



CPA
REPRESENTATIVE
OFFICE

OFFICE OF THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON DC 20310-1000

12/9
①

December 9, 2003

TO: SECRETARY RUMSFELD

From: Coalition Provisional Authority

Subject: De-Ba'athification: An Iraqi Process

Iraq

Please refer to the attached.

Cc: Paul Wolfowitz
Doug Feith
Jim Haynes
Reuben Jeffery

9 Dec 03

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Scanned



COALITION PROVISIONAL AUTHORITY
BAGHDAD

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8 December 2003

FOR: CPA Senior Advisors
CPA Governance Teams
CJTF-7

FROM: THE ADMINISTRATOR

SUBJECT: De-Ba'athification: An Iraqi Process

Attached is CPA Memorandum Number 7, which delegates authority to the Iraqi Governing Council and any entity it designates to establish and implement de-Ba'athification for all Iraqi government employees, consistent with CPA Order Number One. Order Number One removed from their positions and banned from future employment in the public sector full members of the Ba'ath Party holding ranks of Firqah and above; it also prohibited anyone holding the lesser position of full (amil) party member in the Ba'ath Party from holding a job in the top three tiers of any ministry.

De-ba'athification is now an Iraqi process. CPA civilians and Coalition Military personnel are no longer responsible for de-ba'athification. You should therefore immediately cease any involvement in de-Ba'athification.

The Governing Council is in the process of developing procedures necessary to fully implement its authority. In this interim period before such procedures are formulated and publicized, you should refer questioners to the relevant ministry where the individual worked or to the Governing Council.

Memorandum No. 7 ratifies the Governing Council's decision of September 14, to the extent that it is consistent with CPA Legal Order No. 1, which called for all Firqah and above government employees to be immediately dismissed with an option to appeal at a later time.

Consultations: The Governing Council shall coordinate with the Ministry of Finance before taking actions on matters with fiscal consequences, and with the CPA on actions where the number and/or concentration of Iraqi citizens affected may raise security concerns.

Appeals: All dismissed employees will have basic due process rights of written dismissal notification, an opportunity to respond to the factual allegations upon which the dismissal is based, and a two-step process of appeals. At the local level, ministers will form local de-

ba'athification committees. Those denied reinstatement can then appeal to the Governing Council's Higher National De-Ba'athification Commission.

Reinstatement: Reinstated employees will receive back pay, retroactive to the date they were dismissed.

Exemptions: Exemptions previously granted by CPA Administrator Bremer, and only those granted by CPA Administrator Bremer, will remain in effect unless and until termination on a case-by-case basis by the Governing Council's Higher National de-Ba'athification Commission. After consultations with the Governing Council, Ambassador Bremer reserves the right to reinstate employees removed under de-Ba'athification; he will only exercise this right in unusual circumstances.

Special Cases: Allows the Governing Council to establish procedures for exempting groups, such as POWs from the Iran-Iraq War, who acquired high-level Ba'ath Party status by default.

Property and Assets: Allows the Governing Council to seize and manage Ba'ath Party assets. (To date, the GC has issued no instructions on how this process will be implemented.)

Effective date: November 5, 2003.

FAQs:

Pensions: To date, decisions on whether to award pensions have been unevenly implemented in the ministries. The Governing Council has not yet decided if/how they will award pensions to employees who have lost their jobs through de-Ba'athification.

Reinstatement Order: On September 29, the Governing Council issued Decision No.51, which called for the immediate reinstatement of all those government employees who had lost their jobs for political reasons under Saddam. The GC has not yet developed procedures to implement this order. The order was put on hold in a GC press statement, which said that ministries should make a list of petitioners and the issue would be reconsidered at a later time.

Who is in charge: This is a national policy, and Governing Council decisions on de-Ba'athification take precedence over the wishes of mayors, governors or other local officials. The relevant ministers, through their directorates general, are leading this process. The GC, however, is required to operate in accordance with the procedures laid out in the legal order, including those to provide due process and those to ensure adequate consultation with the CPA before decisions having financial or security implications are taken.

