COALITION PROVISIONAL AUTHORITY ORDER NUMBER 22

CREATION OF A NEW IRAQI ARMY

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

Noting that Resolution 1483 appeals to Member States *inter alia* to assist the people of Iraq to contribute to conditions of stability and security in Iraq,

Recalling that CPA Order Number 2 on the Dissolution of Entities dissolved the Army, Air Force, Navy, Air Defense Force, and other regular military services, the Republican Guard, the Special Republican Guard, the Directorate of Military Intelligence, the Al Quds Force, the Quwat al Tawair, Saddam Fedayeen, Ba'ath Party Militia, Friends of Saddam and Saddam's Lions Cubs (Ashbal Saddam) and other entities,

Further recalling that Section 5 of CPA Order Number 2 looks forward to the creation of a New Iraqi Army as the first step in forming a national self-defense capability for a free Iraq,

Conscious of the need to start promptly to establish a military force for the national self-defense of free Iraq at the conclusion of the authority of the CPA,

Acknowledging the need to engage with Iraqi governmental institutions as they develop regarding the structure, institutions, and roles of the national armed forces of the new Iraq,

hereby promulgate the following:

Section 1
Definitions

"Code of Military Discipline" is the Code of Military Discipline promulgated by the Administrator of the CPA under a separate CPA Order.

"Commander in the New Iraqi Army" means an Iraqi officer appointed from time to time in accordance with this Order to command positions in the New Iraqi Army or the Iraqi armed forces generally.

"Defense Areas" are defined as any land, water, or super-adjacent air space contained within the territory of Iraq, or any building or part of a building or any

other building that is reserved or set apart, used or otherwise controlled for defense purposes, by designation under section 10 of this Order.

"Extremist Organizations or Activities" are organizations or activities that advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or regional or national origin; or use, or advocate the use of force or violence or other unlawful means for political purposes, whether internal or international,

"Heavy Weapons" are weapons firing ammunition larger than 7.62mm, machine guns, crew-served weapons, anti-tank weapons (such as rocket propelled grenades (RPGs)), anti-aircraft weapons (to include shoulder fired missiles and AA guns), indirect fire weapons (mortars and artillery pieces), armored vehicles or self-propelled weapons, high explosives and explosive devices (including mines and hand grenades),

"Member of the New Iraqi Army" or "Army" means a person serving in the New Iraqi Army from the time of attestation until the date of termination of service,

"New Iraqi Army" means the military forces of Iraq organized for the purposes set forth in this Order including all components of the national armed forces of Iraq, specifically including the ground forces recruited, trained, and organized as the first step in the process of creating a military defense force for the new Iraq. Unless the context clearly requires otherwise, all references to the "New Iraqi Army" are references to any element of the national defense forces of Iraq,

"Serious Offense" means a criminal offense under the criminal laws of Iraq or the Code of Military Discipline that authorizes, in the event of a conviction, confinement for a period in excess of three months as a punishment.

"Small Arms" includes shotguns, pistols, and rifles that fire ammunition up to and including 7.62mm.

Section 2
Existing Law

The Iraqi Military Law Code Number 13 of 1940, the Iraqi Military Procedures Code Number 44 of 1941, the Code of Legal Notification of Military Personnel Number 106 of 1960, Punishment of Military Deserters Law Number 28 of 1972, and the Penal Code of the Popular Army Number 32 of 1984 are hereby suspended.

Section 3
The Mission and Command Structure of the New Iraqi Army

1) There is hereby established the New Iraqi Army as the first step toward the creation of the national defense force of the new Iraq. The New Iraqi Army is an establishment intended to provide a capability in support of the security of Iraq during the period of the CPA's authority. The continued existence of the New Iraqi Army beyond the period of CPA's authority is subject to a decision by the future internationally recognized, representative government, established by the people of Iraq.

