior Advisor of the Ministry of Interior or the Interim Minister of the Interior receives written objections from a person under this Order, the Senior Advisor of the Ministry of the Interior shall, in coordination with the Interim Minister Of the Interior:
 - (a) consider these promptly;
 - (b) promptly determine the fair and lawful resolution of the matter; and
 - (c) advise the person in writing of the decision.

**Section 9
Revocation of a Permit**

- 1) An officer may revoke a person's permit if:
 - (a) the circumstances that formed the basis of the approval of the person's application for the permit no longer exist;
 - (b) the person breaches a prescribed term of the permit, or another person required to comply

with a condition of the permit has not met that condition;

- (c) the presence of the person in Iraq is, or would be, a risk to the health, safety or good order of the Iraqi community; or
- (d) the permit should not have been granted because the application for the permit was in contravention of the present Order or other applicable law.

Section 10

Identification and Seizure of Documents

1) Persons shall comply with the instructions of an officer regarding their identification if they

- (a) seek entry into Iraq,
- (b) make an application for the renewal of a permit,
- (c) after being arrested or having been reported to a police officer, or other CPA or Coalition Force security personnel, or
- (d) are subject to deportation under this Order.

2) For the purpose of identification, an officer may:

- (a) search persons or vehicles whom the officer believes have not revealed their identity or who have hidden on or about their person documents that are relevant to a decision as to whether they may be granted permission to enter Iraq, and may search any vehicle that conveyed the persons to Iraq and their luggage and personal effects;
- (b) search persons whom the officer reasonably believes have committed, or who are in possession of documents that may be used in the commission of an offense, and search any vehicle that conveyed the person to Iraq and their luggage and personal effects;
- (c) examine at a port of entry or any other place in Iraq, for the purpose of his Order or relevant directives, any travel document or any other document or object purporting to be any of those documents or objects that is, or is about to be, imported into or exported from Iraq.

3) An officer may seize and hold at a port of entry or any other place in Iraq any object or document if the officer reasonably deems this necessary for the discharge of the functions of the officer under this Order.

4) An officer may seize and hold any object or document if the officer reasonably believes that it has been fraudulently or improperly obtained or used, or that such action is necessary to

prevent its fraudulent or improper use.

- 5) An officer shall provide a written receipt to any individual from whom he or she seizes an object or document under this Order.

Section 11 Search of a Person

- 1) An officer may, without a warrant, search a person who seeks entry to Iraq.
- 2) The search of a person must be made by an officer pursuant to the present Order and must be made on reasonable grounds.
- 3) No person shall be searched by a person who is not of the same sex, and if there is no officer of the same sex at the place at which the search is to take place, an officer may authorize any suitable person of the same sex to perform the search.

Section 12 Search and Seizure of Goods

- 1) An officer may, without a warrant, search the vehicle, luggage or personal effects of any person who seeks entry into Iraq.
- 2) Persons crossing the borders of Iraq must make declarations or manifests of all goods being carried by the person available to an officer on request.
- 3) An officer may confiscate any goods that may pose a threat to the peace, security, health, environment, or good order of Iraq or any antiquities or cultural items suspected of being illegally exported.
- 4) Goods that are not declared may be confiscated by an officer. Persons may also be ordered to return such goods, at their expense, to the jurisdiction from which they came.
- 5) Any goods confiscated must be immediately handed over to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior, or to delegate(s) selected and agreed upon by the Senior Advisor and the Interim Minister, and a receipt must be issued to the person from whom the goods are confiscated.

Section 13 Offenses

- 1) The following shall constitute an offense under this Order:

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- (a) failure to appear before an officer for examination as required by this Order;
- (b) failure to answer truthfully all questions put to that person by an officer during examination;
- (c) failure to produce documentation as may be required by the officer during examination;
- (d) failure to make a declaration or manifest of all goods being carried by the person on request by an officer;
- (e) failure to cooperate with a search of the person or search of the person's vehicle, luggage or personal effects pursuant to this Order;
- (f) knowingly making a false representation by reason of which a person is induced to seek entry to Iraq or is assisted in any attempt to seek entry or by reason of which that person's entry is procured;
- (g) entering Iraq or remaining in Iraq without a permit, where a person requires a permit;
- (h) entering Iraq or remaining in Iraq by use of a false or improperly obtained travel document or other document pertaining to the entry of that person or by reason of any fraudulent or improper means or misrepresentation of any material fact;
- (i) breaching a prescribed term of a permit;
- (j) escaping or attempting to escape from lawful custody or detention under the present Order and relevant directives; or
- (k) organizing or facilitating the entry or proposed entry into Iraq of a person, knowing the person would, upon entering Iraq, be guilty of an offense under this Section.

**Section 14
Penalties**

A person who commits an offense described in this Order is liable to have any goods in their possession confiscated and may be deported from Iraq. The person may also be liable to a penalty prescribed in an applicable Iraqi law or CPA Order, Regulation or other directive.

