

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 41

NOTIFICATION OF CRIMINAL OFFENSES

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

Noting the requirement under Iraqi law to notify public authorities of information concerning an attempt to commit or the commission of certain offenses involving the use of explosives or firearms and the destruction or damage of public assets and infrastructure,

Recognizing the imperative that all persons in Iraq assist in and support the efforts of Iraqi public authorities, Coalition authorities, and the international community to improve the conditions and security of the people of Iraq,

Determined to act decisively to ensure public security and to prevent acts of sabotage and terror,

I hereby promulgate the following:

Section 1 Interpretation of Law

- 1) For the purposes of Paragraphs 190, 193-197, 216 (except with respect to Paragraphs 191 and 192) and 219 in the Penal Code Law No. (111) of 1969 as amended and modified by CPA Order Number 7, Penal Code, CPA/ORD/9 June 2003/07 ("the Code"), references to "government" and the "State" shall be interpreted to include the Governing Council, the interim Iraqi Ministers, those persons specifically authorized to draft the new Iraqi constitution, the CPA and Coalition Forces.
- 2) For purposes of clarity, the notification requirement set forth in Paragraph 219 shall be applicable to, among other things, knowledge of offenses under Paragraph 197. This would include, for example, knowledge of offenses, committed with the intent to spread panic among the population or create anarchy, involving the destruction of or serious damage to public property of significant national economic importance (including an oil pipeline), public buildings (including a mosque), and government property (including a vehicle of the Governing Council, Coalition Forces or the CPA).

Section 2
Additional Penalties

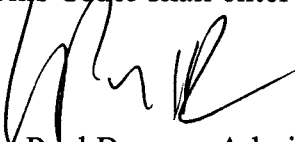
- 1) At the discretion of the Administrator, foreign nationals convicted of an offense under Paragraph 219 of the Code may be deported consistent with applicable law.
- 2) Where individuals who are employees of organizations are convicted of an offense under Paragraph 219 of the Code for acts committed in the course of their employment duties, and the supervisors, management or executive officers of the organization aided, abetted, encouraged or acquiesced in the offense, then the organization shall be liable for a fine of up to US\$5 million.

Section 3
Preservation of Discretion

Nothing in this Order shall in any way limit the right of the CPA and Coalition Forces to take direct action in accordance with international law, including Article 53 of the Hague Regulations of 1907.

Section 4
Entry into Force

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

 9/15/03

L. Paul Bremer, Administrator
Coalition Provisional Authority