2) The mission of the New Iraqi Army and of the national defense forces generally is the military defense of the nation, including defense of the national territory and the military protection of the security of critical installations, facilities, infrastructure, lines of the communication and supply, and population. The tasks of the New Iraqi Army and of additional units of the national defense forces of Iraq include developing a military capability during the period of authority of the CPA in order to provide the basis for militarily effective, professional, and non-political armed forces for the military defense of the nation after the conclusion of the CPA's tenure. The New Iraqi Army shall not have, or exercise, domestic law enforcement functions, nor intervene in the domestic political affairs of the nation. Tasks of the New Iraqi Army will also include participation in domestic relief operations associated with natural or man-made disasters and humanitarian relief missions.

3) Command positions in the New Iraqi Army and in other elements of the national defense force of Iraq will be held by Iraqi officers only. Supreme command, control and administrative authority over the New Iraqi Army and of additional units of the national defense forces of Iraq and all authority formerly vested in the Ministry of Defense will reside on an interim basis with the Administrator of the CPA as the civilian Commander-in-Chief pending transfer of such authority to an internationally recognized, representative government, established by the people of Iraq. The Administrator, or a civilian member of the CPA reporting directly to the Administrator and to whom authority has been specifically delegated in writing by the Administrator for this purpose, will commission officers in the New Iraqi Army and may designate Commanders of units of the New Iraqi Army, of the Army as a whole, or of the national defense force as a whole. The Administrator, or a civilian member of the CPA reporting directly to the Administrator and to whom authority has been specifically delegated in writing, will designate the officers to command the principal units of the New Iraqi Army, as they are created. The specific assignments of subordinate officers shall be made in accordance with procedures established by Administrative Instruction.

4) Operational or tactical command of units of the New Iraqi Army operating with Coalition forces may be vested in an officer of Coalition forces of rank superior to that of the commander of such Iraqi units as shall be designated by the Administrator of the CPA or by a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing.

Section 4
Conduct

1) Members of the New Iraqi Army shall comply with the lawful orders of those superior in rank to them, according to regulations and the Code of Military Discipline.

2) Such members shall comply with the lawful orders of those persons who are not members of the Iraqi armed forces, whether military or civilian, who may be placed in operational command over them from time to time in conjunction with their duties, according to regulations and the Code of Military Discipline.

Section 5
Discipline

1) Members of the New Iraqi Army are subject to the jurisdiction of the civilian criminal courts pursuant to the Criminal Procedures Code No. 23 of 1977, as amended from time to time, for offenses under the Penal Code No. 111 of 1969, as amended from time to time, and to the jurisdiction for offenses established under a Code of Military Discipline promulgated under a separate CPA Order. The jurisdiction over offenses under the Code of Military Discipline will be as determined by the Order creating the Code of Military Discipline.

2) In circumstances where both the civil and military authorities have jurisdiction over an offense, the civil authorities will have primary jurisdiction. In all cases, jurisdiction will be exercised, and allocated, as provided for in the Code of Military Discipline Order.

Section 6
Terms and Conditions of Service

1) Administrative Instructions with regard to Terms and Conditions of Service, as may be considered necessary to give effect to the terms of this Order, may be issued by the Administrator of the CPA or by a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing.

ENLISTMENT

2) The minimum age for enlistment into the New Iraqi Army is 18 years of age.

3) Service in the New Iraqi Army will be voluntary and for a set term of enlistment which shall not be extended except in emergencies as officially declared by the Administrator.

4) Suitability for service in the New Iraqi Army will be determined on several criteria including, but not limited to:

(a) demonstrated physical ability;
(b) demonstrated minimum scholastic aptitude;
(c) the absence of evidence of human rights violations or war crimes;
(d) the absence of affiliation with the security and political control organs of the former regime;
(e) the absence of association with Extremist Organizations or other groups that use or advocate the use of violence for political purposes whether internal or international;
(f) provided, however, no qualified person will be denied the opportunity to serve on the basis of race, ethnic or regional origin, religion, creed or tribal affiliation;

5) Prior military service is not required, but persons with military experience will be eligible to join the New Iraqi Army, subject to meeting the applicable standards, including the criteria listed in paragraph 4 above. No person involved in Ba'ath Party activity within the leadership tiers described in CPA/ORD/16 May 2003/01 shall be eligible except with specific permission of the CPA.

