

# Building Cultural Competency:

## Understanding Iraq, Arabs, And Muslims

"You were created as different nations  
and tribes, not that you should despise  
one another, but that you should learn  
from one another."

*Holy Qu'ran, Verse 49*

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# **Objectives:**

**To raise your awareness about Muslims and Iraqi values, beliefs, and communication styles.**

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**By the end of this training, you will be able to:**

- ✓ **Describe the basic foundations about Iraq, Islam and Muslims.**
- ✓ **Identify the common impediments to communication across religion and culture, focusing on Iraqis, Arabs and Muslims.**
- ✓ **Strategize on how to bridge communication gaps to better serve, work with, and build relations with Iraqis, Arabs and Muslims.**
- ✓ **List skills and resources to increase effectiveness for communicating across cultures and religions.**

*Developed by Connecting Cultures, Inc.*

# QUIZ ON MUSLIMS AND ISLAM

## BRAINSTORM

[No wrong answers!]

Write three stereotypes that exist about Iraq, Arabs and Muslims in society.

Mostly all supported Saddam Hussein

Oil is everything

Refugees from war

Please write what sources do these stereotypes come from (i.e. TV)

\_\_\_\_\_

\_\_\_\_\_

## True/False Quiz on Iraq

Answer True or False to the following statements:

1. F Iraq's history is about as old as the United States, beginning about 300 years ago.
2. F All Iraqis are of Arab descent and Muslim.
3. F Other names referring to Muslims are Islamists, Islamics, and Mohammedans.
4. F Muslim worship an ancient moon god known as "Allah."
5. F Muhammad is the focus of Muslim worship and is believed by Muslims to have written the Quran, holy text for Muslims
6. F Islam is a monolithic religion with few variations in belief and practice.
7. F Women are not permitted to enter same entrance as men in mosques, must cover their hair and should not touch men's hands because they are unequal.
8. F Arabic is the only language spoken in Iraq.
9. F Oil is known as the "Gold of Iraq" since it has the largest oil reserves in the world.
10. F Iraqis have a high literacy rate and provide free, state of the art healthcare.

### Answers to True and False Quiz on Iraq

1. **FALSE.** Iraq is an ancient land located in the river valley made by the Tigris and Euphrates rivers. The ancient Greeks called the area Mesopotamia. Mesopotamia is known as the site of the biblical Tower of Babel, the great flood of many religious traditions, the royal city of Ur, the site of the ancient Gilgamesh Epic, the land from which Abraham came, as well as the location of some of the wonders of the Ancient Worlds, such as the library and lions of Ashurbanipal and Nebuchadnezzar's Hanging Gardens. It is also known for the invention of the wheel and Hammurabi's code of law. This code of law protected the basic rights of both rich and poor. This code helped to lay the groundwork for the legal systems of the future.
2. **FALSE.** Approximately 75 percent of the population is Arab. Kurds, dwelling in the highlands of Iraq, constitute 15-20 percent of the population. The remaining include smaller groups of Turkmen, Jews, Armenians, Chaldeans (Iraqi Catholics) and Assyrians. Turkmen originally come from Turkmenistan. **Kurds** are semi-nomadic peoples who have lived for centuries a mountainous region of southwestern Asia. The Iraqi Kurds live mostly in the vicinity of Dahuk, Mosul, Erbil, Kirkuk, and Sulaimaniyah. The Kurds were traditionally nomadic herders but are now mostly semi-nomadic or sedentary. The majority of Kurds are Sunni Muslims. Kurdish dialects belong to the northwestern branch of the Iranian languages. In 1974 the Iraqi government sought to impose its plan for limited autonomy in Kurdistan. The Kurds rejected it, and heavy fighting erupted. After the establishment of the Islamic Republic in Iran (1979), the government there launched a campaign against its Kurdish inhabitants as well as a program to assassinate Kurdish leaders. Iraqi attacks on the Kurds continued throughout the Iran-Iraq War (1980-88), culminating (1988) in poison gas attacks on Kurdish villages to quash resistance, which resulted in the killing of some 200,000 in that year alone. With the end of the Persian Gulf War (1991), nearly 500,000 Kurds fled to the Iraq-Turkey border, and more than one million fled to Iran. Thousands of Kurds subsequently returned to their homes under UN protection. In 1992 the Kurds established an "autonomous region" in Northern Iraq and held a general election. However, the Kurds were split into two opposed groups, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, which engaged in sporadic warfare. In 1999 the two groups agreed to end hostilities; control of the region is divided between them.
3. **FALSE.** *Islam* is the name of the religion. The word, *Islam*, derives from the root word *Salaam*, which means "peace" in Arabic. In the religious context, *Islam* means "submission" or "peace" with the will of God in all things. *Muslim* is the name for a person who practices Islam. Literally, the word *Muslim* means one who submits to and is at peace with the will of God. The correct English spelling and pronunciation is Muslim (with 's' sound) and not Moslem (with 'z' sound). *Islamic* is an adjective used to describe terms related to the faith, as in *Islamic* countries, *Islamic* theology, or *Islamic* art.



4. **FALSE.** Muslim belief identifies the one true God as the God of Abraham, which is why Islam considers Judaism and Christianity to be cousin religions and precursors of Islam. "Allah" is simply the Arabic word for "God," just as "Dios" is the Spanish word and "Gott" is the German word. In their churches, when Christian Arabs refer to God, they also say "Allah."
5. **FALSE.** One of the key beliefs in Islam is that Muhammad was a prophet or messenger of God, and in no way divine or an object of worship. He is believed to have received the Holy Scripture of Islam through Divine Revelation. In fact, along with belief in one God, Muslims also must publicly declare that Muhammad is only a messenger of God. As that, he is not considered divine, but lived the life of a normal man, with all its ups and downs. He married, was a father, lost children to death, experienced personal set backs, worked for a living, and died of natural causes at age 63. However, because Muslims consider his life to be the best example of a total submission to the will of God, his words and life examples are often cited as guides to proper human and Islamic behavior, known as *Hadith*. The holy book for Muslims is called The Quran, meaning "recitations," and is believed by Muslims to be the collection of revelations received by Muhammad from God, therefore believed to be God's literal words. When written in Arabic, the language of the revelations, the physical pages are considered itself to be holy. Therefore, the Quran or any other Quranic excerpts written in Arabic must be treated and handled with respect.
6. **FALSE.** Like any global religion with a long history, Islam is very diverse and there are many interpretations of Islamic life, sometimes shaped by culture and geography, sometimes due to theological differences. All Muslims adhere to five basic beliefs and practices. The five basic beliefs are: 1) Belief in one God, 2) Belief in the prophets of God, including all the religious leaders recognized by Judaism and Christianity, 3) Belief in Revelation, 4) Belief in angels, and 5) Belief in the Day of Judgment and heaven and hell. The five basic practices are 1) Public declaration of belief in One God, 2) Prayer, 3) fasting during the Islamic month of Ramadan, 4) Charity, and 5) Pilgrimage to Mecca. Details having to do with these practices and beliefs differ according culture and to four schools of law found in majority Sunni Islam.

Shi'a Islam also has several schools of interpretation, which differ from Sunni Islam in some significant ways, mostly having to do with the prominence Shi'a Muslims give to the family of Muhammad. Shi'ites believe that the only legitimate leadership of the Muslim people can come from a descendent of Muhammad's family. Majority Sunnis maintained historically that leadership could go to any qualified person. However, as leadership in the Islamic world periodically experienced corruption, and despotism. Shi'ite thinking often became a rallying point of protest, and Shi'ites were sometimes persecuted.

Major Shi'ia religious events include the annual mourning of the martyrdom of Hussein, the grandson of Muhammad, who was killed in Karbala, which is today part of Iraq. For Shi'ites, his death marked the end of the last chance to restore the proper leadership of the Muslim world to Muhammad's family and began a long history of illegitimate rule and persecution. Some Shi'ites mark his death by hitting their backs and chests, sometimes even with hand held whips and chains, to express their grief, as though just receiving news of his martyrdom. Throughout Muslim history, there have been periodic tensions and even fighting among Shi'ites and Sunnis. Other periods of Islamic history have been marked by efforts to minimize the differences.

7. **FALSE.** While women's rights are abused in some Muslim countries, the Quran states that men and women are equal before God and in society, though they are given different roles, primarily in marriage. Women are permitted to work and education is encouraged for all. Islam also encourages men and women to behave modestly. Separate entrances, covering one's hair or not touching an unrelated member of the opposite gender is tied to this value, and is meant as much for men as women. Covering is not universally observed by Muslim women and varies by region, family, class and individual. Some Muslim states ban or strongly discourage the covering one's hair (e.g. Turkey, Tunisia), while others require it (e.g. Saudi Arabia, Iran). However, all Muslim women are required to cover their hair while in prayer or when entering the place for prayer, mosque/masjid.
8. **FALSE.** While Arabic is the official language of Iraq and is spoken by the majority of the population, other languages are spoken and used. The Kurds speak Kurdish, Armenian and Assyrian are spoken in rural areas in the north and west.
9. **FALSE.** The treasured date palms of Basra are known as the "Gold of Iraq". Date palms grown in Basra's intense heat and humidity are considered by many experts to be the finest in the world. Fighting during Iraq's war with Iran in the 1980's wiped out millions of date palms. Iraqi scientists at the University of Basra are trying to regenerate tens of thousands of date palms through tissue culture in test tubes. In regards to Iraq's oil reserves, Iraq has the second highest number of barrels at 112.5 billion, second to Saudi with 261.8 billion and followed by UAE at 97.8 billion barrels of oil.
10. **FALSE.** While education is free in Iraq, many children do not attend school as they must work to help support their families. Six years of primary education are compulsory, and instruction is in Arabic except for the Kurdish-inhabited regions. Only 40 percent of Iraqis aged 15 or older are literate. Health standards in Iraq are low because of poor sanitary conditions and many endemic diseases. In 2003 the average life expectancy at birth was 40 years; the infant mortality rate was estimated at 55 per 1,000 live births. Pre-war, Iraq had 1 physician for every 2,091 people and 1 hospital bed for every 690 people. Sanctions that were imposed against Iraq resulted in falling health standards since the Persian Gulf War.