COALITION PROVISIONAL AUTHORITY MEMORANDUM NUMBER 7

DELEGATION OF AUTHORITY UNDER DE-BAATHIFICATION ORDER NO. 1 (CPA/ORD/16 May 2003/01)

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

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 participation in the public sector, including in particular the education system,

Observing that under the prior regime some Iraqis may have become affiliated with the Baath Party for reasons not primarily related to their ideological beliefs,

Recognizing that organizing and expediting de-Baathification is an urgent task that is necessary to put Iraq on the path towards reconstruction and renewal,

Acknowledging that the Governing Council has created a Higher National De-Baathification Commission in order to contribute to a secure, stable environment that will sustain freedom and democracy for the Iraqi people,

Recalling the steps already taken in CPA Order Number 1, De-Baathification of Iraqi Society (CPA/ORD/16 May 2003/01),

I hereby promulgate the following:

Section 1 Delegation of Authority

- 1) The Governing Council is hereby empowered to carry out the de-Baathification of Iraqi society consistent with CPA Order No. 1, De-Baathification of Iraqi Society (CPA/ORD/16 May 2003/01). To the extent consistent with CPA Order No. 1 (CPA/ORD/16 May 2003/01), Decisions 1 and 2 of the Higher National De-Baathification Commission, made on September 14, 2003, are hereby ratified. Notwithstanding such ratification, any action taken by the Administrator pursuant to Section 1(6) of CPA Order No. 1 (CPA/ORD/16 May 2003/01) shall remain in effect unless and until terminated on a case-by-case basis by the Higher National De-Baathification Commission.

- 2) The Governing Council is further authorized to seize and manage property and assets of the Baath Party, consistent with CPA Order No. 4, Management of Property and Assets of the Iraqi Baath Party, May 25, 2003. The Governing Council shall consult with the CPA in developing procedures to ensure that such property is seized and managed fairly and judiciously.

Section 2 Terms and Conditions

The authority delegated under Section 1 of this Memorandum shall be subject to the following terms and conditions:

- 1) The Governing Council may further delegate the authority conferred under Section 1 of this Memorandum to the Higher National De-Baathification Commission or other organization established by the Governing Council.
- 2) To the extent practicable, factual determinations regarding an Iraqi citizen's affiliation with the Baath Party, or involvement with the Special Security, National Security, Special Protection for the Presidency, Military Intelligence, Feda'iyeen Saddam, General Security or Mukhabarat, should be made at the governorate (or equivalent) level of government or below, by individuals selected on the basis of their ability to analyze information objectively and render fair and judicious determinations. These factual determinations shall be made in accordance with policies and procedures to be established by the Governing Council for uniform application throughout Iraq.
- 3) The Governing Council, in coordination with the concerned Minister or equivalent official, may establish special de-Baathification procedures for application to particular professions or groups of individuals. Such procedures may concern the process of making factual determinations and the consequences of such determinations. Consistent with this paragraph, the Governing Council shall authorize the continued employment of current or recently discharged Iraqi civil servants who were:
 - a) held as a POW by Iran during the period September 4, 1980 through June 1, 2003;
 - b) released and repatriated to Iraq by Iran after being held in that status; and
 - c) granted 'Udw Firqah' status following his or her release and repatriation to Iraq and because of his or her status as a former POW.

An Iraqi civil servant's eligibility for an exception to the de-Baathification policy under this provision may be established through official documentation issued by the International Committee of the Red Cross, or other independent organization or government organization. If the Higher National De-Baathification Commission

determines that credible information establishes that an Iraqi civil servant who seeks or has been granted an exception under this delegation of authority was promoted to the rank of 'Udw Firqah' for reasons other than his or her status as a former POW, or that his or her involvement in the Baath Party was incompatible with continued service as a civil servant, the Higher National De-Baathification Commission may deny or at any time rescind an exception for that individual

- 4) Any Iraqi citizen who is dismissed from his or her position of employment as a result of the exercise of the authority conferred herein shall be entitled to:
 - a) advance written notification explaining the grounds for dismissal and the procedures for appealing that dismissal;
 - b) a reasonable opportunity to respond to the notification in writing or in person and present evidence; and
 - c) a reasonable opportunity to appeal immediately any adverse decision, in writing or in person, to a fair and impartial entity independent of the individual or organization that rendered the adverse decision, which shall promptly render a written decision in the case.
- 5) In any case in which a dismissed employee's appeal is denied, the dismissed employee shall have the right to request further review of the matter by the Higher National De-Baathification Commission or a national committee established by the Higher National De-Baathification Commission for this purpose.
- 6) If an appeal results in an employee's reinstatement, the employee shall be paid back pay from the date of dismissal to the date of reinstatement.
- 7) Following consultation with the Governing Council, the Administrator may reinstate an employee if he concludes that it is in the interests of the Iraqi people or that failing to reinstate the employee would be fundamentally unfair.
- 8) The Governing Council shall coordinate with the Minister of Finance before exercising the authority conferred under this Memorandum in a manner that will significantly affect the national budget of Iraq.
- 9) The Governing Council shall consult with the Administrator, or his designee, with respect to the use of de-Baathification procedures in any area identified by the Administrator where the number and/or concentration of Iraqi citizens affected by the procedures may raise security concerns.
- 10) The Higher National De-Baathification Commission shall provide monthly reports to the Administrator of the CPA and the Governing Council describing the manner in which the authority delegated herein has been exercised. Such reports shall include the names and

positions of any Iraqi citizen dismissed from a position of employment as a result of this delegation, and the names of any Iraqi citizens hired to replace a dismissed employee.

