LAWS

In the Name of the People,
The Revolutionary Command Council

RESOLUTION No. (144)

Date : 7th. Dhul- Qaada. 1411 H.
21-5-1991 A.D.

Pursuant to what has been adopted by the National Assembly according to Article (53) of the Constitution and Para. (Secondly) of Article (47) of the National Assembly Law No. (55) of 1980 (as amended), and in accordance with the provisions of Para. (A) of Article (42) of the Constitution,

The Revolutionary Command Council have decided to promulgate the following Law:

Law No. (14) of 1991

The State Officials Discipline And Socialist Sector

Chapter One

Definitions and Validity of the Law

Article 1

The following expressions shall have the meanings stated thereagainst:

Firstly : Minister : The competent Minister being considered the chief of the authority not connected with a ministry as a Minister for the purpose of this Law.

Second : Head of a Department : The Undersecretary, the Governor, the Director General, and any other official authorized by the Minister with the power of imposing penalties stipulated in this Law.

Thirdly : Official : Any person entrusted with a post inside the cadre of the ministry or the authority not connected with a Ministry

Fourthly : Council : The Disciplinary Board set up according to the State Consultations Council Law No. (65) of 1979 (as amended).

Fifthly : Committee : The Investigation Committee which is formed by the minister or Head of the Department for purposes of this Law.

Article 2

Firstly : The provisions of this Law shall be valid on all the State Officials and Socialist Sector

Secondly : There shall not be subject to the provisions of this Law : The staff of the Presidency's Divan, the Internal Security Forces, Intelligence Department, Military Industrialization Commission, Judges, and Members of the Public Prosecution unless it is found a text stipulates in their laws requires to apply its provisions.

Chapter two

Duties of the Official

Article 3

The general post is a national commissioning and social service aiming at being in charge of it, the public interest and serving the citizens in the light of legal rules in force.

Article 4

The official shall be bound in the following tasks:

Firstly : To perform works of his job himself by trustworthiness and feeling with the responsibility.

Second : To be bound with the dates of the work and not to be absent unless by a permission, and allotting all the time of official hours for the work.

Thirdly : To respect his superiors and be bound to use moral obligation and aptitude in talking with them as well as obeying their orders connected with the performance of his duties in the limits required by the laws, regulations and instructions. In case of
there will be a contravention in those orders, therefore, the official should state to his superior in writing the face of such contravention and not to be obliged to execute these orders unless his superior confirm them in writing, then, his superior shall be responsible thereupon.

Fourthly: To treat the (subordinates) superiors amicably as to preserve their dignity.

Fifthly: To respect the citizens and facilitate the performance of their transactions.

Sixthly: To preserve the state properties which are in his possession or under his disposal, and using them in the right way.

Seventhly: To keep secret of the information and documents being seen by him in his official capacity or during thereof, if they are confidential of their nature or more to be feared from disclosing same of causing the harmful to the state or individuals or orders have been issued from his superiors to keep them secret and this duty shall remain as an existence even after the termination of his service, and it is impermissible for him to keep secret official documents after placing him on pension or in termination of his service in any phase whatsoever.

Eighthly: To preserve dignity of the public officialship and to be far away from touching the suspicion requires thereof whether that was during the performance of his job or outside the official office hours.

Ninthly: To refrain of exploiting the officialship to achieve a benefit or personal interest for him or for the others.

Tenthly: To recover of what there were under his disposal from apparatus or tools into the specific place of thereof after finishing the daily work unless the nature of work shall requires other than that.

Eleventhly: To bear in mind the laws, regulations and instructions concerning the protection of public health and the safety in the work and the precaution from fire

Twelfthly: To carry out duties of the job according to whatever have been decided by the laws, regulations and instructions.

Article 5

The Official shall be prohibited from doing the following :

Firstly: To gather between two jobs or in original capacity or to combine between the job and any other work except according to the provisions of the law.

Secondly: Practising commercial business and setting up the companies and the membership in its administrative councils except:

A. Buying shares of the joint stock companies.

B. The works belonging to his properties which come to him by a legacy or managing properties of his wife or his relatives till the third degree being reverted to them by heir, and the official should inform his office in this respect within 30 days and the Minister if he seems that it would be affect on performing duties of the official or that are prejudices with the public interest, he should inform him either by staying in the job and making clearance of these properties or leaving the management during a year from the date of serving him with that, and the request of resignation or the retirement on pension.

Thirdly: Taking part in tenders.