## Introduction to Islam: Ten Basic Points

1. Islam is a Monotheistic religion, like Christianity and Judaism.
2. Among all Muslims, only 20% are Arab.
3. Muhammad is not the focus of the religion, or even its "founder."
4. The focus of the religion is God, not a god named Allah. Allah is simply the Arabic word for God. Literally, "The God"—a shortened form of "The God of Abraham."
5. For Muslims, God is not a being; God has no gender and no personality.
6. Islam's Holy Book is called the Qu'ran, or Koran. It means "The Recitations." It is a collection of the revelations that Mohammed received from God during the period of his mission, which lasted from age 40 to 63. Some of the revelations address universal principles, some address particular situations facing the first Muslim community, some are retellings of familiar Biblical stories, sometimes with a slightly different twist. Some stories are metaphors, others are literal, but there is nothing to say which are which; it is up to each believer to decide. The book is arranged with the longest revelations first, and the shortest, last.
7. The second written source of guidance is called Hadith, the "report" of the deeds and sayings of Muhammad. The Hadiths constitute an important guide to Muslims, but they do not have the status of the Qu'ran.
8. The other two sources of guidance are 1) the consensus of the community, and 2) independent reason. There is no central ecclesiastical authority in Islam. Islam asks all believers to use their own minds, to learn, to "Read." The first Muslim community stressed literacy.
9. Islam is a religion, not a political ideology.
10. Islam is a religion of practice, of outwardly visible acts, such as dress, prayer, and social conduct.

### Five Pillars of Islamic Practice

1. Public declaration of belief that there is only one God, the God of Abraham, and that Mohammed is one of God's messengers.
2. Ritual Prayer, 5 times each day.
3. Month of Fasting.
4. Annual Payment of 2.5% of total wealth for the benefit of the poor.
5. Pilgrimage to Mecca once in your life, if physically and financially able.

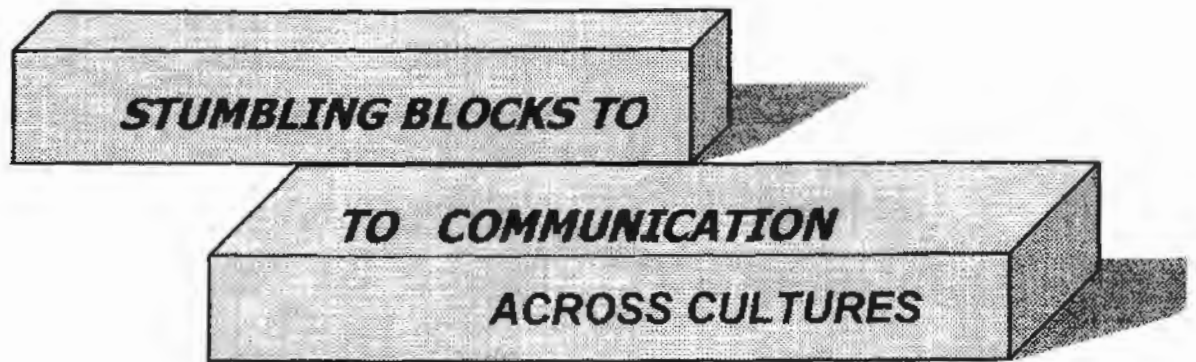
### The Call to Prayer

1. *Allahu Akbar* ("God is greater.") - four times.
2. *Ashhadu an la ilaha illa-Llah* ("I witness that there is no god but The God.") - twice.
3. *Ashhadu anna Muhammadan rasulu-Llah* ("I witness that Muhammad is the prophet of God.") - twice.
4. *Hayya ala-s-salah* ("Come to prayer.") - twice.
5. *Hayya ala-l-falah* ("Come to sanctuary.") - twice.
6. *Allahu Akbar* ("God is greater.") - twice.
7. *La ilaha illa-Llah* ("There is no god but The God.") - once.

### The Prayer

1. Raising of hands to proclaim "God is greater."
2. Stand to say the Muslim's "Lord's Prayer" called the *Fatihah*, the first chapter in Qu'ran.
3. Bow to repeat the phrase "Glory be to God the Mighty" three times.
4. Prostrate to say "Glory to My Lord the Most High."
5. Sit on heels to testify faith.

Times of prayer: at first light, just past midday, when shadow is equal to length, at twilight, after darkness.



- **Assumed Similarity**
- **Verbal Language**
- **Nonverbal Language**
- **Tendency to Evaluate**
- **Stereotypes, Preconceptions, Assumptions**
- **Emotions/High Anxiety**

\*Reference LaRay Barna, *Stumbling Blocks to Intercultural Communication*  
Intercultural Communication Reader, Samovar and Porter

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## Cultural Values Continuum

<b>Personal Control over the Environment</b> (Can control life circumstances)	<b>Fate/Sense of Destiny</b> (Course of life events beyond my power)
<b>Time and Its Control</b> (Precise schedule/Clock dictates)	<b>Human Interaction</b> (Interaction, approximate sense of time)
<b>Monochronic</b> (One task/conversation at a time)	<b>Polychronic</b> (Multiple tasks at same time)
<b>Individual</b> (Individual sets pace, decides)	<b>Group</b> (Collective sense of identity & obligation)
<b>Direct/Informal</b> (Emphasis on verbal/words)	<b>Indirect/Formal</b> (Emphasis on words, nonverbals & context of situation)
<b>Egalitarian/Equality</b> (Treat everyone the same)	<b>Hierarchy, Rank, Status</b> (Treat differently based on position)
<b>Universalistic</b> (Rules dictate over specific needs. considered, Letter of the law emphasis)	<b>Particularistic</b> (Relationships first, exceptions Spirit of the law is emphasized.
<b>Materialistic/Attachment</b> (Emphasis on objects)	<b>Spiritual/Detachment</b> (Emphasis on spiritual/afterlife)

Adapted from Robert Kohls

# Arab Cultural Patterns

- ❑ Strong sense of destiny & fate.
- ❑ Relationships essential to live and work.
- ❑ Polychronic (multiple tasks/conversations occur at the same time) towards time/work.
- ❑ Consensus-building decision making.
- ❑ Expressive and formality valued.
- ❑ Hierarchy and structure honored.
- ❑ Religion influences all aspects of life, work and business.

# THE MIDDLE EASTERN CULTURAL GUIDELINES

Following are some highlights from the Middle Eastern cultural profile, which will assist you in establishing your credibility with your Middle Eastern counterparts:

\* The Middle Eastern constraint orientation means that you must be patient when conducting business negotiations. Middle Easterners value consensus-building, which takes time. If your culture is control-oriented, business probably will take longer than you are used to. Be prepared to invest and spend time in the region. Time spent socializing and entertaining is important and connected to business. Keep your schedule open and flexible.

\* Remember that Middle Easterners value relationships and establishing trust before beginning negotiations and committing to business. Understanding that the being orientation is paramount in all aspects of exchange, personal and professional.

\* Be ready to address the specific needs of your Middle Eastern customer and to tailor a product or service to those needs. Their systemic orientation means that Middle Easterners want to understand both the conceptual and the analytical details of the venture.

\* Their multi-focused orientation means that, for Middle Easterners, they are accustomed to having multiple conversations and interruptions during conversations. Remain focused and prepared to continue the conversation where it was left off.

\* Middle Easterners are master negotiators and will learn a great deal about the company and negotiators. Do not use time constraints as a means of making a deal, it will not work. Expect delays and a slower pace for negotiating.

\* Even though Middle Easterners are expressive oriented when communicating, always maintain a respectful tone and approach. Insincerity can easily be detected.

\* The formal and hierarchy orientations play an important role in Middle Eastern business situations. If you come from an equality and informal orientation be sure to bear this in mind and act accordingly. Be extremely polite and formal in your speech. Know what is the status of each person and the appropriate title and pronunciation of their name before meeting.

\* Be up to date on political, religious and social issues concerning your host country and the Middle East.

## Nonverbal Considerations

- When someone enters and exits the room, stand up.
- Expect to be greeted with a handshake that may be longer and softer. Avoid the "pump-pump, quick release" American standard handshake
- Expect handshakes to be more frequently and with everyone individually in the meeting or room.
- Avoid a wave of the hand in the air to the group or 'hello' as adequate.
- Start the handshake with the highest level or eldest member in the group.
- During the greeting, there will be inquiry of well-being of each person and the family. Never inquire directly about female members, only the children or family in general.
- Know that repetition in Arabic language connotes sincerity so be prepared to asked several times about your well being.
- If you are close, men will kiss twice in greeting, once on each cheek.
- Do not extend your hand to an Arab female unless she first extends her hand.
- Some Arabs stand a closer distance than you are comfortable with. There is a closer proximity/space between members of the same sex when talking or greeting, do not lean back or take a step back. Relax and try to listen.
- Avoid the use of your left hand to greet someone, pass a paper or gift or eat.
- Do not point with your one finger to someone or someplace, if necessary use your whole open palm towards the person or in the direction you are referring
- To ask/show someone to approach or come to you, move your fingers in and out with your palm down
- Use a softer, lower and more formal tone should be expressed in conversation.
- Do not cross your legs with the bottom of your foot or heel facing another person.
- Never look at a woman in public
- Maintain eye contact with someone you are conversing with, but be aware that the Arab may look directly in the eye then look away, look then look away
- Maintain an erect, straight posture when standing and sitting. Do not lean forward or back
- Do not lean against the wall.
- Touching may occur more between members of the same sex, e.g., a touch on the shoulder, holding of hands. This does not have the same interpretation as in the U.S.
- Smell is important in all cultures. Arabs tend to use colognes, perfumes and incense more than in the U.S.



# Ways to Bridge Language Gap



Professor Whimsright's painstaking field research to decode the language of bears comes to a sudden and horrific end.

- **Make it Visual:**
  - write the words
  - draw or use pictures/diagrams
- **Show & Tell:**
  - demonstrate explanation
  - show and do together
  - observe individual doing
- **Use their Language:**
  - provide interpreter
  - learn their language
  - teach your language
  - provide info bi-/multiple languages

- **Take it Easy:**
  - slow down
  - pause between sentences
  - summarize at end
- **Keep it Simple:**
  - use less idioms/slang/colloquialisms
  - develop a dictionary of jargon
- **Say it Again:**
  - repeat key points
- **Assume Confusion:**
  - probe and ask questions to clarify
  - “Yes” doesn’t necessarily mean “I understand.”
- **Get Help:**
  - hire or recruit someone who is bilingual to provide language support or hire an interpreter.

# More Ways to Bridge Language Gap

## ***1. Learn correct pronunciation of name:***

- Avoid turning Mohamed to Mo, Zakariya to Zak, or Alaa to Al.
- Muslim and Arabs names are spelled in a variety of ways in English, because of transliteration. For example, Mohamed is spelled as Muhammad, Muhammed, Mohammad, etc. Mohamed is the most popular name in the world, many Muslims name first son by this name.
- Arab names are longer than typical American names, include the first name, father's name, grandfather's name, and the family name.  
Eg. Fawzeyya Muhammad Abdulrahman Ibrahim  
1<sup>st</sup> name, father's name, grandfather's name, family name
- Ahmed ibn Abdullah ibn Rashid Ismail  
Ibn means 'son of'  
Bint means 'daughter of'

## ***2. Use appropriate pronunciation and description:***

- The correct English spelling and pronunciation is Muslim (with 's' sound) and not Moslem (with 'z' sound). The Muslim's place of worship is a Mosque; do not refer to a Mosque as a "Muslim church or temple." The holy book is a Qu'ran, not Muslim bible.

