

# GOVERNING DEPENDS ON JUSTICE

## AL-WAQAI AL-IRAQIYA



OFFICIAL GAZETTE OF IRAQ

- COALITION PROVISIONAL AUTHORITY
- DE-BAATHIFICATION ORDER
- DISSOLUTION OF ENTITIES
- WEAPONS CONTROL
- MANAGEMENT OF PROPERTY & ASSETS OF THE IRAQI BAAATH PARTY
- ESTABLISHMENT OF THE IRAQI DE-BAATHIFICATION COUNCIL

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Free of Charge

Under my authority as Coalition Provisional Authority Administrator, the Ministry of Justice is reinstating the publication of *Alwaqai Aliraqiya*, and will publish in the *Alwaqai Aliraqiya* CPA Regulations, Orders, Memoranda, and Public Notices. CPA Regulations, Orders, and Memoranda will be referred to using the following reference system: CPA/the type of instrument: REG, MEM, ORD/the date of the instrument/the number of the legal instrument. Consequently, the first Regulation is CPA/REG/16 May 2003/01.

Under my direction, the CPA has undertaken to suspend the unjust and oppressive laws imposed by the former regime and to publish these new legal instruments as a means of establishing a fair and just judicial system for the Iraqi people. This first publication of *Alwaqai Aliraqiya* is a significant step in that process. Additional legal instruments of the CPA will appear in the *Alwaqai Aliraqiya* in the weeks to come and will continue to enhance the rule of law in Iraq.

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

**COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 1**

*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,*

I hereby promulgate the following:

**Section 1  
The Coalition Provisional Authority**

- 1) The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable reconstruction and development.
- 2) The CPA is vested with all executive, legislative and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA Administrator.
- 3) As the Commander of Coalition Forces, the Commander of U.S. Central Command shall directly support the CPA by deterring hostilities; maintaining Iraq's territorial integrity and security; searching for, securing and destroying weapons of mass destruction; and assisting in carrying out Coalition policy generally.

**Section 2  
The Applicable Law**

Unless suspended or replaced by the CPA or superseded by legislation issued by democratic institutions of Iraq, laws in force in Iraq as of April 16, 2003 shall continue to apply in Iraq insofar as the laws do not prevent the CPA from exercising its rights and fulfilling its obligations, or conflict with the present or any other Regulation or Order issued by the CPA.

**Section 3  
Regulations and Orders issued by the CPA**

- 1) In carrying out the authority and responsibility vested in the CPA, the Administrator will, as necessary, issue Regulations and Orders. Regulations shall be those

instruments that define the institutions and authorities of the CPA. Orders are binding instructions issued by the CPA. Regulations and Orders will remain in force until repealed by the Administrator or superseded by legislation issued by democratic institutions of Iraq. Regulations and Orders issued by the Administrator shall take precedence over all other laws and publications to the extent such other laws and publications are inconsistent. The Administrator may also from time to time issue Public Notices.

- 2) The promulgation of any CPA Regulation or Order requires the approval or signature of the Administrator. The Regulation or Order shall enter into force as specified therein, shall be promulgated in the relevant languages and shall be disseminated as widely as possible. In the case of divergence, the English text shall prevail.
- 3) CPA Regulations and Orders shall bear the symbols CPA/REG/Date Month 2003/\_ and CPA/ORD/Date Month 2003/\_. A register of the Regulations and Orders shall indicate the date of entry into force, the subject matter and amendments or changes thereto, or the repeal or suspension thereof.

#### **Section 4 Memoranda**

- 1) The Administrator may issue Memoranda in relation to the interpretation and application of any Regulation or Order.
- 2) CPA Memoranda shall bear the symbols CPA/MEM/Date Month 2003/\_. The provisions of Section 3 shall also apply to the promulgation of CPA Memoranda.

