



**Office of the High
Commissioner for Human Rights**

Français | Español



United Nations Standard Minimum Rules for the Administration of Juvenile Justice

("The Beijing Rules")

Adopted by General Assembly resolution 40/33 of 29 November 1985

PART ONE

GENERAL PRINCIPLES

1. Fundamental perspectives

1.1 Member States shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family.

1.2 Member States shall endeavour to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible.

1.3 Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law.

1.4 Juvenile justice shall be conceived as an integral part of the national development process of each country, within a comprehensive framework of social justice for all juveniles, thus, at the same time, contributing to the protection of the young and the maintenance of a peaceful order in society.

1.5 These Rules shall be implemented in the context of economic, social and cultural conditions prevailing in each Member State.

1.6 Juvenile justice services shall be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes.

Commentary

These broad fundamental perspectives refer to comprehensive social policy in general and aim at promoting juvenile welfare to the greatest possible extent, which will minimize the necessity of intervention by the juvenile justice system, and in turn, will reduce the harm that may be

caused by any intervention. Such care measures for the young, before the onset of delinquency, are basic policy requisites designed to obviate the need for the application of the Rules.

Rules 1.1 to 1.3 point to the important role that a constructive social policy for juveniles will play, *inter alia*, in the prevention of juvenile crime and delinquency. Rule 1.4 defines juvenile justice as an integral part of social justice for juveniles, while rule 1.6 refers to the necessity of constantly improving juvenile justice, without falling behind the development of progressive social policy for juveniles in general and bearing in mind the need for consistent improvement of staff services.

Rule 1.5 seeks to take account of existing conditions in Member States which would cause the manner of implementation of particular rules necessarily to be different from the manner adopted in other States.

2. Scope of the Rules and definitions used

2.1 The following Standard Minimum Rules shall be applied to juvenile offenders impartially, without distinction of any kind, for example as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.

2.2 For purposes of these Rules, the following definitions shall be applied by Member States in a manner which is compatible with their respective legal systems and concepts:

(a) A juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult;

(b) An offence is any behaviour (act or omission) that is punishable by law under the respective legal systems;

(c) A juvenile offender is a child or young person who is alleged to have committed or who has been found to have committed an offence.

2.3 Efforts shall be made to establish, in each national jurisdiction, a set of laws, rules and provisions specifically applicable to juvenile offenders and institutions and bodies entrusted with the functions of the administration of juvenile justice and designed:

(a) To meet the varying needs of juvenile offenders, while protecting their basic rights;

(b) To meet the needs of society;

(c) To implement the following rules thoroughly and fairly.

Commentary

The Standard Minimum Rules are deliberately formulated so as to be applicable within different legal systems and, at the same time, to set some minimum standards for the handling of juvenile offenders under any definition of a juvenile and under any system of dealing with juvenile offenders. The Rules are always to be applied impartially and without distinction of any kind.

Rule 2.1 therefore stresses the importance of the Rules always being applied impartially and without distinction of any kind. The rule follows the formulation of principle 2 of the Declaration of the Rights of the Child.

Rule 2.2 defines "juvenile" and "offence" as the components of the notion of the "juvenile offender", who is the main subject of these Standard Minimum Rules (see, however, also rules 3 and 4). It should be noted that age limits will depend on, and are explicitly made dependent on, each respective legal system, thus fully respecting the economic, social, political, cultural and legal systems of Member States. This makes for a wide variety of ages coming under the definition of "juvenile", ranging from 7 years to 18 years or above. Such a variety seems inevitable in view of the different national legal systems and does not diminish the impact of these Standard Minimum Rules.

Rule 2.3 is addressed to the necessity of specific national legislation for the optimal implementation of these Standard Minimum Rules, both legally and practically.

3. Extension of the Rules

3.1 The relevant provisions of the Rules shall be applied not only to juvenile offenders but also to juveniles who may be proceeded against for any specific behaviour that would not be punishable if committed by an adult.

3.2 Efforts shall be made to extend the principles embodied in the Rules to all juveniles who are dealt with in welfare and care proceedings.

3.3 Efforts shall also be made to extend the principles embodied in the Rules to young adult offenders.

Commentary

Rule 3 extends the protection afforded by the Standard Minimum Rules for the Administration of Juvenile Justice to cover:

(a) The so-called "status offences" prescribed in various national legal systems where the range of behaviour considered to be an offence is wider for juveniles than it is for adults (for example, truancy, school and family disobedience, public drunkenness, etc.) (rule 3.1);

(b) Juvenile welfare and care proceedings (rule 3.2);

(c) Proceedings dealing with young adult offenders, depending of course on each given age limit (rule 3.3).

The extension of the Rules to cover these three areas seems to be justified. Rule 3.1 provides minimum guarantees in those fields, and rule 3.2 is considered a desirable step in the direction of more fair, equitable and humane justice for all juveniles in conflict with the law.

4. Age of criminal responsibility

4.1 In those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind

the facts of emotional, mental and intellectual maturity.

Commentary

The minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially antisocial behaviour. If the age of criminal responsibility is fixed too low or if there is no lower age limit at all, the notion of responsibility would become meaningless. In general, there is a close relationship between the notion of responsibility for delinquent or criminal behaviour and other social rights and responsibilities (such as marital status, civil majority, etc.).

Efforts should therefore be made to agree on a reasonable lowest age limit that is applicable internationally.

5. Aims of juvenile justice

5. 1 The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.

Commentary

Rule 5 refers to two of the most important objectives of juvenile justice. The first objective is the promotion of the well-being of the juvenile. This is the main focus of those legal systems in which juvenile offenders are dealt with by family courts or administrative authorities, but the well-being of the juvenile should also be emphasized in legal systems that follow the criminal court model, thus contributing to the avoidance of merely punitive sanctions. (See also rule 14.)

The second objective is "the principle of proportionality". This principle is well-known as an instrument for curbing punitive sanctions, mostly expressed in terms of just deserts in relation to the gravity of the offence. The response to young offenders should be based on the consideration not only of the gravity of the offence but also of personal circumstances. The individual circumstances of the offender (for example social status, family situation, the harm caused by the offence or other factors affecting personal circumstances) should influence the proportionality of the reactions (for example by having regard to the offender's endeavour to indemnify the victim or to her or his willingness to turn to wholesome and useful life).

By the same token, reactions aiming to ensure the welfare of the young offender may go beyond necessity and therefore infringe upon the fundamental rights of the young individual, as has been observed in some juvenile justice systems. Here, too, the proportionality of the reaction to the circumstances of both the offender and the offence, including the victim, should be safeguarded.

In essence, rule 5 calls for no less and no more than a fair reaction in any given cases of juvenile delinquency and crime. The issues combined in the rule may help to stimulate development in both regards: new and innovative types of reactions are as desirable as precautions against any undue widening of the net of formal social control over juveniles.

6. Scope of discretion

6.1 In view of the varying special needs of juveniles as well as the variety of measures available, appropriate scope for discretion shall be allowed at all stages of proceedings and at the different levels of juvenile justice administration, including investigation, prosecution, adjudication and the follow-up of dispositions.

6.2 Efforts shall be made, however, to ensure sufficient accountability at all stages and levels in the exercise of any such discretion.

6.3 Those who exercise discretion shall be specially qualified or trained to exercise it judiciously and in accordance with their functions and mandates.

Commentary

Rules 6.1, 6.2 and 6.3 combine several important features of effective, fair and humane juvenile justice administration: the need to permit the exercise of discretionary power at all significant levels of processing so that those who make determinations can take the actions deemed to be most appropriate in each individual case; and the need to provide checks and balances in order to curb any abuses of discretionary power and to safeguard the rights of the young offender. Accountability and professionalism are instruments best apt to curb broad discretion. Thus, professional qualifications and expert training are emphasized here as a valuable means of ensuring the judicious exercise of discretion in matters of juvenile offenders. (See also rules 1.6 and 2.2.) The formulation of specific guidelines on the exercise of discretion and the provision of systems of review, appeal and the like in order to permit scrutiny of decisions and accountability are emphasized in this context. Such mechanisms are not specified here, as they do not easily lend themselves to incorporation into international standard minimum rules, which cannot possibly cover all differences in justice systems.

7. Rights of juveniles

7.1 Basic procedural safeguards such as the presumption of innocence, the right to be notified of the charges, the right to remain silent, the right to counsel, the right to the presence of a parent or guardian, the right to confront and cross-examine witnesses and the right to appeal to a higher authority shall be guaranteed at all stages of proceedings.

Commentary

Rule 7.1 emphasizes some important points that represent essential elements for a fair and just trial and that are internationally recognized in existing human rights instruments (See also rule 14.). The presumption of innocence, for instance, is also to be found in article 11 of the Universal Declaration of Human rights and in article 14, paragraph 2, of the International Covenant on Civil and Political Rights. Rules 14 seq. of these Standard Minimum Rules specify issues that are important for proceedings in juvenile cases, in particular, while rule 7.1 affirms the most basic procedural safeguards in a general way.

8. Protection of privacy

8.1 The juvenile's right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.

8.2 In principle, no information that may lead to the identification of a juvenile offender shall be published.

Commentary

Rule 8 stresses the importance of the protection of the juvenile's right to privacy. Young persons are particularly susceptible to stigmatization. Criminological research into labelling processes has provided evidence of the detrimental effects (of different kinds) resulting from the permanent identification of young persons as "delinquent" or "criminal".

Rule 8 stresses the importance of protecting the juvenile from the adverse effects that may result from the publication in the mass media of information about the case (for example the names of young offenders, alleged or convicted). The interest of the individual should be protected and upheld, at least in principle (The general contents of rule 8 are further specified in rule 2 1.).

9. Saving clause

9.1 Nothing in these Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations and other human rights instruments and standards recognized by the international community that relate to the care and protection of the young.

Commentary

Rule 9 is meant to avoid any misunderstanding in interpreting and implementing the present Rules in conformity with principles contained in relevant existing or emerging international human rights instruments and standards-such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and the Declaration of the Rights of the Child and the draft convention on the rights of the child. It should be understood that the application of the present Rules is without prejudice to any such international instruments which may contain provisions of wider application (See also rule 27.).

PART TWO

INVESTIGATION AND PROSECUTION

10. Initial contact

10.1 Upon the apprehension of a juvenile, her or his parents or guardian shall be immediately notified of such apprehension, and, where such immediate notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter.

10.2 A judge or other competent official or body shall, without delay, consider the issue of release.

10.3 Contacts between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him, with due regard to the circumstances of the case.

Commentary

Rule 10.1 is in principle contained in rule 92 of the Standard Minimum Rules for the Treatment of Prisoners.

The question of release (rule 10.2) shall be considered without delay by a judge or other competent official. The latter refers to any person or institution in the broadest sense of the term, including community boards or police authorities having power to release an arrested person. (See also the International Covenant on Civil and Political Rights, article 9, paragraph 3.)

Rule 10.3 deals with some fundamental aspects of the procedures and behaviour on the part of the police and other law enforcement officials in cases of juvenile crime. To "avoid harm" admittedly is flexible wording and covers many features of possible interaction (for example the use of harsh language, physical violence or exposure to the environment). Involvement in juvenile justice processes in itself can be "harmful" to juveniles; the term "avoid harm" should be broadly interpreted, therefore, as doing the least harm possible to the juvenile in the first instance, as well as any additional or undue harm. This is especially important in the initial contact with law enforcement agencies, which might profoundly influence the juvenile's attitude towards the State and society. Moreover, the success of any further intervention is largely dependent on such initial contacts. Compassion and kind firmness are important in these situations.

11. Diversion

11.1 Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority, referred to in rule 14.1 below.

11.2 The police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal system and also in accordance with the principles contained in these Rules.

11.3 Any diversion involving referral to appropriate community or other services shall require the consent of the juvenile, or her or his parents or guardian, provided that such decision to refer a case shall be subject to review by a competent authority, upon application.

11.4 In order to facilitate the discretionary disposition of juvenile cases, efforts shall be made to provide for community programmes, such as temporary supervision and guidance, restitution, and compensation of victims.

Commentary

Diversion, involving removal from criminal justice processing and, frequently, redirection to community support services, is commonly practised on a formal and informal basis in many legal systems. This practice serves to hinder the negative effects of subsequent proceedings in juvenile justice administration (for example the stigma of conviction and sentence). In many cases, non-intervention would be the best response. Thus, diversion at the outset and without referral to alternative (social) services may be the optimal response. This is especially the case where the offence is of a non-serious nature and where the family, the school or other informal

social control institutions have already reacted, or are likely to react, in an appropriate and constructive manner.

As stated in rule 11.2, diversion may be used at any point of decision-making-by the police, the prosecution or other agencies such as the courts, tribunals, boards or councils. It may be exercised by one authority or several or all authorities, according to the rules and policies of the respective systems and in line with the present Rules. It need not necessarily be limited to petty cases, thus rendering diversion an important instrument.

Rule 11.3 stresses the important requirement of securing the consent of the young offender (or the parent or guardian) to the recommended diversionary measure(s). (Diversion to community service without such consent would contradict the Abolition of Forced Labour Convention.) However, this consent should not be left unchallengeable, since it might sometimes be given out of sheer desperation on the part of the juvenile. The rule underlines that care should be taken to minimize the potential for coercion and intimidation at all levels in the diversion process. Juveniles should not feel pressured (for example in order to avoid court appearance) or be pressured into consenting to diversion programmes. Thus, it is advocated that provision should be made for an objective appraisal of the appropriateness of dispositions involving young offenders by a "competent authority upon application". (The "competent authority," may be different from that referred to in rule 14.)

Rule 11.4 recommends the provision of viable alternatives to juvenile justice processing in the form of community-based diversion. Programmes that involve settlement by victim restitution and those that seek to avoid future conflict with the law through temporary supervision and guidance are especially commended. The merits of individual cases would make diversion appropriate, even when more serious offences have been committed (for example first offence, the act having been committed under peer pressure, etc.).

12. Specialization within the police

12.1 In order to best fulfil their functions, police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. In large cities, special police units should be established for that purpose.

Commentary

Rule 12 draws attention to the need for specialized training for all law enforcement officials who are involved in the administration of juvenile justice. As police are the first point of contact with the juvenile justice system, it is most important that they act in an informed and appropriate manner.

While the relationship between urbanization and crime is clearly complex, an increase in juvenile crime has been associated with the growth of large cities, particularly with rapid and unplanned growth. Specialized police units would therefore be indispensable, not only in the interest of implementing specific principles contained in the present instrument (such as rule 1.6) but more generally for improving the prevention and control of juvenile crime and the handling of juvenile offenders.

13. Detention pending trial

13.1 Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time.

13.2 Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home.

13.3 Juveniles under detention pending trial shall be entitled to all rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.

13.4 Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.

13.5 While in custody, juveniles shall receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical and physical-that they may require in view of their age, sex and personality.

Commentary

The danger to juveniles of "criminal contamination" while in detention pending trial must not be underestimated. It is therefore important to stress the need for alternative measures. By doing so, rule 13.1 encourages the devising of new and innovative measures to avoid such detention in the interest of the well-being of the juvenile. Juveniles under detention pending trial are entitled to all the rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners as well as the International Covenant on Civil and Political Rights, especially article 9 and article 10, paragraphs 2 (b) and 3.

Rule 13.4 does not prevent States from taking other measures against the negative influences of adult offenders which are at least as effective as the measures mentioned in the rule.

Different forms of assistance that may become necessary have been enumerated to draw attention to the broad range of particular needs of young detainees to be addressed (for example females or males, drug addicts, alcoholics, mentally ill juveniles, young persons suffering from the trauma, for example, of arrest, etc.).

Varying physical and psychological characteristics of young detainees may warrant classification measures by which some are kept separate while in detention pending trial, thus contributing to the avoidance of victimization and rendering more appropriate assistance.

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in its resolution 4 on juvenile justice standards, specified that the Rules, *inter alia*, should reflect the basic principle that pre-trial detention should be used only as a last resort, that no minors should be held in a facility where they are vulnerable to the negative influences of adult detainees and that account should always be taken of the needs particular to their stage of development.

PART THREE

ADJUDICATION AND DISPOSITION

14. Competent authority to adjudicate

14.1 Where the case of a juvenile offender has not been diverted (under rule 11), she or he shall be dealt with by the competent authority (court, tribunal, board, council, etc.) according to the principles of a fair and just trial.

14.2 The proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely.

Commentary

It is difficult to formulate a definition of the competent body or person that would universally describe an adjudicating authority. "Competent authority" is meant to include those who preside over courts or tribunals (composed of a single judge or of several members), including professional and lay magistrates as well as administrative boards (for example the Scottish and Scandinavian systems) or other more informal community and conflict resolution agencies of an adjudicatory nature.

The procedure for dealing with juvenile offenders shall in any case follow the minimum standards that are applied almost universally for any criminal defendant under the procedure known as "due process of law". In accordance with due process, a "fair and just trial" includes such basic safeguards as the presumption of innocence, the presentation and examination of witnesses, the common legal defences, the right to remain silent, the right to have the last word in a hearing, the right to appeal, etc. (See also rule 7.1.)

15. Legal counsel, parents and guardians

15.1 Throughout the proceedings the juvenile shall have the right to be represented by a legal adviser or to apply for free legal aid where there is provision for such aid in the country.

15.2 The parents or the guardian shall be entitled to participate in the proceedings and may be required by the competent authority to attend them in the interest of the juvenile. They may, however, be denied participation by the competent authority if there are reasons to assume that such exclusion is necessary in the interest of the juvenile.

Commentary

Rule 15.1 uses terminology similar to that found in rule 93 of the Standard Minimum Rules for the Treatment of Prisoners. Whereas legal counsel and free legal aid are needed to assure the juvenile legal assistance, the right of the parents or guardian to participate as stated in rule 15.2 should be viewed as general psychological and emotional assistance to the juvenile-a function extending throughout the procedure.

The competent authority's search for an adequate disposition of the case may profit, in particular, from the co-operation of the legal representatives of the juvenile (or, for that matter, some other personal assistant who the juvenile can and does really trust). Such concern can be thwarted if the presence of parents or guardians at the hearings plays a negative role, for instance, if they display a hostile attitude towards the juvenile, hence, the possibility of their exclusion must be provided for.

16. Social inquiry reports

16.1 In all cases except those involving minor offences, before the competent authority renders a final disposition prior to sentencing, the background and circumstances in which the juvenile is living or the conditions under which the offence has been committed shall be properly investigated so as to facilitate judicious adjudication of the case by the competent authority.

Commentary

Social inquiry reports (social reports or pre-sentence reports) are an indispensable aid in most legal proceedings involving juveniles. The competent authority should be informed of relevant facts about the juvenile, such as social and family background, school career, educational experiences, etc. For this purpose, some jurisdictions use special social services or personnel attached to the court or board. Other personnel, including probation officers, may serve the same function. The rule therefore requires that adequate social services should be available to deliver social inquiry reports of a qualified nature.

17. Guiding principles in adjudication and disposition

17.1 The disposition of the competent authority shall be guided by the following principles:

(a) The reaction taken shall always be in proportion not only to the circumstances and the gravity of the offence but also to the circumstances and the needs of the juvenile as well as to the needs of the society;

(b) Restrictions on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum;

(c) Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response;

(d) The well-being of the juvenile shall be the guiding factor in the consideration of her or his case. 17.2 Capital punishment shall not be imposed for any crime committed by juveniles.

17.3 Juveniles shall not be subject to corporal punishment.

17.4 The competent authority shall have the power to discontinue the proceedings at any time.

Commentary

The main difficulty in formulating guidelines for the adjudication of young persons stems from the fact that there are unresolved conflicts of a philosophical nature, such as the following:

(a) Rehabilitation versus just desert;

(b) Assistance versus repression and punishment;

(c) Reaction according to the singular merits of an individual case versus reaction according to

the protection of society in general;

(d) General deterrence versus individual incapacitation.