## ***3. Learn some greetings/phrases in other language:***

- 'Salaam Alaikum' (Blessings of Peace be Upon You) is the universal Muslim greeting.
- Three predominant languages in Middle East is Arabic spoken by Arabs, Farsi spoken by Iranians, Turkish by Turks and Urdu spoken by Pakistanis.

## ***4. Use correct titles to greet and meet.***

- Duktoor (Masculine) Duktoora (Feminine) Doctor (Dr. or PhD, educated & respected), Sheikh (for a wealthy, influential and older man)
- Based on protocol, the occasion, status, familiarity with the individual, ask and observe what is the appropriate title.
- More informal is Mr. Ehab or Mr. Ehab Mohammad  
More formal is Mr. Ehab Ahmed Mohammad

### **Other Ways to Bridge Language Gap**

- **Avoid use of colloquialisms/idioms, acronyms.**
- **Know what are appropriate/inappropriate topics.**
- **Be patient with accents. “We all got one.”**
- **Don’t assume language ability or intelligence based on accent.**
- **Avoid correcting their English. (The letter/sound “P” is not present in the Arabic alphabet.)**
- **Don’t assume “Yes” or a nod means “ I agree” or “I understand.”**
- **Resist assumption that word-to-word translations convey intended meaning.**

## **Common Stereotypes of Arabs by Americans**

- Desert Nomads
- Evil
- Untrustworthy
- Rich sheiks
- Sneaky
- Arabian Nights
- Women confined to home/veils/uneducated, can't work
- Fundamentalists, extremists, fanatics
- Overly emotional
- Anti-American

## **Common Stereotypes of Americans by Arabs**

- Confident, Boastful, Arrogant
- Hardworking
- Aggressive
- Not Religious/No Morals
- No Family Ties
- Women are promiscuous
- Disrespectful
- Informal
- Wasteful
- Always in a Hurry
- Anti-Arab/Anti-Muslim

## ***Moving Past Stereotypes***

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### **Six-Step Approach**

- 1. Acknowledge that stereotypes exist.**
- 2. Identify any stereotypes that you've internalized; recognize stereotypical thoughts.**
- 3. Pause and take a second look.**
- 4. Remove judgment; describe the behavior.**
- 5. Learn more about the individual or group.**
- 6. Choose behavior that enhances relationships.**

## **Islamic Etiquette**

### **I. Verbal and Written Communication**

- The correct English spelling and pronunciation is Muslim (with 's' sound) and not Moslem (with 'z' sound). The Muslims place of worship is at a mosque, do not refer to as a "Muslim church or temple."
- If you are given a Qn'ran, never place it be on the floor. Always have it on a bookshelf or on a table without any other books or object on top of it.
- Many written documents may have an Arabic script on the top of page that says "In the name of God the Merciful, the Compassionate." Any use of Allah (the word 'God' in Arabic) should always be respected and to destroy paper with God's name is sacrilegious.
- Avoid adjectives that spotlight Muslims unnecessarily (e.g., the Muslim manager, the veiled woman)
- Learn correct pronunciation of name, don't turn Mohamed to Mo, Zakariya to Zak or Alaa to Al

### **II. Conversation Topics**

- What most maps in the West label "the Persian Gulf" is referred to as "the Arabian Gulf"
- Never criticize anyone publicly. It causes loss of dignity, respect and trust in you even if it is about a foreigner.
- Never criticize Islam, the people or country.
- Respectfully listen when discussing politics, engage more when you have a longstanding, trusting relationship.
- Do not make jokes about Islam or culture..
- Never swear or use obscenities in front of others. Never call someone an obscenity, even in jest.
- Speak of the positive impressions, developments and aspects of the country. The people are very proud of the their country and cultural history, and always appreciate a compliment.
- Learn and talk about soccer and other sports events in the region, their history, their hobbies, their experiences.
- Exhibit curiosity about Islam by asking questions about the faith, but be very careful to not be asking a question that actually is passing a judgment.
- Do not make jokes about Islamic laws, e.g. having more than one wife, punishment for stealing, etc.
- Avoid relying on an individual as the "Muslim spokesperson" by asking "What do Muslims think about . . . or how do your people feel about . . .?" Rather ask about their individual thoughts, opinions, experiences, for example "What has your experience been?" or "How can I be more sensitive or respectful to you and your needs as a Muslim or Iraqi?"
- Do not tie the all politics of the Middle East to every Muslim. Remember the majority of Muslims are not Arab or Middle Eastern.

- Exhibit curiosity about Islam by asking questions about the faith, but be careful to not ask a question that actually is passing a judgment.

### **III. Greetings and Nonverbal Communication**

- The universal greeting by Muslims is “As-salaamu Alaikum” (Peace be with You) and the appropriate response is “Wa Alaikum As-salaam” (And May Peace be Upon You)
- When greeting a Muslim of the opposite sex, wait for them to extend their hand first to indicate if you should extend your hand to shake their hand.
- Touching may occur more between members of the same sex. (e.g., a touch on the shoulder, holding of hands, kissing on the cheeks.) This does not have the same interpretation as in the U.S.
- In some Islamic cultures, the use of the left hand to eat or greet is considered inappropriate.
- Avoid sitting with the bottom of your foot facing the individual.
- Do not close the door during a meeting with a member of the opposite sex.

### **VI. Dining/Eating Etiquette**

- When you are invited to dine, it may be just for you or do not be surprised that the invitation for a meal will have many other men joining/. This varies depending on the relationship and situation.
- Avoid passing or eating food with your left hand.
- Always accept the tea or coffee offered and sip.
- Be aware that for a dinner invitation at 8:00pm, you may sit for 1 -2 hours before eating the meal
- Follow the host's lead, if their shoes are off, remove yours when you enter the home.
- Offer compliments about the country, people, but do not admire or praise a specific object in the house or what the person is wearing. They will feel an obligation to give it to you.
- Gifts are not expected from you, but may be given to you. The Arabs are overwhelming in their hospitality. Accept graciously.
- If you want to give a gift to a home, you could bring the chocolates, sweets, gifts for children are appreciated.
- Never give any food with alcohol (includes wine) or pork products (pigskin wallet or boots)
- If you are having a snack, piece of gum, candy, soda, cigarette and someone is near, always offer before you take.
- When your guest leaves you at the hotel or your residence, walk them to the door or car and do not leave until they are out of sight.

## V) Prayer

- Individual Prayer usually lasts no longer than fifteen minutes. Washing of the hands, face and feet is conducted before each prayer.
- Prayer can be performed in any quiet, dry, clean place. Total privacy is not required.
- Friday is the day for communal worship and lasts a total of 45 – 90 minutes. This prayer can take place at a local mosque or a designated space.
- Do not walk in front of or interrupt someone who is praying (unless there is an emergency.) If you must move, walk behind or far ahead of where the person is praying or wait until they finish.
- If you are given a Koran, never let it be on the floor. Always have it on a bookshelf or on a table without any other books or object on top of it.
- Many written documents may have an Arabic script on top that says “In the name of God the Merciful, the Compassionate.” Any use of Allah (God in Arabic) should always be respected and to destroy paper with God’s name is sacrilegious.
- Men should not wear gold that can be seen while in public. Wear a necklace under your shirt, but take off a gold bracelet when conducting business.
- Do not eat or drink in public or in front of a fasting Muslim during the month of Ramadan. (That includes chewing gum and smoking)
- Know when are the holidays and greet accordingly  
e.g. Ramadan Karim, Eid Mubarak
- Ramadan, the ninth month, is the holiest month in the Muslim calendar. It is the time the prophet Muhammad received the first revelations of the Quran.
- The Muslim calendar is a sequence of twelve lunar months totaling 354 days, so that 33 Muslim years equal about 32 solar years. Therefore, Muslim holidays have no seasonal pattern, months will fall into all seasons, from winter to summer.
- The Muslim calendar is now in the 15<sup>th</sup> century because the years are counted from the date of the Prophet Mohammad’s Hijra (immigration). So Spring, 1998 is 1419 A.H. (after Hijra) on the Muslim calendar.

## VII. Dress and Appearance

- Islam prescribes modest dress for both men and women. The interpretation of modest dress differs significantly based on the individual, culture and the context of the situation. For women who choose to cover their hair, they do not consider it optional, but a religious duty.
- Some Muslim males may wear a beard and skull cap and some Muslim women will cover their hair or face with a scarf and attire that covers their body.
- Some Muslim males do not wear gold because it is considered feminine.



## VIII) Holidays

- Muslim holidays are based on the lunar calendar. Therefore, the holidays rotate around the year and each new month is based on the sighting of the new moon (crescent). Ramadan, the ninth month, is the holiest month in the Muslim calendar. It is the time the prophet Mohammad received the first revelations of the Quran. The month of fasting lasts between 27 to 29 days. The end of Ramadan is not determined until sunset the day before, therefore, it is difficult to indicate the holiday will be at a preset day. Muslims can estimate and sometimes the holiday would follow within a day or two of the estimate.
- Avoid eating or drinking in front of a fasting Muslim during the month of Ramadan. (That includes chewing gum and smoking)
- Know when are the holidays and greet accordingly  
For Ramadan, a common greeting is "Ramadan Karim"  
For Eid (Feast Days after the month of Ramadan and the Hajj is "Eid Mubarak"
- Mawlid al-Nabi is the Prophet Mohammad's birthday holiday. The degree of celebration or acknowledgement varies based on the country and culture. **Never** visually portray the Prophet.
- The Eid al-Fitr is a major holiday after Ramadan and lasts 3 days.
- The Eid al-Adha is a major holiday at the end of the Hajj (pilgrimage) and lasts 3 days.

### Approximate Holiday Dates for 2004-2005-2006

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- **Pilgrimage (Hajj)** is end of January 2004-Middle of January 2005-Beginning of January 2006.
- **Eid Al-Adha** is approximately February 1, 2004-January 21, 2005-January 10, 2006.
- **Ramadan** is on October 16, 2004-October 5, 2005-September 24, 2006.
- **Eid Al-Fitr** is on November 14, 2004-November 4, 2005-October 24, 2006.