Section 15
Liability for Removal Costs

-) A transportation company shall ensure (a) that the persons it conveys to Iraq are in possession of all travel documents required by applicable law, (b) that upon arrival of each one of its vehicles in Iraq, present each person to an officer for examination at such place as may be designated by an officer and (c) that no other person leaves the vehicle:
- (a) at any place other than that designated by an officer; or
- (b) until permission has been granted by an officer.
- 2) Where a person has been allowed or required to leave Iraq pursuant to this Order, a transportation company that has conveyed the person to Iraq may be required by an officer to cause that person to be conveyed to the country from which that person came, or to such other country as the officer may approve at the request of the company.
- 3) Where a person has been required to leave Iraq because at the time of the arrival in Iraq the person was not in possession of a valid travel document required by applicable law, a transportation company that has conveyed the person to Iraq shall be liable to pay all costs of conveying that person to the country from which that person came, or to such other country as an officer may approve at the request of the company.
- 4) Where a person has been granted entry to Iraq, or where that person, at the time of arrival in Iraq, was in possession of a valid travel document, and where that person is required to leave Iraq pursuant to the present Order, a transportation company that has conveyed the person to Iraq and that is required to cause that person to be conveyed from Iraq is entitled to be reimbursed by the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, for the costs of conveying that person from Iraq. However a transportation company shall not be reimbursed for the costs of conveying from Iraq a person who enters Iraq as, or to become, a member of a crew.
- 5) Where a person enters Iraq as, or to become, a member of a crew of a vehicle and ceases to be a visitor, the transportation company that operates that vehicle may be required to cause that person to be conveyed to the country from which that person came, or to such other country as the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, may approve at the request of the company. The transportation company shall be liable to pay all costs of conveying that person from Iraq.

**Section 16
Other Offenses**

- 1) Where an officer has reasonable grounds to believe that a person who seeks entry to or exit from Iraq, or who seeks to remain in Iraq, is liable for an offense committed under applicable law in Iraq, other than an offense prescribed in this Order, the officer shall report the matter immediately to security forces, who may take such action as they deem appropriate.
- 2) Where the circumstances of the case require, an officer may arrest a person suspected of having committed an offense other than an offense prescribed in this Order. The arrest must be immediately reported to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior, and the arrested person must, as soon as possible but no later than six hours after the arrest, be delivered into the custody of security forces.

**Section 17
Review**

A person against whom an adverse decision has been made by an officer under this Order may apply in writing to the Senior Advisor of the Ministry of the Interior and the Interim Minister of the Interior for a review of the decision. Within seven days of receipt of the application, the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, shall review the decision and notify the applicant of the determination.

**Section 18
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
27 June 2003

COALITION PROVISIONAL AUTHORITY MEMORANDUM NUMBER 1

**IMPLEMENTATION OF DE-BAATHIFICATION ORDER No.1
(CPA/ORD/16 May 2003/01)**

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Recognizing that the Iraqi people have suffered large scale human rights abuses and depravations over many years at the hands of the Baath Party,

Noting the grave concern of Iraqi society regarding the threat posed by the continuation of Baath Party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Baath Party officials,

Implementing CPA Order No. 1, De-Baathification of Iraqi Society (CPA/ORD/16 May 2003/01), and CPA Order No.5, Establishment of the Iraqi De-Baathification Council (CPA/ORD/25 May 2003/05),

I hereby promulgate the following:

**Section 1
Objective**

- 1) This Memorandum prescribes a two-staged process for carrying out the de- Baathification of the Iraqi society. To expedite the identification of Baath Party members at the outset of the CPA's restoration of Iraq, the Commander of Coalition Forces, through Accreditation Review Committees (ARCs), will initially perform the investigative function, relying upon military investigative resources with training and experience in performing analogous fact-finding duties.
- 2) Later, as higher levels of the former Iraqi government undergo a reliable and rigorous de-Baathification process and the Iraqi De-Baathification Council demonstrates sufficient capability, the Administrator will task the IDC to assume increasing and ultimately full responsibility for the process, subject to the authority, direction and control of the Administrator. The ARCs shall remain in operation until the people of Iraq adopt a representative form of self-government.