Fourthly: Taking part in the auctions carried out by the State departments and the Socialist sector to sell moveable and immovable properties if he is legally authorized by attestation of the sale to consider the
committal as final, or if he was a member
in committees of estimation or the sale or
has taken a decision of buying and leasing
such properties or if he was an official in
the Directorate General or its equivalent of
which these properties belong to it:

Fifthly : Using the materials, apparatus, means
of transportation and others relating to
the state departments and Socialist Sectors
for special purposes.

Sixthly : Using any machine or device or any
tool of the production which he is not en-
trusted by his direct superior for using it.

Seventhly : Non exploitation correctly in work-
ing hours and means of production in order
to achieve the works entrusted to him or
the disregard or negligent in the duty which
leads harming with the productive or ser-
vices or properties.

Eighthly : To tamper with the project or destroy-
ing its tools or the raw materials or appar-
atus or the requirements.

Ninthyly : To premeditate in decreasing the pro-
duction or damaging thereof.

Tenthly : The delay of performing the work
which may cause suspension of the work of
others.

Eleventhly : Borrowing or accepting remuna-
tion or present gift or interest from the
callers or contractors or contracting entre-
preneur with his office or whomsoever his
work has a connection with the civil serv-
ant by a reason of the job

Twelfthly : Attending his office centre while noti-
noticeably intoxicated or appearing in obvious
drunkenness in a public place.

Thirteenthly : Keeping for his own with any ori-
ginal or official document or removing the
original from the files allocated for keep-
ing them to dispose with for other than of
the official purposes.

Fourteenthly : Conducting with any declaration
or statement upon the works of his office
to the information and publication media
having direct in touch with the works of
his office unless he is authorized in this re-
gard from the competent superior.

Article 6

Firstly : The official who occupies one of the
job falling under the limits of the seven
class of the Law of Civil Servant No. (24)
of 1960 or its equivalent or lower, may have
the right to work outside the office hours
on his account or with the others, provided
that he should inform his office with the
place and nature of his work annually and
his work outside the office hours should not
affect on the duties of his job.

Secondly : The competent Minister or whoever
he authorizes may give a permission to
the official from other than those covered
by the provisions of Para. (Firstly) of
this Article, to work outside the official
office hours for one year liable for renew-
al.

Thirdly : There shall be excluded from the pro-
visions of this Article the officials who are:
A- Appointed by a republican ordinance.
B- Staff of Ministry For Foreign Affairs.
C- Those who are working in the foreign
service.

Article 7

In case the official contravenes his official
duties or acts with the prohibited works he shall
be punished by one of the penalties stipulated
in this Law and shall not make affect of what-
ever may be taken against him from other pro-
cedures according to the laws.

Chapter Three

Penalties And Its Effects And The Procedures Of Imposing Thereof.

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Article 3

The penalties which may be imposed against the official are:

Firstly: Admonition: It shall be by sending a written letter to the official with the contravention which he has committed and directing him to improve his functional behaviour and owing to this punishment, his promotion or increase shall be delayed for a period of three months.

Secondly: Warning: It shall be by sending a written letter with the contravention he has committed and warning him not to violate his functional duties in future and due to this punishment, his promotion or increase shall be delayed for a period of one year.

Thirdly: Deduction of Pay: It shall be by deducting the daily installment of the official pay for a period not to exceed (10) days by a written order for which the contravention being committed by the official and necessitated of imposing the penalty, and due to this punishment, his promotion or the increase shall be delayed according to the following:

A- Five months in case of deducting the salary for a period not exceeding 5 days.
B- One month for every day of cutting the salary in case of exceeding the period of punishment five days.

Fourthly: Reprimand: It shall be by notifying the official by a written letter with the contravention committed by him and the grounds that make his conduct unsatisfactory and telling him to avoid the contravention and improving his functional conduct and due to this punishment, his promotion and increase shall be delayed for one year.

Fifthly: Reduction of Pay: It shall be by reducing a sum from salary pay of the official in a ratio not to exceed (10%) of his salary for a period not less than 6 months and not exceeding 2 years to be made by a written order informing the official with the act he has committed, and due to that punishment his promotion and increase shall be delayed for two years.