#### **Section 5 Entry into Force**

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

L. Paul Bremer, Administrator  
Coalition Provisional Authority

## COALITION PROVISIONAL AUTHORITY ORDER NUMBER 1

## DE-BAATHIFICATION OF IRAQI SOCIETY

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

*Recognizing* that the Iraqi people have suffered large scale human rights abuses and deprivations 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,

*Concerned* by the continuing threat to the security of the Coalition Forces posed by the Iraqi Baath Party,

I hereby promulgate the following:

**Section 1****Disestablishment of the Baath Party**

- 1) On April 16, 2003 the Coalition Provisional Authority disestablished the Baath Party of Iraq. This order implements that declaration by eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society. By this means, the Coalition Provisional Authority will ensure that representative government in Iraq is not threatened by Baathist elements returning to power and that those in positions of authority in the future are acceptable to the people of Iraq.
- 2) Full members of the Baath Party holding the ranks of 'Udw Qutriyya (Regional Command Member), 'Udw Far' (Branch Member), 'Udw Shu'bah (Section Member), and 'Udw Firqah (Group Member) (together, "Senior Party Members") are hereby removed from their positions and banned from future employment in the public sector. These Senior Party Members shall be evaluated for criminal conduct or threat to the security of the Coalition. Those suspected of criminal conduct shall be investigated and, if deemed a threat to security or a flight risk, detained or placed under house arrest.
- 3) Individuals holding positions in the top three layers of management in every national government ministry, affiliated corporations and other government institutions (e.g., universities and hospitals) shall be interviewed for possible affiliation with the Baath Party, and subject to investigation for criminal conduct

and risk to security. Any such persons determined to be full members of the Baath Party shall be removed from their employment. This includes those holding the more junior ranks of 'Udw (Member) and 'Udw 'Amil (Active Member), as well as those determined to be Senior Party Members.

- 4) Displays in government buildings or public spaces of the image or likeness of Saddam Hussein or other readily identifiable members of the former regime or of symbols of the Baath Party or the former regime are hereby prohibited.
- 5) Rewards shall be made available for information leading to the capture of senior members of the Baath party and individuals complicit in the crimes of the former regime.
- 6) The Administrator of the Coalition Provisional Authority or his designees may grant exceptions to the above guidance on a case-by-case basis.

**Section 2**  
**Entry into Force**

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

L. Paul Bremer, Administrator  
Coalition Provisional Authority

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 2**

**DISSOLUTION OF ENTITIES**

*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,

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

*Recognizing* that the prior Iraqi regime used certain government entities to oppress the Iraqi people and as instruments of torture, repression and corruption,

*Reaffirming* the Instructions to the Citizens of Iraq regarding Ministry of Youth and Sport of May 8, 2003,

I hereby promulgate the following:

**Section 1  
Dissolved Entities**

The entities (the "Dissolved Entities") listed in the attached Annex are hereby dissolved. Additional entities may be added to this list in the future.

**Section 2  
Assets and Financial Obligations**

- 1) All assets, including records and data, in whatever form maintained and wherever located, of the Dissolved Entities shall be held by the Administrator of the CPA ("the Administrator") on behalf of and for the benefit of the Iraqi people and shall be used to assist the Iraqi people and to support the recovery of Iraq.
- 2) All financial obligations of the Dissolved Entities are suspended. The Administrator of the CPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.
- 3) Persons in possession of assets of the Dissolved Entities shall preserve those assets, promptly inform local Coalition authorities, and immediately turn them over, as directed by those authorities. Continued possession, transfer, sale, use, conversion, or concealment of such assets following the date of this Order is prohibited and may be punished.