The conflict between these approaches is more pronounced in juvenile cases than in adult cases. With the variety of causes and reactions characterizing juvenile cases, these alternatives become intricately interwoven.

It is not the function of the Standard Minimum Rules for the Administration of Juvenile Justice to prescribe which approach is to be followed but rather to identify one that is most closely in consonance with internationally accepted principles. Therefore the essential elements as laid down in rule 17.1 , in particular in subparagraphs (a) and (c), are mainly to be understood as practical guidelines that should ensure a common starting point; if heeded by the concerned authorities (see also rule 5), they could contribute considerably to ensuring that the fundamental rights of juvenile offenders are protected, especially the fundamental rights of personal development and education.

Rule 17.1 (b) implies that strictly punitive approaches are not appropriate. Whereas in adult cases, and possibly also in cases of severe offences by juveniles, just desert and retributive sanctions might be considered to have some merit, in juvenile cases such considerations should always be outweighed by the interest of safeguarding the well-being and the future of the young person.

In line with resolution 8 of the Sixth United Nations Congress, rule 17.1 (b) encourages the use of alternatives to institutionalization to the maximum extent possible, bearing in mind the need to respond to the specific requirements of the young. Thus, full use should be made of the range of existing alternative sanctions and new alternative sanctions should be developed, bearing the public safety in mind. Probation should be granted to the greatest possible extent via suspended sentences, conditional sentences, board orders and other dispositions.

Rule 17.1 (c) corresponds to one of the guiding principles in resolution 4 of the Sixth Congress which aims at avoiding incarceration in the case of juveniles unless there is no other appropriate response that will protect the public safety.

The provision prohibiting capital punishment in rule 17.2 is in accordance with article 6, paragraph 5, of the International Covenant on Civil and Political Rights.

The provision against corporal punishment is in line with article 7 of the International Covenant on Civil and Political Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft convention on the rights of the child.

The power to discontinue the proceedings at any time (rule 17.4) is a characteristic inherent in the handling of juvenile offenders as opposed to adults. At any time, circumstances may become known to the competent authority which would make a complete cessation of the intervention appear to be the best disposition of the case.

18. Various disposition measures

18.1 A large variety of disposition measures shall be made available to the competent authority, allowing for flexibility so as to avoid institutionalization to the greatest extent possible. Such measures, some of which may be combined, include:

- (a) Care, guidance and supervision orders;
- (b) Probation;
- (c) Community service orders;
- (d) Financial penalties, compensation and restitution;
- (e) Intermediate treatment and other treatment orders;
- (f) Orders to participate in group counselling and similar activities;
- (g) Orders concerning foster care, living communities or other educational settings;
- (h) Other relevant orders.

18.2 No juvenile shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her or his case make this necessary.

Commentary

Rule 18.1 attempts to enumerate some of the important reactions and sanctions that have been practised and proved successful thus far, in different legal systems. On the whole they represent promising opinions that deserve replication and further development. The rule does not enumerate staffing requirements because of possible shortages of adequate staff in some regions; in those regions measures requiring less staff may be tried or developed.

The examples given in rule 18.1 have in common, above all, a reliance on and an appeal to the community for the effective implementation of alternative dispositions. Community-based correction is a traditional measure that has taken on many aspects. On that basis, relevant authorities should be encouraged to offer community-based services.

Rule 18.2 points to the importance of the family which, according to article 10, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, is "the natural and fundamental group unit of society". Within the family, the parents have not only the right but also the responsibility to care for and supervise their children. Rule 18.2, therefore, requires that the separation of children from their parents is a measure of last resort. It may be resorted to only when the facts of the case clearly warrant this grave step (for example child abuse).

19. Least possible use of institutionalization

19.1 The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period.

Commentary

Progressive criminology advocates the use of non-institutional over institutional treatment. Little or no difference has been found in terms of the success of institutionalization as compared to non-institutionalization. The many adverse influences on an individual that seem unavoidable within any institutional setting evidently cannot be outbalanced by treatment efforts. This is especially the case for juveniles, who are vulnerable to negative influences. Moreover, the negative effects, not only of loss of liberty but also of separation from the usual social environment, are certainly more acute for juveniles than for adults because of their early stage of development.

Rule 19 aims at restricting institutionalization in two regards: in quantity ("last resort,") and in time ("minimum necessary period"). Rule 19 reflects one of the basic guiding principles of resolution 4 of the Sixth United Nations Congress: a juvenile offender should not be incarcerated unless there is no other appropriate response. The rule, therefore, makes the appeal that if a juvenile must be institutionalized, the loss of liberty should be restricted to the least possible degree, with special institutional arrangements for confinement and bearing in mind the differences in kinds of offenders, offences and institutions. In fact, priority should be given to "open" over "closed" institutions. Furthermore, any facility should be of a correctional or educational rather than of a prison type.

20. Avoidance of unnecessary delay

20.1 Each case shall from the outset be handled expeditiously, without any unnecessary delay.

Commentary

The speedy conduct of formal procedures in juvenile cases is a paramount concern. Otherwise whatever good may be achieved by the procedure and the disposition is at risk. As time passes, the juvenile will find it increasingly difficult, if not impossible, to relate the procedure and disposition to the offence, both intellectually and psychologically.

21. Records

21.1 Records of juvenile offenders shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the case at hand or other duly authorized persons.

21.2 Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offender.

Commentary

The rule attempts to achieve a balance between conflicting interests connected with records or files: those of the police, prosecution and other authorities in improving control versus the interests of the juvenile offender. (See also rule 8.) "Other duly authorized persons" would generally include among others, researchers.

22. Need for professionalism and training

22.1 Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional

competence of all personnel dealing with juvenile cases.

22.2 Juvenile justice personnel shall reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies.

Commentary

The authorities competent for disposition may be persons with very different backgrounds (magistrates in the United Kingdom of Great Britain and Northern Ireland and in regions influenced by the common law system; legally trained judges in countries using Roman law and in regions influenced by them; and elsewhere elected or appointed laymen or jurists, members of community-based boards, etc.). For all these authorities, a minimum training in law, sociology, psychology, criminology and behavioural sciences would be required. This is considered as important as the organizational specialization and independence of the competent authority.

For social workers and probation officers, it might not be feasible to require professional specialization as a prerequisite for taking over any function dealing with juvenile offenders. Thus, professional on-the job instruction would be minimum qualifications.

Professional qualifications are an essential element in ensuring the impartial and effective administration of juvenile justice. Accordingly, it is necessary to improve the recruitment, advancement and professional training of personnel and to provide them with the necessary means to enable them to properly fulfil their functions.

All political, social, sexual, racial, religious, cultural or any other kind of discrimination in the selection, appointment and advancement of juvenile justice personnel should be avoided in order to achieve impartiality in the administration of juvenile justice. This was recommended by the Sixth Congress. Furthermore, the Sixth Congress called on Member States to ensure the fair and equal treatment of women as criminal justice personnel and recommended that special measures should be taken to recruit, train and facilitate the advancement of female personnel in juvenile justice administration.

PART FOUR

NON-INSTITUTIONAL TREATMENT

23. Effective implementation of disposition

23.1 Appropriate provisions shall be made for the implementation of orders of the competent authority, as referred to in rule 14.1 above, by that authority itself or by some other authority as circumstances may require

23.2 Such provisions shall include the power to modify the orders as the competent authority may deem necessary from time to time, provided that such modification shall be determined in accordance with the principles contained in these Rules.

Commentary

Disposition in juvenile cases, more so than in adult cases, tends to influence the offender's life for a long period of time. Thus, it is important that the competent authority or an independent body (parole board, probation office, youth welfare institutions or others) with qualifications equal to those of the competent authority that originally disposed of the case should monitor the implementation of the disposition. In some countries, a *juge de l'execution des peines* has been installed for this purpose.

The composition, powers and functions of the authority must be flexible; they are described in general terms in rule 23 in order to ensure wide acceptability.

24. Provision of needed assistance

24.1 Efforts shall be made to provide juveniles, at all stages of the proceedings, with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process.

Commentary

The promotion of the well-being of the juvenile is of paramount consideration. Thus, rule 24 emphasizes the importance of providing requisite facilities, services and other necessary assistance as may further the best interests of the juvenile throughout the rehabilitative process.

25. Mobilization of volunteers and other community services

25.1 Volunteers, voluntary organizations, local institutions and other community resources shall be called upon to contribute effectively to the rehabilitation of the juvenile in a community setting and, as far as possible, within the family unit.

Commentary

This rule reflects the need for a rehabilitative orientation of all work with juvenile offenders. Co-operation with the community is indispensable if the directives of the competent authority are to be carried out effectively. Volunteers and voluntary services, in particular, have proved to be valuable resources but are at present underutilized. In some instances, the co-operation of ex-offenders (including ex-addicts) can be of considerable assistance.

Rule 25 emanates from the principles laid down in rules 1.1 to 1.6 and follows the relevant provisions of the International Covenant on Civil and Political Rights.

PART FIVE

INSTITUTIONAL TREATMENT

26. Objectives of institutional treatment

26.1 The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.

26.2 Juveniles in institutions shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical-that they may require because of their age, sex, and personality and in the interest of their wholesome development .

26.3 Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.

26.4 Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.

26.5 In the interest and well-being of the institutionalized juvenile, the parents or guardians shall have a right of access.

26.6 Inter-ministerial and inter-departmental co-operation shall be fostered for the purpose of providing adequate academic or, as appropriate, vocational training to institutionalized juveniles, with a view to ensuring that they do not leave the institution at an educational disadvantage.

Commentary

The objectives of institutional treatment as stipulated in rules 26.1 and 26.2 would be acceptable to any system and culture. However, they have not yet been attained everywhere, and much more has to be done in this respect.

Medical and psychological assistance, in particular, are extremely important for institutionalized drug addicts, violent and mentally ill young persons.

The avoidance of negative influences through adult offenders and the safeguarding of the well-being of juveniles in an institutional setting, as stipulated in rule 26.3, are in line with one of the basic guiding principles of the Rules, as set out by the Sixth Congress in its resolution 4. The rule does not prevent States from taking other measures against the negative influences of adult offenders, which are at least as effective as the measures mentioned in the rule. (See also rule 13.4)

Rule 26.4 addresses the fact that female offenders normally receive less attention than their male counterparts, as pointed out by the Sixth Congress. In particular, resolution 9 of the Sixth Congress calls for the fair treatment of female offenders at every stage of criminal justice processes and for special attention to their particular problems and needs while in custody. Moreover, this rule should also be considered in the light of the Caracas Declaration of the Sixth Congress, which, inter alia, calls for equal treatment in criminal justice administration, and against the background of the Declaration on the Elimination of Discrimination against Women and the Convention on the Elimination of All Forms of Discrimination against Women.

The right of access (rule 26.5) follows from the provisions of rules 7.1, 10.1, 15.2 and 18.2. Inter-ministerial and inter-departmental co-operation (rule 26.6) are of particular importance in the interest of generally enhancing the quality of institutional treatment and training.

27. Application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the

United Nations

27.1 The Standard Minimum Rules for the Treatment of Prisoners and related recommendations shall be applicable as far as relevant to the treatment of juvenile offenders in institutions, including those in detention pending adjudication.

27.2 Efforts shall be made to implement the relevant principles laid down in the Standard Minimum Rules for the Treatment of Prisoners to the largest possible extent so as to meet the varying needs of juveniles specific to their age, sex and personality.

Commentary

The Standard Minimum Rules for the Treatment of Prisoners were among the first instruments of this kind to be promulgated by the United Nations. It is generally agreed that they have had a world-wide impact. Although there are still countries where implementation is more an aspiration than a fact, those Standard Minimum Rules continue to be an important influence in the humane and equitable administration of correctional institutions.

Some essential protections covering juvenile offenders in institutions are contained in the Standard Minimum Rules for the Treatment of Prisoners (accommodation, architecture, bedding, clothing, complaints and requests, contact with the outside world, food, medical care, religious service, separation of ages, staffing, work, etc.) as are provisions concerning punishment and discipline, and restraint for dangerous offenders. It would not be appropriate to modify those Standard Minimum Rules according to the particular characteristics of institutions for juvenile offenders within the scope of the Standard Minimum Rules for the Administration of Juvenile Justice.

Rule 27 focuses on the necessary requirements for juveniles in institutions (rule 27.1) as well as on the varying needs specific to their age, sex and personality (rule 27.2). Thus, the objectives and content of the rule interrelate to the relevant provisions of the Standard Minimum Rules for the Treatment of Prisoners.

28. Frequent and early recourse to conditional release

28.1 Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time.

28.2 Juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support by the community.

Commentary

The power to order conditional release may rest with the competent authority, as mentioned in rule 14.1 or with some other authority. In view of this, it is adequate to refer here to the "appropriate," rather than to the "competent" authority.

Circumstances permitting, conditional release shall be preferred to serving a full sentence. Upon evidence of satisfactory progress towards rehabilitation, even offenders who had been deemed dangerous at the time of their institutionalization can be conditionally released whenever feasible. Like probation, such release may be conditional on the satisfactory

fulfilment of the requirements specified by the relevant authorities for a period of time established in the decision, for example relating to "good behaviour" of the offender, attendance in community programmes, residence in half-way houses, etc.

In the case of offenders conditionally released from an institution, assistance and supervision by a probation or other officer (particularly where probation has not yet been adopted) should be provided and community support should be encouraged.

29. Semi-institutional arrangements

29.1 Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes, day-time training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.

Commentary

The importance of care following a period of institutionalization should not be underestimated. This rule emphasizes the necessity of forming a net of semi-institutional arrangements.

This rule also emphasizes the need for a diverse range of facilities and services designed to meet the different needs of young offenders re-entering the community and to provide guidance and structural support as an important step towards successful reintegration into society.

PART SIX

RESEARCH, PLANNING, POLICY FORMULATION AND EVALUATION

30. Research as a basis for planning, policy formulation and evaluation

30.1 Efforts shall be made to organize and promote necessary research as a basis for effective planning and policy formulation.

30.2 Efforts shall be made to review and appraise periodically the trends, problems and causes of juvenile delinquency and crime as well as the varying particular needs of juveniles in custody.

30.3 Efforts shall be made to establish a regular evaluative research mechanism built into the system of juvenile justice administration and to collect and analyse relevant data and information for appropriate assessment and future improvement and reform of the administration.

30.4 The delivery of services in juvenile justice administration shall be systematically planned and implemented as an integral part of national development efforts.

Commentary

The utilization of research as a basis for an informed juvenile justice policy is widely acknowledged as an important mechanism for keeping practices abreast of advances in knowledge and the continuing development and improvement of the juvenile justice system.

The mutual feedback between research and policy is especially important in juvenile justice. With rapid and often drastic changes in the life-styles of the young and in the forms and dimensions of juvenile crime, the societal and justice responses to juvenile crime and delinquency quickly become outmoded and inadequate.

Rule 30 thus establishes standards for integrating research into the process of policy formulation and application in juvenile justice administration. The rule draws particular attention to the need for regular review and evaluation of existing programmes and measures and for planning within the broader context of overall development objectives.

A constant appraisal of the needs of juveniles, as well as the trends and problems of delinquency, is a prerequisite for improving the methods of formulating appropriate policies and establishing adequate interventions, at both formal and informal levels. In this context, research by independent persons and bodies should be facilitated by responsible agencies, and it may be valuable to obtain and to take into account the views of juveniles themselves, not only those who come into contact with the system.

The process of planning must particularly emphasize a more effective and equitable system for the delivery of necessary services. Towards that end, there should be a comprehensive and regular assessment of the wide-ranging, particular needs and problems of juveniles and an identification of clear-cut priorities. In that connection, there should also be a co-ordination in the use of existing resources, including alternatives and community support that would be suitable in setting up specific procedures designed to implement and monitor established programmes.

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Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland

Universal Declaration of Human Rights - English (English)

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and

among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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GALLUP SURVEY IN IRAQ

STRICTLY EMBARGOED UNTIL OCTOBER 14th

Baghdad Views U.S. Troops: Guarantors of Badly Needed Security – Or Targets for “Morally Justified” Attacks?

by [redacted]
Director, International Polling

Large Majority of Baghdadis Says U.S. Forces Should Not Be Withdrawn Quickly – Result Would Be ‘Anarchy’

Soon after the Hussein regime was ousted, there were calls for the prompt withdrawal of coalition forces. On the pedestal of the column in Firdos Square where television broadcast live images of the toppling of Saddam Hussein's statue, the words “All Donne (sic) Go Home” were spray-painted not long thereafter.

The desire for the withdrawal of foreign troops has been tempered, however, by another concern – that for establishing some basic level of security. The invasion also ushered in a wave of violent crime that the city's badly understaffed and under-armed police force has been largely powerless to contain. Nearly all Baghdadis (94%) told Gallup's interviewers the city is a now more dangerous place for them than before the invasion, and 60% said there had been times during the past four weeks when they or their family had been afraid to go outside their home even during the day.

So is the desire for a prompt withdrawal of foreign forces really the majority sentiment now among Baghdad's citizens?

In Gallup's just-completed scientific, in-home sampling 1178 adult residents of Baghdad, only one in four (26%) told us they would prefer coalition forces to “leave immediately – say, in the next few months”. Fully 71% said they felt U.S. and British troops should stay in Iraq for “a longer period of time”.

Furthermore, an overwhelming 85% of Baghdad's residents said they agreed with the assertion that “if the U.S. were to pull out its troops any time soon, Iraq will fall into anarchy” – just 11% disagreed with this assessment.

Minority Among Baghdad Residents Condones Ongoing Attacks on U.S. Forces

Since President Bush declared an end to “major combat operations” on May 1st, a total of 95 U.S. soldiers have been killed in combat Iraq, many within the Baghdad metropolitan area itself.

While opinions differ as to what specific groups and motives are behind these attacks, a majority of Baghdad's residents – some 64% – view them as either generally (22%) or completely (42%) morally indefensible.

That said, it should be noted that a significant minority of Baghdad's residents is unwilling to condemn attacks against U.S. troops, at least under certain circumstances. One in six (17%) describes current attacks on U.S. forces as “sometimes” morally justified, “sometimes not”. More alarming is the fact that nearly one in five (19%) views the ongoing attacks as either generally (11%) or completely (8%) justifiable morally.

In other words, among the 2.3 million adult (age 18 or older) residents of Iraq's capital city, nearly 440,000 view attacks on U.S. forces in Iraq as broadly acceptable from a moral standpoint.

Most Approve of Conduct Thus Far By U.S. Forces in Baghdad

Since April, there have been numerous press accounts documenting the accidental or unwarranted killing of civilians – some of them women and children – during operations and raids conducted by U.S. soldiers in Baghdad.

On balance, how do residents of Baghdad view the conduct of U.S. forces in their publicized incidents, nearly half (48%) say U.S. troops have thus far conducted them – with an additional 10% going so far as to say “very well”. One in five (20%) say they see themselves “fairly badly”, and nearly one in ten (9%) sees them as having conducted them “very badly”.

All told, however, positive assessments of U.S. troop conduct outnumber negative ones (58% positive, 29% negative). Of those who gave negative assessments, over half (55%) based their assessment on behavior they had personally witnessed, while 42% said it was based on things they had heard or read in the media.

Few Baghdad Residents Have Had Direct Interaction With U.S. Troops

Despite the fact that more than 30,000 U.S. troops are based in the Baghdad region, personal contact between locals and U.S. forces remains the exception rather than the rule. Just 6% of Baghdad's residents told our interviewers that they or a member of their immediate family had had any face-to-face dealings with U.S. soldiers, who are the coalition force that holds responsibility for patrolling the city.