Section 2
Interim Process for Identifying Baath Party Members

- 1) The Commander of Coalition Forces shall provide military investigative resources sufficient to receive and compile information concerning possible Baath Party affiliations of employees at all ministries. These resources may be augmented or replaced by U.S. civilian investigators as necessary, and should include professional Iraqis whenever possible.
- 2) These investigators will:
 - (a) *Conduct Investigations.* Investigators will be posted to the ministries to receive and compile information concerning the possible Ba'ath Party affiliations of their employees. These investigators will draw from available and relevant information, such as:
 - [i] Interviews with the individual (conducted by the investigators using the standardized form already developed);
 - [ii] Public records and announcements documenting the ascension or promotion of party members;
 - [iii] Judgments of CPA senior ministry advisors;
 - [iv] Testimony of Iraqis who have worked with the person in question;
 - [v] Findings of the Iraqi De-Baathification Council described below (passed to the investigators through the Administrator);
 - [vi] Assessments of leading Iraqi political figures; and
 - [vii] Government records revealing bonuses or other privileges associated with being a party member.
 - (b) *Make Determinations of Baath Party Membership.* The investigator will make a factual finding about the person's affiliation with the Baath Party. The investigator will advise the employee that he or she has the right to appeal this factual finding (whether he or she was a Baath Party member). Based upon the investigator's finding, the Senior Ministry Advisor will take action in accordance with the criteria for removal set forth in CPA Order No.1 (CPA/ORD/16 May 2003/01), unless an exception is granted.
 - (c) *Prepare the Case for Exceptions Where Appropriate.* When the ministry team requests an exception for an individual, the investigator will determine whether the person in question is eligible. The investigator will subsequently prepare the case for an exception.

Section 3
Phased Process for Identifying Baath Party Members

- 1) As the Administrator determines that the responsibility for identifying Baath Party members effectively can be transferred to Iraqi citizens, the Administrator shall direct the Iraqi De-Baathification Council to assume an increasingly significant role in carrying out the De

IMPLEMENTATION OF DE-BAATHIFICATION ORDER NO.1

Baathification process.

- 2) Initially, the Council will advise the Coalition on de-Ba'athification policies and procedures (including the appropriateness of granting exceptions to CPA Order No.1 (CPA/ORD/16 May 2003/01)) and meaningfully involve the Iraqis in the de-Baathification effort.
- 3) The Council will provide information to the investigators (through the Administrator) and nominate Iraqi legal professionals to participate in the ARCs described in Section 4 herein, and in the investigatory process. When appropriate, it is anticipated that the Council will assume the investigative responsibility entirely.

Section 4 Accreditation Review Committee

- 1) The Commander of Coalition Forces is authorized to establish and administer one or more ARCs. These bodies will be composed of one military and two civilian members (one of whom will be an Iraqi). The ARCs shall remain in operation until the people of Iraq adopt a representative form of self-government. The ARCs will:
 - a) *Hear Appeals of Fact.* The ARCs will hear the appeals of Iraqis who believe they were wrongly found to be Baathists. These appeals will be conducted in a manner that comports as nearly as practicable to tribunals convened by Coalition Forces under Article 5 of the 1949 Geneva Convention.
 - b) *Grant or Deny Requests for Exception.* The ARC will review applications for exceptions prepared by investigators, and grant or deny them. All ARC decisions will be immediately reported to the Administrator, who retains the authority to overturn any decision to grant or deny an exception. The ARC will take into account all available and relevant information, including whether the individual:
 - [i] Is willing to denounce the Baath Party and his past association with it;
 - [ii] Was a senior Baath Party member or simply a 'full' party member;
 - [iii] Has exceptional educational qualifications;
 - [iv] Left the Baath Party before April 16, 2003;
 - [v] Continues to command the support of his colleagues and respect of their subordinates;
 - [vi] Is judged to be indispensable to achieving important Coalition interests, at least in the immediate term.
 - [vii] Can demonstrate that he joined the party to hold his job or support his family.
 - c) The information listed above in Section 4.1 (b) shall be considered in deciding whether to grant an exception, but shall not in itself ensure that an exception will be granted.

**Section 5
Entry into Force**

This Memorandum shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
3 June 2003

COALITION PROVISIONAL AUTHORITY MEMORANDUM NUMBER 2

MANAGEMENT OF DETENTION AND PRISON FACILITIES

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing the urgent necessity to ensure secure and humane prisons in order to re-establish law and order and provide for the safety of the people of Iraq,

Noting the obligation of the CPA to restore public order and safety and to maintain and ensure fundamental standards for persons detained,

I hereby promulgate the following:

**Section 1
Purpose**

- 1) This Memorandum prescribes standards to be applied in the Iraqi prison system, under the authority of the Ministry of Justice.
- 2) All prisons within Iraq shall, to the greatest extent practicable, operate in accordance with the following standards until otherwise directed. Any and all existing Iraqi prison regulations are hereby suspended.

**Section 2
Basic Principles and Control**

- 1) The following standards shall be applied impartially. There shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2) It shall nevertheless be a requirement, consistent with the need to maintain prison security, to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.
- 3) To ensure these standards are met, the Administrator will remain in full control of the Iraqi prison system and may at any time amend this Memorandum as necessary, or direct other action with respect to the prison system.
- 4) In addition, CPA officials of the Justice Ministry and Coalition Forces operating under their oversight shall have the right to enter and inspect any Iraqi prison system, and give directions regarding the operation of that system, consistent with the terms of this Memorandum.

Section 3 Register

- 1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:
 - a) information concerning his or her identity;
 - b) the reasons for his commitment and the authority therefor; and
 - c) the day and hour of his admission and release.
- 2) No person shall be received in an institution without a valid commitment order, the details of which shall have been entered in the register.

