

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/-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.

CPA/ORD/ 25 May 2003/05

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 (CPA/ORD/- May 2003/04)
- 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 USD\$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 5 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.

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- 2) The remuneration of members of the Council will be fixed in accordance with regulations to be issued by the Administrator.

Section 6
Entry into Force

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

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L. Paul Bremer, Administrator
Coalition Provisional Authority