Upper income (12%) and university-educated (18%) Baghdadis reported the highest likelihood of personal contact with U.S. troops, but even among these groups direct interaction has been rare.

#####

TWO PHOTOS GO HERE

 photos

- 10.2 Did this happen within past four weeks?

Been afraid to go outside your home during the day for safety reasons

- | | |
|--|----|
| 1. Immediately, say in the next few months, or | 26 |
| 2. Do you think they should stay in Iraq for
a longer period of time? | 71 |
| 3. Don't know | 3 |

- | | | | Disagree | Agree | Can't Say |
|--|---|---|----------|-------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | 6 | Some people believe that if the US were to pull out its troops any time soon Iraq will fall into anarchy. | 11 | 85 | 4 |

- 6 There are many actions some people as individuals or as groups or states do. I will read out to you a number of these acts / events and I would like you to indicate to which extent you can personally justify them morally?

		Cannot be justified		Can be sometimes justified, sometimes cannot	Can be justified	
		At all	Some what		Some-what	Com-pletely
5.	Current attacks against the US forces in Iraq	42	22	17	11	8

- 14.1 In your opinion, how have U.S. forces in Baghdad conducted themselves (READ OUT)

1. Very well	10
2. Fairly well	48
3. Fairly badly	20
4. Very badly	9
5. Don't know	12
6. Refused	1

- 14.2 (IF FAIRLY OR VERY BADLY) Do you say this from personal experience, that is,

1. From things you have seen yourself, or	58
2. From what you have heard?	42

15. Have you or any other household members had any personal contact with any U.S. military forces or not?

1. Yes	6
2. No	94

October 7, 2003

FOR: CPA Senior Advisors

FROM: Ali Tulbah, Council for International Coordination

SUBJECT: Guidance and Action Items for the Upcoming Donors Conference

The Donors Conference in Madrid on October 23-24 will present an unequalled opportunity for the CPA and Iraqi ministers to educate the world on the reconstruction needs of Iraq and the efforts of their ministries. Achieving success during these two days will take a coordinated effort between all parts of the CPA over the course of the next two weeks.

Objectives

Last week, the countries and international organizations planning the conference have expressed our shared objectives for the Donors Conference as the following:

1. Endorse the priorities for reconstruction in Iraq over the coming years.
2. Provide a forum for donors to make pledges of assistance to address those priorities identified for 2004 and over the medium-term.
3. Agree on a multilateral framework for assistance, to include a Multi-Donor Fund for Iraq administered by the United Nations and the World Bank, separate from but coordinated with the Development Fund for Iraq referred to in UNSC Resolution 1483.

Just as the coordinating countries decided on goals for the conference, so too should your ministry think about what it would like to achieve. What are your ministry's desired outcomes for promoting awareness of reconstruction needs? For telling your story to the press? For assisting your Iraqi counterparts? The decisions your ministry makes on the action items below should be made with these strategic objectives in mind.

Action Items

1. **Check availability of interim ministers.**
Having the Iraqis tell their own story to the world is a key communication objective for the conference. This will necessitate the participation of many interim Iraqi ministers. Please check now to make sure they will not have a scheduling conflict should they wish to be a part of the delegation.
2. **Identify CPA and Iraqi delegation members.**
There have been no specific decisions made yet as to how large the CPA delegation will be or how it will be composed. Each ministry should nominate those who they wish to be their representatives at the conference. Your starting assumption should be the interim Iraqi Minister plus CPA Senior Advisor. Any additional names must be

accompanied by a brief statement of purpose for their inclusion. Please forward names and purpose to [redacted] no later than noon on Thursday, October 9.

A helpful note: Transportation to and from Madrid will be provided. Though rooms will be reserved for the delegation, hotel expenses will be the responsibility of delegation members, whether through TDY orders, ministry budgets, or other arrangements.

3. Collect passport information.

Passport information must be collected for the plane manifest, country clearance, and visas. This information includes: name, country and type of passport, passport number, date of birth, date of issue, place of issue, and expiration date. Passport information must be sent to [redacted] no later than 6pm on Friday, October 10.

4. Create sectoral presentation.

Many ministries will be attending the sectoral discussions on the evening of October 23. These sessions will feature overviews of each sector's reconstruction needs as documented by the UN and World Bank needs assessment teams. Each ministry should prepare their interim Iraqi Minister to give a brief presentation to follow that of the assessment team. This presentation need not be highly technical as the format may be more of a roundtable discussion. We will provide further guidance in this area as the format for these sessions becomes more clear.

5. Write narrative and select projects for catalog.

A comprehensive list of all reconstruction projects identified by your ministries (the project database) will be presented to donors in Madrid. You have already submitted this information to OMB. We will also present a summary publication that provides donors with an overview of ministry objectives and priorities in key development areas. This will consist of brief narrative summaries in the following sectors: Health, Education, Water and Sanitation, Transportation, Agriculture and Electricity. Inserted in these narrative summaries will be a small number of individual "project profile" insets that will give a very short overview and photo of priority projects in the sector.

We ask that ministries responsible for these sectors write a brief (4-5 page) overview of the sector and identify five feature projects for the profiles. The information used for these profiles will be pulled from what you have already provided to OMB. It is strongly preferred that ministries identify projects for which high resolution photos already exist. That said, we have the capability to commission photos for a limited number of projects if none are available.

This catalog will be a critical deliverable – a professionally-produced document placed in donors' hands that tell your ministry's story, along with compelling pictures of projects needing funding.

6. Schedule relevant ministers for Private Sector Conference.

On Thursday, October 23 there will be a concurrent conference in Madrid focusing on

private sector development. Ministers listed below need to be invited by their CPA advisors to attend this conference's Minister Breakout Session held from 1100-1300. The structure of the breakout sessions will be informal, with the ministers giving a short speech before chairing a Q&A session. The audience will be global corporate executives as well as Iraqi business leaders. The ministers will stay for lunch and then return to the Donors Conference.

We ask that the respective CPA Senior Advisors confirm that their interim Ministers will be available to attend with an e-mail to [redacted] **no later than noon on October 8.** (You may also contact that same address with any questions regarding the Private Sector Conference in general). CPA Senior Advisors should ensure that the interim Ministers are prepared for both the address and the Q&A session.

Sector Breakout	Minister
Financial Services	Minister of Finance
Infrastructure	Minister of Electricity Minister of Municipalities and Public Works Minister of Water
Telecom	Minister of Transportation and Communications
Consumer/Retail	Minister of Trade
Tourism	Minister of Culture
Agriculture	Minister of Agriculture
Health Care Delivery	Minister of Health

This is the most complete guidance we can give at this point in time. We will certainly continue to provide you with more information as details about the conference and CPA participation become clearer.

Should you have any questions, please feel free to contact the CIC lead for this effort, [redacted] at [redacted] or [redacted].

15 September 2003

MOF # 09-01

CPA policy on Payment of Public Sector Salaries in September 2003

This policy applies to all State employees and employees of State Corporations and other self-financed entities. See below for more details.

All allowances, bonuses, supplements and any other additions to salaries remain suspended, with the exception of overtime. Per August 5 CPA OMB memo, no Iraqi Ministry, agency, company or other government organization may hire employees at a level above the applicable end strength limit for that entity, as approved in the current FY03 National Budget (effective July 1, 2003), except as approved by the Interim Minister of Finance and the CPA Director of Management and Budget under procedures specified in referenced memo. Promotions are temporarily frozen, but eligible employees may be promoted upon their transfer to the new civil service system authorized under CPA Order #30. Per CPA OMB guidance (email dtd Sep 9, 2003, subject Salary Reform Order is Signed), Ministries must submit copies of proposed Ministry reclassifications to Dr Sami Metti (Ministry of Planning), Mr Al-Hilfi (Ministry of Finance, Legal Dept), and COL [redacted] (CPA OMB/Finance) for final approval before any payments can be made under the new order.

Salaries will be paid in US dollars according to the following schedule:

Salary Grade	Previous Civil Service Grade	September pay scale	Memo: August pay scale	Memo: July salary scale in Southern Iraq/Kurdish provinces
Grade 4	6 and below	\$60	\$60	\$60 plus 7500 dinars in 250 notes/\$5
Grade 3	3-5	\$120	\$120	\$120 plus 7500 dinars in 250 notes/\$5
Grade 2	1-2	\$180	\$180	\$180 plus 7500 dinars in 250 notes/\$5
Grade 1	Director General or above	\$400	\$400	\$300 plus 7500 dinars in 250 notes/\$5

Employees who have not received their full salary entitlement for previous months shall be entitled to payment of the balance. Any double payment of previous month's salaries or any previous payment of September salary payments shall be deducted from September salary payments. For the purposes of calculating deductions and back payments due an exchange rate of 2000 ID:1 USD shall be used.

All salary payments will be authorised by Ministry of Finance officials, acting in accordance with CPA policy, through the Treasury account. Payments will be executed through the Rafidain and Rasheed banking systems, which act as the agent of the Ministry of Finance.

The Director General of Accounts, Ministry of Finance will issue a circular to all Ministries and Departments setting out the procedure for the payment of September salaries.

To obtain authorisation for disbursement of funds for salary payments for both centrally financed workforces and for the employees of State Corporations and other self-financed entities for which they are responsible, Ministries, and their relevant Directorates are responsible for providing the following:

Accounting for previous month payments. Payroll execution information should be provided to the servicing Accounts Departments at the local Treasury Office or Ministry of Finance. Information should include funds received, funds paid out, number of employees in each pay grade that were paid (by directorate) and the balance remaining. Unused payroll funds will be redeposited in the bank from which they were withdrawn and a receipt filed with the local directorate accounting manager. If, in previous months, payroll payments were made inconsistent with Ministry of Finance guidelines at that time, the Ministries are required to provide relevant accounting of those salaries and emergency payments before additional funds can be released. Information should include details of any such salary or emergency payments, including a list of names to whom the money was paid. A copy of the Ministry's previous month's payroll execution will be provided to the CPA Office of Management and Budget.

Requests for payment for current month. For administrative convenience, Ministries are advised to present a single report, and single request for release of funding for all their directorates/spending units, rather than separate requests for different directorates/spending units. Requests for payment should include a cover letter written on official paper, approved by the three senior officials of the directorate/spending unit and signed by the Director General of Administration and Finance. The request should also include a spreadsheet with the names and grades of the employees to be paid. If required payroll exceeds that of the previous month, the request for payment must be approved by the CPA Senior Advisor. Any actions that will cause the increase of more than 1% in the pay bill of a workforce over the level paid in August must be approved by the CPA Senior Adviser to the Ministry of Finance before the payroll can be executed. If the governance demonstrates responsible payroll practices consistent with Baghdad guidance, the Baghdad Ministry of Finance can delegate payroll management to the local branch of the Treasury, provided the Senior Advisor of the Ministry agrees.

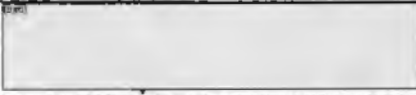
Executing payroll. Internal audit sections in each ministry shall review the payroll and salary process for conformity with approved methods for payment by the Ministry of Finance, as well as the integrity of individual payments. In each accounting unit the three-person committee shall oversee the distribution of salaries. The names of these individuals will be kept on file at the Agent Bank authorizing the release of funds. A post payment audit shall be performed by the Board of Supreme Audit wherever possible.

The Ministry of Finance shall issue authorisation to designated banks to provide specified funds to named representatives of Ministries and Departments to pay salaries. Presentation of this authorisation, which may be transmitted electronically, at the designated bank will release the specified funds to the named representatives for the purpose of paying salaries.

Contracted employees in September will be paid out of operating expenses, as provided through the budget, and not out of payroll. Ministries should begin working on the transition of military paid Facilities Protection Personnel to their payrolls if there is a continued need for their services. Effective 1 November, these people will no longer be paid out of Commanders' Emergency Response Funds.

Points of Contact for Further Information:



<p style="text-align: center;">Iraqi Corrections Service National Policy Order</p>	<p>Order Number 1.1</p>	<p>Effective Date 01NOV2003</p>	<p>Page 1 of 4</p>
	<p>Supersedes NEW</p>		
	<p>Title National Policy Orders, Procedure Orders and Post Orders</p>		

1. Policy. The Iraqi Corrections Service's internal management shall be governed by National Policy Orders, Procedure Orders and Post orders.
2. Definitions. For purposes stated herein the following definitions apply:
 - A. National Policy Orders. The basic policy and essential standards required by the Director General of the Iraqi Corrections Service and applicable to all units and employees.
 - B. Procedure Orders. Required Procedures which are written and issued to establish unit operating practices consistent with the standards established by a National Policy Order. Procedure Orders are Subordinate to National Policy Orders.
 - C. Post Orders. The Written job or task requirements for conducting operations at a specific job station in a correctional facility. A post order shall be written for every authorized staff assignment. All post orders shall specify the duties of the post. Post orders shall be consistent with the format established in this National Policy Order.
3. Authorization and Implementation. National Policy Orders shall become authorized when signed by the Director General of the Iraqi Corrections Service and shall become effective in accordance with the date specified on the heading. Procedure Orders and Post Orders shall become authorized when signed by the Warden and shall be implemented by the effective date of the corresponding National Policy Order. All manuals, Procedure Orders, post orders, forms and attachments, shall be consistent with, inclusive of and subordinate to the National Policy Orders.
4. Organization, Nomenclature, Designations and Punctuation.
 - A. National Policy Orders, maintained as a Manual, shall be organized into chapters containing similar subject matter. Each chapter shall be designated by a number.
 - B. Each National Policy Order shall be designated by a number comprised of the chapter number and the number of the National Policy Order in the chapter. The chapter number shall be separated from the National Policy Order number by a period.
 - C. Within each National Policy Order, the subject matter shall be divided into sections, subsections, parts and subparts. Sections shall be designated by a number. Subsections shall be designated by a capital letter. Parts shall be designated by a number. Subparts shall be designated by a lower case letter.

Order Number 1.1	Effective Date 01NOV2003	Page 2 of 4
National Policy Orders, Procedure Orders and Post Orders		

5. Policy Order Heading. Each National Policy Order and Each Procedure Order shall have a complete heading on the first page of the Policy Order and a partial heading on each subsequent page.
 - A. A complete heading shall consist of: (1) Agency Identifier "The Iraqi Corrections Service"; (2) the Order number; (3) the title of the Order; (4) the effective date of the Order; (5) the number and date of the Order that was superseded, if any, or the former number of the Order, if renumbering occurred; (6) the page number of total pages in the Policy Order; and (7) the Director General's signature.
 - B. The partial page heading shall contain: (1) the number of the Policy Order; (2) the title of the Policy Order; and (3) the page number of total page numbers.
 - C. National Policy Order Revision Notices shall contain the same elements as the complete heading described in Section 5(A) above. In addition, the form shall contain the words "Revision Notice" in large block letters.
6. Format. Each section of a National Policy Order shall have a title that shall have the first letter of each important word capitalized. The title shall be underlined. Subsections and lower divisions may have titles with underlining as appropriate.
7. Distribution. The National Policy Orders shall be distributed to the head of each Division and Unit of the Iraqi Corrections Service. A copy of the National Policy Orders, with the exception of any Orders governing Force Protection/Safety, Security or Emergency Procedures, shall be made available to any other National Agency and individuals as authorized by the Director General.
8. Maintenance. Each holder of a National Policy Orders Manual shall be responsible for maintaining a current and accurate binder.
9. Auditing. The National Policy Orders Manual binder distributed under Section 7 above shall be audited at least annually by the Unit Head to assure that they are current and accurate.
10. Request for an Exception. In the event that compliance cannot be met regarding a National Policy Order, the Request for Exception form, attached to this order, shall be completed and submitted by the affected Unit Administrator to the Director General through the appropriate chain of command for consideration. No one other than the Director General can grant an exception or issue a direction contrary to the requirements of any National Policy Order.

Order Number 1.1	Effective Date 01NOV2003	Page 3 of 4
National Policy Orders, Procedure Orders and Post Orders		

11. Director General's Signature. Upon Signature, the Director General shall be responsible to print and disseminate all National Policy Orders among all the units of the Iraqi Corrections Service.
12. Effective Date. The Director General shall be enter an Effective Date on each National Policy Order. The National Policy Order shall be effective within 30 days, unless stated otherwise.
13. National Policy Order Revisions. Where a basis for clarification arises, a National Policy Order Revision Notice may be issued under the Director General's signature pending the re-issue of a revised National Policy Order. The Revision Notice will provide interim guidance on the changes required among all units pending the re-issue of the effected National Policy Order. Usually, not more than 30 days shall transpire between the issuance of an National Policy Order Revision Notice and the revised National Policy Order.
14. Contents. The Director General shall maintain and revise, as necessary, a table of contents of current National Policy Orders. The table of contents shall contain the number, title, effective date, as well as the number and date of any superseded National Policy Order. The table of contents shall be maintained in the front of each binder.
15. Master National Policy Order Maintenance. The Director General shall maintain a master file of all existing, superseded and rescinded National Policy Orders. In addition, all original copies, with the Director General's signature, shall be maintained, in a binder, at the Headquarters.
16. Access to National Policy Orders. National Policy Orders are public documents and shall be available for inspection except for Force Protection/Safety, Security and Emergency Procedures, which is exempt from disclosure and shall not be disclosed or distributed to anyone except authorized Iraqi Corrections Service employees. National Policy Orders shall be readily accessible to all employees.
17. Training. All direct contact employees undergoing orientation training at the Center for Training and Staff Development shall be trained in the National Policy Orders governing Security and Control, Safety and Emergency Procedures, Health Care, Hygiene and Sanitation, Classification and Offender Programs. Any new National Policy Order, Procedure Order, manual or post order shall be shared with each affected employee upon dissemination.
18. Annual Review. National Policy Orders, manuals, Procedure Orders and post orders shall be reviewed and may be updated at least annually to reflect changes in:

A. Laws;

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National Policy Orders, Procedure Orders and Post Orders		

- B. Court orders;
- C. National standards;
- D. Personnel complements, budgets and/or programs changes;
- E. Changes in offender population characteristics; and
- F. Other conditions, or reasons or for administrative necessity.

Each year the Director General distribute a guidance memorandum outlining the processes and time frames for the annual policy review.

19. Transition. An existing National Policy Order shall remain in force and effect until superseded by a new National Policy Order or until rescinded in a Transmittal Memorandum.

20. Forms. The following forms and attachments are applicable to this National Policy Order and shall be utilized for their intended function:

- A. Request for Inclusion - Utilized when an employee requests that a Directive be changed or modified.
- B. Request for Exception - Utilized when compliance cannot be met and an Administrator requests an exception to the Directive.

21. Exceptions. Any exceptions to this National Policy Order shall require prior written approval from the Director General.

**Request for Exception to a
National Policy Order
Iraqi Corrections Service**

Order Number

Title

☐ I request approval of the following exception to the above referenced National Policy Order
(provide detailed explanation)

☐ Please see attached

Signed

Facility

Date

APPROVALS

Approved Denied

☐☐

Warden's Signature

Date

☐☐

Regional/Deputy Director's signature

Date

DIRECTOR GENERAL'S APPROVAL

This request is ☐ Approved ☐ Denied Effective date of exception _____

☐ This exception is valid through _____, by which the exception must be re-requested.
Date

☐ This exception is valid until such time as the National Policy Order is updated.

☐ This exception shall be added immediately to the National Policy Order.