Section 4 Separation of Categories

Different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment, so that:

- (a) men and women shall be detained in separate institutions;
- (b) untried prisoners shall be kept separate from convicted prisoners;
- (c) persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offense; and
- (d) prisoners under 18 years of age shall be kept separate from adults.

Section 5 Accommodation

- 1) Where sleeping accommodation is in individual cells or rooms, each prisoner should occupy by night a cell or room by himself. The central prison administration may make an exception to this rule for special reasons, such as temporary overcrowding.
- 2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

MANAGEMENT OF DETENTION AND PRISON FACILITIES

- 3) All accommodation provided for the use of prisoners, and in particular all sleeping accommodations, shall, to the extent practicable, meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
- 4) In all places where prisoners are required to live or work:
 - a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; and
 - b) artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
- 5) The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
- 6) Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week.
- 7) All bed pans or ablution facilities of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Section 6 Personal Hygiene

- 1) Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
- 2) In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair, and beard, and men shall be enabled to shave regularly.

Section 7 Clothing and Bedding

- 1) Every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

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- 5) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.
- 6) The medical officer shall see and examine every prisoner as soon as possible after his or her admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary health measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects that might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
- 7) The medical officer shall have responsibility for the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is, specially directed.
- 8) The medical officer shall report to the prison master whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
- 9) The medical officer shall regularly inspect and advise the prison master upon the:
 - (a) quantity, quality, preparation and service of food;
 - (b) hygiene and cleanliness of the institution and the prisoners;
 - (c) sanitation, heating, lighting and ventilation of the institution;
 - (d) suitability and cleanliness of the prisoners' clothing and bedding; and the
 - (e) observance of the provision concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.
- 10) The prison master shall take into consideration the reports and advice that the medical officer submits in accordance with this regulation and, in case he concurs with the recommendations made, shall take immediate steps to give or her effect to those recommendations; if they are not within his or her competence or if he or her does not concur with them, he shall immediately submit his or her own report and the advice of the medical officer to higher authority.

Section 11 Discipline and Punishment

- 1) Discipline and order shall be maintained with firmness, but with no more restriction than is

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necessary for safe custody and well-ordered community life.

- 2) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.
- 3) This standard shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.
- 4) The following shall always be determined by the law or by the regulation of the competent administrative authority:
 - (a) conduct constituting a disciplinary offense;
 - (b) the types and duration of punishment that may be inflicted; and
 - (c) the authority competent to impose such punishment.
- 5) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offense.
- 6) No prisoner shall be punished unless he has been informed of the offense alleged against him and is given a proper opportunity to present his defense. The competent authority shall conduct a thorough examination of the case.
- 7) Where necessary and practicable, the prisoner shall be allowed to make his or her defense through an interpreter.
- 8) Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.
- 9) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he or her is fit to sustain it.
- 10) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner
- 11) The medical officer shall daily visit prisoners undergoing such punishments and shall advise the prison master if he or her considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Section 12
Instruments of Restraint

- 1) Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
 - (a) as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
 - (b) on medical grounds by direction of the medical officer; and
 - (c) by order of the prison master, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the prison master shall at once consult the medical officer and report to the higher administrative authority.

The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied any longer than is strictly necessary.

Section 13
Information to and Complaints by Prisoners

- 1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.
- 2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him or her orally.
- 3) Every prisoner shall have the opportunity each week day of making requests or complaints to the prison master of the institution or the officer authorized to represent him or her.
- 4) It shall be possible to make requests or complaints to the inspector of prisons during his or her inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the prison master or other members of the staff being present.
- 5) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

- 6) Unless it is patently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Section 14

Communications and Contacts with Others

- 1) Prisoners shall be allowed, under necessary supervision, to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.
- 2) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
- 3) Prisoners who are nationals of States without diplomatic or consular representation in Iraq and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State that takes charge of their interests or any national or international authority whose task it is to protect such persons.
- 4) Prisoners shall be permitted to read publications that do not pose a threat to security, and to hear wireless or television transmissions as authorized or controlled by the prison administration.
- 5) Access shall be granted to official delegates of the International Committee of the Red Cross (ICRC) whenever sought, to be conducted at mutually arranged times. ICRC delegates shall be permitted to inspect health, sanitation and living arrangements and to interview all detainees in private. They shall also be permitted to record information regarding the detainee and to pass messages to and from the family of the detainee subject to reasonable censorship by the prison authorities.

Section 15

Books

Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Section 16

Religion

- 1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
- 2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold

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regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

- 3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, any prisoner may refuse to receive a visit of any religious representative; this attitude shall be fully respected.
- 4) So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the institution and having in his or her possession the books of religious observance and instruction of his denomination.

