

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 13 (REVISED)
(AMENDED)**

THE CENTRAL CRIMINAL COURT OF IRAQ

Pursuant to my authority as head of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003),

Committed to promoting the development of a judicial system in Iraq that warrants the trust, respect and confidence of the Iraqi people,

Noting the continuing need for military support to maintain public order,

Furthering the CPA's duty to restore and maintain order and its right to ensure its security and fundamental standards of due process,

Recognizing the role that Iraqi jurists and legal systems must assume in addressing those serious crimes that most directly threaten public order and safety,

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

I hereby promulgate the following:

**Section 1
Establishment of Central Criminal Court of Iraq**

- 1) There shall be established a Central Criminal Court of Iraq (hereinafter "the CCCI"), which shall sit in the city of Baghdad and in such sessions in other locations in Iraq as provided for in this Order. The CCCI shall have national jurisdiction over all matters set forth in Section 18.
- 2) The CCCI shall consist of two chambers:
 - a) an Investigative Court; and
 - b) a Felony Court

**Section 2
The Investigative Court**

- 1) The Investigative Court shall operate in accordance with the requirements and procedure of Investigative Courts under the Iraqi Law on Criminal Proceedings of 1971, as amended, and as further modified by any CPA Orders, Implementing Memoranda and this Order.

- 2) The Investigative Court shall have jurisdiction over all matters that are set forth in Section 18.
- 3) The Investigative Court shall not have jurisdiction over any civil matter, other than victim compensation claims associated with a criminal matter.

Section 3 Felony Court

- 1) The Felony Court shall operate in accordance with applicable Iraqi Law.
- 2) The Felony Court shall have jurisdiction over matters as set forth in Section 18.

Section 4 Applicable Law

The CCCI shall apply Iraqi law as modified by applicable CPA Orders and this Order.

Section 5 Judges of the Central Court

- 1) Prior to the assumption of the functions of government on 1 July 2004, the judges of the CCCI shall be appointed by the Administrator and shall:
 - a) be an Iraqi national,
 - b) be of high moral character and reputation,
 - c) have a background of either opposition to the Ba'ath Party, non-membership of the Ba'ath Party or membership that does not fall within the leadership tiers described in CPA/ORD/16 May 2003/01 and entailed no involvement in Ba'ath Party activity,
 - d) have no criminal record unless the record is a political or false charge made by the Ba'ath Party regime,
 - e) have had no involvement in criminal activities,
 - f) have demonstrated a high level of legal competence; and
 - g) be prepared to sign an oath or solemn declaration of office.

- 2) A judge of the CCCI may only be removed by the Administrator where there is clear evidence of unlawful or unethical conduct, breaches of the requirements of this Order, or incompetence on the part of the member.
- 3) The Administrator may appoint reserve judges of the CCCI in accordance with the criteria set out in this section. Reserve judges may act as judges of the CCCI when a panel member is for any reason unable to perform his or her duties, or otherwise provide additional support as necessary.
- 4) In light of the nationwide jurisdiction of the Court, the Chief Judges of both the Investigative and Trial Court shall automatically be promoted to Level I Judges, if not already at that level, and shall be compensated accordingly. Similarly, all other judges shall be automatically promoted to Level II, if not already at that level, and shall compensated accordingly and be eligible to advance to Level 1 in accordance with applicable procedures.
- 5) All judges appointed as of the date of this order or thereafter shall be permanent Iraqi judges and shall serve in accordance with Iraqi law.
- 6) After the effective date of the Transitional Administrative Law, the judges of the CCCI will be appointed, and removed from office in accordance with the procedures set forth in Iraqi law.

Section 6

Independence of the Judiciary

- 1) Judges of the CCCI shall perform their duties independently and impartially, and in accordance with the applicable laws in Iraq and the oath or solemn declaration pursuant to this Order.
- 2) Judges of the CCCI shall decide matters before them without discrimination on the grounds of race, nationality, ethnicity or religion and in accordance with their impartial assessment of the facts and their understanding of the law, without improper influence, direct or indirect, from any source.
- 3) Any hierarchical organization of the judges or any difference among judges in grade or rank shall in no way interfere with the duty of the judge, whether exercising jurisdiction individually or acting collectively on a panel, to pronounce judgment in accordance with this Order.
- 4) While in office, judges and prosecutors of the CCCI shall be barred from accepting political or any other public office, or from accepting any employment,

including for teaching law, participating in the drafting of law, or carrying out legal research on a part-time basis, unless for honorary unpaid purposes.