Section 3
Transition Provisions

CPA Order Number 5, Establishment of the Iraqi De-Baathification Council (CPA/ORD/25 May 2003/05) is hereby rescinded.

Section 4
Effective Date

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

L. Paul Bremer, Administrator
Coalition Provisional Authority

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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

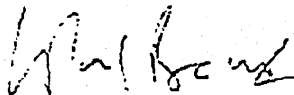
CPA/ORD/16 May 2003/01

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.

 5/16/03
L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/ORD/16 May 2003/01

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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/4 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

CPA/ORD/ 25 May 2003/05

2

- 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 USDS1,000, 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.

- 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.

L. Paul Bremer 5/25/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/ORD/ 25 May 2003/05

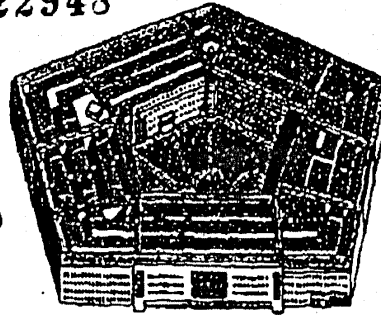
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OFFICE OF THE
UNDER SECRETARY OF DEFENSE
FOR POLICY

SLB

TO Deputy Secretary
Armitage

NUMBER OF PAGES: 7
(INCLUDING COVER)

OFFICE _____

FROM Douglas T Feith

PHONE _____

PHONE (b)(2)

FAX _____

FAX (b)(2)

DELIVERY INSTRUCTIONS: ☐ CALL RECIPIENT FOR PICKUP IMMEDIATELY
☐ Please deliver to room _____
☐ Hold for delivery during normal duty hours
☐ Recipient, acknowledge receipt

COMMENTS Per our conversation, attached
are debarathification policies.

DIF by LA 9/9/03

(19)

Zeya, Uzra S

From: Kamal, Shuckran A
Sent: Friday, May 23, 2003 5:47 PM
To: Zeya, Uzra S(S/ES-O)
Subject: FW: Translation Request from Amb. Bremer

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2003 MAY 24 A 12:18

Here is the e-mail I received from Sam. I will also send the documents separately. Sometimes attachments get lost when one forwards a message with an attachment. Shuckran

-----Original Message-----

From: Rascoff, Sam, CIV, ORHA (b)(6)
Sent: Fri, May 23, 2003 8:19 AM
To: Kamal, Shuckran A
Cc: Norwood, Scott, COL, ORHA
Subject: Translation Request from Amb. Bremer

Shuckran,

I hope this finds you well.

We are once again in the position of requiring a translation of a technical document ASAP and I was hoping we could again rely on you and your team. You did an absolutely brilliant job on the last document.

I attach it to this e-mail. Would you please respond (one way or another) at your earliest convenience? On behalf of Ambassador Bremer, I thank you very much.

Yours Sincerely,

Sam Rascoff

Special Assistant to Amb. Bremer



CPA Dissolution Order -
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S/ES The entities (the "Dissolved Entities") listed in the attached Annex are hereby dissolved. Additional entities may be added to this list in the future.

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 Coalition Provisional Authority ("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. In appropriate cases such assets may be transferred to civilian agencies or privatized.

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.

All conscripts are released from their service obligations. Conscription is suspended indefinitely, subject to decisions by future Iraqi governments concerning whether a free Iraq should have conscription.

All financial obligations of the Dissolved Entities are suspended. The Administrator of the DPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.

Any person employed by a Dissolved Entity in any form or capacity, is dismissed effective as of April 16, 2003. Any person employed by a Dissolved Entity, in any form or capacity, remains subject to punishment for acts committed during such employment.

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 16 May 2003 Order "De-Baathification of Iraqi Society." ("Senior Party Members") (See second paragraph below)

Pensions being paid by, or on account of service to, a Dissolved Entity before 16 April 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 next paragraph) 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.

CPA/ORD/23 May 2003/01

Notwithstanding any provision of this Order, or any other Order, law, or regulation, and consistent with the Administrator's Order of 16 May 2003 on "De-Baathification of Iraqi society," no payment, including a termination or pension payment, will be made to any person who is 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 paragraph at his discretion. Such exemptions will be strictly limited.