Director General's Signature

Date

**Request for Inclusion to a
National Policy Order
Iraqi Corrections Service**

Order Number

Title

☐ I recommend the following inclusion to the above referenced National Policy Order
(Provide detailed explanation)

☐ Please see attached

Signed

Facility

Date

REVIEWS

Warden

Date

☐ Regional/Deputy Director

Date

☐ Request for inclusion presented to Director General

Date

Comments

Director General's Signature

Date

<p align="center">Iraqi Corrections Service National Policy Order</p>	<p align="center">Order Number 1.2</p>	<p align="center">Effective Date 01NOV2003</p>	<p align="center">Page 1 of 2</p>
<div style="background-color: #cccccc; width: 100%; height: 100%;"></div>	<p>Supersedes NEW</p>		
	<p>Title Mission Statement</p>		

1. Policy. The Mission Statement shall be the fundamental statement of the Iraqi Correction Service's philosophy and goals. All policies of the Service shall be consistent with the mission statement.

2. Mission Statement. The Iraqi Corrections Service shall strive to provide for the humane care, custody and treatment of persons incarcerated, as a means of enhancing public safety under the rule of law.

3. Dissemination of Mission Statement. The mission statement shall be widely disseminated to all employees, inmates and the general public. The mission statement shall appear in the front of all publications of the Service. It shall be posted prominently in all units in areas that may be commonly viewed by the public, staff and inmates. Copies shall be provided to all employees undergoing orientation training.

4. Exceptions. Any exceptions to this National Policy Order shall require prior written approval from the Director General.

NEWS

House Appropriations Committee

Chairman C.W. Bill Young (R-FL)

Website address: www.house.gov/appropriations

FOR IMMEDIATE RELEASE:
October 6, 2003

Contact: John Scofield
(202) 226-5828

Highlights of the Chairman's Mark of the Iraq Supplemental

"This mark is an investment in our children's future, a future free from terrorism and the daily dread of a devastating attack against our civilians. I have scrubbed the President's request and made some improvements. The product circulated to my Committee Members today is a draft and it is likely that I will have a manager's amendment to fine-tune the package. In the end I expect the Iraq supplemental will enjoy broad, bipartisan support in my Committee and by the full House of Representatives," said Chairman C.W. Bill Young.

President's Request: \$87 billion
Chairman's Mark: \$86.7 billion

Iraq Relief and Reconstruction

President's Request: \$20.3 billion
Chairman's Mark: \$18.6 billion

- **Security and Law Enforcement** is funded at \$3.2 billion, \$50 million below the request.
 - Recruiting and training--\$950 million is provided for recruiting, training and equipping police forces in Iraq including a police training center with international trainers.
 - New Iraq Army and Civil Defense Corps--\$2.1 billion is included for training, equipping and deploying the New Iraq Army.
 - Border security--\$217 million is provided for border enforcement activities
 - Vehicles and facilities for Iraq traffic police—The mark does **not** include \$50 million requested for buildings, equipment and vehicles in support of Iraq's traffic police.
- **Justice, Public Safety and Civil Society Infrastructure** is funded at \$1.3 billion, \$525 million less than the request.
 - Prison and detention facilities--\$209 million is provided for prison and detention facilities, \$300 million below the request. This includes \$99 million for modernization of existing facilities, \$100 million for construction of a new prison. The mark reduces prison construction by \$300 million and does **not** fund the construction of two additional new prisons at \$50,000 per bed.
 - Witness protection program--\$100 million is included as requested for a witness protection program to protect Iraqis who assist Coalition forces with fighting terrorism and crime.

- Public safety facilities and services--\$509 million is provided for these buildings and activities, \$175 million below the request.
- Crimes against humanity investigation--\$100 million is included for investigations into crimes against humanity, such as the mass killing of innocent Iraqi civilians.
- **Electrical Generation and Distribution Infrastructure**--\$5.65 billion is included to repair, rehabilitate and procure electric generation and distribution infrastructure in Iraq, \$25 million less than the request. The mark does not include \$25 million requested for "institution strengthening" for providing consultants, developing a master plan for continued development, and rehabilitating buildings.
- **Oil Infrastructure and Resource Procurement**—The mark provides the \$2.1 billion requested for rebuilding Iraq's oil infrastructure and the procurement of emergency stocks such as kerosene.
- **Water Resources and Sanitation**--\$4.3 billion for water resources and sanitation, \$253 below the request.
 - Drinking Water--\$2.8 billion is included as requested to increase access to potable water in rural and urban Iraq.
 - Sewage--\$697 million to improve sewage services.
 - Water Resources--\$775 million for water resource projects, such as irrigation projects, pumping stations and dam rehabilitation.
 - Solid Waste Management—The mark does not include \$153 million for improving solid waste management programs, including the procurement of 40 trash trucks at \$50,000 a piece.
- **Transportation and Communication projects**—The mark provides \$500 million for various transportation and communication projects, \$335 million below the request. The mark did not fund \$4 million for a nationwide numbering scheme, \$9 million for postal information architecture and zip codes and \$10 million to modernize the business practices of the Iraqi television and radio industry.
- **Road and Bridge Construction**--\$370 million is included for construction and refurbishment of roads and bridges, \$100 million below the request. Within this amount, \$130 million is provided for public buildings and \$240 million is for repair and modernization of roads and bridges. The mark does not include \$100 million requested to build 7 new housing communities.
- **Health care programs**--\$793 million is provided for health care programs, \$57 below the request.
 - Modernization of medical facilities--\$493 million, \$100 million above the request, to refurbish and modernize medical clinics, primary health care services and hospitals throughout Iraq.
 - Medical equipment-- \$300 million is provided as requested to repair and procure medical equipment for Iraq's medical facilities.
- ✓ ▪ **Basra hospital**—The mark does not include \$150 million requested to initiate a new \$500 million to \$700 million children's hospital in Basra.
- **Private Sector Development**--\$153 million is included, \$200 million less than requested, for private sector development functions. The mark does not include \$200 million requested to create an American-Iraqi Enterprise Fund.
- **Operating Expenses of the Coalition Provisional Authority (CPA)**—The mark provides a direct appropriation of \$858 million to the Coalition Provisional Authority for their operating expenses instead of providing these funds in the U.S. Army, Operation and Maintenance accounts as requested. The mark provides transfer authority up to 1% of funds (roughly \$186 million) provided in the Iraq Relief and Reconstruction Fund for unanticipated expenses of the CPA. This provision does not alter the reporting relationship of Ambassador Bremer to the President through the Secretary of Defense.
- **Foreign Debt**—The bill includes a prohibition on the use of any funds in this act to be used to pay Iraq's foreign debts.
- **Competition in Contracting**—The mark includes a provision to limit the use of non-competitive contracts in the reconstruction and relief funds for Iraq. The provision preserves the prerogative of the President to waive the requirement for full and open competition in certain circumstances, as outlined in applicable federal procurement regulations. The provision requires the executive branch to provide notice and justifications to Congress when the authority is exercised.

Afghanistan Relief and Reconstruction

President's Request: \$800 million

Chairman's Mark: \$1.2 billion

Within these funds for accelerated reconstruction, \$191 million is included for the construction of roads in Afghanistan, including the Kabul-Kandahar road; \$95 million, \$50 million above the request, for schools and education; \$95 million for private sector development and power generation, \$50 million above the request; \$70 million to assist the central government of Afghanistan, \$33 million above the request; and \$69 million for elections and improved governance, \$12 million above the request. The additional funds are intended to show tangible improvement in the security and quality of life of most Afghans by the summer of 2004.

National Defense

President's Request: \$65.1 billion

Chairman's Mark: \$64.7 billion

Summary Table
(Dollars in Thousands)

	Request	Recommendation	Change from Request
Military Personnel:			
Military Personnel, Army	12,858,870	12,188,870	-670,000
Military Personnel, Navy	816,100	816,100	0
Military Personnel, Marine Corps	753,190	753,190	0
Military Personnel, Air Force	3,384,700	3,384,700	0
Total Military Personnel	17,812,860	17,142,860	-670,000
Operation and Maintenance:			
O&M, Army	24,190,464	24,355,664	165,200
O&M, Navy	2,106,258	1,934,058	-172,200
O&M, Marine Corps	1,198,981	1,198,981	0
O&M, Air Force	5,948,368	5,598,368	-350,000
O&M, Defense-Wide	4,618,452	4,485,452	-133,000
O&M, Marine Corps Reserve	16,000	16,000	0
O&M, Air Force Reserve	53,000	53,000	0
O&M, Air National Guard	214,000	214,000	0
Overseas Humanitarian, Disaster & Civic Aid	35,500	35,500	0
Iraq Freedom Fund	1,988,600	1,988,600	0
Total Operation and Maintenance	40,369,623	39,879,623	-490,000
Procurement:			
Missile Procurement, Army	6,200	0	-6,200
Procurement of WTCV, Army	46,000	101,600	55,600
Other Procurement, Army	930,687	1,250,287	319,600
Aircraft Procurement, Navy	128,600	158,600	30,000
Other Procurement, Navy	76,357	76,357	0
Procurement, Marine Corps	123,397	123,397	0
Aircraft Procurement, Air Force	40,972	53,972	13,000
Missile Procurement, Air Force	20,450	20,450	0

Other Procurement, Air Force	3,441,006	3,418,006	-23,000
Procurement, Defense-Wide	435,635	418,635	-17,000
Total Procurement	5,249,304	5,621,304	372,000
Research, Development, Test and Evaluation:			
RDT&E, Navy	34,000	34,000	0
RDT&E, Air Force	39,070	39,070	0
RDT&E, Defense-Wide	265,817	195,817	-70,000
Total Research, Development, Test and Evaluation	338,887	268,887	-70,000
Revolving and Management Funds:			
Defense Working Capital Funds	600,000	600,000	0
National Defense Sealift Fund	24,000	24,000	0
Total Revolving and Management Funds	624,000	624,000	0
Other Department of Defense Programs:			
Defense Health Program	658,380	658,380	0
Drug Interdiction & Counter-Drug Activities, Defense	73,000	73,000	0
Total Other Department of Defense Programs	731,380	731,380	0
Related Agencies:			
Intelligence Community Management Account	21,500	21,500	0
Total Related Agencies	21,500	21,500	0
General Provisions:			
Section 1109 - Storm Damage	0	413,300	413,300
Grand Total	65,147,554	64,702,854	-440,700

Highlights of the Defense Portion of Chairman's Mark

Force Protection and Quality of Life—The chairman's mark increases funds to purchase body armor Special Armor Plate Insert and to contract for the clearing of unexploded ordnance. The mark provides funding for the contracting of civilian security guards to replace reservists currently performing these duties at Army installations. The Army has indicated this provision would permit the demobilization of 7,000 to 10,000 reserve component soldiers. The Department of Defense is also directed to increase the availability of modern hydration systems to soldiers in Iraq.

Hazard Pay and Family Support—The mark includes a proposed provision which authorizes continued payment of per diem for travel of family members of military personnel who are ill or injured as result of active duty service and includes a provision to continue the increased monthly rate of Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

Recovery of Natural Disasters—The Chairman's mark includes \$413 million, not requested by the Administration, for recovery and repairs to damage to military facilities caused by Hurricane Isabel.

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FY 2004 Emergency Supplemental for Defense and for the Reconstruction of Iraq and Afghanistan
(in millions of dollars)

	President's request	Senate Reported	House Chairman's Mark	House vs. Request Senate	
I -- National Security					
Chapter 1 -- Defense					
Military Personnel, Army.....	12,858.870	12,858.870	12,188.870	-670.000	-670.000
Military Personnel, Navy.....	816.100	816.100	816.100	--	--
Military Personnel, Marine Corps.....	753.190	753.190	753.190	--	--
Military Personnel, Air Force.....	3,384.700	3,384.700	3,384.700	--	--
Operation and Maintenance, Army.....	24,190.484	--	24,355.864	+165.200	+24,355.864
(contingent emergency).....	--	24,946.464	--	--	-24,946.464
O&M, Navy.....	2,106.258	1,975.258	1,934.058	-172.200	-42.200
(transfer to Coast Guard Operations).....	(80.000)	(80.000)	(80.000)	(--)	(--)
O&M, Marine Corps.....	1,198.981	1,198.981	1,198.981	--	--
O&M, Air Force.....	5,948.388	5,515.388	5,598.368	-350.000	+82.000
O&M, Defense-Wide.....	4,618.452	4,218.452	4,485.452	-133.000	+267.000
O&M, Marine Corps Reserve.....	16.000	16.000	16.000	--	--
O&M, Air Force Reserve.....	53.000	53.000	53.000	--	--
O&M, Air National Guard.....	214.000	214.000	214.000	--	--
O&M, Overseas Humanitarian, Disaster, and Civic Aid.....	35.500	35.500	35.500	--	--
O&M, Iraq Freedom Fund.....	1,988.600	1,988.600	1,988.600	--	--
Procurement, Missile Procurement, Army.....	6.200	6.200	--	-6.200	-6.200
Procurement of Weapons and Tracked Combat Vehicles, Army.....	46.000	--	101.600	+55.600	+101.600
(contingent emergency).....	--	104.000	--	--	-104.000
Other Procurement, Army.....	930.687	--	1,250.287	+319.600	+1,250.287
(contingent emergency).....	--	1,078.687	--	--	-1,078.687
Aircraft Procurement, Navy.....	128.600	128.600	158.600	+30.000	+30.000
Other Procurement, Navy.....	76.357	76.357	76.357	--	--
Procurement, Marine Corps.....	123.397	123.397	123.397	--	--
Aircraft Procurement, Air Force.....	40.972	40.972	53.972	+13.000	+13.000
Missile Procurement, Air Force.....	20.450	20.450	20.450	--	--
Other Procurement, Air Force.....	3,441.006	3,441.006	3,418.006	-23.000	-23.000
Procurement, Defense-Wide.....	435.635	435.635	418.635	-17.000	-17.000
Research, Development, Test and Evaluation, Navy.....	34.000	34.000	34.000	--	--
Research, Development, Test and Evaluation, Air Force.....	39.070	39.070	39.070	--	--
Research, Development, Test and Evaluation, Defense-Wide.....	295.817	265.817	195.817	-70.000	-70.000
Defense Working Capital Funds.....	600.000	600.000	600.000	--	--
National Defense Sealift Fund.....	24.000	24.000	24.000	--	--
Defense Health Program.....	658.380	658.380	658.380	--	--
Drug Interdiction & Counter-Drug Activities, Defense.....	73.000	73.000	73.000	--	--
Intelligence Community Management Account.....	21.500	21.500	21.500	--	--
(transfer to Department of Energy).....	(3.000)	(3.000)	(3.000)	(--)	(--)
(transfer to Department of Justice).....	(15.500)	(15.500)	(15.500)	(--)	(--)
Transfer authority (sec. 1101).....	(5,000.000)	(7,500.000)	(3,000.000)	(-2,000.000)	(-4,500.000)
Storm damage (sec. 1109).....	0.000	0.000	413.300	+413.300	+413.300

Total, Title I, Chapter 1.....	65,147.554	65,147.554	64,702.554	-444.700	-444.700
Chapter 2 -- Military Construction:					
Military Construction, Army.....	119.900	119.900	119.900	--	--
Military Construction, Air Force.....	292.550	292.550	292.550	--	--
Family Housing operation and maintenance, Navy and Marine Corps..	--	--	3.268	+3.268	+3.268
Family Housing operation and maintenance, Air Force	--	--	1.608	+1.608	+1.608
Total, Title I, Chapter 2.....	412.450	412.450	417.326	4.876	4.876
Total, Title I.....	65,560.004	65,560.004	65,120.180	-439.824	-439.824
II -- Iraq and Afghanistan Reconstruction and International Assistance					
Chapter 1 -- Commerce-Justice-State:					
Dept. of Justice, General Legal Activities	--	--	15.000	+15.000	+15.000
Diplomatic and Consular Programs.....	40.500	35.800	156.300	+115.800	+120.500
Rescission.....	--	-35.800	-35.800	-35.800	--
Reappropriation.....	35.800	--	--	-35.800	--
Embassy Security, Construction and Maintenance.....	60.500	--	43.900	-16.600	-43.900
Emergencies in the Diplomatic and Consular Service.....	50.000	--	50.000	--	+50.000
(contingent emergency).....	--	90.500	--	--	-90.500
Contributions for International Peacekeeping Activities.....	--	--	245.000	+245.000	+245.000
International Broadcasting Operations.....	--	--	40.000	+40.000	+40.000
Total, Title II, Chapter 1.....	188.800	90.500	514.400	+327.800	+423.800
Chapter 2 -- Foreign Operations:					
USAID, Operating expenses.....	40.000	40.000	40.000	--	--
USAID, Capital Investment Fund (contingent emergency).....	--	60.500	--	--	-60.500
FAP - Iraq Relief and Reconstruction Fund.....	20,304.000	20,304.000	18,649.000	-1,655.000	-1,655.000
Operating expenses of the Coalition Provisional Authority.....	--	--	858.000	+858.000	+858.000
Economic Support Fund.....	422.000	422.000	872.000	+450.000	+450.000
International disaster and famine assistance.....	--	--	100.000	+100.000	+100.000
U.S. Emergency Fund for Complex Foreign Crises.....	100.000	100.000	--	-100.000	-100.000
International Narcotics Control and Law Enforcement.....	120.000	120.000	170.000	+50.000	+50.000
Nonproliferation, Anti-Terrorism, Demining and Related Programs.....	35.000	35.000	35.000	--	--
Foreign Military Financing.....	222.000	222.000	297.000	+75.000	+75.000
Peacekeeping Operations.....	50.000	50.000	50.000	--	--
Total, Title II, Chapter 2.....	21,293.000	21,353.500	21,071.000	-222.000	-282.500
Total, Title II.....	21,479.800	21,444.000	21,585.400	+105.600	+141.400
Total, Supplemental.....	87,039.804	87,004.004	86,705.580	-334.224	-298.424



United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Adopted by General Assembly resolution 45/113 of 14 December 1990

I. Fundamental Perspectives

1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.
2. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.
3. The Rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.
4. The Rules should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.
5. The Rules are designed to serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system.
6. The Rules should be made readily available to juvenile justice personnel in their national languages. Juveniles who are not fluent in the language spoken by the personnel of the detention facility should have the right to the services of an interpreter free of charge whenever necessary, in particular during medical examinations and disciplinary proceedings.
7. Where appropriate, States should incorporate the Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of the Rules.
8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts

between the juveniles and the local community.

9. Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.

10. In the event that the practical application of particular Rules contained in sections II to V, inclusive, presents any conflict with the Rules contained in the present section, compliance with the latter shall be regarded as the predominant requirement.

II. Scope and Application of the Rules

11. For the purposes of the Rules, the following definitions should apply:

(a) A juvenile is every person under the age of 18. The age limit below which it should not be permitted to deprive a child of his or her liberty should be determined by law;

(b) The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.

12. The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.

13. Juveniles deprived of their liberty shall not for any reason related to their status be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, and which are compatible with the deprivation of liberty.

14. The protection of the individual rights of juveniles with special regard to the legality of the execution of the detention measures shall be ensured by the competent authority, while the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a duly constituted body authorized to visit the juveniles and not belonging to the detention facility.

15. The Rules apply to all types and forms of detention facilities in which juveniles are deprived of their liberty. Sections I, II, IV and V of the Rules apply to all detention facilities and institutional settings in which juveniles are detained, and section III applies specifically to juveniles under arrest or awaiting trial.

16. The Rules shall be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

III. Juveniles under Arrest or Awaiting Trial

17. Juveniles who are detained under arrest or awaiting trial ("untried") are presumed innocent

and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention. Untried detainees should be separated from convicted juveniles.