## Essential Cultural Competencies

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- Anticipate and prepare fully to avoid unnecessary surprises.
- Have realistic expectations of yourself and others.
- Maintain your own sense of identity and integrity.
- Be open, patient and flexible.
- Remember that perception = reality.
- Avoid assumptions and suspend judgment.
- Allow plenty of time to establish, build and maintain relationships.
- Develop a small group of cultural informants, advisors and mentors.
- Acknowledge diversity within cultural, ethnic and racial groups.
- Avoid spokesperson syndrome.
- Respect tradition, age and hierarchy.
- Heighten awareness of communication styles, both yours and others.
- Become more comfortable with silence, ambiguity and being.
- Avoid over-talking and interrupting.
- Ask for help and clarification, both directly and indirectly.
- Be sincere and humble.
- Acknowledge mistakes, accept responsibility and apologize.
- Provide more time to achieve desired outcomes.
- Learn from your mistakes and losses.
- Be consistent and persevere.
- Constantly review, evaluate and modify reports, projects, and presentations by heterogeneous teams.
- Trust the process.
- Keep a sense of humor.
- Maintain a beginner's mind.

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**Decision No. 144**

**Based Subsection 2 of Article 47 of the 53rd Constitution as amended in 1980.**

## **THE CODE OF CONDUCT FOR STATE EMPLOYEES**

### **CHAPTER ONE - DEFINITIONS**

#### **Article One**

**The following definitions shall pertain to all the expressions of this Code**

- 1. For purposes of this code, the term 'Minister' refers to the Minister of the department of the relevant employee or subject matter.**
- 2. The Minister may designate the head of any department, under secretary, governor, general manager or any other employee under the direct supervision of the Minister, to impose any penalty under this Code.**
- 3. An employee is any person who is under the charge of the Minister as it pertains to this code.**
- 4. The Public Council for Discipline is formed pursuant to the State Council No. 65 as amended in 1979.**
- 5. An Investigation Committee shall be formed in each department, with the Minister serving as Chairman.**

#### **Article Two.**

- 1. This Code is effective for all government employees, except as specifically excluded.**
- 2. Those politically appointed from the highest level, the military, the military industrial commission employees and Judges are not subject to this Code, unless it is specifically adopted.**

## **CHAPTER TWO – EMPLOYEE DUTIES**

### **Article Three**

**Public employment is viewed as serving the nation and society and when the Code for State Employees is followed, both the public and self are served.**

### **Article Four**

**The state employee shall:**

- 1. Faithfully fulfill the duties and responsibility of state employment.**
- 2. Report for work at the appointed time and not be absent except by permission.**
- 3. Respect his superiors and treat them with courtesy and politeness when addressing them. Obey the lawful orders of his superior if related to the normal responsibilities of his job. If an order should violate the law, it is the duty of the employee to inform his superior, in writing, of that violation and the lack of obligation on the part of the employee to execute the order. Or, if the order is executed, the responsibility shall lie with the superior who ordered it.**
- 4. Respect his superiors in a manner which will always maintain their dignity.**
- 5. Respect the citizens and facilitate their dealings with the government.**
- 6. Maintain control over state funds and disperse those funds solely for the benefit of the state and the intended purpose.**
- 7. Maintain the confidentiality of all information and documents which he is exposed to in the course of his employment. Should any superior determine the information and/or document to be secret, the duty to maintain the said secrecy continues until after employment is terminated. No information or document determined to be secret shall be retained after employment is terminated.**
- 8. Maintain the dignity of public employment and avoid any activity or conduct which may diminish the respect of the citizens. This duty applies at all times, whether during or after business hours.**
- 9. Refrain from exploiting his position for personal benefit or the benefit of any other person.**
- 10. Refrain from taking any item away from the place of work except as is necessary for the completion of the employee's duty.**
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**The state employee shall not:**

- 1. Hold an additional position of employment other than his position with the state, unless specifically allowed under the law.**
- 2. Engage in commercial investment activity except the following:**
  - a. The buying and selling of shares of joint stock companies.**
  - b. The business matters which are acquired by inheritance either by the employee or spouse. If the inheritance falls within the third degree on consanguinity, the employee shall declare to the Minister such event within 30 days of its occurrence. Should the Minister decide the continuation of both state employment and private business matters are not in the best interest of the state, the employee shall sell his newly acquired private interest within a one year period from the date of said Notice. If, at the end of the one year period, such sale is not completed, the employee shall resign, retire or be terminate.**
  - c. Share information pertaining to bids to potential bidders, nor shall he receive any benefit or value from the awarding of such bids.**
  - d. Share in any of the proceeds from auction of state property nor shall he place a bid in any auction of state property wherein he authorized the sale, or served on any committee or participated in any decision pertaining to the auction.**
  - e. Use any state owned materials or instruments or means of transportation which his own personal use or private use for another.**
  - f. Use any machine, apparatus or instrument of production which he is not specifically authorized to use by his superior.**
  - g. Use his time or the means of production in a negligent fashion resulting in damages to property, the quality and/or quantity of service and/or production.**
  - h. Destroy a project, materials, instruments or equipment belonging to the state.**
  - i. Intentionally reduce production or damage the ability to produce.**
- 10. Delay the performance of his work which causes interruption in the work of others.**
- 11. Solicit or accept reward or anything of value or any position of advantage from a citizen or vendor or anyone he comes into contact with due to his position.**

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12. Appear at his place of employment under the influence of alcohol, nor shall he be drunk in public.
13. Retain the original of any state document for a nonofficial purpose.
14. Make any statement to the media pertaining to his employment without the permission from a superior.

#### **Article 6**

1. Any official of the seventh rank or its equivalent under Civil Service Law N024 of 1960, has the right to work outside the prescribed official work times, so long as it does not effect his ability to perform his official duties and he notifies his office of the location and nature of his work.
2. The Minister of the department may exempt an employee from subsection one.
3. The following officials are automatically exempt from the provisions of this Article.
  - a. Those appointed by decree of the Republic.
  - b. Those officials of the Foreign Affairs Ministry.
  - c. Agents in foreign employment.

#### **Article 7**

An employee who violates any provision of this Chapter shall be subject to punishment pursuant to this Chapter, irrespective of any other punishment under another aspect of the law which may also apply.

### **CHAPTER THREE**

#### **Punishment and Procedures**

#### **Article 8**

**Punishments allowable under this Chapter are:**

1. Written notification to the employee of the specific violation and informing him the need for improvement, otherwise it could cause a delay of pay raise and/or promotion of up to 3 months.
2. Warning by written notification of the specific violation and informing him the consequences of another violation could delay a pay raise and/or promotion up to 6 months.
3. Warning by written notification of the specific violation and informing him of a reduction in salary of not more than 10 days of the daily fee and the consequences of a delay in pay raise and/or promotion of the following:



- a. Five months in the case of cutting the salary not more than 5 days.
    - b. One month for each day in the case of cutting a salary more than 5 days.
  4. Reprimand the employee in writing of the seriousness of the violation and the specific nature of the violation and necessary steps to improve. A reprimand may cause a delay in the pay raise and/or promotion of up to one year.
  5. Immediate reduction in salary. Written notification to an employee his salary is reduced by not more than 10% from the monthly salary for a period of not less than 6 months and not more than 2 years. An immediate reduction in salary will result in a delay of pay raise and/or promotion for a period of 2 years.
  6. Immediate reduction in rank. Written notification to an employee this sanction will cause:
    - a. Reduction of salary to the minimum level of the rank below. The employee may return to the salary before reduction after a period of 3 years plus the period he held his last salary prior to the reduction.
    - b. Reduction of salary by two ranks below. The employee may return to the salary before reduction after a period of 3 years Plus the period he held his last salary prior to the reduction.
  7. Dismissal from employment for a period limited by the 'dismissal resolution' which shall specifically contain the reasons for dismissal, according as below:
    - a. If an employee is punished with 1 or 2 from the following list, and he commits a 3rd violation within a 5 year period of the first punishment, he will be dismissal for a period of no less than one year and no more than 3 years.
      1. Reprimand
      2. Reduction of Salary
      3. Reduction of Rank
    - b. A dismissed employee who is incarcerated for a crime other than one morality, shall have his time in custody calculated from the date of his dismissal. No salary shall be due him during any period of custody.
  8. Absolute removal from employment by the state, as per decree from the Minister for the following reasons:
    - a. The employee has committed a dangerous act and allowing him to remain an employee of the state would not be in the public's interest.
    - b. The employee has been convicted and sentenced of a crime resulting from an act in his official capacity
    - c. The employee has previously been dismissed and this act constitutes the second dismissal.
-

#### **Article Nine**

- 1. Penalties imposed by Article Eight will delay promotion of the employee.**
- 2. If an employee is subjected to more than one penalty during his service, the delayed promotion is increased by a second step.**

#### **Article Ten**

- 1. The Minister shall appoint a group of experienced individuals to Investigate claims of employee violations of the Code. At least one member of the committee shall be a graduate of law school.**
- 2. The appointed committee shall conduct a written investigation with the right to interview and/or accept the written statement of the accused employee. The committee shall have the right to obtain any necessary document or evidence in the investigation. The committee shall issue a written recommendation clearly setting forth all the information gathered and the basis for its recommendation.**
- 3. If, upon completion of the investigation, the committee has clear and convincing evidence of the employee's wrongdoing, the committee may charge the employee with the crime in Court. The Minister or Director of the office also has the right to interrogate the accused employee and impose any sanction found in subsections 1, 2 and 3 of Article 8.**

#### **Article Eleven**

**Pursuant to the rules of Article Ten:**

- 1. The Minister may impose any sanction listed.**
- 2. The Chairmen of the committee or an official authorized by the Minister may impose any of the following:**
  - a. Call attention to the employee of the violation**
  - b. Warning**
  - c. Reprimand**
  - d. Discount salary not more than five days**
  - e. Reduction in rank**
- 3. If the Chairman of the committee or any authorized official imposes sanction pursuant to Subsection 2 above, it must be submitted to the Minister for approval.**
- 4. A sanction imposed by the Minister, the Chairman of the committee or authorized official is final, except the following:**
  - a. Reprimand**

- b. Reduction in salary
  - c. Reduction in rank
  - d. Dismissal
  - e. Absolute removal from employment by the state
- 5. An employee punished with a sanction listed in number 4 above shall have 30 days, from the date of notification, to file an appeal with the Minister.

#### **Article Twelve**

- 1. The Minister has the right to impose the sanction of reprimand, salary Reduction, without the action of a committee. The Minister's decision in this case is final and not subject to appeal.
- 2. If during the Minister's investigation, the committee requests a more harsh punishment than the Minister had enumerated in subsection one above, the decision of the Minister shall be final.

#### **Article Thirteen**

- 1. The Minister has the authority to drop the penalties imposed pursuant to Article Eight, upon all the following conditions:
  - a. After one year of the punishment
  - b. If the employee has shown good will and distinguished himself
  - c. No additional penalties have been imposed.
- 2. The removal of the penalty will remove it from the employee's record

#### **Article Fourteen**

- 1. The President and/or Prime Minister may impose any penalty enumerated when deemed appropriate, with no right of appeal.