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.

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

The Coalition Provisional Authority 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 Coalition Provisional Authority will promulgate procedures for participation in the New Iraqi Corps.

All provisions of General Franks' Freedom Message to the Iraqi People of 16 April 2003 are hereby reconfirmed.

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.

L. Paul Bremer, Administrator,
Coalition Provisional Authority

CPA/ORD/23 May 2003/01

21
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ANNEX
TO THE ORDER OF THE ADMINISTRATOR
OF THE COALITION PROVISIONAL AUTHORITY

ON

DISSOLUTION OF IRAQI 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

CPA/ORD/23 May 2003/01

- The Revolutionary Command Council
- The National Assembly
- The Youth Organization (al-Futuwah)

All organizations subordinate to the Dissolved Entities are also dissolved.

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

526

الأمر الأول (رقم واحد)

الصادر عن

المدير الإداري للسلطة الانتقالية المؤقتة

حل الكيانات العراقية

تُحل بموجب هذا الأمر الكيانات الوارد ذكرها في الملحق المرفق ("الكيانات المنحلة")، وقد تضاف لها أسماء كيانات أخرى في المستقبل.

يحتفظ المدير الإداري للسلطة الانتقالية المؤقتة ("المدير الإداري") بكافة أصول الكيانات المنحلة بما فيها سجلات تلك الكيانات وبياناتها، بغض النظر عن أشكالها أو صيغتها ومواقع تواجدها. وتُعهد تلك الأصول إلى المدير الإداري الذي يحتفظ بها نيابة عن الشعب العراقي ولصالحه، وتُستخدم في تقديم المساعدات للشعب العراقي وفي دعم الجهود المبذولة لإعادة بناء العراق. وقد تُنقل تلك الأصول في الحالات المناسبة إلى عهدة الهيئات المدنية أو قد يتم تخصيصها.

تُلغى بموجب هذا الأمر الرتب والألقاب العسكرية أو غير العسكرية التي منحها النظام السابق لأي مستخدم أو موظف كان يعمل في أحد الكيانات المنحلة، كما يُلغى ما مُنح من مكانة خاصة لأي مستخدم أو موظف كان يعمل في أي من تلك الكيانات.

يتم تسريح جميع المجندين من الخدمة العسكرية والتزاماتها. وتُعلق الخدمة العسكرية الإلزامية إلى أجل غير مسمى، ويخضع هذا التعليق لقرارات تتخذها الحكومات العراقية في المستقبل حول ضرورة مثل هذه الخدمة العسكرية الإلزامية في العراق الحر.

تُعلق بموجب هذا الأمر جميع الالتزامات المالية الخاصة بالكيانات المنحلة. سوف يحدد المدير الإداري للسلطة الانتقالية المؤقتة الإجراءات التي يتبناها أي شخص قد يقدم طلباً للحصول على مستحقات يدعي هو أن له حق فيها.

يُسرح من الخدمة أو من الوظيفة اعتباراً من تاريخ 16 أبريل / نيسان عام 2003 أي شخص كان يعمل في أي وظيفة أو كان يشغل أي منصب في أي من الكيانات المنحلة. أي شخص كان يشغل أي وظيفة أو أي منصب في أي من الكيانات المنحلة يكون عرضة للعقاب نتيجة ما ارتكبه من أعمال أثناء فترة عمله في تلك الوظيفة أو المنصب.

يُصرف للمستخدمين المُسرحين المشار إليهم في الفقرة السابقة مبلغاً مالياً عند إنهاء خدماتهم يُحدد قيمته المدير الإداري. ولا يُصرف أي مبلغ مالي لأي من كبار أعضاء الحزب وفقاً للتعريف للوارد لهم في الأمر الصادر عن المدير الإداري يوم 16 مايو / أيار 2003 بخصوص "تطهير المجتمع العراقي من حزب البعث". (كبار أعضاء الحزب) (يُرجى مراجعة الفقرة الثانية أدناه).

يستمر صرف المعاشات التي كانت تدفعها الكيانات المنحلة قبل 16 أبريل / نيسان 2003 أو التي كانت تُصرف لمن قدموا لها خدماتهم، بما فيهم الأراذل الذين فقدوا عائلهم في الحرب وقدمى المحاربين المعاقين. ولا يُصرف أي معاش لأي شخص ينتمي للحزب كأحد كبار أعضائه (يُرجى مراجعة الفقرة التالية). يحتفظ المدير الإداري وحكومات العراق في المستقبل بسلطة إلغاء تلك المعاشات أو تخفيض قيمتها لمعاقبة من مارس سلوكاً غير مشروع أو من يمارس في المستقبل سلوكاً غير مشروع، ويحتفظون كذلك بسلطة تعديل ترتيبات صرف المعاشات من أجل التخلص من الامتيازات غير المناسبة التي كان النظام البعثي قد منحها للبعض.