Section 17 Retention of Prisoners' Property

- 1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the or her institution he is not allowed to retain shall on his admission to the institution, be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition or her .
- 2) On the release of the prisoner all such items shall be returned to him or her except in so far as he or her has been authorized to spend money or send any such property out of the institution or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him or her.
- 3) Any money or effects received for a prisoner from outside shall be treated in the same way.
- 4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Section 18 Notification of Death, Illness, Transfer, etc.

- 1) Upon the death or serious illness of, or serious injury to a prisoner, or his or her removal to an institution for the treatment of mental afflictions, the prison master shall at once inform the spouse, if the prisoner is married or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- 2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to visit the relative either under escort or alone.
- 3) Every prisoner shall have the right immediately to inform his or her family of his or her imprisonment or his transfer to another institution.

Section 19
Removal of Prisoners

- 1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
- 2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way that would subject them to unnecessary physical hardship, shall be prohibited.
- 3) The transport of prisoners shall be carried out at the expense of the administration, and equal conditions shall obtain for all of them.

Section 20
Institutional Personnel

- 1) The prison administration shall provide for the careful selection of every grade of the prison personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.
- 2) The prison administration shall constantly seek to awaken and maintain in the minds both of the prison personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
- 3) To secure the foregoing ends, prison personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness.
- 4) The personnel shall possess an adequate standard of education and intelligence.
- 5) Before entering on duty, the personnel shall be given a course of training in their general and specific duties.
- 6) All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.
- 7) The prison master of an institution should be adequately qualified for his or her task by character, administrative ability, suitable training and experience.
- 8) He or she shall devote his entire time to his or her official duties and shall not be appointed on a part-time basis.
- 9) When two or more institutions are under the authority of one prison master, he or her shall visit

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each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

- 10) The prison master, his or her deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.
- 11) Whenever necessary, the services of an interpreter shall be used.
- 12) In institutions that are large enough to require the services of one or more full- time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.
- 13) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.
- 14) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all of that part of the institution.
- 15) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.
- 16) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.
- 17) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison master of the institution.
- 18) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.
- 19) Except in special circumstances, staff performing duties that bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

**Section 21
Inspection**

There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

STANDARDS APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

**Section 22
Classification of Prisoners**

- 1) The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects that may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.
- 2) These principles require individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

**Section 23
Treatment**

- 1) The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to prepare them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.
- 2) To these ends, all appropriate means shall be used to the extent possible, including religious care, education, vocational guidance, training and employment counseling, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, his or her physical and mental capacities and aptitudes, his or her personal temperament, the length of his or her sentence and his or her prospects after release.
- 3) For every prisoner with a sentence of suitable length, the prison master shall receive, as soon as possible after his or her admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

- 4) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Section 24

Classification and Individualization

- 1) The purposes of classification shall be:
- a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence, or pose a danger to themselves or others;
 - b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.
- 2) So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

Section 25

Privileges

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

Section 26

Work

- 1) Prison labor must not be of an afflictive nature,
- 2) All prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer.
- 3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- 4) So far as possible the work provided shall be such as will maintain or increase the prisoners ability to earn an honest living after release.
- 5) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other ion by the

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departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labor is supplied, account being taken of the output of the prisoners.

- 6) The precautions specified in Iraqi law governing labor and working conditions to protect the safety and health of workers shall be equally observed in institutions.
- 7) The maximum daily and weekly working hours of the prisoners shall be fixed in accordance with Iraqi law governing labor and working conditions.
- 8) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.
- 9) There shall be a system of equitable remuneration of the work of prisoners,
- 10) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
- 11) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Section 27

Education and Recreation

- 1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.
- 2) So far as practicable, the education of prisoners shall be integrated with the educational system so that after their release they may continue their education without difficulty.
- 3) Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Section 28

Social Relations and After-Care

- 1) Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his or her family as are desirable in the best interests of both.
- 2) From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with

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persons or agencies outside the institution as may promote the best interests of his or her family and his own social rehabilitation.

- 3) Services and agencies, governmental or otherwise, that assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.
- 4) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.
- 5) It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

B. INSANE AND MENTALLY ABNORMAL PRISONERS

Section 29 Psychiatric Care

- 1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.
- 2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.
- 3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.
- 4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all prisoners who are in need of such treatment.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

Section 30 Untried prisoners

- 1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody but have not yet been tried and sentenced, will be referred to as "untried prisoners", hereinafter in these Rules.