RANK STRUCTURE

6) The New Iraqi Army will consist of commissioned officers and enlisted personnel with ranks that may include warrant officers and non-commissioned officers

7) The ranks of officers will, in ascending order, be:

تلميذ ضابط	Tilmeez Daabet	Officer Candidate
ملازم	Mulaazem	2nd Lieutenant
أول ملازم	Mulaazem Awwal	1st Lieutenant
نقيب	Naqeeb	Captain
رائد	Raaed	Major
مقدّم	Muqaddam	Lt. Colonel

عقيد	Aaaqeed	Colonel
عميد	Aameed	Brigadier General
لواء	Liwaa	Major General
فريق	Fareeq	Lt. General

8) The Administrator of the CPA, or a civilian member of the CPA reporting directly to the Administrator and to whom authority has been specifically delegated in writing by the Administrator under this Section, may, in accordance with Administrative Instructions, by instrument in writing, commission persons to be officers of the New Iraqi Army at a rank to be determined by the person conducting the commissioning. It shall be possible for personnel to be commissioned on entering the New Iraqi Army at a commissioned rank above Second Lieutenant.

9) The ranks of enlisted personnel, non-commissioned officers and warrant officers will, in ascending order, be:

جندي	Jundi	Private
أول جندي	Jundi Awwal	Private 1st Class
نائب عريف	Naeb Aareef	Corporal
عريف	Aareef	Sergeant
عريف أول	Aareef Awwal	Sergeant 1st Class
وكيل	Wakeel	Master Sergeant
وكيل أول	Wakeel Awwal	Sergeant Major
مؤهل	Muahhal	Warrant officer
مؤهل أول	Muahhal Awwal	Chief Warrant Officer

10) The appointment of enlisted personnel and warrant officers will be made by the person authorized under Administrative Instructions issued by the Administrator of the CPA, or by a civilian member of the CPA reporting directly to the Administrator and to whom authority has been specifically delegated in writing, by the Administrator for this purpose. It shall be possible for personnel entering the service to be appointed to an enlisted rank above that of Private.

11) Promotion of officers and enlisted personnel will be made pursuant to procedures to be established by the Administrator of the Coalition Provisional Authority on the basis of merit established by reference to experience, demonstrated competence in the current rank and potential for exceptional performance in the next higher rank.

PAY AND ALLOWANCES

12) Pay and allowances for members of the New Iraqi Army will be determined by an Administrative Instruction.

13) A Member of the New Iraqi Army will automatically forfeit a day's pay and allowances for each full or partial calendar day that the Member absents himself from his place of duty or unit without the permission of a superior officer authorized to grant such permission, and shall in addition be subject to appropriate disciplinary action, including the commencement of Disciplinary Proceedings under the Code of Military Discipline.

LEAVE

14) Members of the New Iraqi Army may take leave subject to the needs of the service, upon receiving permission from a duly authorized officer. The period of leave and other relevant details are to be specified by Administrative Instructions.

TERM AND TERMINATION OF SERVICE

15) Volunteers for service in the New Iraqi Army obligate themselves to an initial term of service for a period not to exceed 26 months, subject to a decision by an internationally recognized, representative government, established by the people of Iraq, to continue its existence once such government assumes the responsibilities of the CPA and to the provisions of Section 6 (16)(b) and (c) below. At the end of any term of service, a member may extend service for a further term of 24 months, subject to agreement by the appropriate authorities and the interests of the service. No period of service shall be extended without the consent of the Member, except in national emergencies as officially declared according to law. Required minimum terms of service in special situations, e.g. advanced training, may be specified by Administrative Instruction.