### **CHAPTER FOUR**

#### **Article Fifteen**

**Procedures pertaining to objections to imposition of judgments.**

**The committee appointed by the Minister may:**

- 1. Review the objections filed by the employee pursuant to Article 11, subsection 5 with the right to either certify the punishment or reduce it.
- 2. The committee must act within the first 30 days of the notification to the Employee of the punishment. The committee may reject the punishment within the first 30 days, otherwise the punishment stands.

3. The employee shall present any objection to the punishment to the Committee within the first 30 days of his notification.
4. A rejected judgment issued by the committee within the first 30 days is final and not subject to appeal.
5. The committee shall take into account the verdict of any felony trial and base its actions accordingly and confidentially.

#### **Article Sixteen**

1. If an employee has been dismissed from his job for a specified period of time, the employee shall not be allowed to return to his job sooner than the completion of the specified period.

#### **Article Seventeen**

1. The Minister and the head of a department have the right to dismiss an employee from his job for a period of not more than 60 days. If it appears the interest of the public would be damaged or an ongoing investigation effected if he returned to the same job at the conclusion of the period of dismissal, then he may be appointed to another job.
2. The committee shall be advised of any dismissal from the job at any stage of their investigation.

#### **Article Eighteen**

The dismissed employee shall receive one-half his salary during any period of dismissal.

#### **Article Nineteen**

1. The temporarily dismissed or permanently removed employee shall not receive any additional compensation from the date of the imposed punishment to its conclusion.
  2. If the employee is punished by a reduction in salary or rank, the payment during the punishment period is pursuant to the reduced amount.
  3. If the result of an investigation or a Court decision releases the employee or punishes him by a sanction not mentioned in Article 19, subsection 2, and then he shall receive one-half of the last salary received before the punishment period began.
  4. If the employee dies before the final decision is issued, one-half the salary of the last salary received before the punishment period began shall devolve to his beneficiary or rightful heir.
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#### **Article Twenty**

**An employee shall not receive more than one punishment per act.**

#### **Article Twenty-One**

- 1. The President, Minister or his authorized official may pardon an employee. If such pardon arrives before a punishment has been imposed, a reinstatement of one month may be granted. If the punishment has already been completed, a reinstatement of up to three months in one year may be granted.**
- 2. If an employee has already been punished, one letter of pardon will cancel an Article 11, Subsection 2, a "Call attention to.."; Two letters of pardon will cancel a warning; Three letters or more of pardon will reduce a period of delayed promotion or for a period of one month per letter, up to a maximum of 3 months in a one year period.**

#### **Article Twenty-Two**

**Editor's Note: *Indiscernible***

#### **Article Twenty-Three**

**A finding of innocent and release of the employee by the Court does not prevent the imposition of any punishment under this law.**

#### **Article Twenty-Four**

**If the Minister, his authorized official or the committee determine the actions of the employee arising from his job or office constitute a crime, he shall be committed to the Court for prosecution.**

#### **Article Twenty-Five**

**Editor's Note: *Indiscernible***

#### **Article Twenty-Six**

**This law is effective 90 days after its publication in the official gazette.**

#### **Epilogue**

**Purpose of this Law is simplify the procedures of discipline and speed the decision making process. Furthermore, the purpose of this law is to limit the Ministers and others from imposing punishments outside the law and to include all state employees under one system of employee discipline.**

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By the name of God in the name of people

Decision number 144

Decision Date

On the Basis of what the national council admit according to the fifty-third of the constitution and the (second) section of the 47 Article from the national council code number SS in 1980 amended. To be based on A Section judgments of the forty-second from the constitution. The national council issued the following code.

The code of state employees and social sector discipline

Article 1

It Means by the including expression in this code, the demonstrated meanings about it.

Firstly: Minister the competent minister considers the chief of unrelated part to the ministry, minister for this code purpose.

Secondly: The head of the department under secretary, governor and general manager or any other employee authorized by the minister competent to impose penalty which is scripted in this code.

Thirdly: employee any person who is in charge of employment in side the minister cadre or unrelated part in this code.

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Fifthly: The investigation committee which the minister of the head of the department formed for the purpose of this code.

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Firstly: This code decision is valid on all state employees and social Sectors.

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Public employment, nation's request and social service, whom does it aim public advantage and service citizen in the sight the valid laws

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  5. Immediate reduction in salary. Written notification to an employee his salary is reduced by not more than 10% from the monthly salary for a period of not less than 6 months and not more than 2 years. An immediate reduction in salary will result in a delay of pay raise and/or promotion for a period of 2 years.
  6. Immediate reduction in rank. Written notification to an employee this sanction will cause:
    - a. Reduction of salary to the minimum level of the rank below. The employee may return to the salary before reduction after a period of 3 years plus the period he held his last salary prior to the reduction.
    - b. Reduction of salary by two ranks below. The employee may return to the salary before reduction after a period of 3 years Plus the period he held his last salary prior to the reduction.
  7. Dismissal from employment for a period limited by the 'dismissal resolution' which shall specifically contain the reasons for dismissal, according as below:
    - a. If an employee is punished with 1 or 2 from the following list, and he commits a 3rd violation within a 5 year period of the first punishment, he will be dismissal for a period of no less than one year and no more than 3 years.
      1. Reprimand
      2. Reduction of Salary
      3. Reduction of Rank
    - b. A dismissed employee who is incarcerated for a crime other than one morality, shall have his time in custody calculated from the date of his dismissal. No salary shall be due him during any period of custody.
  8. Absolute removal from employment by the state, as per decree from the Minister for the following reasons:
    - a. The employee has committed a dangerous act and allowing him to remain an employee of the state would not be in the public's interest.
    - b. The employee has been convicted and sentenced of a crime resulting from an act in his official capacity
    - c. The employee has previously been dismissed and this act constitutes the second dismissal.
-

#### **Article Nine**

- 1. Penalties imposed by Article Eight will delay promotion of the employee.**
- 2. If an employee is subjected to more than one penalty during his service, the delayed promotion is increased by a second step.**

#### **Article Ten**

- 1. The Minister shall appoint a group of experienced individuals to Investigate claims of employee violations of the Code. At least one member of the committee shall be a graduate of law school.**
- 2. The appointed committee shall conduct a written investigation with the right to interview and/or accept the written statement of the accused employee. The committee shall have the right to obtain any necessary document or evidence in the investigation. The committee shall issue a written recommendation clearly setting forth all the information gathered and the basis for its recommendation.**
- 3. If, upon completion of the investigation, the committee has clear and convincing evidence of the employee's wrongdoing, the committee may charge the employee with the crime in Court. The Minister or Director of the office also has the right to interrogate the accused employee and impose any sanction found in subsections 1, 2 and 3 of Article 8.**

#### **Article Eleven**

**Pursuant to the rules of Article Ten:**

- 1. The Minister may impose any sanction listed.**
  - 2. The Chairmen of the committee or an official authorized by the Minister may impose any of the following:**
    - a. Call attention to the employee of the violation**
    - b. Warning**
    - c. Reprimand**
    - d. Discount salary not more than five days**
    - e. Reduction in rank**
  - 3. If the Chairman of the committee or any authorized official imposes sanction pursuant to Subsection 2 above, it must be submitted to the Minister for approval.**
  - 4. A sanction imposed by the Minister, the Chairman of the committee or authorized official is final, except the following:**
    - a. Reprimand**
-

- b. Reduction in salary
- c. Reduction in rank
- d. Dismissal
- e. Absolute removal from employment by the state

5. An employee punished with a sanction listed in number 4 above shall have 30 days, from the date of notification, to file an appeal with the Minister.

#### **Article Twelve**

1. The Minister has the right to impose the sanction of reprimand, salary Reduction, without the action of a committee. The Minister's decision in this case is final and not subject to appeal.
2. If during the Minister's investigation, the committee requests a more harsh punishment than the Minister had enumerated in subsection one above, the decision of the Minister shall be final.

#### **Article Thirteen**

1. The Minister has the authority to drop the penalties imposed pursuant to Article Eight, upon all the following conditions:
  - a. After one year of the punishment
  - b. If the employee has shown good will and distinguished himself
  - c. No additional penalties have been imposed.
2. The removal of the penalty will remove it from the employee's record

#### **Article Fourteen**

1. The President and/or Prime Minister may impose any penalty enumerated when deemed appropriate, with no right of appeal.

### **CHAPTER FOUR**

#### **Article Fifteen**

**Procedures pertaining to objections to imposition of judgments.**

**The committee appointed by the Minister may:**

1. Review the objections filed by the employee pursuant to Article 11, subsection 5 with the right to either certify the punishment or reduce it.
2. The committee must act within the first 30 days of the notification to the Employee of the punishment. The committee may reject the punishment within the first 30 days, otherwise the punishment stands.

3. The employee shall present any objection to the punishment to the Committee within the first 30 days of his notification.
4. A rejected judgment issued by the committee within the first 30 days is final and not subject to appeal.
5. The committee shall take into account the verdict of any felony trial and base its actions accordingly and confidentially.

#### **Article Sixteen**

1. If an employee has been dismissed from his job for a specified period of time, the employee shall not be allowed to return to his job sooner than the completion of the specified period.

#### **Article Seventeen**

1. The Minister and the head of a department have the right to dismiss an employee from his job for a period of not more than 60 days. If it appears the interest of the public would be damaged or an ongoing investigation effected if he returned to the same job at the conclusion of the period of dismissal, then he may be appointed to another job.
2. The committee shall be advised of any dismissal from the job at any stage of their investigation.

#### **Article Eighteen**

The dismissed employee shall receive one-half his salary during any period of dismissal.

#### **Article Nineteen**

1. The temporarily dismissed or permanently removed employee shall not receive any additional compensation from the date of the imposed punishment to its conclusion.
2. If the employee is punished by a reduction in salary or rank, the payment during the punishment period is pursuant to the reduced amount.
3. If the result of an investigation or a Court decision releases the employee or punishes him by a sanction not mentioned in Article 19, subsection 2, and then he shall receive one-half of the last salary received before the punishment period began.
4. If the employee dies before the final decision is issued, one-half the salary of the last salary received before the punishment period began shall devolve to his beneficiary or rightful heir.