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- 2) Prisoners who have not been convicted are presumed to be innocent and shall be treated as such.
- 3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime that is described in the following rules in its essential requirements only.
- 4) Untried prisoners shall be kept separate from convicted prisoners.
- 5) Young untried prisoners shall be kept separate from adults and shall where possible be detained in separate institutions.
- 6) Untried prisoners shall sleep singly in separate rooms.
- 7) Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.
- 8) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
- 9) If he wears prison dress, it shall be different from that supplied to convicted prisoners.
- 10) An untried prisoner shall always be offered an opportunity to work, but shall not be required to work. If he or her chooses to work, he or her shall be paid for it.
- 11) An untried prisoner shall be allowed to procure at his or her own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
- 12) An untried prisoner shall be allowed to be visited and treated by his or her own doctor or dentist if there is reasonable ground for his application and he or her or her is able to pay any expenses incurred.
- 13) An untried prisoner shall be allowed to inform immediately his or her family of his or her detention and shall be given all reasonable facilities for communicating with his or her family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.
- 14) For the purposes of his defense, an untried prisoner shall be allowed to apply for free legal aid

MANAGEMENT OF DETENTION AND PRISON FACILITIES

where such aid is available, and to receive visits from his or her legal adviser with a view to his defense and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his or her legal adviser may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS

**Section 31
Debtor Prisoners**

Persons imprisoned for debt shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favorable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

**Section 32
Entry into Force**

This Memorandum shall enter into force on the date of signature.

Paul Bremer, Administrator
Coalition Provisional Authority
8 June 2003

COALITION PROVISIONAL AUTHORITY MEMORANDUM NUMBER 3

CRIMINAL PROCEDURES

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing the CPA's obligation to restore law and order, provide for the safety of the people of Iraq, and ensure fundamental standards for persons detained,

Acting, in particular, consistent with the Fourth Geneva Convention of 1949 Relative to the Treatment of Civilians in Time of War (hereinafter "the Fourth Geneva Convention"),

Noting the deficiencies of the Iraqi Criminal Procedure Code with regard to fundamental standards of human rights,

I hereby promulgate the following:

Section 1
Purpose

- 1) This Memorandum implements CPA Order No.7 by establishing procedures for applying criminal law in Iraq, recognizing that the effective administration of justice must consider:
 - (a) the rehabilitation of the Iraqi investigative and trial capability;
 - (b) the continuing involvement of Coalition forces in providing critical support to many functional aspects of the administration of justice;
 - (c) the need to transition from this dependency on military support;
 - (d) the need to modify aspects of Iraqi law that violate fundamental standards of human rights;
 - (e) the ongoing process of security internee management as provided for by the Fourth Geneva Convention; and
 - (f) the possibility of the exercise of jurisdiction by Coalition authorities regarding the commission of war crimes against Coalition forces.
- 2) The procedures set out in this Memorandum will be subject to review and amendment as circumstances warrant, to continue to improve the rights of Iraqis and the administration of

CRIMINAL PROCEDURES

justice in Iraq. The provisions set out herein give effect to the requirements of international humanitarian law.

Section 2 Relation of Jurisdictions

- 1) The provisions of this Memorandum do not apply to, bind, or in any manner affect any military courts, commissions or tribunals or any associated process, established by the Coalition or any of its member States.
- 2) Nothing in this Memorandum shall deprive courts martial, military commissions or military tribunals of their jurisdiction as provided for under the laws of a Coalition member State or in accordance with the laws and usages of war.
- 3) No Iraqi court, including the Central Criminal Court of Iraq as established by, shall have jurisdiction over any personnel of a Coalition member state in any matter, whether civil or criminal.

Section 3 Preservation of Laws

All provisions of the Iraqi Law on Criminal Proceedings of 1971, as amended (hereinafter "the Procedure Code"), shall continue in force unless expressly modified by this Memorandum.

Section 4 Suspension and Amendment of Provisions

The following provisions of the Procedure Code shall be suspended and or amended:

- (a) In paragraph 61 (c) delete the word "may" and insert the word "must".
- (b) In paragraph 70 delete the words "As far as possible".
- (c) In paragraph 123 add the following; "(b) Before questioning the accused the examining magistrate must inform the accused that:
 - [i] he or she has the right to remain silent and no adverse inference may be drawn from accused's decision to exercise that right;
 - [ii] he or she has the right to be represented by an attorney, and if he or she is not able to afford representation, the Court will provide an attorney at no expense to the accused;

- (c) The examining magistrate or investigator must determine if the accused desires to be represented by an attorney before questioning the accused. If the accused desires an attorney the examining magistrate or investigator shall not question the accused until he or she has retained an attorney or an attorney has been appointed by the Court."
- (d) Paragraph 136 is hereby suspended.
- (e) In paragraph 144 (a) delete the words "at a rate of no less than 10 dinars and no more than 50 dinars, with the cost borne by the state treasury.", and in 144 (b) delete the words "of no more than 50 dinars".
- (f) In paragraph 168 (b) delete the words "via the court".
- (g) In paragraph 179 delete the words "A refusal to answer will be considered as evidence against the defendant."
- (h) In paragraph 184 (a) delete the word "must" and insert the word "may".
- (i) In paragraph 199 (a) delete the words "based on permission from the Minister of Justice".
- (j) In paragraph 213 (c) delete the words "and if there is no other evidence which proves it to be a lie."
- (k) In paragraph 218 delete everything in the paragraph after the word "coercion" where occurring for the first time.
- (l) Paragraph 221 is hereby suspended.
- (m) Paragraphs 285-293 are hereby suspended.
- (n) In paragraph 298 delete the words "by one half of one dinar" wherever occurring.
- (o) In paragraph 299 (b) delete the words "one day for each one half of one dinar outstanding" and insert in place the words "reduced proportionally to the amount outstanding".
- (p) Paragraph 306 is hereby suspended.
- (q) In paragraph 320 delete the words "and with the payment, within a specified period, of rety of not less than 20 dinars and not more than 200Dinars."
- (r) In paragraph 324 delete the words "of no less than 50 dinars and not exceeding 500 dinars".