18. The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the juvenile. These provisions would include, but not necessarily be restricted to, the following:

(a) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications;

(b) Juveniles should be provided, where possible, with opportunities to pursue work, with remuneration, and continue education or training, but should not be required to do so. Work, education or training should not cause the continuation of the detention;

(c) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

IV. The Management of Juvenile Facilities

A. Records

19. All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Where possible, every juvenile should have the right to contest any fact or opinion contained in his or her file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be procedures that allow an appropriate third party to have access to and to consult the file on request. Upon release, the records of juveniles shall be sealed, and, at an appropriate time, expunged.

20. No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no such register.

B. Admission, registration, movement and transfer

21. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:

(a) Information on the identity of the juvenile;

- (b) The fact of and reasons for commitment and the authority therefor;
- (c) The day and hour of admission, transfer and release;
- (d) Details of the notifications to parents and guardians on every admission, transfer or release of the juvenile in their care at the time of commitment;
- (e) Details of known physical and mental health problems, including drug and alcohol abuse.

22. The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

23. As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.

24. On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

25. All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided, the disciplinary requirements and procedures, other authorized methods of seeking information and of making complaints and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.

26. The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred from one facility to another arbitrarily.

C. Classification and placement

27. As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached.

28. The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection

from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

29. In all detention facilities juveniles should be separated from adults, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that has been shown to be beneficial for the juveniles concerned.

30. Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

D. Physical environment and accommodation

31. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

32. The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile detention facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Detention facilities should not be located in areas where there are known health or other hazards or risks.

33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness.

34. Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

35. The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be

returned to the juvenile on release, except in so far as he or she has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

36. To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.

37. Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time.

E. Education, vocational training and work

38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.

40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.

41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training

that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facility.

F. Recreation

47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available programmes of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it. G. Religion

48. Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.

H. Medical care

49. Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

50. Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access

to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

52. Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

53. A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

54. Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.

55. Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be testers in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.

1. Notification of illness, injury and death

56. The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.

57. Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made accessible to the nearest relative. This inquiry should also be made when the death of a juvenile occurs within six months from the date of his or her release from the detention facility and there is reason to believe that the death is related to the period of detention.

58. A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be provided with the opportunity to attend

the funeral of the deceased or go to the bedside of a critically ill relative. J. Contacts with the wider community

59. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.

60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

62. Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

K. Limitations of physical restraint and the use of force

63. Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth in rule 64 below.

64. Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

65. The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained.

L. Disciplinary procedures

66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

- (a) Conduct constituting a disciplinary offence;
- (b) Type and duration of disciplinary sanctions that may be inflicted;
- (c) The authority competent to impose such sanctions;
- (d) The authority competent to consider appeals.

69. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

70. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.

71. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

M. Inspection and complaints

72. Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

73. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

74. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.

76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

77. Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

N. Return to the community

79. All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

V. Personnel

81. Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

82. The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

83. To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.

84. The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance cooperation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.

86. The director of a facility should be adequately qualified for his or her task, with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.

87. In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;

(b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

(c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power;

(d) All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;

(e) All personnel should respect the right of the juvenile to privacy, and, in particular, should safeguard all confidential matters concerning juveniles or their families learned as a result of

their professional capacity;

(f) All personnel should seek to minimize any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

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Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Adopted by General Assembly resolution 43/173 of 9 December 1988

Scope of the Body of Principles

These principles apply for the protection of all persons under any form of detention or imprisonment.

Use of Terms

For the purposes of the Body of Principles:

- (a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;
- (b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;
- (c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;
- (d) "Detention" means the condition of detained persons as defined above;
- (e) "Imprisonment" means the condition of imprisoned persons as defined above;
- (f) The words "a judicial or other authority" means a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under

any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

Principle 5

1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.
2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.* No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 7

1. States should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.

* The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.

2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.

3. Any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

Principle 8

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 9

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.

2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.

3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Principle 12

1. There shall be duly recorded:

(a) The reasons for the arrest; (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;

(c) The identity of the law enforcement officials concerned;

(d) Precise information concerning the place of custody.

2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 13

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.

Principle 14

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 16

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.
2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.
3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.
4. Any notification referred to in the present principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

Principle 17

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.
2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.
2. A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.
3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.
4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.
5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 20

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

Principle 21

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 22

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

Principle 23

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed

by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Principle 25

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

Principle 26

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

Principle 27

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 29

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.

Principle 30

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Principle 31

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left with out supervision.

Principle 32

1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.

2. The proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

Principle 33

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1 of the present principle, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.

3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.

4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 of the present principle shall suffer prejudice for making a request or complaint.

Principle 34

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

Principle 35

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law.

2. Information required to be recorded under these principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under the present principle.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

Principle 38

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

Principle 39

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the

administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

General clause

Nothing in this Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.

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**Principles of Medical Ethics relevant to the Role of Health Personnel,
particularly Physicians, in the Protection of Prisoners and Detainees against
Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

Adopted by General Assembly resolution 37/194 of 18 December 1982

Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment. <1>

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments; <2>

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to

participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

<1> See the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex). [[back to text](#)]

<2> Particularly the Universal Declaration of Human Rights (resolution 217 A (111)), the International Covenants on Human Rights (resolution 2200 A (XXI), annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. E.1956.IV.4, annex I.A). [[back to text](#)]

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Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

SCOPE OF THE BODY OF PRINCIPLES

These principles apply for the protection of all persons under any form of detention or imprisonment.

USE OF TERMS

For the purposes of the Body of Principles:

- (a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;
- (b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;
- (c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;
- (d) "Detention" means the condition of detained persons as defined above;
- (e) "Imprisonment" means the condition of imprisoned persons as defined above;
- (f) The words "a judicial or other authority" means a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

Principle 5

1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.
2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. * No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 7

1. States should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.
2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.
3. Any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

Principle 8

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 9

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.
2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.
3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Principle 12

1. There shall be duly recorded:
 - (a) The reasons for the arrest; (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;
 - (c) The identity of the law enforcement officials concerned;
 - (d) Precise information concerning the place of custody.
2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 13

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.

Principle 14

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 16

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

4. Any notification referred to in the present principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

Principle 17

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.

2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.
2. A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.
3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.
4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.
5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 20

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

Principle 21

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 22

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

Principle 23

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may

be prescribed by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Principle 25

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

Principle 26

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

Principle 27

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 29

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.

Principle 30

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.
2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Principle 31

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

Principle 32

1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.
2. The proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

Principle 33

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.
2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1 of the present principle, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.
3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.
4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 of the present principle shall suffer prejudice for making a request or complaint.

Principle 34

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

Principle 35

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law.
2. Information required to be recorded under these principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under the present principle.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

Principle 38

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

Principle 39

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

General clause

Nothing in this Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.

footnotes

- * The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.

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The Ministry of Justice respectfully requests that the Ministry of Housing and Construction carry out an assessment of the below identified facility in concert with our CPA-MOJ Prisons Office. The point of contact representative for this project is [REDACTED] who is coordinating Prison and Detention Center reconstruction and construction activities. I understand that you have met him at your office on -----

The facility was previously known as "Al Katool", and served as a Detention Facility in the Rusaffa area of Baghdad. The facility is located across the street from the Police Academy at (Grid Coordinates).

Our needs are pressing, and require expedited action to execute the assessment quickly in order to begin and complete reconstruction activities as soon as possible. It is our intent to be able to occupy this location in 120 days or less.

Special Requirements, in addition to the standard items generally included in such assessments are:

- 1) The Complete Rehabilitation of Utility Services for continuous operation as a holding facility for criminal detainees (Electric, Water and Sewage)
- 2) Rehabilitation of existing Kitchen, Toilet and Shower facilities.
- 3) Upgrade of Holding Cells, where possible, to opening of windows to allow natural light to enter in sufficient quantity.
- 4) Addition of toilet and hygiene fixtures to Holding Cells, where possible..
- 5) Installation of Security Hardware at all gates, door and window locations to prevent escapes.
- 6) Wall and Perimeter evaluation to secure the compound from escape as well as unauthorized intrusion.

Following the completion of this assessment, a decision will be made by the Ministry of Justice as to the required work to be done at this site. The Ministry of Housing and Construction will be tasked with the preparation of any pre-award documents for such proposed projects, and with preparing and advertising the requests for bids, contract award and execution of the actual contract. During the life of the contract, the Ministry of Housing and Construction will act as the agent of the Ministry of Justice to administer the contract.

Funds are available for this project. Funding for this project will be provided by transfer of funds from the Ministry of Justice to the Ministry of Housing and Construction.

cc: [REDACTED]

**2004 Budget Narrative:
Iraqi Correctional Services (ICS)**

Departmental Profile:

The Iraqi Correctional Services of the Ministry of Justice was established on 6 June 2003, by Coalition Provisional Authority Order 10 Management of Detention Centres and Prison Facilities.

CPA Order Number 10 transferred correctional facilities from other government departments and organizations to the Ministry of Justice. The transition has not been completed. The Department's knowledge of facilities around Iraq is extremely limited. Consequently this budget reflects identified establishments and targets provinces where expenditure would enable detention centres and prisons to be refurbished and or rebuilt to provide a nationwide prison system.

Coalition Provisional Authority Memorandum Number 2 Management of Detention and Prison Facilities codifies the United Nations Minimum Standard for the Treatment of Prisoners. It covers amongst other things, separation of categories and classification of prisoners, accommodation, personal hygiene, food, recreation, medical services, communications and contacts with others, as well as allowing for standards for institutional personnel and inspections. Consequently in order to comply with CPA Memorandum Number 2 the cost of operating prisons will be higher than in previous years. The benefit to Iraqi Society is that the prisoners will be kept in secure accommodation in accordance with international standards, their human rights will be respected whilst society is protected.

The Budget:

The 2004 ICS budget was developed utilizing the 2003 ICS budget format submitted by Kenneth Grant, OCPA ICS Finance and Administration Advisor. As with the 2003 budget, the 2004 program is being translated and handed over to the Iraqi management team of ICS so that it may be submitted through the appropriate Iraqi ministry channels and so that all entries are verified to be placed in the correct "chapter." Many assumptions were made in the development of the schedule. Details of the assumptions are contained within this narrative.

Definitions of Facilities:

Prisons will be used as the term of choice throughout this document and when referring to post-trial national or regional centers and processing or detention facilities. Specific guidance for regional detention centers has not been a focus to date therefore they are not highlighted within the budget.

Jails are pre-trial facilities that fall under the purview of Ministry of Interior and their Iraqi Police Services. Jails are not considered in this budget.

System Programs and Division of Responsibilities:

(1)
The ICS is divided into two distinct categories: Adults and Juveniles. According to Iraqi accountants and the ICS management team, the accounting law requires the separation of these two categories. Female facilities fall under the direction of the Adults division.

Facility Planning:

Unlike the 2003 six month budget, facilities fall into one of the two categories. Adult 24
Corrections, including facilities for females, total twenty-four in number. The total includes ten facilities identified in the 2003 budget and fourteen new facilities for 2004. Juvenile Corrections total twelve in number, including two pre-existing facilities. The 12
ten additional facilities were based on a need identified by the ICS management team. The make up and specific needs for juvenile programs has not been outlined or defined to date.

Due to the extremely limited number of staff on the OCPA Prisons Team, a full accounting and assessment of all the facilities throughout Iraq has not been possible to this point. The lack of a reliable communications system and lack of compatible communications lines caused for a severely limited understanding of regional needs or of the details necessary for an accurate budget projection. Given that, the budget was formulated utilizing basic needs and estimated bed counts for each of the provinces. The estimates are generalizations taken from broad conversations regarding the future of the ICS.

The addition of all the new facilities is critical to the security of Iraq. Without these facilities, Iraq will be able to incarcerate dangerous criminals and segregate them from society or rehabilitate them in any way. The 2004 budget does not provide for all of the funds or facilities necessary to bring Iraq back to 100% of required inmate bed space. Budget Year 2004 is the first full calendar year of the prisons reconstruction program and will bring the country up to over 80% of the country's needed prison space. The facilities will open over the course of the year, provided that funding is approved.

Two 4,000 bed facilities are desperately needed to help the country meet U.N. minimum standards of treatment. The facilities will take 2-4 years for construction, depending on funding capabilities. Existing facilities are very old and virtually impossible to refurbish to standard. Funding will be necessary to build even more facilities from new beginnings. Capital funding will be necessary not only in the near and long-term budget cycles but will be most necessary in the short-term.

Once additional prisons experts arrive and begin managing the current contracts as well as new contracts, additional funding may be requested.

Monthly Operating Expenses:

Food service needs were based on the sum of inmate capacity (beds) and correctional officers at a rate of \$93 U.S. per month or \$3 U.S. per day. Local contracts vary in price from \$2.25 to \$3.00 per day. Rations from the Ministry of Trade are expected to continue through the next fiscal year. Rations will include rice, tea, sugar, rice, cooking oil and other staples. Expenses are identified for plastic plates, spoons and cups. These funds may be reallocated to purchase reusable dinnerware. Rations from MoT are expected to end sometime in the future; however, minimum U.N. standards will still require specific portion sizes, food varieties and types, etc.

Food will be provided to guards on duty as part of their terms of employment, to prevent pilferage from the prisoners or their families, and to ensure that it is of a suitable standard.

CPA Memorandum Number 2 requires that food be of a nutritional value adequate for health and strength, and of a wholesome quality. Good food is important to the good order of a prison as poor quality has often led to riots and other forms of disorder. It is therefore also a security issue.

Salaries

It is intended to increase the number of prison guards to equal approximately between 20 and 30% of the prisoner population, depending on layout of the establishment. This will enable easier and safer management of prisoners and ensure that prisoners can be treated in accordance with CPA Memorandum Number 2.

The lowest salary will be at Level 4 for those in employment before the Coalition took control. All guards and recruits must undertake classroom training of one week, followed by three weeks on the job training. After successful completion of the training (30 days) they will advance to Level 3.

The basic salary of a prison guard needs to reflect the nature of the work, be competitive with similar professions notably the police and provide sufficient income that the guards do not succumb to corruption. There is also a need to attract intelligent, well educated and highly motivated recruits and offer them a long term career in the ICS. There is a particular need to recruit women.

General Matters

Uniforms for inmates and corrections officers are based on the same formula as above save for using current pricing of the various clothing items.

Line item detail is based upon actual purchase prices for the stand-up of current prison projects. Dollar figures are extrapolated from forecasted populations.

Certain items are budgeted for one month only or as a semi annual acquisition. Examples are:

- Uniforms and clothing for Officers and Inmates
- Security Equipment
- Towels, Bedding, Linen
- Cleaning durables (brooms, etc.)

COMMENTS ON THE ORDER N.31 OF THE COALITION PROVISIONAL AUTHORITY

The purpose of the present report is to make some comments to the "elaborating team of the Penal reforms" -or the equivalent body- of appreciated defects on writing and enforcing the 31 Order.

1. Legislative Capacity of the CPA about this matters:

The Continental Legislative Criminal System and the Rule of Law is based in the principle of legality which implies that no one should be punished but according to the dispositions on Law, which should describe detailed and specific conducts or behaviors, -not generic or partial ones-, and specific penalties for them (that's what article 21 of Iraqi Constitution, still in force according to CPA Regulation n.1, consecrated). Moreover, the legal system is based on the principle of hierarchy and competence; the former implies that not a single inferior regulation should contradict a superior (i.e.: the rules and orders cannot go against laws), and that Criminal Law (Penal Code), since it regulates fundamental human rights as freedom and life, should be ruled exclusively by Law -particularly in the punishment ruling- and not by orders, which are dispositions of inferior hierarchical level, with doubtful legitimacy. Actually, in the Free Iraq no legitimated parliament has approved any reform related with fundamental rights, through a Law. The CPA according to article 43 of the Laws of War (Le Hague, 18-10-1907) [*"the Occupying Force should adopt the necessary measures to reestablish and preserve, as far as possible, order and public life, respectful, except for absolute impossibility, to the laws of the Country"*], has the regulatory capacity, even in this matters related with fundamental rights, but should be very cautious and respectful with the main principles of hierarchy and legality. For this reason, the first consequence that could be drawn is the insufficient legal rank of an Order for ruling on fundamental rights, according to the Rule of Law and legal system of juridical sources in Continental-French System, and of Democratic Continental Regimes. The legal frame should have been the top normative instrument of the CPA: the Regulations.

Moreover, if, apart from derogating certain dispositions from Saddam Hussein 1969 Penal Code -which it were absolutely optional, according to article 43-, the CPA has started partially revising significant clauses, ignoring the continental Rule of Law and penal institutions -as the *Concur reel du infractions penal* (or the contest of criminal rules)- as well as eliminating certain mitigating circumstances in particular cases, the juridical security will be endangered:

-First, because the essential nature of those institutions and principles, that we are going to explain.

-Second, because the Penal Code is an organic law, which cannot be modify in what is called the Special Part, without the specific consideration of the General Part.

2. The reason of the disposition of article 87.

In the General Theory of Criminal Law, there are several criteria of how to deal with the offender who commit several crimes, depending on if one action or behavior implies two or more crimes (i.e.: counterfeiting of a document to commit a fraud, wounding a police officer, etc), which is the case of article 142 PC'69, or if several successive actions produce several crimes, like in article 143 PC'69.

In the later, called *Concur Reel* (or contest of several infractions), based in *Mittelmaier's* thought that "the imposition of several penalties increases the suffering of the criminal geometrically and not arithmetically", many Theories [the *absorption* (not accepted because it stimulates the small crimes), the *exasperation* (not accepted because it increases the penalty for small crimes), and the *juridical accumulation* (which implies an increase of the penalty, but not further than a humanitarian limit)] rose during the 20th century, overtaken the arithmetical accumulation of penalties, based on the christian thought of penance.

If these are the different opinions in the case of several crimes, the criterion about the penalty itself, in single crimes is much clearer. The 1983 International Penal Symposium about the Prison as Penalty, which took place in Barcelona, accepted unanimously that "*never should the prison be longer than twenty years*" and that "*the short term prison, for less than one year is inefficient*".

If the purpose of the imprisonment is to prevent infractions (as the Romans said "*ut ne peccetur*"), and not the retribution ("*quia peccatur*"); moreover if the aim is more the special prevention of the criminal, rather than exemplifying the society—as it used to be in undeveloped societies—, then it should be accepted that the imprisonment for more than twenty or twenty five years (that depends on the legitimate legislator, but not in the failure of the occupying force to control the public security) is useless, but harmful for the criminals personality and the society. If the purpose of the imprisonment is not only to segregate the dangerous criminals, but to reeducate them, the life imprisonment as it has been introduced in the latest CPA reform, is just sterile and repressive.

This is not just speculation about the introduced reform. If the capacity of punishment of the State is based in the principles of proportionality between the crime and the punishment, and resocialization, established on the humanitarian exclusion of harsh punishments, at the present Order, this thought has been omitted. No consideration of the basic principles of the Theory of the Penalty, neither of the general interpretation of article 15.1 of the 1966 ICCPR nor of article 22.a). of Iraq Constitution has been present. As a matter of fact, "*if subsequent to the commission of the offence, provisions is made by law for the imposition of lighter penalty, the offender shall benefit*", *contrario sensu* means that if there is an increase of punishment, then there should be, at least an opportunity for the offender to chose the most favorable punishment, which has not been said in the Order n.31. Moreover, the paragraph 3 of the 1969' PC does not include this case, because it includes only a prevision for transitorial criminal

laws (limited on the time), but the Order n.31 does not seem to be a law limited on time, but a permanent penal disposition.

Another point not taken into account is that the CPA-legislators had not been capable of relying on what's evident: the cases of paragraph 421, 422, and 423, even if they are loathsome crimes, they are different conducts, that should be distinguished in the penalty; if we do not do so, then it means -in penalty terms- that the same importance has for the CPA the kidnapping without violence of a kid (422.1) that the seizure of an adult (421.1); or the kidnapping with sexual intercourse and without it (423). To put it in a nut shell, the Order of the CPA encourage the offender to produce more severe result in his felony, because he/she knows that he will have the same penalty, "whether he rapes or not!"; so he/she will use all the efficient criminal means to reach his/she's criminal target, no matter the accidental consequences, because the punishment will always be the same: life imprisonment (for whole life)..