## **Article Twenty**

**An employee shall not receive more than one punishment per act.**

## **Article Twenty-One**

- 1. The President, Minister or his authorized official may pardon an employee. If such pardon arrives before a punishment has been imposed, a reinstatement of one month may be granted. If the punishment has already been completed, a reinstatement of up to three months in one year may be granted.**
- 2. If an employee has already been punished, one letter of pardon will cancel an Article 11, Subsection 2, a "Call attention to.."; Two letters of pardon will cancel a warning; Three letters or more of pardon will reduce a period of delayed promotion or for a period of one month per letter, up to a maximum of 3 months in a one year period.**

## **Article Twenty-Two**

**Editor's Note: *Indiscernible***

## **Article Twenty-Three**

**A finding of innocent and release of the employee by the Court does not prevent the imposition of any punishment under this law.**

## **Article Twenty-Four**

**If the Minister, his authorized official or the committee determine the actions of the employee arising from his job or office constitute a crime, he shall be committed to the Court for prosecution.**

## **Article Twenty-Five**

**Editor's Note: *Indiscernible***

## **Article Twenty-Six**

**This law is effective 90 days after its publication in the official gazette.**

## **Epilogue**

**Purpose of this Law is simplify the procedures of discipline and speed the decision making process. Furthermore, the purpose of this law is to limit the Ministers and others from imposing punishments outside the law and to include all state employees under one system of employee discipline.**

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By the name of God in the name of people

Decision number 144

Decision Date

On the Basis of what the national council admit according to the fifty-third of the constitution and the (second) section of the 47 Article from the national council code number SS in 1980 amended. To be based on A Section judgments of the forty-second from the constitution. The national council issued the following code.

The code of state employees and social sector discipline

Article 1

It Means by the including expression in this code, the demonstrated meanings about it.

Firstly: Minister the competent minister considers the chief of unrelated part to the ministry, minister for this code purpose.

Secondly: The head of the department under secretary, governor and general manager or any other employee authorized by the minister competent to impose penalty which is scripted in this code.

Thirdly: employee any person who is in charge of employment in side the minister cadre or unrelated part in this code.

Fourthly: The council public council discipline is formed according to the state council the council N65 in 1979 amended.

Fifthly: The investigation committee which the minister of the head of the department formed for the purpose of this code.

Article 2

Firstly: This code decision is valid on all state employees and social Sectors.

Secondly: Do not submit to this code employed of prudential office and military industry commission, Judges and public allegation numbers except if it finds in their codes text decided to applying his decisions.

## Second Chapter Employee Duties

Article 3

Public employment, nation's request and social service, whom does it aim public advantage and service citizen in the sight the valid laws

#### Article 4

The employee obligate with the following duties

Firstly: Does the work of his employment by himself with faithfulness responsibility

Secondly: Restrict by work appointment and doesn't absence except by a permission and specialized all format time business for work appropriation

Thirdly: Respect his chiefs commitment, polite and courtesy when addresses them and obey their orders which relate to his duty in the bound what codes, systems and instructions Judge, if this order include violation so this employee shall explain to his chief to write that violation and des not obligate execution that orders except if it is curtained by his chief and the chief is responsible of it.

Fourthly: Treated the chiefs in a good way and preserve their dignity.

Fifthly: Respect citizens and facilitate their handling completion.

Sixthly: Observe the states money which is under his disposal and use it in a good way.

Seventhly: Conceal the information and documents which he vies in virtue of office or during it if it is secrecy by its nature and he is afraid of disclosing it detriment to the sate or to the people or issue to him orders from his chief to conceal them and remain this duty in existence until after ending his service and doesn't allow to keep document official submission after retired or ending his service at any how.

Eighthly: Keeping the public employment dignity and avoiding them from all of what touch the needful respect towards it during doing his duty or out of the formal office hours time.

Ninthly: Prevent from the exploitation of his duty to get benefit or a personal profit to himself or to all other people.

Tenthly: Restitution to what is under disposal, instrument or tools to their place when the day of work ending except if the nature of work need other thing.

Eleventh: Observe codes, systems and instructions related to the protection of public health, safety in work and the protection of burning.

Twelfth: Perform the duty of his job according to what the codes systems and instructions decide.

Article 5 The official is forbidden from the following

1. Holding two positions in original characteristic or holding the position or other job save according to the text of the law.

2. Engage commercial business or establish a companies and the membership in it's administrative boards except the following.

A. Buying the shares of the joint stock companies

B. The works which are related to his possessions which devolved him due to inheritance or engage the possessions of his spouse or relatives till the third rank which were devolved to them due to inheritance. The official has to declare his office by this matter in 30 days and them minister have to make him choose between staying in his position and sale theses possessions or leaving the administration on a year from the date of his notification with this matter or between the resignation and the retirement on pension if the notice that this job will effect on the officials duties or it will damage the public interest.

3. Sharing in the bids.

4. Sharing in the auctions which are made by the offices of the state and social sector for selling the movable and unmovable possessions if he was authorized legally to confirm the sale to consider the sale final or if he was a member in the evaluation committees or selling committees or if he made a decision to sale or least these possessions or if he was an official in the public administration or the equivalent authority which the possessions belong to.

5. Usage of the materials, instruments and transports means and the other means which belong to the state and social sector for his private purpose.

6. Usage of any machine, apparatus or any other productions instruments his director didn't charge him to use them.

7. Usage untruly for the working hours and productions means in order to perform his work or the negligence in work which lead to the damages in production, services or properties.

8. Monkey in project or damage its instruments or it's first materials or gadgets or equipments.

9. Reduce the production or damage it intentionally.

10. Delay the performance of his work which causes interruption in the work of the other people.

11. Exact or accept reward or a present or advantage from the people who deals with his office or the employer or the contractors with his office or from anyone having a job relating to the official due to his position.
12. Coming to his office under the influence of drink or appearing in clear drunkenness in a public location.
13. Keeping for his own self the original copy paper of official document or take away this original from safe keeping files in order to use for nonofficial purposes.
14. Declare an announcement or declaration about the works of his office to the mass media with any matter having a direct touch with the work of his position have if he was allowed to do that by permission from his competent manager.

#### Article 6.

1. The official who has a position which lay in the level of the seventh rank or the equivalent among the ranks of the civil service law N024 of the year 1960 or the less ranks, has the right to work out of the official work times for his own work or for the others under the condition of notification his office with the locating and nature of his work annually and not to effect on his official duties.
2. The competent minister, or the one who was grated by him, has the right to permit to the official who are not objected to the text of the first item of this article to work out of the official times for a renovatable year.
3. The following officials are exempt from the text of this article :
  - A. The officials who were appointed according to republic decree.
  - B. The officials of the foreign office
  - C. The agents in the foreign employment

#### Article 7:

If the official violates the duties of his position or make a deed among those which he prevented from he will be punished with the one of the punishment which are provided in this law irrespective of the other procedures which may be done against him according to the laws.

## Chapter 3

### The punishments and it's effects and procedures

Article 8: The punishments which may be enforced upon the official are:

1. Call attention by notifying the official in writing with the violation that he made and asking him to improve his behavior and it may lead to the delay of his promotion or raising for 3 months.

2. Warning by notifying the official in writing with the violation that he made and warn him not to violate his positions duties in the future or it may lead to delay his promotion or raising for six months.

3. Cutting the salary. By cutting the daily fee from the officials salary for a period not more than ten days according to written order containing the discrepancy that the official made and requested the punishment and it may lead to delay the promotion or the raising as the following:

A. Five months in the case of cutting the salary for a period not more that five days.

B. One month for each day in the case of cutting the salary for more than five days.

4. The reproof. By notifying the official in writing with the discrepancy that he made and the reasons which make his manner unsatisfactory and asking him to avoid the discrepancy and improve his behavior. This punishment may cause delay in the promotion or the raising for one year.

5. Reducing the salary. By cutting a sum from officials salary in percentage not more than 10% from the monthly salary for a period not less than 6 months and not more than 2 years in a written order notified the official with the deed that he made this punishment will cause delayed promotion or raising for 2 years.

6. Reducing the rank. By written order in which the official is notified with his deed that he made the sanction will cause:

A. Reducing the salary of the official to the minimum level of the rank which heyond his rank to the official who is objected to the employments laws or regulations, rules or instructions which act according to the system of the financial ranks and promotion. As well as giving him the premium that he had in the rank from which he reduced and he may return to the salary which was given to him before reducing his rank after 3 years from the date of his punishment as well as adding the period of his lat salary before the punishment.

B. Reducing two raisings from the salary and returning to the salary before reducing rank after 3 years from the date of punishment as well as adding the period of his last salary before the punishment to the officials who are objected to the laws or regulations, rules or instructions Which act with the systems of raising every two years.

The dismissal is by removing the employee from his position for a period limited by the dismissal resolution containing the reason on which the punishment is made according to the following procedure:

A. The employee will be dismissed for a period of no more than 3 years and less than one year if he is punished by two or one of the following punishments, and if he commits a mistake for a third time within five years from first punishment he will be punished by one of the following:

1. Reprimand
2. Reduce the salary
3. Reduce the grade

B. The employee dismissed according to his period of remaining in jail if he is charged to be in jail for not an immoral crime according to the date of issue the sentence. His custody period is regarded from the period of his dismissal. The half salary as paid by him will not be obtained during his hand over period.

#### Removal

The removal is made by removing the employee away from his position absolutely and he is not permitted to resume working at any state institutions, socialist sector according to a reasoned decree from the minister in following cases.

- A. If it's proved that he has committed a dangerous action by which keeping his job affects negatively the public interest.
- B. If he is sentenced by a crime committed under his official position
- C. If he dismissed and resumed his work and then he commits an action by which he should be dismissed again.

#### Article 9

1. Penalties imposed in article (8) will delay promotion of the employee.
2. If an employee subjected to more than one penalty during his service the penalty of delayed promotion should be strengthened sanction according to the item.

#### Article 10

1. The minister or the director of the office should appoint a group of experts one of them should be a graduate of law school.

2. The elected committee is responsible to conduct a written investigation with the nominated employee the committee has the right to listen and write down the declaration of the accused the witness and the committee has the right to collect all the documents which related to the case and to write recommendations to clarify in it all the information that the committee gathered.

3. If it is clear for the committee that the government employee is accused of wrong doing or he used position for committing a crime or wrong doing. The committee has the right to charge him and file a court case against him. Exception from the minister or the director of the office has the right after interrogation of the accused the employee and they have the right to impose the sanction which provide item 1, 2, and 3 from Article 8 in this Law.

#### Article 11

According to the rules of article 10 from this law:

1. The minister has the right to impose any sanction for the official who is violated to it's rules.
2. The chief or the authorized official impose any of the punishment as follows:
  - A. Call attention
  - B. Warning
  - C. Reprimand
  - D. Discount salary not more than five days
  - E. Reproof
3. If the committee imposes major sanctions according to item 2 from this article the chief or the authorized official submit it to the minister to look at it.
4. The sanction which is imposed by the minister or the chief or the authorized official final except the following sanctions:
  - A. Reprimand
  - B. Reduce the salary
  - C. Reduce the degree
  - D. Dismissal
  - E. Isolation
5. The official who was punished with one of the punishments which where provided in item (4) from this article objections during thirty days from the notification date with the decision of imposing the sanction.