CRIMINAL PROCEDURES

(s) Paragraph 371 (b) is hereby suspended.

Section 5 Advice of Rights

At the time an Iraqi law enforcement officer arrests any person, the officer shall inform that person of his or her right to remain silent and to consult an attorney.

Section 6 Criminal Detentions

- 1) Consistent with the Fourth Geneva Convention, the following standards will apply to all persons who are detained by Coalition Forces solely in relation to allegations of criminal acts and who are not security internees (hereinafter "criminal detainees")
 - (a) Upon the initial induction into a Coalition Force detention center a criminal detainee shall be apprised of his rights to remain silent and to consult an attorney.
 - (b) A criminal detainee suspected of a felony offence may consult an attorney 72 hours after induction into a Coalition Force detention center.
 - (c) A Criminal detainee shall be promptly informed, in writing, in a language which they understand of the particulars of the charges preferred against them.
 - (d) A criminal detainee shall be brought before a judicial officer as rapidly as possible and in no instance later than 90 days from the date of induction into a Coalition Force detention center.
 - (e) Access to detainees shall be granted to official delegates of the International Committee of the Red Cross (ICRC). Access will only be denied delegates for reasons of imperative military necessity as an exceptional and temporary measure. ICRC delegates shall be permitted to inspect health, sanitation and living conditions and to interview all detainees in private. They shall also be permitted to record information regarding a detainee and to pass messages to and from the family of a detainee subject to reasonable censorship by the facility authorities.
- 2) Where any criminal detainee held by Coalition Forces is subsequently transferred to an Iraqi Court, a failure to comply with these procedures shall not constitute grounds for any legal remedy, but any period spent in detention awaiting trial or punishment shall be deducted from any period of imprisonment imposed.

Section 7
Coalition Forces Security Internee Process

- 1) Consistent with the Fourth Geneva Convention, the following standards will apply to all persons who are detained by Coalition Forces when necessary for imperative reasons of security (hereinafter "security internees"):
 - (a) In accordance with Article 78 of the Fourth Geneva Convention, Coalition Forces shall, with the least possible delay, afford persons held as security internees the right of appeal against the decision to intern them.
 - (b) The decision to intern a person shall be reviewed not later than six months from the date of induction into an internment facility by a competent body established for the purpose by Coalition Forces.
 - (c) The operation, condition and standards of any internment facility established by Coalition Forces shall be in accordance with Section IV of the Fourth Geneva Convention.
 - (d) Access to internees shall be granted to official delegates of the ICRC. Access will only be denied delegates for reasons of imperative military necessity as an exceptional and temporary measure. ICRC delegates shall be permitted to inspect health, sanitation and living conditions and to interview all internees in private. They shall also be permitted to record information regarding an internee and to pass messages to and from the family of an internee subject to reasonable censorship by the facility authorities .
 - (e) If a person is subsequently determined to be a criminal detainee following tribunal proceedings concerning his or her status, or following the commission of a crime while in internment, the period that person has spent in internment will not count with respect to the period set out in Section 6 (1) (d) herein.
 - (f) Where any security internee held by Coalition Forces is subsequently transferred to an Iraqi Court, a failure to comply with these procedures shall not constitute grounds for any legal remedy, but may be considered in mitigation of sentence.

Section 8
Legal Consultation and Representation

- 1) With the exception of the circumstances set out in Section 6 (1) (b) all criminal detainees suspected of a felony offense shall have the right to consult with an attorney while in detention.
- 2) All accused persons appearing before any Iraqi court, including the Central Criminal Court of Iraq, shall have the right to representation by an attorney of their choice. Where an accused

CRIMINAL PROCEDURES

person is unable to afford the services of an attorney the Court will provide them with a suitably qualified attorney at no expense to the accused person.

**Section 9
Entry into Force**

This Memorandum shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority
18 June 2003

**OFFICE OF THE ADMINISTRATOR
OF THE
COALITION PROVISIONAL AUTHORITY
BAGHDAD, IRAQ**

PUBLIC NOTICE

REGARDING PUBLIC INCITEMENT TO VIOLENCE AND DISORDER

June 5, 2003

The Administrator of the Coalition Provisional Authority (CPA) hereby advises all citizens, residents of, and visitors to Iraq of the following security measure,

Any person making a prohibited pronouncement in a public place or distributing or attempting to distribute any prohibited material in whatever form, will be subject to immediate detention by CPA security forces and held as a security internee under the Fourth Geneva Convention of 1949.

