

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 28

ESTABLISHMENT OF THE IRAQI CIVIL DEFENSE CORPS

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

Noting that Resolution 1483 appeals to Member States to assist the people of Iraq in their efforts to reform their institutions, rebuild their country, and to contribute to conditions of stability and security in Iraq,

Understanding the need to address promptly threats to public security and stability resulting from wrongful acts or disasters,

Recognizing that continued attacks and acts of sabotage by Baathist remnants and terrorists intent on undermining security in Iraq necessitate the temporary establishment of an Iraqi constabulary force to operate with Coalition Forces to counter the threat and maintain security in Iraq,

I hereby promulgate the following:

Section 1

Establishment of the Iraqi Civil Defense Corps

- 1) The Iraqi Civil Defense Corps is established as a temporary institution, subject to a decision by an internationally recognized, representative government, established by the people of Iraq, to continue or disband the Corps.
- 2) The Iraqi Civil Defense Corps is a security and emergency service agency for Iraq. The Iraqi Civil Defense Corps is composed of Iraqis who will complement operations conducted by Coalition military forces in Iraq to counter organized groups and individuals employing violence against the people of Iraq and their national infrastructure.
- 3) In support of Coalition operations to provide security and stability to the people of Iraq, the Iraqi Civil Defense Corps is authorized to perform constabulary duties, including the following tasks: patrolling urban and rural areas; conducting operations to search for and seize illegal weapons and other contraband; providing fixed site, check point, area, route and convoy security; providing crowd and riot control; disaster response services; search and rescue services; providing support to humanitarian missions and disaster recovery operations including transportation services; conducting joint patrols with

Coalition Forces; and, participating in other activities designed to build positive relationships between the Iraqi people and Coalition authorities including serving as community liaisons.

- 4) The Iraqi Civil Defense Corps is distinct from the Iraqi police force and the New Iraqi Army. The Iraqi Civil Defense Corps will complement the police force, but will be designed to perform operations that exceed the capacity of the police.
 - a) While on duty and under the supervision of Coalition Forces, members of the Iraqi Civil Defense Corps will not be subject to the direction or control of the Iraqi Police. Except as provided herein, the Iraqi Civil Defense Corps will not have, or exercise, domestic law enforcement functions.
 - b) The Iraqi Civil Defense Corps is not a component of the New Iraqi Army established by CPA Order 22, Creation of a New Iraqi Army (CPA/ORD/9 August 2003/22) and is not subject to the orders of the New Iraqi Army chain of command.

Section 2

Organization of the Iraqi Civil Defense Corps

- 1) The Iraqi Civil Defense Corps shall consist of active members in full-time employment, and may also include reserve members whose service will be governed by Administrative Instructions issued pursuant to this Order.
- 2) All Iraqis who meet the professional criteria established by applicable Administrative Instructions are eligible for selection to the Iraqi Civil Defense Corps, provided that no person involved in Ba'ath Party activity within the leadership tiers described in CPA Order Number 1, De-Baathification of Iraqi Society (CPA/ORD/16 May 2003/01) shall be eligible except by express decision of the CPA to grant such an exception.
- 3) Service in the Iraqi Civil Defense Corps is voluntary. Volunteers for service in the Iraqi Civil Defense Corps will be required to serve for a period of 12 months subject to a decision either by the CPA or by an internationally recognized, representative government, established by the people of Iraq, to discontinue the Iraqi Civil Defense Corps. No term of service may be extended without the consent of the member of the Iraqi Civil Defense Corps except in the case of a national emergency proclaimed pursuant to law.
- 4) The Administrator of the CPA or a designee under the terms of Section 7 below shall have final authority over the selection and appointment of

members of the Iraqi Civil Defense Corps and shall have the authority to dismiss such members on such grounds as he determines to be appropriate.

- 5) The terms and conditions of service and organization, including rank structure, of the Iraqi Civil Defense Corps may be further defined by Administrative Instructions, issued by the Administrator of the CPA or a designee, as may be considered necessary to give effect to the terms of this Order.
- 6) Members of the Iraqi Civil Defense Corps may not:
 - (a) be members of a political party, organization or association;
 - (b) participate in any activities of a political party, organization or association or recruit members for political parties or organizations;
 - (c) publicly state any opinion of a political nature that constitutes an effort to indoctrinate members of the Iraqi Civil Defense Corps or any other person with a political ideology or otherwise convince any person to adhere to a particular political ideology;
 - (d) advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or regional origin; or use, or advocate the use of, force or violence or other unlawful means for political purposes, whether internal or international; or
 - (e) participate in any manner in organizations or activities that involve, promote, or practice the conduct described in Section 2(6)(c) and (d).