#### Article 12

1. The minister has the right to impose the sanction of reproof or warning or discount salary to who is accipiter as a general manager when he as done an action opposite: Judgment of law this decision is final.
2. If it appears to the minister during the investigation that the official who objected to the judgment in item 1 from this article and he is requested a strengthened sanction which he's authorized he has to offer the order to ministers council including the suggestion in imposing and of the sanction which proving in the law. The decision from the minister council will be final.

#### Article 13

1. The minister has the power to drop the penalties imposed upon the employee according to Article 8 in this law if the following are applicable:

- A. After one year of the punishment
- B. If the accused showed a good will and distinction in his job
- C. No additional penalty imposed on the employee according to the item 1 in Article 13.

2. The remove penalty will remove it effect

#### Article 14

Final penalties can be imposed by the president and the prime minister to the employee's when ever needed and the penalty is final.

#### Chapter 4

The objection on imposing punishment judgment

The minister council specialize in:

1. Reviewing the objections which mentioned in item no. 5 from Article no (11) of this law. He has the right to decide the certification on the revolutions or reducing the punishment or counseling it according to regular laws.

2. Public discipline council has to reject judgment on the issue judgment which contains the punishment. This has to be within 30 days from the date of informing the employee by the judgment of that punishment. The council should make decision on this rejection within 30 days from the day of presenting it. However the rejection will be refused if the council didn't do so within that period.

3. The objection should be presented to the public discipline council within 30 days from the date of informing the employee by refusing the rejection, truthfully or virtually.

4. An objected judgment which is issued during that mentioned period and the judgment of public discipline council which is issued according to objection results are regarded final decree.

5. Public discipline council has to take in consideration the judgment of the felony trial bases law, which is valid and suitable with judgments of this law and details should be secret.



## The fifth Charity

### Cessation of work (Hand over)

#### Article 16

If functionary stops specialist body the department will stop the functionary from his work all the stopping period.

#### Article 17

First : The minister and the head of the department has the right to hand over the functionary not more than 60 days. If he seems that his staying in the job will be damaged the public interest or effected at the investigation and be returned to his job after ending the mentioned period if there is no prohibition and appoints to another job.

Second: The committee is advised for cessation of work in any stage from investigations stages

#### Article 18

The hand over employee will receive half of his salary during the period of the hand over.

#### Article 19

First: If the functionary is dismissed or isolated he will not receive anything from the stopping salary regardless of his isolation or dismissal is relied to this law or any other law.

Second: If the hand over official has punished by diminishing the salary or reducing his degree sanction be executed from hand over date and pay him the rest of the halves salaries.

Third: If the result of an investigation or of the court is released him or punished him by another sanction not mentioned in item (2) from the article (19) and he will receive his halves stopping salaries.

Fourth: If the hand over employee is dead before issuing the final decision in the investigating or the trial, halves stopping salaries devolve to whom has the right in receiving the retired rights according to civil retirement law or receives by the inheritance.

### Final and public judgment

#### Article 20

According to this law is not allowed to impose more than on sanction at one act.

#### Article 21

Firstly: If the president or minister council or the minister or who is authorized. Thank the employee and is not punished or he is punished and his punishment has executed then he will grant an ancientness for one month for each thanks not more than three months in a year.

Second: If the employee is punished. The letter of thanks will cancel the draw attention punishment and if he got two letters the warning will be cancelled, but if he gets three letters or more the promotion delaying will be reduced a month for each letter of no more than three months per year in case he as got a severe punishment.

#### Article 22

Secondment expiry of employ's work for any reason or transportation will not prohibited his responsibility according to this law.

#### Article 23

An innocent or releasing the employee for what has done and which is committed him to the specialist court will not obstruct to impose one of the sanctions which mentioned in this law.

#### Article 24

If it appears to the minister or the head of the department who is authorized from the minister or the public discipline council that the act or the charge is contained as a crime arises his job or is committed by his official qualification he will be committed to the specialist court.

#### Article 25

Law of the states employee discipline November 69 in 1936 (amended) will council and never work with any provision which is contradicting the judgment of this law.

#### Article 26

This Law will execute after 90 days from the date published in the official gazette.

#### Positive Reasons

For simplifying the procedures of discipline and velocity of the decision and to prohibit the ministers and the head of the office for imposing the sanction to grant the work of the states institution for executing the duty according to the states planning and socialist sector to unite the sanctions and its incite to include the majority of the employee so this law is enacted.

# **The Law of the General Establishment for Social Reformation**

## **Section One**

### **The Aims**

#### **Article -1-**

This law organizes the affairs of the general establishment for social reformation which are renewed according to the Ministry of Labor and Social Affairs law No. 195 for the year 1978, and the general establishment for social reformation is known later on as (The Establishment).

#### **Article - 2 -**

The establishment works on achieving the following aims:

**First:** The evaluation of the inmates and those who are in custody in which the provisions of punishment or the measures of depriving liberation are issued against them from a specialized legal issuing authority by classifying & rehabilitating them according to behavior, profession & education.

**Second:** The making of cultural, national & religious enlightening curricula to educate & enlighten the inmates & those who are in custody according to the aims of the revolution which Al Ba'ath socialist party wants to achieve.

**Third:** Studying the family conditions of the inmates & those who are in custody & to present them (families) help to insure that they don't lean & this is done by cooperating with the public organizations.

**Fourth:** Participating with the other concerned bodies in the measures of protection from making & preventing crimes & the curing of its consequences including the following enlightens.

## **Section Two**

### **The Administration of the Establishment**

#### **Chapter One – The Board**

##### **Branch One**

##### **The Formation of the Council**

#### **Article -3-**

**First:** The board handles the management of the establishment, supervising of its affairs & the forming of its general policy.

**Second:** A. The board is composed of :-

1. The head of the establishment.
2. The general director of the old people reformation office.
3. The general director of the young people reformation office.
4. A representative from the general establishment for occupational labor & training with a position of general director.

5. A representative from the Ministry of Interior with a position not less than general director.
6. A representative from the Ministry of Justice with a position not less than the second class of judges.
7. A representative from the National Center for Criminals & Social Researches with a position not less than a scientific researcher.
8. A representative from the General Union for Iraqi Women.
9. A representative from the General Union for Iraqi Youth.

B. The members of the board referred to in 4, 5, 6,7,8,9, of item A of this article are appointed by an order from the Minister of Labor & Social Affairs according to a condition from the body they represent & for a period of 3 years which can then be renewed.

C. For each original member of the board which is mentioned in 4,5, 6,7,8,9, of item A of this article there must be a substitute member who is appointed for the same period & in the same way who replaces him in his absence.

D. The board can have the help of experts and specialists from outside the establishment as supervisors for the board.

**Three:** The Minister or Deputy Minister of Social Affairs has the right to head the sessions of the board.

## **Branch Two**

### **The Meetings of the Board**

#### **Article -4-**

**First:** The Board meets at least once a month by a call from its head & he may call the board to a meeting within 5 days if three or more of the members were needed.

**Second :** The board is held & its quorum is complete by the attendance of most of the members & the decision are issued by the most attended votes & if the votes are equal then the side in which the head voted for outweighs the other side.

**Third:** If the member did not attend the meetings of the board with a legal excuse for two times accordingly, then the office or the body which he represents must be confirmed, after that the office or body has to take a stance towards this confirmation & then the Minister of Social Affairs has to be informed of the result.

**Fourth:** The board has a secretary that is nominated by the head of the board. His (Her) job is to organize the agenda of the sessions, to fix its ????????? in a special record which is signed by the head & members of the board.

#### **Article -5-**

The decisions of the Board one presented to the Minister to be approved of and if the Minister does not object to the decisions within a period of 10 days from the date of its turning to the Ministry, it is then considered as if it is approved of but if he objects to the decision then the Board has to review it in the light of the Minister's notes, and if the Board insists on its point of view, at that time the Board holds a meeting headed by the

Minster and the decision is taken by the most votes of the board members and then the Board's decision becomes final.

## **Branch Three**

### **The Board's Proper Authorities**

#### **Article -6-**

The Board practices the following proper authority:

**First:** the affirmance of the suitable plans to achieve the aims of the establishment, its detailed projects and the following up of the implementation of the plans rotatively

**Second:** the affirmance of the scientific procedures that are suitable for the developing of the establishments' work.

**Third:** the affirmance of the general policy to rectificate and relabillitate the inmates and those who are in custody.

**Fourth:** the affirmance of the working and training regulations for the inmates and those in custody and to specify their wages.

**Fifth:** the affirmance of the annual balance (budget) project and the final accounts report and to approve of the transference in the same section and to delete or renew the establishment's cadres.

**Sixth:** the agreement on the publishing the reports and researches in the field of social reformation and to reward its doers according to instructions issued for this purpose.

**Seventh:** the agreement on the financial contracts, promises and obligations within the appropriated credits for it in the annual balance (budget) according to the provisions of the law.

**Eighth:** the granting of the monetary and in kind rewards by a suggestion from the head of the establishment for the efficient staffs in the establishment who are creative in doing their jobs or prevent it any harm according to instructions issued by the board for this purpose.

**Ninth:** the specifying of the reward of the experts and specialized persons who are from outside the establishment which the board seeks help from.

**Tenth:** The approval on organizing the training and learning courses for the staffs of the establishment and for sending them outside Iraq for the purposes of learning , training, knowing and for attending conferences, seminars , and symposiums according to the laws.

**Eleventh:** the discussing of the annual comprehensive report which concerns the establishment's work and to send it to the Ministry entailed with the opinions and suggestions which concern the establishment.

**Twelfth:** specifying the shape of the establishment's slogan and the degrees, uniforms and signs of all the staff in the establishment's executive force.

**Thirteenth:** suggesting the regulations and issuing the instructions to whatever the board sees necessary in order to facilitate and organize the work in the establishment.

**Fourteenth:** authorizing the head of the establishment some of its proper authorities.

## **Chapter Two**

### **The Duties and Proper Authorities of the Head of the Establishment**

#### **Article-7-**

The head of the establishment is appointed by a republic decree. He is the highest administrative head in the establishment, its legal representative and the one responsible for expansion in it (the establishment). He undertakes the following competences:

**First:** the implementation of the Board's instructions and decisions.

**Second:** supervising the management of the establishment's affairs and following up its work.

**Third:** the preparing of the annual balance project for the establishment and its cadre to present it to the Board.

**Fourth:** Issuing the suitable administrative instructions to insure that work is progressing in the establishment and to suggest plans that help in developing it.

**Fifth:** presenting the final account of the ending financial year to the Board.

**Sixth:** presenting the board an annual report concerning the whole activities and works of the establishment.

**Seventh:** appointing and promoting the employees and workers of the establishment and granting them the annual allowances and increases. He is also responsible according to the law for their transferring and discipline, for accepting their resignation and to pension them off.