رغم ما ورد من أحكام في هذا الأمر أو في أي أمر أو قانون آخر أو لائحة تنظيمية، لا يُصرف أي مبلغ مالي لأي شخص كان ينتمي للحزب وكان أحد كبار أعضائه، ولا يتلقى مثل هذا الشخص

أي معاش أو أي مبلغ مالي يُصرف له عند إنهاء خدماته، تمثيلاً مع أمر المدير الإداري الصادر في 16 مايو / أيار 2003 حول "تطهير المجتمع العراقي من حزب البعث". وسوف يُعتبر أي شخص كان في ظل النظام السابق يحمل رتبة عقيد أو رتبة أخرى تعادلها أو تتجاوزها عضواً من كبار أعضاء الحزب، إلا إذا سعى هذا الشخص لإثبات أنه لم يكن منتمياً للحزب ولم يكن أحد كبار أعضائه، وإذا قام بذلك وفقاً لإجراءات تُحدّد لاحقاً وتكون مقبولة ومقبولة للمدير الإداري الذي قد يقرر عندئذ وفقاً لتقديره استثنائه من القيود المنصوص عليها في هذه الفقرة. وسوف تحدد حالات الاستثناء هذه وتفيد بصراحة.

يحمي الأشخاص أصول الكيانات المنحلة التي توجد في حيازتهم ويحافظون عليها، ويقومون بتبليغ سلطات الائتلاف المحلية بحيازتهم لها على وجه السرعة وبدون تأخير، ويتخلون فوراً عن حيازتهم لها ويقومون بتسليمها وفقاً لتعليمات توجه لهم من سلطات الائتلاف المحلية. ويحظر تماماً بعد تاريخ صدور هذا الأمر حيازة تلك الأصول أو تحويل ملكيتها أو بيعها أو استخدامها أو تحويلها أو إخفائها، وقد يُعاقب كل من يقوم بأي من ذلك ويخالف هذا الأمر.

يحدد المدير الإداري الإجراءات الخاصة بتقديم المكافآت لمن يقدمون المعلومات التي تؤدي لاستعادة أصول الكيانات المنحلة.

تنوي السلطة الائتلافية المؤقتة في المستقبل القريب استحداث نواة للقوات العراقية تكون بمثابة الخطوة الأولى الرامية إلى تشكيل قدرة ذاتية وطنية للدفاع عن العراق الحر وتكون خاضعة لسيطرة السلطة المدنية. ويكون هذا التنظيم تنظيمياً مهنيًا وغير سياسي، ويكون فعالاً من الناحية العسكرية ويمثل جميع العراقيين. سوف تصدر السلطة الائتلافية المؤقتة قراراً يوضح الإجراءات المتبعة للانضمام إلى التنظيم العراقي الجديد.

يؤكد هذا الأمر مرة أخرى على كل ما نصت عليه رسالة الحرية التي وجهها الفريق (الجنرال) فرانكس إلى الشعب العراقي يوم 16 أبريل / نيسان 2003.

يجوز للمدير الإداري انتداب آخرين ومنحهم صلاحياته ومسئوليته نيابة عنه فيما يتعلق بهذا الأمر.
وتشمل جميع الإشارات للمدير الإداري الواردة في هذا الأمر جميع من ينتدبهم.

إلى. بول بريميز، المدير الإداري
السلطة الانتلافية المؤقتة

ملحق لأمر من
المدير الإداري للسلطة الائتلافية المؤقتة
حول
حل الكيانات العرقية

المؤسسات المنحلة بموجب الأمر المشار إليه ("الكيانات المنحلة") هي المؤسسات التالية:

وزارة الدفاع

وزارة الإعلام

وزارة الدولة للشئون العسكرية

جهاز المخابرات العامة

مكتب الأمن القومي

مديرية الأمن العام

جهاز الأمن الخاص

جميع الكيانات المنتسبة إلى التنظيمات التي توفر الحراسة الشخصية لصادام حسين أو
المشمولة فيها، بما فيها ما يلي:

- المرافق

- الحماية الخاصة

المنظمات العسكرية التالية:

- الجيش، السلاح الجوي، البحرية، قوة الدفاع الجوي، والتنظيمات العسكرية

النظامية الأخرى

- الحرس الجمهوري

- الحرس الجمهوري الخاص

- مديرية الاستخبارات العسكرية