Sixthly: Demotion of grade: It shall be by a written order, notifying the official with the act he has committed and according to this punishment there shall be arranged:

A. With regards to the official subjected to laws or regulations or rules or service instructions, applying with the financial and promotion grades is to rebate salary of the official to the minimum of the grade which is under his grade directly, together with granting him the allowances that he has obtained in the rebated grade (compared to the decided allowance of the grade rebated thereto), and he should be returned to the salary which has been received before rebating his grade after serving (3) years from the date of imposing the penalty together with circulating the period being served in his last salary before imposing the penalty.

B. In respect to the official subjected to laws or regulations or rules or service instructions that are applying with the system of increase every two years, is to reduce two increments from the official’s salary and he should return to salary that he has been received before reducing his grade after serving three years from the date of imposing the penalty, together with circulating the period served in his last salary prior imposing the penalty.

C. As regard to the official subjected to laws or regulations or rules or service instructions; who are applying with the annual increase, is to reduce three annual increments from the official’s salary together with circulating the period served in his last salary before imposing the penalty.
Seventhly: The Discharge: It shall be by discharging the from the job service for a period to be determined by a decision of the discharge containing the statement of grounds of imposing the penalty against him which are as follows:

A: For a period not less than a year and not exceeding 3 years if the official has been punished with two of the following punishments or by one of them twice and has been committed, in the third time during five years from the date of imposing the first penalty, an act for which he should be punished by one of them:

1. Reprimand
2. Reduction of pay
3. Demotion of grade.

B: Period of his stay in the Prison, if he awarded the punishment of imprisonment or imprisonment for a crime not derogatory to honour with effect from the date of passing the judgement on him, and the period of his detention shall be regarded within the period of the discharge, and half of salaries spent to him shall not be refunded during the period of the suspension.

Eighthly: Dismissal: It shall be, by removal the official from job absolutely and he will not be re-employed in the state departments and the Socialist sector, and that to be by a causative decision from the minister in any of the following cases:

A: If it is proved that he has committed a gross act which makes his stay in the state service harmful to the public interest.

B: If he is convicted with a crime arises from his job or has been committed in his official capacity.

C: If he has punished by the discharge and he has reinstated to a job and then commits another act justifying the discharge another time.

Article 9

Firstly: Periods of the delay in promotion and increase resulted on the punishments aforementioned in Article (8) of this Law shall be valid with effect from the maturity date of the official to the promotion or increase.

Secondly: If the official is punished by more than one penalty during the one functional grade, therefore the severer penalty shall be applied on him concerning the delay of promotion according to what is decided in the previous Paragraph.

Article 10

Firstly: The Miniser or Head of the Department should form an investigating committee from the chairman and two members from those having experience, provided that one of them should have been obtained first university certificate at law.

Secondly: The committee shall undertake the investigation in writing with the contravened official being referred to it, and it may, in the course of performing its task hear and write down the sayings of the official and witnesses as well as to be acquainted with all documents and statements which it deems necessary to be acquainted with same, together with making a minute affirming what have been taken of measures and what have been heard of sayings, with its grounded recommendations, as for not asking the liability of the official and closing the investigation, or by imposing one of the penalties stipulated in this Law, and all of them should be raised to the authority which is referred the official thereto.

Thirdly: If the committee deems that the action of the official referred to it constitutes a crime resulted from his job or has committed same in his an official capacity there-
fore, the committee should recommend to refer him to the competent courts.

Fourthly : With the exception of the provisions of Paras. (Firstly and Secondly) of this Article, the Minister or Head of the Department, after making cross examination with the contravened official, may impose directly any of the punishments stipulated in Paragraphs (Firstly, Secondly, and Thirdly) of Article (8) of this Law.

Article 11

With due regards to the provisions of Article (10) of this Law:

Firstly : The Minister may impose any of the punishment stipulated in Article (8) of this law on the official who contravenes it's provisions.

Secondly : The Head of the Department or the authorized official may impose any of the following punishments on the official who contravenes the provisions of this law:

A : Admonition.
B : Warning.
C : Deduction for a period not to exceed five days.
D : Reprimand.

Thirdly : If the committee recommended by imposing severer punishment of what has been stipulated in Para. (Secondly) of this Article, the Head of the Office or the authorized official should refer it to the Minister to decide thereon.

Fourthly : The punishments imposed by the Minister or the Head of the office or the authorized official are to be final, with the exception of the following punishments :

A : Reprimand
B : Deducting of salary
C : Reduction of the grade
D : Discharge
E : Dismissal.

Fifthly : The official who had been punished by one of the punishments stipulated in Para. (Fourthly) of this Article may object on the decision of imposing the punishment before the General Disciplinary Council within thirty days from the date of being informed by the decision of imposing the punishment.