Nothing in this Section shall limit the right of a member of the Iraqi Civil Defense Corps to vote in elections for political office organized on a local, regional or national level. Violations may result in the removal of the member from employment in the Iraqi Civil Defense Corps.

Section 3

Authority of the Iraqi Civil Defense Corps

- 1) Members of the Iraqi Civil Defense Corps may, while performing their official duties, apprehend persons who (i) they witness committing or attempting to commit a criminal offense, (ii) have escaped after being lawfully arrested, or (iii) otherwise interfere with their lawful activities. Persons apprehended by the Iraqi Civil Defense Corps must be turned over to the Iraqi police or Coalition Forces within twelve hours of apprehension or be released. Members of the Iraqi Civil Defense Corps may not interrogate, except under the direct

supervision of Coalition Forces, or otherwise detain persons except as provided herein.

- 2) When acting under the supervision of Coalition Forces, the Iraqi Civil Defense Corps may limit access to certain areas as reasonably necessary to ensure the security of persons or property contained in or passing through such areas.
- 3) Members of the Iraqi Civil Defense Corps may, while performing their official duties, conduct reasonable searches for weapons or other dangerous or prohibited items (i) on persons or vehicles entering or in designated areas, (ii) on criminal suspects incident to apprehension, or (iii) when acting under the supervision of Coalition Forces, in areas or buildings where dangerous or prohibited items, including prohibited weapons, are reasonably believed to exist. Members of the Iraqi Civil Defense Corps may conduct reasonable searches at established checkpoints anywhere within Iraq and at other locations to prevent such items from being carried into, transported within, or out of designated areas.
- 4) Members of the Iraqi Civil Defense Corps may, while performing official duties, use force against persons or things as is reasonable and necessary under the circumstances. However, the use of force that may be likely to cause death or serious bodily injury is not permitted unless the member reasonably believes that using such force is necessary to: (i) protect himself or others from the imminent use of deadly force or force likely to cause serious bodily injury, (ii) prevent the escape of a person suspected of committing murder or assault resulting in serious bodily injury, or (iii) defend Coalition, ministry or governorate offices, government or state-owned infrastructure, and fixed sites under the direction and control of Coalition or governmental authorities, to prevent their destruction or incapacitation.

Section 4

Functioning of the Iraqi Civil Defense Corps

- 1) The Iraqi Civil Defense Corps shall operate under the authority of the Administrator of the CPA and shall be subject to the supervision of Coalition Forces. The Administrator of the CPA may delegate to the senior military commander of Coalition Forces in Iraq responsibility and authority for the recruiting, training, organization, and control of the Iraqi Civil Defense Corps. This responsibility and authority may be redelegated pursuant to Section 7 below.
- 2) Operational or tactical command of units of the Iraqi Civil Defense Corps operating with Coalition Forces shall be vested in an officer of Coalition

Forces designated by the senior military commander of Coalition Forces in Iraq pursuant to Section 7 below.

- 3) The Iraqi Civil Defense Corps will not be deployed outside the territory of Iraq, except for training or exchange programs.

Section 5 Jurisdiction

- 1) Members of the Iraqi Civil Defense Corps will be subject to Iraqi law at all times and the civilian criminal courts of Iraq shall have jurisdiction over offenses alleged to have been committed by members of the Iraqi Civil Defense Corps. The Administrator of the CPA may determine that offenses alleged to have been committed by members of the Iraqi Civil Defense Corps while on duty may be submitted to the Central Criminal Court of Iraq in accordance with CPA Order Number 13 (Revised), The Central Criminal Court of Iraq (CPA/ORD/13 July 2003/13).
- 2) Members of the Iraqi Civil Defense Corps shall enjoy immunity from civil liability for acts or omissions arising within the scope of their duties and in the conduct of authorized operations to the same degree as other governmental officials under the law of Iraq.

Section 6 Weapons

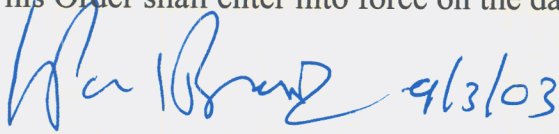
The possession of weapons by members of the Iraqi Civil Defense Corps is regulated by CPA Order Number 3, Weapons Control Order (CPA/ORD/23 May 2003/03).

Section 7 Delegation of Authority

The Administrator of the Coalition Provisional Authority may delegate responsibilities under this Order, as determined by the Administrator, to the senior military commander of Coalition Forces in Iraq. The senior military commander of Coalition Forces in Iraq may further delegate responsibilities under this Order to those under his command.

Section 8
Entry into Force

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

A handwritten signature in blue ink, appearing to read "L. Paul Bremer", followed by the date "9/3/03".

L Paul Bremer, Administrator
Coalition Provisional Authority