3. The exclusion of mitigating circumstances:

The circumstances of exemption of criminal liability in the 1969 Penal Code are dispersed through its text, in Paragraphs 39 to 46, and 60 to 65, while attenuating circumstances are supposed to be in Paragraphs 128 to 134.

In most Continental System, the mitigating circumstances are inexorably linked with exemptions of responsibility. As a matter of fact, when an exemption circumstance, does not accomplish all the requirements, it could be considered an attenuating, or mitigating circumstance of criminal liability.

The "raison d'être" of mitigating or aggravating circumstances is identical, and is based in the nature of any human behavior. In any human conduct, the circumstances of an action, the motivation of it, is relevant. For instance, if someone attacks my property, and I kill him, I am not excluded of responsibility, but the fact of acting in protection of my property should be taken into consideration. Another example: if I attack a person, trying to prevent a further harm -supposing he's got a gun-, or pushed by the intention of defending my country, my family or my moral believes this circumstance is relevant, even if they don't eliminate my criminal liability. On the contrary, if my conduct is moved by perverse intentions, superiority of means, brutal methods, these motivations are relevant to increase the punishment. The same reason that set up and supports the idea of the aggravating circumstances, is the one in which mitigating circumstances are based. Furthermore, if I abolished the mitigating circumstances of certain crimes, what's the reason for maintaining the aggravating? Isn't it a discriminating deal in the Law, in the treatment of circumstances that have the same cause (the human will, and behavior)? In addition, if only the aggravating circumstances are accepted, wouldn't it be a contravention of the articles 7 and 11 of the 1948UDHR?

But the worse of all is that only the favorable consequences for the offender have been abolished (without legal explanation or reason) in kidnapping

and rape, which implies a derogation by Order for certain crimes (the ones that are supposed to be off CPA control), of the principle of equality, not before but in the law (what about Article 19 [Equality] of Iraqi Constitution?). There is an appalling discriminating treatment of the mitigation circumstances in comparison to the aggravating ones. And what's more important, the consequences of this derogation in the judgments relating these crimes are going to be unfair.

In addition to that, the unequal treatment in the Law of these crimes, in comparison with others, is not justified. Any legal reform in Continental Codes cannot be done isolated from the rest of the Code: the *general part* of any criminal code is like the pattern for any legislative development in the *special part*. Usually, the *special part* introduces specifications adding dispositions or contents, but never does it abolish dispositions of the general part, and neither for singular crimes. For instance, the special part could add that the international reincidence, or an exemption of criminal liability for relatives, but never such an extravagant disposition that establishes tougher punishments for certain crimes eliminating the possibility of mitigation!. If we do so we are breaking the system (to put in a tangible example: codes are like human bodies, you cannot cut one arm expecting that nothing is going to happen to the rest of the body!).

4. The cases of theft.

The new dispositions on theft are, clearly speaking, disgusting. The Iraqi Penal Code in this matter was already weak—not in terms of penalty, but in legal technique-, and now it has become an example of what it should not be done by a legislator. The penalty for theft of Paragraph 440 was death penalty (fortunately suspended) while the penalty for intentional wounding that cause's permanent disability of Paragraph 412 was 12 years prison. Putting apart the conclusions that could be draw: physical integrity was less important than property.

The property has never been, in any democratic regime considered a value, above freedom, life, or integrity; according to 1969 PC it was. The 1969 Penal Code already needed a reform in this item, but just in the opposite sense: trying to give the adequate regulation to the crimes against property, distinguishing felonies which imply attack on property itself, from those that imply a risk for life or other value (freedom, integrity,...), and ensuring the proportionality of the penalties to the seriousness of the crimes. The harsh punishment introduced by the reform for the theft, regardless to each final criminal result, needs immediate review, unless the enforcement of a new Penal Code is about to come.

But apart from this, the question is that in Criminal Continental Legislation (in which precisely the Iraqi Penal Code is based), you cannot introduce—according to the principle of legality that we've explained in section 1.-, a clause enforcing maximum penalty for several articles, without specifying it in each an every one of the new regulation.

Some other absurd conclusions could be drawn out of the new regulation. For instance, according to Section 5 of the Order, the same life imprisonment will

be sentenced for a theft of a 125cc. motorcycle –or even a moped- (“mean of transportation”) that for the theft that leads to wounding (Ph.442.3). Insisting on the pathetic regulation of the precedent regime about theft, that unfortunately have not been overtaken in this occasion, neither the clear definition for weapon, that is essential.

5. The held in prison without bail.

Again, the legislator has ignored the main provisions of the rule of law, and principle of legality. If there is a provision about freedom, it can only be given through a parliament Law, and not through an Order. But, regardless this point –which might be discussed under article 43 of Le Hague and UNCS.Res.n.1483-, what it is doubtless is that the system of the Iraqi Criminal Procedure Law, article 9 of 1948’UDHR and article 9.3 of 1966’ICCPR, is that freedom is the general rule, whilst the restriction of it is the exception. The abolishment of the release on bail for certain crimes means reversal of the general rule to exceptional.

The interdiction of freedom under bail until the trial, even if it is justified on the purpose of further safety or investigations, undermines the principle of freedom as the general rule consecrated in the article 22.b) of IC, and represents an anticipated punishment, before any trial (an attack to the innocence presumption). This is precisely what article 9 of 1966’ ICCPR is trying to prevent.

Any further comment on this article –and we’ve got many- is just superficial -and we would not like to bore the reader-, but we should not forget the concordances of the measure adopted (v .gr.: articles 95 and 96 of LCrP).

6. Conclusions.

Everybody could understand the purpose of the Order, which we all support. Nobody else should suffer any criminal attack, that endangers it’s wealth or rights, and if someone does it, should be immediately taken into court and punished with a fair penalty, giving him, at least a slight the possibility of resocialisation. But it is precisely Law what protects the rights of the individual through a system of guaranties; any change in law, even if it is to introduce harder penalties, should take those guarantees and legal techniques into account. In few words, it is not legitimate to enforce rules guided by the principle of efficiency, without any consideration to legal security or justice.

Probably the mistakes that we’ve commented, and many others that we elude, are product of the lack of knowledge about Positivism and Continental-Law System and technique.

A general reform of the Iraqi Penal Code and the Criminal Procedure Law was suggested by some members (“technicians”) of the Council of Ministry of Justice who came from Continental Law System Countries, before the Order n.31 was published, once they read CPA Order n.7, and the answer of the head

members of the CPA was that it was a long term issue ("eighteen months" someone said). Few days after, the refereed Order has been published, with innumerable mistakes, as we've described.

The point of the whole thing is that the reform does not implement a better law than the original; neither does it ensure public security at long term. The reason: because it gives further wide power to the Judges of Iraq, which up until now have not been an example of fairness, instead of preparing a new Penal Code (as we suggested specially in the system of penalties –which, by the way, is extremely broad an simple-) to be implemented as the second decision of the first Iraqi "Democratic" Governing Council –the first should be a law for the political transition towards democracy-.

We hope that these considerations are taken into account by the CPA Authorities, so that as soon as possible we can mend up the faults and prepare a new Penal Text, technically acceptable, to be presented to the People of Iraq and their leaders. What they do after that is their responsibility; what we are doing now is ours.

Hon. Ignacio Ulloa Rubio

Judge of the Court of Blanes (Spain).

Former Prosecutor of Gerona (Spain).

Expert in Judicial affairs appointed by the Spanish Government before the CPA

<p>2- What is your ethnicity? <input type="checkbox"/> Arab <input type="checkbox"/> Kurdish <input type="checkbox"/> Other (specify) _____</p>	<div>Foreign Language</div>
<p>3- Religion: <input type="checkbox"/> Muslim <input type="checkbox"/> Christian <input type="checkbox"/> Other (specify) _____ Affiliation: <input type="checkbox"/> Shiite <input type="checkbox"/> Sunni <input type="checkbox"/> Other(specify) _____ (optional question)</p>	
<p>4- What is your level of education? Indicate the number of years of school that you have completed by checking one of the blocks below: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> More than 12 .</p>	

Did you graduate from high school? () Yes () No

If yes, provide the following information:

Name of School: _____

City: _____

Province: _____

Country: _____

Dates you attended: From: _____ To: _____

Have you attended any other schools equivalent to or beyond high school, to include colleges, universities, military academies, vocational schools, technical schools, or trade schools?

() Yes () No

If yes, provide the following for each school you attended. If the space on this application is insufficient, use the continuation sheets at the end of this form.

Name of School: _____

City: _____

Province: _____

Country: _____

Dates you attended: From: _____ To: _____

Degree granted: _____

Design Language

5. Do you have any military experience?

Have you ever served in the military, police, or intelligence forces of Iraq or another nation? () Yes () No

If yes, provide the following information:

Highest Rank/Grade: _____

Length of Service: _____

Dates of service: From: _____ To: _____

Branch of Service: _____

Country: _____

Service Number: _____

Status: _____

Additional discussion: Provide additional explanation of your service in the military, police, or intelligence organizations of which you were a member. Explain where you were trained and what military specialties you possess, what units or organizations to which you were assigned, specific duty positions and responsibilities you held, your combat experience (if any), any wounds or injuries you received, any awards and decorations you received, and other information. If the space on this application is insufficient, use the continuation sheets at the end of this form.

Foreign Language



06. Indicate job training and work skills that you currently have in the following areas? (select all that apply)

Maintenance

- ☐ Janitor
- ☐ Plumber
- ☐ Electrician
- ☐ Automobile or Truck Mechanic
- ☐ Aircraft Mechanic
- ☐ Truck Driver
- ☐ Construction
- ☐ Other Maintenance

Supply

- ☐ Store Manager
- ☐ Supply Clerk
- ☐ Shopkeeper
- ☐ Farmer
- ☐ Supply officer
- ☐ Courier/Deliveryman
- ☐ Other Supply
- ☒ Computer Programs
- ☒ Secretarial

Foreign Language

Administrative/Professional

- ☐ Teacher
- ☐ Secretary
- ☐ Analyst
- ☐ Manager
- ☐ Journalist
- ☐ Lawyer
- ☐ Other Administrative/Professional

Communications

- ☐ Air Traffic Control
- ☐ Radio/Television Repair
- ☐ Telephone/Cable Repair
- ☐ Satellite Technician
- ☐ Internet/Website Developer
- ☐ Pilot
- ☐ Other Communications

Foreign Language

Medical

- ☐ Doctor
- ☐ Nurse
- ☐ Surgeon
- ☐ Emergency Technician
- ☐ Chemist
- ☐ Pharmacist
- ☐ Biologist
- ☐ Other Medical

Engineering

- ☐ Explosives/Demolition Expert
- ☐ Munitions Expert
- ☐ Researcher/Scientist
- ☐ Construction Management
- ☐ Architect
- ☐ Other Engineering

Foreign Languages (specify all that are applicable)

- ☐ _____
- ☐ _____
- ☐ _____

Foreign Language

Other work-related skills and training:

7. What is your current citizenship? (Select One)

☐ Iraqi Citizen

☐ Not an Iraqi Citizen (specify country of citizenship)

8. Have you ever used another name? ☐ Yes ☐ No

If yes, From: _____ To: _____

Name Used (Include first, middle, and last names):

9. List all organizations in which you are a current or former member, or with which you have had previous contacts.

Foreign Language

10. Where do you currently live?

Address: _____

City: _____

Province: _____

Telephone: _____

Is the residence hard to find? () Yes () No

If yes, explain: _____

Have you or any immediate family member been relocated
(yes) (no)

If yes, explain, when, where, and why.

11. Who should be contacted in case of an emergency?

Name: _____

Relationship: _____

Address: _____

City: _____

Province: _____

Telephone: _____

1-A-9

12. Your Parents.

Father: First: _____ Middle: _____

Last: _____

Birth Date: _____

Place of Birth: _____

Mother: First: _____ Middle: _____

Last: _____

Birth Date: _____

Place of Birth: _____

13. Are you married? () Yes () No

If yes, then provide the following information for your spouse:

Date of marriage: _____

Name: _____

Birth Date: _____

Place of Birth: _____

Foreign Language

1-A-10

14- Have you ever been a member of Iraqi intelligence service?

☐ Yes ☐ No

15- Have you ever been convicted of or charged with a crime?

☐ Yes ☐ No if yes, what was the crime (or crimes)?

Did you serve time in prison? () Yes () NO
If yes, for how long and at what locations?

Additional discussion: if you answered yes to any of the question above, you must provide additional explanation. This includes a disclosure of the dates of all incidents and arrests, any court proceedings that were filed, any fines, imprisonment or other disciplinary action against you, and where the department of prisons can obtain more information related to this issue for review (e.g. court records). if the space on this application is insufficient to explain, use the continuation sheets at the end of this form.

16- Have you ever had any of the financial problems
described below? (select all the apply)

- () Bankruptcy
- () Repossession of property
- () Delinquencies on debts owed to individuals
- () Failure to pay debts or taxes, resulting in judicial action
- () Wage garnishment
- () Other financial problems (specify)

Additional discussion: If you answered yes to any of the questions above, you must provide additional explanation. If the space on this application is insufficient to explain these issues, use the continuation sheets at the end of this form.

17- Have you ever been a member of the Fedayeen?

☒ yes

☐ No

If you answered yes, you must provide additional explanation. If the space on this application is insufficient to explain these issues, use the continuation sheets at the end of this form.

18. Have you ever traveled outside of Iraq?

☐ Yes

☐ No

If you answered yes, you must provide additional explanation. Identify all foreign countries you have visited, the times and locations of your travel, the reasons for your travel, and any contact you had with representatives of foreign governments. If the space on this application is insufficient to explain these issues, use the continuation sheets at the end of this form.

Foreign Language



1-A-14

19. Employment and Work History.

For each job that you have held, for the past 10 years, you must provide employment information. Include full-time work, part-time work, and other paid work. If the space on this application is insufficient, use the continuation sheets at the end of this form.

Employer Name: _____

Job Position: _____

Supervisor's Name: _____

City: _____

Province: _____

Country: _____

Dates of employment: From: _____ To: _____

Employer Name: _____

Job Position: _____

Supervisor's Name: _____

City: _____

Province: _____

Country: _____

Dates of employment: From: _____ To: _____

Foreign Language

1-A-15

Under penalties of perjury, I affirm that I have personally completed this application and that all information is true, correct, and complete. I understand that failure to provide accurate information may result in disqualification from the department of prisons and criminal punishment.

Signature:

Date:

Foreign Language

Continuation Sheets (1)

In the space below, you must provide additional information for any questions above that require additional explanation. All information provided must be true, correct, and complete.

Signature:

Date:

Foreign Language

Foreign Language

1-A-17

Continuation Sheets (2)

In the space below, you must provide additional information for any questions above that require additional explanation. All information provided must be true, correct, and complete.

Foreign Language

Signature:

Date:

Foreign Language

1-A-18

Department of prisons
Applicant exam

1- Why do you want to be a corrections officer?
2- Work ethic, integrity, self motivation are important attributes. Describe your beliefs in these attributes.
3- If offered a bribe how would you respond?
4- What are your expectations of this job and the IRAQI prison system?
5- Do you believe that the new IRAQI prison system will succeed?

1-A-18-18

6- What amount of force should you use to restrain a prisoner?

7- How much disciplinary authority should each corrections officer have?

8- Are you prepared to use deadly physical force to prevent an escape from the prison?

9- You are a bus driver. At your first stop (6) people get on the bus. At your second stop (8) people get on the bus. At your third stop (4) people get off the bus. At your fourth stop (2) people get on the bus. Your last stop is the bus terminal, how many people will get off at this stop?

10- On a rainy Monday morning you are driving to work, you notice a man with a brown dog and he is wearing a blue hat. Further up the road you see two women holding a white cat while they step into a large red truck. The truck has wood in the back. When you arrive at work you see the truck and women again. The truck is empty. What color is the man's hat? What item is missing from the truck?

Report of medical assessment	
Foreign Language	
1- NAME (last, first, middle)	Foreign Language
2- IRAQI I.D. NUMBER	
3- POSITION	
4- DEPT. OF PRISONS	
5- ASSIGNMENT	
6- A- HOME ADDRESS	
B- CITY	
C- STATE	
D- HOME TELEPHONE NUMBER	
7- DATE OF LAST PHYSICAL EXAMINATION	Foreign Language
8- COMPARED TO MY LAST MEDICAL ASSESSMENT / PHYSICAL EXAMINATION, MY OVERALL HEALTH IS (x one. IF "WORSE, "EXPLAIN	
Foreign Language	
<input type="checkbox"/> The same <input type="checkbox"/> Better <input type="checkbox"/> Worse	Foreign Language <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
9- Since your last medical assessment /physical examination, Have you had any illness or injuries that caused you to miss work for longer than 3 days?	
Foreign Language	
<input type="checkbox"/> yes <input type="checkbox"/> no	Foreign Language

10-Since your last medical assessment /physical examination, Have you been seen by or been treated by a health care provider, admitted to a hospital, or had surgery. (x one. IF "YES, "EXPLAIN)

Foreign Language

☐
☐

yes
no

Foreign Language

11-HAVE YOU SUFFERED FROM ANY INJURY OR ILLNESS FOR WHICH YOU DID NOT SEEK MEDICAL CARE? (x one. IF "YES", "EXPLAIN)

Foreign Language

☐
☐

YES
NO

Foreign Language

12- ARE YOU NOW TAKING ANY MEDICATION? (x one. IF "YES", "EXPLAIN)

Foreign Language

☐
☐

YES
NO

Foreign Language

13- DO YOU HAVE ANY CONDITIONS WHICH CURRENTLY LIMIT YOUR ABILITY TO WORK IN YOUR PRIMARY SPECIALTY OR REQUIRE GEOGRAPHIC OR ASSIGNMENT LIMITATIONS? (x one. IF "YES", "EXPLAIN)

Foreign Language

☐
☐

YES
NO

Foreign Language

14-DO YOU HAVE ANY DENTAL PROBLEMS?(X ONE. IF
"YES"EXPLAIN.)

Foreign Language

☐
☐

YES
NO

Foreign Language

15- DO YOU HAVE ANY OTHER QUESTIONS OR CONCERN ABOUT
YOUR HEALTH?(X ONE. IF "YES"EXPLAIN.)

Foreign Language

☐
☐

YES
NO

Foreign Language

16-AT THE PRESENT TIME, DO YOU HAVE ANY DISABILITY? (X ONE.
IF "YES"EXPLAIN)

Foreign Language

☐
☐

YES
NO

Foreign Language

CERTIFICATION. I CERTIFY THAT THE INFORMATION PROVIDE D
ABOVE IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

SIGNATURE:

Foreign Language

Foreign Language

Foreign Language

Iraqi Republican
Ministry of labour and social affairs
adult reformatory office
No. 625
date- 8 . March . 2003

To/ the permanent medical committee / AL Karch
sub/ appointment.

We would like to appoint Mr (Abraham Kathem Abud . birth 1966)
his picture above as (social researcher) . So we request to give
make a medical examine to him, In order to know his healthy ability
to has such employment and inform us, with regard.

Ahmed Mohamed Kathem
General Director
/ March / 2003

copy to the :-

Enlistment office / First Basrah / we hope to inform us about
your agreement to appoint him / generation 1966 / and if he had
any retardation or escape during his military service, with regard.

The security manager of social reformatory / To show the
information about him - he live in Baghdad, Saddam city - seq 567
st. 9 . h 15) and inform us, with regard.