Article 12

Firstly : With due regards to the provisions of Article (10) of this law the Minister may impose the punishment of admonition or warning or deducting the salary of the official who occupy the post of Director General and up when he makes an action contravenes the provisions of this law and his decision shall be final.

Secondly : If it appeared to the Minister through investigation that the official covered by the provisions of Para. (Firstly) of this Article had committed an act requires severer punishment of what he had been authorized, therefore the matter should be submitted to the Council of Minister including the suggestion of imposing any of the punishments stipulated in this law, and the resolution of the Council of Ministers in this respect shall be final.

Article 13

Firstly : The Minister may abrogate any of the punishments inflicted in Paras. (Firstly, Secondly, Thirdly, and Fourthly) of Article (8) of this law against the official at the availability of the following conditions:

A : Elapse of one year on the imposing of penalty.
B : On achieving his duties in a distinguished way according to his companions,
Fourthly: The non impeachable decision during the period stipulated in this Article and the decision of the General Disciplinary Council issued with the result of impeach shall be considered final.

Fifthly: The General Disciplinary Council at considering the impeach due regards the provisions of Criminal Procedures Law in force and what is in harmony with the provisions of this Law and its sessions will be secret.

CHAPTER FIVE

THE SUSPENSION

Article 16

If the official has been arrested by a competent authority, his department should suspend him from his job as long as the period of arrest.

Article 17

Firstly - The Minister and the Head of the Department has the right to suspend the official for a period not exceeding (90) days. If he deems that his continuation in the job, shall do harm to the public interest, or it may affect on the course of investigation in the act being turned over to investigation, and he shall reinstated to his job after ending the mentioned period unless there is what is to be prohibited, therefore, he shall be deputed to another job.

Secondly - The committee may recommend to suspend the official in any course of the courses of investigation.

Article 18

The suspended official shall receive the halves of his pays during the period of his suspension.

Article 19

Firstly - If the suspended official is discharged or dismissed, he shall not have any thing of his suspended pay, regardless whether his discharging or dismissing based on this Law or any other Law.
Secondly - If the suspended official is punished with a penalty of reducing the pay or reducing the rank, then the punishment shall be enforced from the date of his suspension, and the rest shall be paid to him from the halves of his pays.

Thirdly - If conclusion of the investigation or the trial acquits the official or releases him or punishes him other than than the penalties mentioned in Para. (Secondly) of this Article, therefore the suspended halves of his pay shall be paid to him accordingly.

Fourthly - If the suspended official is deceased before issuing the final judgement in the investigation or the trial, the halves of his suspended pays shall be reverted to whoever has the right to collect the pension rights according to the Civil Pension Law, and in case of non-existence of them, then shall be reverted to his heirs.

GENERAL AND FINAL PROVISIONS

Article 20

It is not permissible to impose more than one punishment on one act according to this Law.

Article 21

Firstly - If a thank has been addressed to the suspended official from the Presidency or the Council of Ministers or the Minister or whoever he authorizes, or he was not punished or has been punished and the effect of punishment is ended, he should be granted a seniority for one month period, for every appreciation addressed to him, and the seniority period shall not be exceeding more than three months yearly.

Secondly - If the official has been punished, so the thank shall cancel the penalty of admonition and, if he gets two thanks, they shall cancel the warning punishment which is imposed on him and if he gets three thanks or more and he was punished with severe punishment of the warning, then the period of delaying his promotion shall be reduced for one month of every thank and not to exceed more than three months yearly.

Article 22

Termination the service of the official for any reason, whatsoever or secondment or transferring him, shall not prevent him from inquiry according to the provisions of this Law.

Article 23

The acquittance of the official or releasing him of the act committed being inverted to the competent courts, shall not prevent to impose one of the sanctions stipulated in this Law.

Article 24

If it appears to the Minister or the Head of the department who is authorized by the Minister or the General Disciplinary Council, that the act of the official referred to investigation or in the contents of conviction that a crime is resulted from his job or has been committed by his official capacity, therefore, he should be committed to the competent courts.

Article 25

The State Official Disciplinary Law No. (69) of 1963 (as amended) shall be repealed and any text contradicts the provisions of this Law shall not be operated.

Article 26

The Law shall come into force after elapsing (90) days from the date of its publication in the Official Gazette.

Saddam Hussain
Chairman of the Revolutionary Command Council
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