16) Service in the New Iraqi Army may terminate on the occurrence of one of the following events:

(a) Upon a determination that the Member's services are no longer required following the transfer of authority by the CPA to an internationally recognized, representative government, established by the people of Iraq, without prejudice to the right of an internationally recognized, representative government in Iraq, established by the people of Iraq, to assume the command and control of the New Iraqi Army and all on-going service obligations of its personnel;

(b) Upon a determination by a commanding officer, based upon credible evidence, that a Member of the New Iraqi Army is unsuitable for further military service in the New Iraqi Army on the basis of one of the following:

(i) commission of a Serious Offense
(ii) a poor disciplinary record
(iii) medical unsuitability
(iv) consistently poor performance
(v) failure to meet basic standards of performance
(vi) behavior which is discriminatory on the basis of gender, race, ethnic or regional origin, religion or tribal affiliation
(vii) unsuitability for military service
(viii) commission of a Military Offense
(ix) violations of Section 9 of this Order (relating to political activity)

Within seven days of notification of termination, Members who have completed initial entry training, may request that the decision to terminate their service be confirmed by the Administrator of the CPA or by a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing in respect of this Section. A determination under this clause (b) shall be conclusive upon confirmation by Administrator of the CPA, or by a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing with respect to this Section, or upon the elapse of seven days from the time of notification of termination, if no request for confirmation is made.

(c) Service in the New Iraqi Army shall also terminate upon:

(i) the granting of an application from a Member of the New Iraqi Army for discharge based upon demonstrated need;
(ii) on the granting of an application to resign; or
(iii) a determination by the Administrator or his delegate that such termination is necessary for the good of the service.

Section 7
Weapons

The possession of Heavy Weapons and Small Arms by Members of the New Iraqi Army is regulated by CPA Order Number 3, Weapons Control Order (CPA/ORD/23 May 2003/03), which Order may be supplemented by Administrative Instructions.

Section 8
Administrative Inquiries

1) The Administrator of the CPA, or a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing, may, by Administrative Instruction, issue such rules made under this Section for the convening of an Administrative Inquiry to investigate any matter regarding the operation of any part of the New Iraqi Army. Reports of such inquiries shall establish the facts of the matter, draw conclusions, and make any recommendations as may be appropriate.

2) An Administrative Inquiry may be convened by an officer of the rank of Lieutenant Colonel or above who holds a command position with respect to any matter concerning a unit under his command and its operation or the Members of the New Iraqi Army under his command, except that an Administrative Inquiry may not be convened to investigate a matter already under investigation as a criminal matter until such time as the criminal investigation is completed. In circumstances in which an Administrative Inquiry has been commenced and it discovers evidence of a Military Offense then it may refer the matter to a Disciplinary Officer in accordance with the Code of Military Discipline. Following referral of the matter to a Disciplinary Officer, the Administrative Inquiry will be completed in accordance with the rules governing such Inquiries.

Section 9
Political Activities

Members of the New Iraqi Army may not:

(a) be members of a political party, organization or association;

(b) participate in any activities of a political party, organization or association including the recruiting of members for political parties or organizations;

(c) publicly state or suggest any opinion of a political nature which includes efforts to indoctrinate members of the New Iraqi Army or any other person with a political ideology or otherwise convince any person to adhere to a particular political ideology; or

(d) participate in any manner in Extremist Organizations or Activities.

2) Nothing in this Section shall limit the right of a member of the New Iraqi Army to vote in elections for political office organized on a local, regional or national basis.

Section 10
Defense Areas

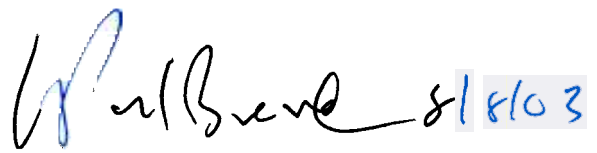
The Administrator of the CPA, or a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing, may prohibit or restrict access by any person to any Defense Area and may make all appropriate provisions for the control and security of any Defense Area. In the event such prohibitions or restrictions limit access to privately-owned property, reasonable compensation shall be promptly paid to the property owner during the period of limited access.

Section 11
Administrative Instructions

The Administrator of the CPA, or a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing, may issue Administrative Instructions, not inconsistent with this Order, prescribing all matters that are necessary or convenient for giving effect to or carrying out the purposes of this Order.

Section 12
Entry into Force

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



L. Paul Bremer, Administrator
Coalition Provisional Authority