**Section 3**  
**Employees and Service Members**

- 1) Any military or other rank, title, or status granted to a former employee or functionary of a Dissolved Entity by the former Regime is hereby cancelled.
- 2) All conscripts are released from their service obligations. Conscription is suspended indefinitely, subject to decisions by future Iraq governments concerning whether a free Iraq should have conscription.
- 3) Any person employed by a Dissolved Entity in any form or capacity, dismissed effective as of April 16, 2003. Any person employed by a Dissolved Entity, in any form or capacity, remains accountable for acts committed during such employment.
- 4) A termination payment in an amount to be determined by the Administrator will be paid to employees so dismissed, except those who are Senior Party Members as defined in the Administrator's May 16, 2003 Order of the Coalition Provisional Authority De-Baathification of Iraqi Society, CPA/ORD/16 May 2003/01 ("Senior Party Members") (See Section 3.6).
- 5) Pensions being paid by, or on account of service to, a Dissolved Entity before April 16, 2003 will continue to be paid, including to war widows and disabled veterans, provided that no pension payments will be made to any person who is a Senior Party Member (see Section 3.6) and that the power is reserved to the Administrator and to future Iraqi governments to revoke or reduce pensions as a penalty for past or future illegal conduct or to modify pension arrangements to eliminate improper privileges granted by the Baathist regime or for similar reasons.
- 6) Notwithstanding any provision of this Order, or any other Order, law, or regulation, and consistent with the Administrator's May 16, 2003 Order of the Coalition Provisional Authority De-Baathification of Iraqi Society, CPA/ORD/16 May 2003/01, no payment, including a termination or pension payment, will be made to any person who is or was a Senior Party Member. Any person holding the rank under the former regime of Colonel or above, or its equivalent, will be deemed a Senior Party Member, provided that such persons may seek, under procedures to be prescribed, to establish to the satisfaction of the Administrator, that they were not a Senior Party Member. Additionally, the Administrator may grant exceptions to the limitations in this Section at his discretion. Such exemptions will be strictly limited.

**Section 4  
Information**

The Administrator shall prescribe procedures for offering rewards to person who provide information leading to the recovery of assets of Dissolved Entities.

**Section 5  
New Iraqi Corps**

- 1) The CPA plans to create in the near future a New Iraqi Corps, as the first step in forming a national self-defense capability for a free Iraq. Under civilian control, that Corps will be professional, non-political, militarily effective, and representative of all Iraqis. The CPA will promulgate procedures for participation in the New Iraqi Corps.
- 2) The Administrator may delegate his powers and responsibilities with respect to this Order as he determines appropriate. References to the Administrator herein include such delegates.

**Section 6  
Entry into Force**

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

Paul Bremer, Administrator  
Coalition Provisional Authority

**ANNEX  
COALITION PROVISIONAL AUTHORITY ORDER NUMBER 2  
DISSOLUTION OF ENTITIES**

Institutions dissolved by the Order referenced (the "Dissolved Entities") are:

- The Ministry of Defence
- The Ministry of Information
- The Ministry of State for Military Affairs
- The Iraqi Intelligence Service
- The National Security Bureau
- The Directorate of National Security (Amn al-'Am)
- The Special Security Organization

All entities affiliated with or comprising Saddam Hussein's bodyguards to include:

- Murafaqin (Companions)
- Himaya al Khasa (Special Guard)

The following military organizations:

- The Army, Air Force, Navy, the Air Defence Force, and other regular military services
- The Republican Guard
- The Special Republican Guard
- The Directorate of Military Intelligence
- The Al Quds Force
- Emergency Forces (Quwat al Tawari)

The following paramilitaries:

- Saddam Fedayeen
- Ba'ath Party Militia
- Friends of Saddam
- Saddam's Lion Cubs (Ashbal Saddam)

Other Organizations:

- The Presidential Diwan
- The Presidential Secretariat
- The Revolutionary Command Council
- The National Assembly
- The Youth Organization (al-Futuwah)
- National Olympic Committee
- Revolutionary, Special and National Security Courts

All organizations subordinate to the Dissolved Entities are also dissolved.

Additional organizations may be added to this list in the future.

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 3**

**WEAPONS CONTROL**

*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 weapons control is necessary in order to ensure a secure environment for the people of Iraq and to promote public order and safety,

I hereby promulgate the following:

**Section 1  
Definitions**

- 1) "Heavy Weapons" are weapons firing ammunition larger than 7.62 MM, machine guns or crew-served weapons, anti-tank weapons (such as rocket propelled grenades (RPGs)), anti-aircraft weapons (such as 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).
- 2) "Small Arms" includes rifles that fire up to 7.62 MM ammunition, shotguns, and pistols.
- 3) "Weapons" includes Heavy Weapons and Small Arms.
- 4) "Coalition Forces" includes any and all personnel, including contractors, from Coalition Member States under the command or direction of the Coalition Provisional Authority or the Coalition Force Commander.