Central Informations office / Baghdad / we request to support
his dwelling (he lives in Baghdad / Saddam city / seq 567, st. 9
h. 15) according to your note No (311) in 23 - Nov - 2001 .

Ministry of health
Baghdad health office
Medical committees collection
No. 26137

Date: 22/10/2002

to/ Adult reformatory office

Your message 3969 in 21/10/2002
The medical examination committee is formed in
22/10/2002 and The committee examined Mr.
Saeed Khalid Abid and found out The following:

Physical ability / good

Visual degree / $\frac{6}{9}$, $\frac{6}{9}$

Committee recommendations :- suitable
to be a

Reformatory Guard

Member

Dr. Phia'a Al Shader

Medical committee head

Dr. Maha Navee

ministry of labour and social affairs

Adult, reforming office

Dept of personal affairs

No. 3969

date: 21/10/2002

to/ The permanent medical committee in Al-Karkh

sub./ re employment

It is planned to re employ Mr. Sa'ed Khalid Abid
(his picture stuck above) as a reformatory Guard
so we ask you to do a medical examination on
him showing his health ability to have this job and
inform us about the result.

With respect

Ahmed Mohammed Kadhum

deputy general director

21/10/2002

copy to the:

- enlistment office / Al-Kadhumia (3) / we hope to inform us about
his agreement to employ him
and if he had any retardation
or escape during his military
service

- Directorate of security of social reformatory / To show the required
information about him, he live in Baghdad Sec. 24 St. 3 H. 100

- Directorate of central information office / Baghdad / we request
to support his residence (he lives in Baghdad Sec. 24 St. 3
H. 100) according to your message No. 311 in 23/11/2001

In the name of God
Mr. The Coordinator of the Ministry of work and Social Affairs

Dear Sir..

We are the employees of the adults rectification directorate. We submit this complain against the social researcher Mrs.(Rafida Shallal)division member of th Baa'th Party .

This woman sued a case against us on 8/3/2003 to the party committee in the general office , claiming that she saw , during her job , some of the employers watching a program on a T.V of an enemy , we were summoned investigation nothing was proved against us . She did not end the subject, she submitted another complain to the party committee in the ministry , and also nothing was proved against us too . She threaten literally if the investigation would not be done , she will sue the case to the presidential court and reach to Saddam Husien himself . They told the minister about the case , so, we were arrested again and the investigation went on , it has not finished because of the last events which the country passed through .

We hope to look at our case in the eye of regards and to element every unjust Baa'thlist in this country , and she is still with us now .

With best regards

Complainant Names

1. Nabil thamir
2. Talib Muhssn
3. Muhssn Qhassi
4. Habib Mazher
5. Hameed Khalib
6. Mowafiq Abood
7. Jassim Rahiema
8. Mushtak Talib
9. Adil Khashn
10. Rafid Alawi
11. Ibraheem Jassim
12. Hassn Mua'nis
13. Hamdan Ali
14. Mohammed Sadiq
15. Talib Sahin
16. Kareem Kumar

COALITION PROVISIONAL AUTHORITY ORDER No 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.

CPA/ORD/ 25 May 2003/04

- 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

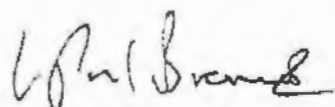
The CPA may accept information provided to it by the Iraqi De-Baathification Council concerning the existence, location and possession of the property and assets of the Iraqi Baath Party including information obtained from the tracing of property and assets to successor parties or institutions within 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 USD1,000, to be determined by an appropriate authority.

Section 7
Entry into Force

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

 5/25/03

L. Paul Bremer, Administrator
Coalition Provisional Authority


The administrator of C.P.A .

I am (Talat Tahseen Ahmed) a clerk in the department of Juveniles and I was in the Baath party but I didn't threat the security of Iraq and I didn't command high position in my Department .

I would like to return to my job and receive my salary which was stopped previously and I hereby confirm that all of the above is true

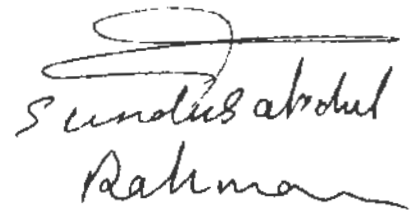
with thanks

Talat tahseen Ahmed


Sundus Abdul
Rahman

Rehabilitation of old administration
after scanning files the citizen Saeed Kaled
Abad it appeared that his residential
address Qua 454/1st 24 House 22 according
to the resident No 63275 and the
card of his father No 2574 Filed
No 160 Date 6/12/1989 and he used
to live in this house since 1980
according to his statement

Bureau of information


Sundus Abdul
Rahman


Pay Review

1. Aim is to ^{assess} each job in the Prison Department for the new salary scale.
2. Form a ^{sub}committee to liaise with their equivalent committee at the Ministry of Justice and to assess all the positions in the Prisons Departments including those in the Governorates.
3. Draw an organisation structure showing the jobs in each department and prison.
4. Using guidelines from the Ministry of Justice assign each job a pay grade according to the new pay scale for each job - N.B. Prison officers will be assigned by rank not pay grade.
5. Assign to each job an individual best qualified to fill it, usually the current occupant.

6. The Salary Scale for Prison Officers will be on a new pay matrix to be approved by the Ministry of Finance, the Governing Council and Mr Bremer.

7. If the new pay grade is above the current salary, their salary will be increased.

8. If the new pay grade is below their current salary, their salary will remain the same until their pay grade 'catches up' with their current salary. Thereafter the increases will be in accordance with the new Salary Scale.

9. The numbers of officers manning the prisons must be approved by Mr 

IRAQ Republic
Ministry of Finance
office - accounts

Dep. - Cash

No. - 27/21

Date - 15/9/2003

To: - Rashed Bank / AL-FAYHAA branch / 272
sub./ account opening

Accordance with The request Ministry of Justice /
adult reformatory office / No 93 in 11/9/2002.

You request that I proceed to open account account in
I. D. of.

office adult reformatory / Babel with The condition That
transfer The office account from The ministry office. So, The
office give The name and The Signat The persones who are
authorise use The Count.

with regard.

Mhawa Jassem Baktat

account director

12/9/2003

Iraq Republic
Ministry of Justice
Adult reformatory office
accounts

No. 26

Date: 22/9/2003

To: - RA Kadain Bank / Al-Mansor branch
Subj: 'amounts to return'

Your Memo. Ministry of Finance 21/71/329 in 14/9/2003
to return amount (720) for salary the office for month
(Aug.) and notes as following, we request you received it
and knowing us.

with regard

attachments

	No.
18	65
58	79
108	20
208	3

Copy to:

Ministry of Finance / account dep.

Ministry of Justice / for knowing

office
accounts

GAZE YASSEN TAH
general director / adult reformatory
office

The employment names who are return The Salary for Aug./2003.

Free	The name	Dep.	Title	degree	amounts	Notes
1	QASSEM ATEA SHAFY	Factory	clerk	8	608	
2	Abd Amer hars Ibrahim	shorte	observer	7	608	
3	Eyhab Ahmed SABRY	Guard	Guard	7	608	
4	Zohar Ahmed Taha	long	"	5	1208	
5	Nory Sabar Sabell	"	"	9	608	
6	dafer hady SADKAN	"	observer	7	608	
7	MOSSA KAZARL DAHER	Tecincal Committe	Socail Research	5	1208	
8	ESMEL Alioda	administraction	clerk	2	1808	
					7208	

Notes:

18 55

208 20

208 3

58 79

GAZE YASSENT AHA

general director

SARKES Seba
elintaccant

RAFdain Bank

Date: Baghdad / 29/9/2003

Cash account.

amount	
7208	The amount was return according to memo No-26 in 27/9/2003 adult reformatory office. for turne The employment salary of Aug. 2003.

223,120,000

9/

Ministry of Justice

Prison dep.

accounts

No. 37

Date: 6/10/2003

To: Ministry of Justice / Administration office /
accounts

Sub./opening accounting

Will you request to write to Ministry of Finance / accounting
office, to open current account to The Rashed Bank / Al-Thora
branch (88) in Basrah in above province to state fund
by Ministry of Finance of amount of value of (2500) million I.R.
from budget 2003 year, The part eight are per orders of
C.P.A, because there are contracts between U.S.P and
contractors that they had contract with them to build
and restoring prison of Al-Basrah, and knowing U.S.S.,
we can tell The fac coordinate is
USA

with regard

Gaze y Aseh taha

Director manager

6/10/2003

The salary return list for two months
May, June 2003, adult reformatory office

May salary

Seq	name	dep.	amount	degree
1	Nary JABAR SABEH	long	1208	9
2	Zohar Taha Ahmed	"	2408	5
3	Ali habeb FAKHER	"	1208	9
4	ARKAN KUDAYER Hussein	speciale	1208	7
5	DAYA KAMEL Ahmed	"	1208	7
Total		7208		

June Salary

Seq	name	dep.	amount	degree	Notes
1	ALI Ahmed Abdallah	spicail	820	spicalote	Now, The person in prison so, not send him The Salary.
2	Taleb Mohamud Garen	long	1208	4	
3	Ahmed Swady mohamud	"	1208	4	
4	Abd handy Yassen	short	1608	1	
5	NASSER Taha Mokhef		808	8	
Total 980					

Total amount (1200)8

SARkes Sebo
director accounts

(5)

Rafadin Bank

Memo. 26/7/2003

From: Rafadin Bank / MANSOR branch 57 For
Ministry of Justice / adult reformatory office

Subj: Giveback amount

to be supported you, we are received The amount
(1700) \$.

with regard

Notes	No.
5	5
5	485
10	710
20	500

1700

AL MANSOR Branch

2

Republic of IRAQ
Ministry of Justice
adult reformatory office

To: Rafidain Bank / Al Mansor Branch
Sub/ Depositor Amount

Reference of letter of ministry of finance No. (1096) in 28/7/2003
we return you amount a value of (780) \$ and amount a value
of (67,500) I.D of July month, please, receipt it and provide
as a fund, with regard.

attachment

780 \$

67,500

20 \$

250 I.D

10 \$

5 \$

Gazi YASSEN TAHA
Director manager
8/2003

Copy to:

- Ministry of Finance

- Ministry of Justice / accounts / The name list not received

Their Salaries of July month and repeatedly some names
in May, June, months So are return Back.

Pres	Name	Dep.	Degree	Amount	amount I.D.	Notes
1-	AMAR Ahmed khader	special	9	608	7,500	demit
2-	ABKAR Nafaa koadter	special	7	608	7,500	repetition name
3-	DEAYA KAMEL Ahmed	"	7	608	7,500	"
4-	NORY JABAR Rahem	long	9	608	7,500	absent
5-	Zohar TANA Ahmed	long	5	1208	7,500	"
6-	ALI habeb Fakher	"	9	608	7,500	"
7-	AYAD QASSEM Lafta	"	8	608	7,500	"
8-	DAFER hady SACKAR	account	5	1208	7,500	"
9-	YASER mahmoud KAMEL	release	7	1808	7,50	repetition Thename 3 months
				7808	67,500	

SARKESS Seba

Director account.

1/8/2001

Rafardain Bank

Memo. 31/8/203

From:- Rafardain Bank / Mansor branch / 57 For
Ministry of Justice / adult reformatory office
suby / give back amount

to be supported, we are received the amount (7808)
only by (Nathaniel DANYAL) in ministry of Justice according
to the details

Notes.	No.
208	2808
108	2508
58	2508
	<u>7808</u>

Rafardain bank
Al Mansor branch

1 and five hundred 1.0

Amount	check No	Denar	Fils
1.0	67,500		

Budget 2003 year of Adults Correction / I. D . (1)

chapter	item	Details	Amount	Remark
2	1	Travel expenses allocation	10 million	I.D
	2	Travel expenses envoy	10 "	
	4	Publishment and advertisement	10 "	
	5	printing expenses	4 "	
	6	The Post	10 "	
	7	Phone and lighting	50 "	
	9	Rent of machines and equipment	100 "	
	12	lawyers wages	10 "	
	13	Delegation and hospitality	10 "	
	15	celebrations	10 "	
	16	Civil Defence	50 "	
	17	Allowance and Medals of un employees	10 "	
	19	prescription fees of the courses	10 "	
	25	Transfer the witness and detain	10 "	

Chapter	Item	Details	Amount	Remarks
	30	cleaning the office	100 million	
	43	Cleaning and requirements	90 "	
		Totale the second chapter	494 million I.D	
3		Commodity Requirements		
	1	Stationary and printing	150 million I.D	
	2	Water and sewerage	10 "	
	3	Electricity wages	20 "	
	4	Fuel Expenses	50 "	
	5	The clothes	250 "	
	6	The foods	3,500 "	
	7	The Drugs	300 "	
	8	Protective materials	50 "	
	9	The requirement and materials	1,600 million	
	12	Requirements and sport equipment	9 million	
		Totale Third chapter	5,939,000,000 million I.D	

To

Instruction of the payment

1. Formed committees for paying, food, maintenance
submit its request to the general director
& these committees had permanent loans
submitted by an order from them & stay with
them to buy the needs of departments
until it finish - then they renew it.
2. It is not allowed to call contractors without
legal bids opened in front of the legal office
in order to be observed by the finance supervisor
3. No paying without legal committee
4. In our system all the prisons belong to
prisons dept. which decides the amounts &
needs to prisons according to their needs
5. Do not issue the check unless after the legal
agreements.

1//

6. The amounts that transfer to governorates by
the bank with official letter.
7. You have to ~~also~~ inform us with names &
addresses of the degrees of any deterioration that
may be establish in any governorate to know
the staff then to inform the finance with
new staff
8. The training courses that was opened by CPA
we did not know anything about it & their
salaries for each group so you have to ~~open~~
inform the ministry of finance to estimate the

money for their salaries as our guards
receive 60\$ in the beginning of employment and
that must apply with the new employment as
the same salary according to the instructions
of the CFA because they are civilian & not
police.



Counting Manager
2/oct/2003

2

The Respectable Mr. [REDACTED]
The Head of An Financial Administrative
In Ministry of Justice

SA Gas supply

kindly, to pay the below amount of money

kindly - we would like you pay the
classified and specialist sum for the
Gas to the car Number (128 work)
To trans for the prisoners needs in the
prisons and deliver point with regard

Day	Date	liters no	lit price	total
1 Monday	28-7-2003	60 liters	150 L.D	9000 L.D
2 Wednesday	30-7-03	40 =	150 L.D	6000 L.D
3 Thursday	31-7-03	30 =	= =	4500 L.D
4 Sunday	3-8-2003	60 =	= =	9000 L.D
5 Tuesday	5-8-2003	30 =	= =	4500 =
6 Thursday	7-8-2003	50 =	= =	7500 =
7 Saturday	9-8-2003	40 =	= =	6000 =
8 Monday	11-8-2003	60 =	= =	9000 =
			Total	55500 L.D
Taha yaseen shalash				fifty five
Driver of the car no. 128 work				thousand
Iraqi correction office				and five
12-8-2003				hundred
Approved				L.D only

18/8/03

Foreign Language

1-A-3

Did you graduate from high school? () Yes () No

If yes, provide the following information:

Name of School: _____

City: _____

Province: _____

Country: _____

Dates you attended: From: _____ To: _____

Have you attended any other schools equivalent to or beyond high school, to include colleges, universities, military academies, vocational schools, technical schools, or trade schools?

() Yes () No

If yes, provide the following for each school you attended. If the space on this application is insufficient, use the continuation sheets at the end of this form.

Name of School: _____

City: _____

Province: _____

Country: _____

Dates you attended: From: _____ To: _____

Degree granted: _____

1-A-3

1-A-4

5. Do you have any military experience?

Have you ever served in the military, police, or intelligence forces of Iraq or another nation? () Yes () No

If yes, provide the following information:

Highest Rank/Grade: _____

Length of Service: _____

Dates of service: From: _____ To: _____

Branch of Service: _____

Country: _____

Service Number: _____

Status: _____

Additional discussion: Provide additional explanation of your service in the military, police, or intelligence organizations of which you were a member. Explain where you were trained and what military specialties you possess, what units or organizations to which you were assigned, specific duty positions and responsibilities you held, your combat experience (if any), any wounds or injuries you received, any awards and decorations you received, and other information. If the space on this application is insufficient, use the continuation sheets at the end of this form.

1-A-4

1-A-5

06. Indicate job training and work skills that you currently have in the following areas? (select all that apply)

Maintenance

- ☐ Janitor
- ☐ Plumber
- ☐ Electrician
- ☐ Automobile or Truck Mechanic
- ☐ Aircraft Mechanic
- ☐ Truck Driver
- ☐ Construction
- ☐ Other Maintenance

Supply

- ☐ Store Manager
- ☐ Supply Clerk
- ☐ Shopkeeper
- ☐ Farmer
- ☐ Supply officer
- ☐ Courier/Deliveryman
- ☐ Other Supply
- ☒ Computer Programs
- ☐ Secretarial

Foreign Language

1-A-5

1-A-6

Administrative/Professional

- ☐ Teacher
- ☐ Secretary
- ☐ Analyst
- ☐ Manager
- ☐ Journalist
- ☐ Lawyer
- ☐ Other Administrative/Professional

Communications

- ☐ Air Traffic Control
- ☐ Radio/Television Repair
- ☐ Telephone/Cable Repair
- ☐ Satellite Technician
- ☐ Internet/Website Developer
- ☐ Pilot
- ☐ Other Communications

Foreign Language

1-A-6

1-A-7

Medical

- ☐ Doctor
- ☐ Nurse
- ☐ Surgeon
- ☐ Emergency Technician
- ☐ Chemist
- ☐ Pharmacist
- ☐ Biologist
- ☐ Other Medical

Engineering

- ☐ Explosives/Demolition Expert
- ☐ Munitions Expert
- ☐ Researcher/Scientist
- ☐ Construction Management
- ☐ Architect
- ☐ Other Engineering

Foreign Languages (specify all that are applicable)

- ☐ _____
- ☐ _____
- ☐ _____

Foreign Language

1-A-7

1-A-8

Other work-related skills and training:

7. What is your current citizenship? (Select One)

☐ Iraqi Citizen

☐ Not an Iraqi Citizen (specify country of citizenship)

8. Have you ever used another name? ☐ Yes ☐ No

If yes, From: _____ To: _____

Name Used (Include first, middle, and last names):

9. List all organizations in which you are a current or former member, or with which have you have had previous contacts.

Foreign Language

1-A-8

1-A-9

10. Where do you currently live?

Address: _____

City: _____

Province: _____

Telephone: _____

Is the residence hard to find? () Yes () No

If yes, explain: _____

Have you or any immediate family member been relocated

(yes) (no)

If yes, explain, when, where, and why.