Section 7 Refusal of Justice

No judge of the CCCI may refuse to hear, try or decide a case that is brought before the court in accordance with the relevant procedural provisions.

Section 8 Disqualification of Judges

- 1) The Administrator may, at the request of a judge or a party to a proceeding, excuse that judge from the exercise of a function in any case in which the impartiality of the judge might reasonably be doubted on any ground.
- 2) A judge of the CCCI shall be disqualified from a case in accordance with this Order if that judge has previously been involved in any capacity in that case before the court.
- 3) A judge of the Central Court shall be obliged to request that the Administrator excuse him or her from the exercise of a function in any case in which a party to the proceedings is a spouse, relative of second degree or other close relationship of that judge.
- 4) Prior to the assumption of the functions of government by Iraq, any question as to the disqualification of a judge shall be decided by the Administrator. After the assumption of the functions of government, the disqualification of a judge shall be decided in accordance with the applicable law.

Section 9 Obligations of Local Courts

- 1) All local courts in Iraq shall comply with an order by the CCCI to:
 - a) question witnesses who are registered or permanently accommodated in the area of the requested court's jurisdiction,
 - b) carry out at-the-scene examinations or re-enactments of crimes in the area of the requested court's jurisdiction,

- c) serve summonses of the CCCI on witnesses in the requested court's jurisdiction,
 - d) serve decisions of the CCCI on individuals in the requested court's jurisdiction,
 - e) execute the decisions of the CCCI if the subject of dispute is located in the requested court's jurisdiction,
 - f) provide files of the requested court for information purposes or decision,
 - g) refer cases to the CCCI.
- 2) All local criminal courts of first instance shall be required to follow the directives and orders of the CCCI. The CCCI shall at all times be subject to the jurisdiction of the Court of Cassation in accordance with the applicable law.
- 3) The failure of any local judge to follow the orders of the CCCI may be punished in accordance with Iraqi law.

Section 10 Hearings

- 1) Hearings of the CCCI and deliberations shall take place at the seat of the court in Baghdad and in such other locations in any other part of Iraq as the court determines is required.
- 2) The panel of judges or, where applicable, the individual judge may decide to hold hearings of the court in places other than at the seat of the court if the interests of justice require. In making the decision, the panel of judges or the individual judge shall be guided by the particular circumstances of the case and their responsibility to facilitate equal access to justice.
- 3) Radio and television broadcasting within the courtroom shall be governed by the applicable law.
- 4) The testimony before the Felony Court shall be public, unless otherwise determined by the judge or judges in accordance with Iraqi law.
- 5) Verdicts of the Felony Court shall without exception be delivered in public.
- 6) The CCCI may receive testimony from witnesses who are not present in Iraq by Video Telephone Conference or similar communications technology.

- 7) The deliberations of a judge or judges shall remain confidential.

Section 11 Record of Proceedings

- 1) In each hearing conducted by the Felony Court, there shall be a record of the proceedings in accordance with Iraqi law. The record will be made available, on request, to all parties to the proceedings, including their legal counsel.
- 2) In the case of the Investigative Court the judge shall take, as appropriate, notes of the proceedings and submit them to the files in accordance with Iraqi law.
- 3) Upon request, the record or notes shall be made available to the public, unless a determination has been made under this Order that the hearing shall not be public.

Section 12 Translation Service

The CCCI shall provide translation and interpretation services in every case where a party to the proceedings, or a judge, or a witness, or expert witness does not sufficiently speak or understand the language spoken in that court.

Section 13 Penalties

- 1) The penalties imposed by the CCCI shall be as prescribed for their equivalent courts under Iraqi law, as modified by CPA orders.
- 2) Sentences may be reduced at the discretion of the CCCI where the accused has cooperated with investigative authorities. This discretion extends to the reduction of mandatory minimum sentences. The CCCI shall have the power to reduce sentences at any time, even after the defendant has been sentenced, if a defendant agrees to provide truthful testimony about criminal activity.

Section 14 Prosecution Service

The Prosecutors shall act in accordance with Iraqi law.

Section 15 Court Registry

- 1) There shall be a Registry for the CCCI. The Registry shall have responsibility for the receipt of documents to be filed in the court, for organizing court documents and ensuring security of court documents, and for such other functions as are permitted by Iraqi law and by CPA Orders or Memoranda.
- 2) The staff of the Registry shall have legal and administrative skills, and shall be appointed by the Judiciary in accordance with applicable procedures.