**Section 2  
Prohibition on Heavy Weapons**

- 1) Other than as provided for in Section 2.2, no person shall possess, carry, conceal, hide, bury, trade, sell, barter, give or exchange heavy weapons.
- 2) Iraqi police, security and military forces in uniform under the supervision of Coalition Forces may possess heavy weapons, but only to the extent necessary to perform their duties and only those weapons that have been expressly permitted. Coalition Forces may possess weapons at any time.

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 4**

**MANAGEMENT OF PROPERTY AND ASSETS OF THE IRAQI BAAATH PARTY**

*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,

*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),

*Furthering* CPA Order Number 2 on the Dissolution of Entities, (CPA/ORD/23 May 2003/02),

*Recognising* that the assets and property of the Iraqi Baath Party constitute State assets, the Iraqi government having been a one party State under the rule of the Baathists from the years 1968 to 2003,

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

I hereby promulgate the following:

**Section 1  
Definition**

*"property and assets"* includes all movable and immovable property, records and data, cash, funds, realizable assets and liquid capital, in whatever form maintained and wherever located, used, possessed, or controlled by the Baath Party, its officials and members, and all residences occupied by Baath officials or members assigned to them by the Party, a member of the Baath Party or other State instrumentality and that were not purchased for full value by those officials or members.

**Section 2  
Register of Property and Assets**

- 1) All persons shall, on request by the CPA, provide all information within their possession, control or knowledge concerning property and assets of the Iraqi Baath Party, for the compilation of a Register of all such property and assets.
  
- 2) The Register will be maintained by the CPA.

**Section 3**  
**Securing of Property and Assets**

- 1) All property and assets of the Iraqi Baath Party wherever existing and in whatever form, including property and assets that have been transferred or acquired by successor parties or institutions, are subject to seizure by the CPA on behalf, and for the benefit of the people of Iraq.
- 2) All financial obligations of the Iraqi Baath Party are suspended. The Administrator of the CPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.
- 3) Persons in possession or control of property and assets of the Iraqi Baath Party shall preserve those assets, promptly inform local Coalition authorities, and immediately turn them over, as directed by those authorities. Continued possession, transfer, sale, use, conversion, or concealment of such assets following the date of this Order is prohibited and may be punished.
- 4) The CPA will hold in trust and for the use and benefit of the people of Iraq all the said property and assets of the Baath Party that have been seized in accordance with this Order.
- 5) Any expenditure or use of the seized property and assets by the CPA will be recorded and open to audit by outside auditors.

**Section 4**  
**Right of Appeal**

- 1) A Confiscation Appeal Tribunal will be established to make determinations on disputes arising in relation to seizure action taken pursuant to this Order.
- 2) Any person adversely affected by actions taken pursuant to this order may appeal to the Confiscation Appeal Tribunal. The only grounds on which such an appeal may be based will be that the property or assets were purchased by the person for full value or that the property is not Baath Party property or assets.

**Section 5**  
**Relationship to the Iraqi De-Baathification Council**

The CPA may accept information provided to it by the Iraqi De-Baathification Council concerning the existence, location and possession of the property and assets

of the Iraqi Baath Party including information obtained from the tracing of property and assets to successor parties or institutions within Iraq.

**Section 6  
Penalty**

The penalty for failing to provide information, or failing to hand over property and assets, to the Coalition Provisional Authority as required by this Order, will be imprisonment for up to 1 year or a fine of up to US\$1,000, to be determined by an appropriate authority.