Prohibited pronouncements and material are pronouncements and material that:

- (a) incite violence against any individual or group, including racial, ethnic or religious groups and women;
- (b) incite civil disorder, rioting or damage to property;
- (c) incite violence against Coalition Forces or CPA personnel;
- (d) advocate alterations to Iraq's borders by violent means;
- (e) advocate the return to power of the Iraqi Baath Party or make statements that purport to be on behalf of the Iraqi Baath Party.

These prohibitions are not designed to exclude legitimate debate and criticism, and in particular are not meant to prohibit expression of dissatisfaction with political Processes as they emerge. Rather, they are designed to discourage public pronouncements and the distribution of materials that could incite violence or de-stabilize the sensitive environment that currently exists in Iraq.

L. Paul Bremer, Administrator
Coalition Provisional Authority
5 June 2003

**OFFICE OF THE ADMINISTRATOR
OF THE
COALITION PROVISIONAL AUTHORITY BAGHDAD, IRAQ**

PUBLIC NOTICE

REGARDING ORGANIZATION IN THE WORKPLACE

June 6, 2003

The Administrator of the Coalition Provisional Authority (CPA) hereby advises all citizens, residents of, and temporary workers in Iraq of the following information concerning organizations in the workplace.

To the extent consistent with its obligation to maintain security and civil order, the Coalition Provisional Authority respects Iraqi laws. This extends to Iraqi labor laws prescribing the conditions under which employees of government instrumentalities and enterprises continue to work under the CPA on behalf of the people of Iraq. Although Iraqi labor permits these employees to elect their representatives, the law does not authorize employee elections of Directors or Directing Staff of government instrumentalities and enterprises.

Therefore, the CPA will not recognize the election of Directors, or otherwise allow interference with managerial prerogatives of the Directing Staff of government instrumentalities and enterprises. The CPA will authorize appropriate changes in government Directing Staffs when warranted by reason of poor performance, corruption, security requirements, or as part of the De-Baathification process.

The form of industrial and labor relations ultimately will be a matter for the Iraqi people and the future Iraqi government to decide.

L. Paul Bremer, Administrator
Coalition Provisional Authority
6 June 2003

**OFFICE OF THE ADMINISTRATOR
OF THE
COALITION PROVISIONAL AUTHORITY
BAGHDAD, IRAQ**

PUBLIC NOTICE

**REGARDING THE PROHIBITION UNDER IRAQI LAW OF VEHICLES WITH
TINTED WINDOWS**

June 27, 2003

The Administrator of the Coalition Provisional Authority (CPA) hereby advises all citizens, residents of, and visitors to Iraq of the following security measure.

Iraqi law prohibits the use of tinted windows and curtains in vehicles. The CPA has not suspended this law and intends to enforce it, due to security threats that have emerged in relation to persons attempting to conceal criminal activity and weapons in vehicles with tinted windows.

All vehicles with tinted windows must have the tinting removed or tinted windows replaced by 20 July 2003. No vehicle is permitted to have window curtains, and these should be removed immediately. Any vehicle found on the road after 20 July 2003 with tinted windows will be impounded. Owners of vehicles impounded will be issued receipts and will be permitted to reclaim their vehicle upon production of a signed quotation indicating arrangements for the removal of the tinted windows.

Details of vehicles and owners of released vehicles will be recorded and if vehicles are impounded a second time they will be held for the duration of the CPA administration.

This prohibition does not apply to Coalition vehicles and other official vehicles authorized by the Coalition to have tinted windows.

L. Paul Bremer, Administrator
Coalition Provisional Authority
27 June 2003

ANNOUNCEMENTS

- 1) Cancelling All Salihiya Notary Public Office and merging it into Al Karkh Notary Public Office.
- 2) This Announcement comes into force on 20 July 2003.

(SIGNED)
MADHAT AL MAHMOOD

Supervisor of
Ministry of Justice

By authority of Article No. 33 35 of the Judicial Organizing Law number 160 1979, it has been decided:

- 1) To cancel the Juvenile Court and Investigation Court of Al Karkh. All cases shall be transferred to the Juvenile Court and Investigation Court of Al Rusaffa.
- 2) This Announcement shall come into force on 5 July 2003.

(SIGNED)
MADHAT AL MAHMOOD

Supervisor of
Ministry of Justice

- 1) Cancelling Al Jami'a Notary Public Office and merging it into Al Karkh Notary Public Office.
- 2) This Announcement comes into force on 20 July 2003.

(SIGNED)
MADHAT AL MAHMOOD

Supervisor of
Ministry of Justice

IRAQI GOVERNING COUNCIL

Samir Shakir Mahmoud
Sondul Chapouk
Ahmed Chalabi
Naseer al-Chaderchi
Adnam Pachachi
Mohammed Bahr al-Ulloum
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