11. Who should be contacted in case of an emergency?

Name: _____

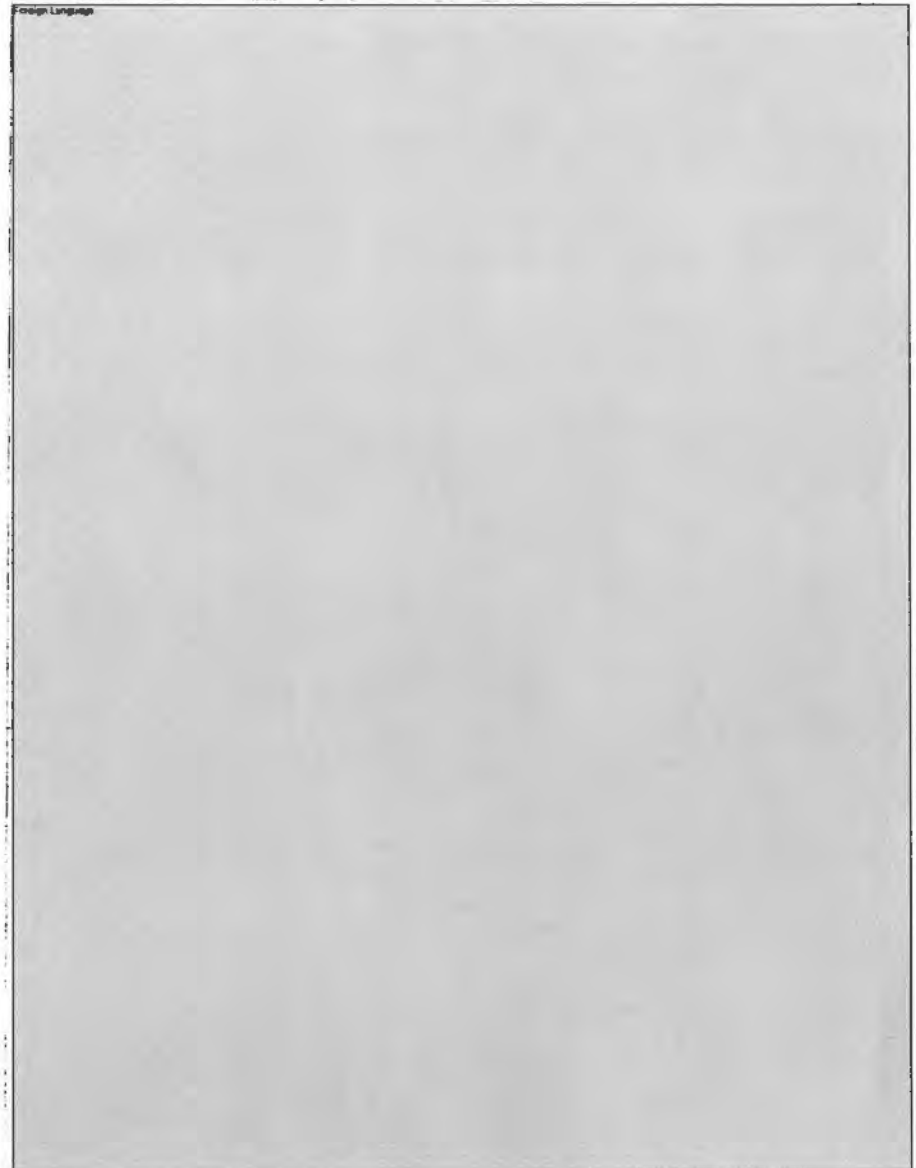
Relationship: _____

Address: _____

City: _____

Province: _____

Telephone: _____



1-A-9

1-A-10

12. Your Parents.

Father: First: _____ Middle: _____

Last: _____

Birth Date: _____

Place of Birth: _____

Mother: First: _____ Middle: _____

Last: _____

Birth Date: _____

Place of Birth: _____

13. Are you married? () Yes () No

If yes, then provide the following information for your spouse:

Date of marriage: _____

Name: _____

Birth Date: _____

Place of Birth: _____

Foreign Language

1-A-10

1-A-11

14- Have you ever been a member of Iraqi intelligence service? <input type="checkbox"/> Yes <input type="checkbox"/> No	<div>Foreign Language</div>
15- Have you ever been convicted of or charged with a crime? <input type="checkbox"/> Yes <input type="checkbox"/> No if yes, what was the crime (or crimes)?	

1-A-12

Did you serve time in prison? () Yes () NO
If yes, for how long and at what locations?

Additional discussion: if you answered yes to any of the question above, you must provide additional explanation. This includes a disclosure of the dates of all incidents and arrests, any court proceedings that were filed, any fines, imprisonment or other disciplinary action against you, and where the department of prisons can obtain more information related to this issue for review (e.g. court records). if the space on this application is insufficient to explain, use the continuation sheets at the end of this form.

16-Have you ever had any of the financial problems described below? (select all the apply)
() Bankruptcy
() Repossession of property
() Delinquencies on debts owed to individuals
() Failure to pay debts or taxes, resulting in judicial action
() Wage garnishment
() Other financial problems (specify)

1-A-13

Additional discussion: If you answered yes to any of the questions above, you must provide additional explanation. If the space on this application is insufficient to explain these issues, use the continuation sheets at the end of this form.

17- Have you ever been a member of the Fedayeen?

☐ yes

☐ No

If you answered yes, you must provide additional explanation. If the space on this application is in sufficient to explain these issues, use the continuation sheets at the end of this form.

1-A-13

1-A-14

18. Have you ever traveled outside of Iraq?

☐ Yes

☐ No

If you answered yes, you must provide additional explanation. Identify all foreign countries you have visited, the times and locations of your travel, the reasons for your travel, and any contact you had with representatives of foreign governments. If the space on this application is insufficient to explain these issues, use the continuation sheets at the end of this form.

Foreign Language



1-A-14

1-A-15

19. Employment and Work History.

For each job that you have held, for the past 10 years, you must provide employment information. Include full-time work, part-time work, and other paid work. If the space on this application is insufficient, use the continuation sheets at the end of this form.

Employer Name: _____

Job Position: _____

Supervisor's Name: _____

City: _____

Province: _____

Country: _____

Dates of employment: From: _____ To: _____

Employer Name: _____

Job Position: _____

Supervisor's Name: _____

City: _____

Province: _____

Country: _____

Dates of employment: From: _____ To: _____

Large empty rectangular box for providing employment details.

1-A-15

1-A-16

Under penalties of perjury, I affirm that I have personally completed this application and that all information is true, correct, and complete. I understand that failure to provide accurate information may result in disqualification from the department of prisons and criminal punishment.

Signature:

Date:

Foreign Language

1-A-16

1-A-18

Continuation Sheets (2)

In the space below, you must provide additional information for any questions above that require additional explanation. All information provided must be true, correct, and complete.

Foreign Language

Signature:

Date:

Foreign Language

1-A-18

1-A-17

Continuation Sheets (1)

In the space below, you must provide additional information for any questions above that require additional explanation. All information provided must be true, correct, and complete.

Foreign Language

Signature:

Date:

Foreign Language

1-A-17

Department of prisons
Applicant exam

Foreign Language

1- Why do you want to be a corrections officer?

2- Work ethic, integrity, self motivation are important attributes. Describe your beliefs in these attributes.

3- If offered a bribe how would you respond?

4- What are your expectations of this job and the IRAQI prison system?

5- Do you believe that the new IRAQI prison system will succeed?

1-A-19

6- What amount of force should you use to restrain a prisoner?

7- How much disciplinary authority should each corrections officer have?

8- Are you prepared to use deadly physical force to prevent an escape from the prison?

9- You are a bus driver. At your first stop (6) people get on the bus. At your second stop (8) people get on the bus. At your third stop (4) people get off the bus. At your fourth stop (2) people get on the bus. Your last stop is the bus terminal, how many people will get off at this stop?

10- On a rainy Monday morning you are driving to work, you notice a man with a brown dog and he is wearing a blue hat. Further up the road you see two women holding a white cat while they step into a large red truck. The truck has wood in the back. When you arrive at work you see the truck and women again. The truck is empty. What color is the man's hat? What item is missing from the truck?

Foreign Language

Report of medical assessment

Foreign Language	
1- NAME (last, first, middle)	
2- IRAQI I.D. NUMBER	
3- POSITION	
4- DEPT. OF PRISONS	
5- ASSIGNMENT	
6- A- HOME ADDRESS	
B- CITY	
C- STATE	
D- HOME TELEPHONE NUMBER	
7- DATE OF LAST PHYSICAL EXAMINATION	
Foreign Language	
8- COMPARED TO MY LAST MEDICAL ASSESSMENT / PHYSICAL EXAMINATION, MY OVERALL HEALTH IS (x one. IF "WORSE, "EXPLAIN	
<input type="checkbox"/> The same <input type="checkbox"/> Better <input type="checkbox"/> Worse	
9- Since your last medical assessment /physical examination, Have you had any illness or injuries that caused you to miss work for longer than 3 days?	
<input type="checkbox"/> yes <input type="checkbox"/> no	

14-DO YOU HAVE ANY DENTAL PROBLEMS?(X ONE. IF
"YES"EXPLAIN.)

Foreign Language

☐
☐

YES
NO

Foreign Language

15- DO YOU HAVE ANY OTHER QUESTIONS OR CONCERN ABOUT
YOUR HEALTH?(X ONE. IF "YES"EXPLAIN.)

Foreign Language

☐
☐

YES
NO

Foreign Language

16-AT THE PRESENT TIME, DO YOU HAVE ANY DISABILITY? (X ONE.
IF "YES"EXPLAIN.)

Foreign Language

☐
☐

YES
NO

Foreign Language

CERTIFICATION, I CERTIFY THAT THE INFORMATION PROVIDE D
ABOVE IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

Foreign Language

SIGNATURE:

Foreign Language

Foreign Language

Foreign Language

10- Since your last medical assessment /physical examination, Have you been seen by or been treated by a health care provider, admitted to a hospital, or had surgery. (x one. IF "YES", "EXPLAIN")

Foreign Language

☐
☐

yes
no

Foreign Language

11- HAVE YOU SUFFERED FROM ANY INJURY OR ILLNESS FOR WHICH YOU DID NOT SEEK MEDICAL CARE?. (x one. IF "YES" "EXPLAIN")

Foreign Language

☐
☐

YES
NO

Foreign Language

12- ARE YOU NOW TAKING ANY MEDICATION? (x one. IF "YES", "EXPLAIN")

Foreign Language

☐
☐

YES
NO

Foreign Language

13- DO YOU HAVE ANY CONDITIONS WHICH CURRENTLY LIMIT YOUR ABILITY TO WORK IN YOUR PRIMARY SPECIALTY OR REQUIRE GEOGRAPHIC OR ASSIGNMENT LIMITATIONS? (x one IF "YES", "EXPLAIN")

Foreign Language

☐
☐

YES
NO

Foreign Language



COALITION PROVISIONAL AUTHORITY
BAGHDAD

MINISTRY OF JUSTICE
PRISONS DEPARTMENT
IRAQI CORRECTIONS SERVICES
BAGHDAD, IRAQ, APO AE 09335

October 22, 2003

MEMORANDUM FOR: ICS Personnel and Accounting Department, Dawodi Central Office

SUBJECT: Hiring and Employment of Ms. BAN ABDULLAH HASSAN- Employee #000001-03.

1. Ms. BAN ABDULLAH HASSAN- Employee #000001-03- She has been hired as the executive secretary and translator at the ICS training academy. She has been employed since September 15, 2003. Her organizational skills are exceptional and she is fluent in English. Her translating duties at the academy have improved the communication and course curriculum between the Iraqi and American training instructors. She should be hired at level two or one step above the entry level starting salary.
2. If there should be any questions or concerns please contact CPT. [REDACTED] at 1-[REDACTED]



CPT, MP, US ARMY
ICS Training Director



COALITION PROVISIONAL AUTHORITY
BAGHDAD

October 8, 2003

MEMORANDUM FOR Minister of Finance of Iraq

SUBJECT: Further Approval of New Hire Prison Staff

Further to my memorandum of October 17, 2003, the Prison Department received your approval to hire 358 new hires for Baghdad and 38 for the Babil Governorate. You also approved the hiring of a further 600 guards by 31 December 2003. This would result in a total prison staff of approximately 4,500 by the end of 2003 compared with a 2003 budgeted staffing level of 10,150.

The 2003 staffing included provision for 200 interpreters at Level 3 (\$120 per month). The Training Centre has two individuals who have been identified that would fulfill these roles. (See attached [redacted] Memorandum dated 23 September 2003) The salary level of \$120 equates with the KBR minimum rate of \$5 per day. They will initially provide input into the training programmes, course administration and assist the international experts anticipated to arrive in the near future. Later they will be used by the ICS to monitor prison developments internationally.

There is a further requirement for 100 (?) staff to provide maintenance, engineering, and administrative services at prison establishments around the country. An attached list of requirements and entry level salaries is attached.

Note to [redacted] Not included promotion of Abdulhardy need some idea from Jumma whether Abdulhardy was promoted into a vacancy as the result of recent firings.

The result of this request is that the total staff of the ICS will be 4,600 at the end of 2003. The total staff respective salaries have also been budgeted for and approved previously, the hiring of these employees and the payment of their salaries is also hereby approved as an exception to the limitation on new hires. The hiring and employment of these guards are necessary for the re-establishment of the Iraqi prison system.

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COALITION PROVISIONAL AUTHORITY
BAGHDAD

Thank you for your cooperation. Should you have any questions or concerns regarding the subject discussed in this memorandum, please feel free to contact me. You may also contact Judge Ali Hussein Al-Shimeri, the Director General for Administration at the Ministry of Justice, at 1-914-822-9163 or myself at or .

Judge
Senior Advisor to the Ministry of Justice

Attachment: Approved list of new hires for the Prison Department
 Memorandum of 23 September 2003
Form 1 for 2003 Budget

Ministry of Finance

Approved _____

Disapproved _____

Approved with modifications

Office of Management and Budget

Approved _____

Disapproved _____

Approved with modifications

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OFFICE OF COALITION PROVISIONAL AUTHORITY
MINISTRY OF JUSTICE
PRISONS DEPARTMENT
IRAQI CORRECTIONS SERVICES
BAGHDAD, IRAQ, APO AE 09335

23 September 2003

MEMORANDUM FOR: Ministry Of Justice, Personnel & Accounting Department

SUBJECT: Reinstatement of rank to former corrections employees.

1. The following individuals have questioned me as to how and why they haven't been given their previous rank prior to the war. I was unable to answer the question ~~but~~ did get their names and employees numbers. I am unsure of the accuracy of their statements about being former employees.
2. Mr. Yousif Lafta Oda- Employee # 000512-03, he claims he was a Captain at Abu Ghraib prison.
3. Mr. Raad Chalooob Jabar- Employee # 000511-03, claims he was a lieutenant at Abu Ghraib.
4. Mr. Hassan Musa- Employee # 000450-03, claims he was a Lieutenant at Abu Ghraib.
5. Mr. Ali Hussein- Employee # , was a lieutenant at Abu Ghraib.
6. Any help or answers to these employees' questions would be beneficial. Should there be any questions or concerns please contact Cpt. [REDACTED] at [REDACTED].

[REDACTED]
CPT, US ARMY
ICS Training Director/
LNO BCD Facility

Encl.
Personnel Dawoodie
Mr. [REDACTED]

Instruction to applicant



*Copy of rules for Prison Officers.
- Duwoode*

The Name:-

Date of Birth:-

Sex :-

Mother Name:-

Scars\ tattoos\ Deformities:-

Eye- color:-

Hair color: -

height :-

Religion: -

citizenship :- date:-

**Address :-
date:-**

citizenship certificate :-

Are you married: -

no. of kids:-

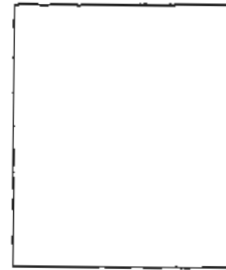
Wife name:-

**I affirm that I have personally completed this application and that
all information is true.**

Name: -

signature:-

Medical assessment



To the hospital :-

pleas,

Can y0u check Mr.
appointment (guard) in facility , with regard .

Who want

Eyes:-

Stomachs:-

Chest:-

Psychology:-

Arthropod :-

Dr. Eyes:-

Dr. Stomachs

Dr. Chest:

Dr. Psychology :

Dr. Arthropod :-

Education

What is your level of Education:-

Primary School:-

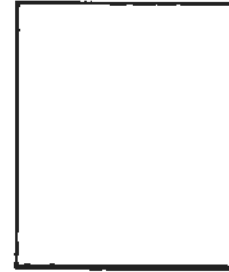
Secondary school:-

High school :-

Diploma :-

Universities :-

Master degree :-



The job training and work skills that you have currently do it :-

1-

2-

3-

4-

5-

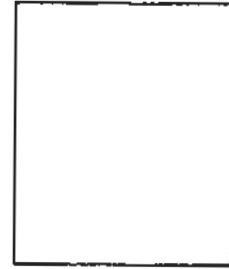
Foreign languages: _

1-

2-

3-

Criminal evidence



Did you serve time in prison? Yes () No ().
If yes , for how long and at what location ?

- 1-
- 2-
- 3-
- 4-
- 5-

Finger print left: -

Finger print right:-

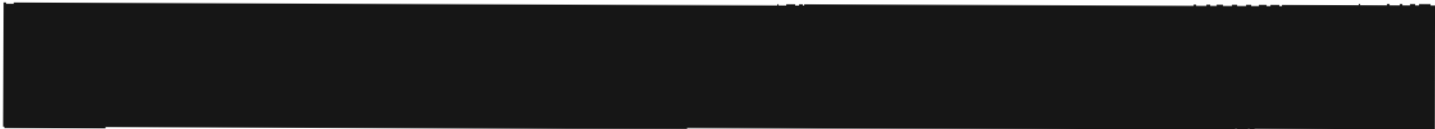
Promotion of Iraqi Corrections Facility Officer

On August 21, 2003, The Iraqi Correctional Services Training Academy held its second graduation. During the graduation ceremony, Colonel Jumah Hussian Zamel spoke a few words to the new graduates, and then was promoted to the appropriate rank for his new duties as a Brigadier General.

Brigadier General Jumah Hussian Zamel then stood in front of the graduates while Coalition Provisional Authority liaisons spoke to the graduating class. He then thanked the Coalition Soldiers for their service and dedication in training these new correctional facilities personnel.

His promotion makes Brigadier General Jumah Hussian Zamel, former head of the Tasferat correctional facility, responsible for overseeing 3 correctional facilities. This promotion represents the first Iraqi National being placed in charge of correctional facilities on a fulltime permanent basis since the fall of the previous regime. The three correctional facilities he will now direct are at Tasferat, Russafa, and Salhya.

This graduating class of correctional facility personnel has already made progress from the first graduating class. This class has seen the introduction of instruction materials in Arabic to the course, and they will be given uniforms for their future positions in the Correctional Facilities System. The second graduating class of more than 90 students is 3 times larger than the first and the third class is expected to begin in the near future. Past and future students are being trained by the same standards.



Iraq Republic
Ministry of Justice
Directorate of reformatory of adults
division Accountance
No. II
Date - Aug - 22 - 2003.

To / Ministry of Justice / Department of
administrative
Sub / Guards of reformatory.

There are 700 guards of reformatory in our
directorate. There are 400 guards of reformatory
in a juvenile reformatory administration as well as
the officers of force. We request from the
American coordinator in this ministry to employ
them in the divisions of Al-Tasseferat Al-Kharg
& Al-Rissafa and other Prisons which have been
opened recently. New courses have begun to
train guards in order to employ them in these
divisions. And our guards who have well-
experiences

But these guards have not been benefit from
their experience yet.

We request to inform this and answer it for us
with our appreciation.

Sign.

Khazi Yassen Thah
The general director.
Aug/22/2003.

Translat
NeeDon



COALITION PROVISIONAL AUTHORITY
BAGHDAD

ACTION MEMO

DATE 10 December 2003

FOR: [redacted] Director, Prisons Department [redacted]

FROM: [redacted] Deputy Director, Operations [redacted]

SUBJECT: Appointment of Warden Raad

Warden Raad has been the acting warden of Al Hillah since 7 May 2003. I recommend that he be permanently appointed to the position of Warden, retroactive to this date.

His performance has been outstanding, and he has proven to be an asset to the Iraqi Correctional Service.

If further discussion is necessary, please advise.

[redacted] Approve
____ Deny

[redacted]

10 Dec 03
10 DEC 2003

CLR/s

Cc:

[redacted]

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