**Section 7  
Entry into Force**

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

L. Paul Bremer, Administrator  
Coalition Provisional Authority

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 5**  
**ESTABLISHMENT OF THE IRAQI DE-BAATHIFICATION COUNCIL**

*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 deprivations 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,

*Concerned* by the continuing threat to the security of the Coalition Forces posed by the Iraqi Baath Party,

*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),

*Furthering* CPA Order Number 2 on the Dissolution of Entities, (CPA/ORD/23 May 2003/02) and CPA Order Number 4 on the Management of Property and Assets of the Iraqi Baath Party (CPA/ORD/25 May 2003/04),

I hereby promulgate the following:

**Section 1**  
**Establishment of the Iraqi De-Baathification Council**

- 1) There will be established an entity to be known as the Iraqi De-Baathification Council, "the Council", which will commence operation at a time to be fixed by the Administrator.
- 2) The Council will operate at the discretion of the Administrator and will terminate operation at a time to be fixed by the Administrator or a subsequent Iraqi administration so authorised by the Administrator, or an Iraqi Government.

**Section 2**

**Composition of the Council**

- 1) The Council shall be composed entirely of Iraqi citizens who will be selected by and who shall serve at the discretion of the Administrator.
- 2) The number of members of the Council shall be determined by the Administrator but in any event shall not exceed twenty official members who may from time to time be supported by or supplemented in the performance of administration and investigations by technical personnel assigned by the Administrator.
- 3) Technical personnel supporting the Council will not be authorized to make official reports or findings directly to the Administrator; such reports or findings may only emanate from the Council.

**Section 3**

**Powers and Functions**

- 1) The Council will investigate, and gather information on the following matters:
  - a) the extent, nature, location and current status of all Iraqi Baath Party property and assets including property and assets owned by Iraqi Baath Party officials and members and any methods of concealment or distribution adopted to avoid detection;
  - b) the identity and whereabouts of Iraqi Baath Party officials and members involved in human rights violations and exploitation of the Iraqi people;
  - c) details of any criminal allegations that may be made against Iraqi Baath Party officials and members; and
  - d) any other information relevant to the Order for the De-Baathification of Iraqi Society, issued by the Administrator of the Coalition Provisional Authority on May 16, 2003 (CPA/ORD/16 May 2003/01) and the Order on the Management of Property and Assets of the Iraqi Baath Party
- 2) The Council will advise the Administrator of the following matters:
  - a) the most efficient and equitable means of eliminating the structure and means of intimidation and patronage of the Iraqi Baath Party;

- b) a means of identifying and classifying Iraqi Baath Party officials and members;
  - c) the most efficient and equitable means of reclaiming Iraqi Baath Party property and assets; and
  - d) individuals who the Council considers should be exempt from the Order for the De-Baathification of Iraqi Society issued by the Administrator of the Coalition Provisional Authority on May 16, 2003 (CPA/ORD/16 May 2003/01).
- 3) The Council will report directly and solely to the Administrator and will not release information or material arising from its activities to any other person or organization unless authorized by the Administrator.

#### Section 4

##### Obligation to Provide Information

- 1) All persons shall, on request by the Council, provide all information within their possession, control or knowledge concerning any matter regarding which the Council is authorized to obtain information.
- 2) The penalty for failing to comply with a request by the Council for information, will be imprisonment for up to 1 year or a fine of up to US\$1,000, to be determined by an appropriate authority.
- 3) Any live testimony or written statements provided by individuals to the Council may not be tendered in evidence against them in any criminal proceedings.
- 4) Any individual affected adversely by reports, recommendations or findings by the Council will be entitled to a copy of the report and may make written representation to the Administrator for reversal of the report recommendation or finding.

#### Section 5

##### Authority of the Administrator

The Administrator will be the final authority with respect to all matters concerning the Council, including the release of any material or reports produced by the Council, any action to be taken arising from the work of the Council and the consequences for individuals reported on by the Council

**Section 6**

**Regulation of the Council**

- 1) The Council shall be bound by and operate in accordance with any Regulations, Orders or Memoranda issued by the Administrator.
- 2) The remuneration of members of the Council will be fixed in accordance with regulations to be issued by the Administrator.

*Iraqi De-Baathification Council*

**Section 7**

**Entry into Force**

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

L. Paul Bremer, Administrator  
Coalition Provisional Authority