Section 16 Court Staff

- 1) Each chamber of the CCCI shall have such qualified staff as may be required for the proper functioning of the chambers and the discharge of the responsibilities of its judges.
- 2) Each panel of judges or each individual judge shall be assisted during the trial sessions by a member of the court staff.
- 3) The court staff shall be selected in accordance with Iraqi law.

Section 17 Investigative Support

- 1) The CCCI shall be able to request the support from the international community, any authorized foreign military forces in Iraq or diplomatic posts in Iraq for the investigation or trial of cases.
- 2) CCCI shall not compel the production of foreign military forces present in Iraq in support of operations sanctioned by a UN Security Council resolution or at the request of the Iraqi government, or diplomatic personnel or any documents under their control.
- 3) The Investigative Court and the Felony Court have the authority to direct any and all Iraqi government law enforcement and security agencies to assist the court in the performance of its duties.

Section 18 Jurisdiction

- 1) The CCCI shall have nationwide discretionary investigative and trial jurisdiction over any and all criminal violations, regardless of where those offenses occurred. Its jurisdiction shall extend to all matters that could be heard by any local felony, or misdemeanor court.
- 2) In exercising its discretionary jurisdiction, the CCCI should concentrate its resources on cases related to:
 - a) terrorism,
 - b) organized crime,
 - c) governmental corruption,
 - d) acts intended to destabilize democratic institutions or processes,
 - e) violence based on race, nationality, ethnicity or religion; and
 - f) instances in which a criminal defendant may not be able to obtain a fair trial in a local court.
- 3) Any criminal defendant may request the CCCI to review his or her case if the defendant asserts that his case will not be fairly heard by a local criminal court.
- 4) Any felony, misdemeanor or investigative court in Iraq may refer a case to the court.
- 5) If the investigation of a case has been completed by a local investigative court, the CCCI may, if it chooses, conduct the trial of the case without conducting a further investigation. However, the court may order a new investigation, or supplement the prior investigation, if it believes it necessary in the interests of justice to do so.
- 6) The decision of the CCCI to take jurisdiction of a case will end any local courts jurisdiction over such case, and all local courts shall be required to immediately furnish all files to the CCCI and fully cooperate with the court as outlined in Section 9 above.

Section 19

Method of Selecting Cases

- 1) Prior to 1 July, 2004, the Administrator retains the authority to refer cases to the CCCI. The Court may also accept cases on its own authority, without the need for a referral from the Administrator, as of the date of this order, in accordance with provisions set forth herein. Cases referred by the Administrator will have priority.
- 2) Cases shall be selected by the Chief Investigative Judge, or in his absence the next most senior Investigative Judge. If a case is selected at the investigative stage, the court shall retain jurisdiction through both the investigation and the trial of the case, without the need to reconsider jurisdiction after the completion of the investigation.
- 3) The above method of selection includes those cases that may go directly to the Felony Court for trial in accordance with Section 18(5).
- 4) From 1 July 2004 the Court will receive matters in accordance with the provisions of this Order which do not relate to the authority of the Administrator.
- 5) After 1 July 2004, Diplomatic representatives may bring potential cases to the CCCI's attention so that it can determine whether to select them in accordance with this Section and Section 19. The CCCI, however, after 1 July 2004, is not required to hear cases brought to its attention in this matter.

Section 20

Issuing of Warrants and Ancillary Orders

- 1) Any judge on the court has the authority to issue an arrest warrant, a search warrant or order other investigative measures allowed under Iraqi law whether or not the case has been selected under Section 19 above.
- 2) A warrant or other order issued under this Section shall be valid in any proceedings notwithstanding any decision made under Section 19 above.

Section 21

Appeals

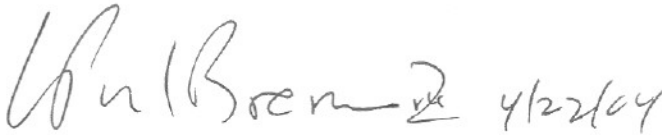
All appeals arising from CCCI proceedings shall be heard in accordance with applicable Iraqi law as modified by CPA orders but the Court of Cassation shall hear all appeals from the Felony Court.

Section 22
Representation of the Accused

All accused persons appearing before the CCCI, shall have the right to representation by an attorney of their choice. Where an accused person is unable to afford the services of an attorney the CCCI will provide them with a suitably qualified attorney free of charge.

Section 23
Entry into Force

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

A handwritten signature in cursive script, appearing to read "L. Paul Bremer", followed by the date "4/22/04".

L. Paul Bremer, Administrator
Coalition Provisional Authority