**Eighth:** giving the order for spending within the limits authorized to him by the board.

**Ninth:** authorizing the general directors and employees of the establishment some of his competences.

**Tenth:** The conducting of other works decided to him by this law and the regulations and instructions issued pursuant to it.

## **Section Three**

### **The Divisions of the Establishment**

#### **Article -8-**

**First:** The establishment is composed of the following divisions:

A: The center of the establishment

B: The old people reformation office

C: The young people reformation office

**Second:** Each office of the offices mentioned in item (1) of this article is headed by an employee with a position of general director, has obtained at least a primary college degree and is connected directly with the head of the establishment.

**Third:** The divisions of the establishment and the offices related to it are specified by a specialization system and this system has to be issued in a period not exceeding 6 months from the valid date of this law.

## Section 4

### The Service in the Establishment

#### Article -9-

The service regulation in the Economical Establishment (which is cancelled) is applicable to the staffs of this establishment.

#### Article -10-

Any person appointed as a guard in one of the departments of the social reformation establishment has to have the general conditions which are mentioned in the civil service law, in addition to the following conditions:

**First:** Has to be obtaining a primary school degree or at least a degree that equals it.

**Second:** Has to pass a training course with a continuous period not less than 6 months and which is organized by the establishment.

#### Article -11-

**First:** Anyone accepted in the course mentioned in article (10) of this law is excluded from the obligatory military service.

**Second:** Anyone accepted in the course is given from the date of his joining the course one wage degree higher than the wage degree that he deserves according to his school degree.

**Third:** It is counted for the person who is accepted in the course and who has finished the period of military service, the period of service mentioned for the purposes of allowances, promotion and retirement.

#### Article -12-

The guard is exempted from the duty of obligatory military service if he works in one of the social reformation departments.

#### Article -13-

**First:** The guards and observers of the executive force staff which is subordinate (follows) to the establishment, who actually guard and observe in the social reformation departments are granted monthly allowances with a rate of 100% of the wage.

**Second:** The managers and official reformation departments and their assistants are granted monthly allowance with a rate of 5% of the wage and also clothes allowances amounting to (60) dinars annually.

**Third:** The rest of the workers in the social reformation departments such as administrative accountants and others are granted monthly allowances with a rate of 15% of the wage.

**Fourth:** The staff of the executive force only, such as (guards) are spent a standard soldier's living and an allowance of the amount of (10,500) dinars for others who are working in the social reformation departments.

**Fifth:** The allowances mentioned in the above items are exempted from the provisions of government employees allowance law.

**Sixth:** The allowances concerning those mentioned in the above items are stopped when they are assigned outside the social reformation departments.

**Seventh:** The social researchers working in the establishment who are previously appointed or who are transferred from other offices or who are to be appointed in the future are granted a wage degree higher than the degree they deserve according to their studying degrees who are not included within the resolution of the revolution command council no. 1155 issued in the 6<sup>th</sup> of Sep. 1978.

**Eighth:** Those working in the other social reformation departments who are appointed to other ministries or bodies are granted the allowances mentioned in item 3 of this article.

## **Section 5**

### **Financial Provisions**

Article -14-

All the establishment's properties are public properties which must not be disposed of unless for the purposes of this law & according to its decided regulations & by the instructions issued for it.

Article -15-

The properties of the establishment are composed of:

**First :** Mobile & non mobile properties which are allocated for the benefit of jails according to law no. 151 of the year 1969, & the properties which have come to the establishment according to article 11 of the ministry of labor & social affairs law no. 195 of the year 1978.

**Second:** That which is allocated for the establishment in the general governmental balance (budget) & the annual plan.

**Third:** The profits gained from the service fees which are conducted by the establishment & the value of material which are sold.

**Fourth:** The donations which are granted to the establishment by bodies & personnel according to the provisions of the law.

## **Section Six**

### **Technical Committees**

Article -16 -

A technical committee is formed in each of the old people reformation office & the young people reformation office & also technical committees in the social reformation departments whatever the situation needs. Its way of formation and meeting, the method of work it follows, its specialization & the rewarding of its staff are specialized by instructions issued by the head of the establishment & approved by the board.



Please file <sup>9</sup> "Legal Issues"

## **" Law of The Social Correction" Number (104) in (1981)**

### **First Section**

**Item-1-** This law organize the new affairs of the state establishment for social correction according to the law of ministry of labor and social affairs number (195) in 1978, which is known later (establishment).

**Item-2-** The establishment seeks to achieve the following aims:

1. Correct of straighten the detainees and the inmates who are convicted with penalties or free restricted measures by a specialized authority to classify them and rehabilitation them educationally, vocationally and behavioral.
2. Set the cultural, national, patriotic and religious curricula to calculate and cultured the detainees and inmates to harmonize with the aims of Al-Ba'ath Party revolution.
3. Trying to study the conditions of the detainees families and give them the necessary assistance to ensure that they will not be delinquency.
4. Contributing with other concerning sides to prevent the crime and treating its effect including the next care.

### **Section 7**

#### **"The affairs of detained and inmates" "Classification"**

- Item-17-1.** Each department of the social correction must have a reception and classification center
2. The interview of inmates and detainees must be at the reception center when they enter one of the social correction departments to inform them with their rights and their duties in the department.
  3. The medical, social and psychological checking on the inmates must be carry as a maximum during two months of their coming inside the correction center.
  - 4- Each inmates must informed with the rules and programs prepared to him when he enter the correction center.

②

## **Chapter 2**

### **“Rights of Inmate and Detainees”**

#### ***Branch 1***

#### ***“Working”***

***Item-18-*** Each inmates has the right to work within his ability and qualification and according to the available resources in order to make him qualified to make his own living after his period of convection.

***Item-19-*** The work must be part of the sentence and not as a penalty itself.

***Item-20-*** The Circumstances of the work inside the correction center must be the same as outside as for machines and instrument.

***Item-21-*** The medical and vocational safety means must be available inside the working shop of the correction center.

***Item-22-*** According to regulations issued by the council of the establishment the salaries of inmates and detainees must defined.

#### ***Branch 2***

***Item-23-*** The inmates and detainees have the right in education and continuing their study their period of sentence.

***Item-25-*** The certification that may the inmates or detainees got inside the correction center must not mention that because he got it inside the correction center.

***Item-26-*** Some of the religious qualified and well trained persons must be appoint at the correction center.

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### ***Branch 3***

#### ***"Visiting"***

***Item-28-*** The inmate has the right to receive his visitors according to the issued regulation and instructions of the correction center.

***Item-29-*** If the inmate proved any improvement in study or he has good conduct so he must be rewarded by raising his times of visits.

***Item-30-*** Visits will be according to the instruction and regulations.

***Item-31-*** No inmate or detainee will prevent from paying visit for more than one month without the consent of G.M. or for three months in any case.

### ***Branch 4***

#### ***"Medical Care"***

***Item-32-A.*** The medical conditions must be available at the department of social correction concerning cleaning, ventilation, lighting and air condition.

B. The food must be healthy and enough with a good quality.

***Item-33-*** The free medical care must be available.

***Item-34-*** The ministry of health have to establish a medical center in each department to take care of all detainees and inmates.

### ***Branch 5***

#### ***"Home Leave"***

***Item-35-*** The G.M. of the adult's reformatory has the right to give the Iraqi detainee or inmate a five days vacation except the travel day one every three months according to the following conditions:

1. The inmate must not be convicted with state security crime.
2. He must spent quarter of his sentence period with minimizations and conditioned release period but not less than one year.
3. He must has a good conduct and good reputation.
4. His life must be safe and there is no dangerous on himself during the vacation.

**Item-36-** If the inmate who finished his vacation be late in his home for more than three days after he finished his vacation for a reasonable cause decided by the G.M. then it will be added to his period of sentence and if the G.M consider it illegal reason so, he will be deprived from this vacation and the delay period will be added to his sentence.

**Item-38-A.** The G.M. of juveniles reformatory office has the right to give the home leave for the inmates of detainees but not more than ten days excluding traveling days twice a year, according to the instructions and regulation.

B. The G.M of adults reformatory office has the right to give this variation according a recommendation from the technical committee.

### ***Branch 6***

### ***"Another Rights"***

**Item-39-** The inmate or detainee has the right to read papers, magazines and books which are allowed in Iraq.

**Item-40-** The inmate or detainee has the right to submit complains to the G.M. concerning his abuse or mistreatment, and the G.M. has to reply during seven days.

## **Chapter 3**

## **"Inmates and Detainees Discipline"**

**Item-43-A.** The G.M. has the right to authorize the directors of the departments to impose the disciplinary penalties when he contravenes the regulations and instructions and the following penalties will impose if he does:

1. Exclude the inmate of detainee from the sport activities.
  2. Prevents him from correspondence.
  3. Prevents him to bye anything he want.
  4. Stop visits.
  5. Put him in isolated cell and prevent him to enter the food he wants except the food recommended by the department.
- B. The penalty must not be longer than three months.

**Item-44-** Both G.M. of adults and juveniles reformatory have the right to reduce the penalty duration, when the inmate or detainee proved good conduct.



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***Item-45-*** The technical committee has the right to suggest rewards for those inmates who proved improvement in work or study.

## **Section 8**

### **Final Provisions**

#### **Article 46**

The observative forces personnel may use force without using weapons without an order from competent authorities in the following cases:

**First:** Legal self-defense or inmate chase out if attempted flexing.

**Second:** In defense of social reformation departments.

**Third:** In defense of establishment employees in their offices while being there.

**Fourth:** in defense of inmates.

#### **Article 47**

The following materials are prohibited from admitting in to social reform department:

**First:** Drugs, Alcohol drinks of all kinds.

**Second:** Forbidden recording tapes.

**Third:** Currency and necklaces or ornaments.

**Fourth:** Books, Newspapers, Bulletins.

**Fifth:** Fire and wounding instruments.

#### **Article 48**

The competent court must impose a penalty judgment or freedom restriction procedure and escort the sentenced one by custody warrant or detention one to adult reformatory office or juvenile one.

#### **Article 49**

Regulations relevant to every department of social reformation should determine all issues pertaining to inmates.

#### **Article 50**

Descriptions of observative force:

Uniform affiliated to the establishment, as far as number of uniforms usually allocated to every one is concerned, by instructions issued by this establishment.

### **Article 51**

Any provisions contractory to provisions of this law will be invalid.

### **Article 52**

Prison's commission law no. 151 of 1969 shall be abrogated as well as to resolutions of revolutionary command council no.

# **LAW OF ADMINISTRATION FOR THE STATE OF IRAQ FOR THE TRANSITIONAL PERIOD**

**8 March 2004**

## **PREAMBLE**

The people of Iraq, striving to reclaim their freedom, which was usurped by the previous tyrannical regime, rejecting violence and coercion in all their forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law.

These people, affirming today their respect for international law, especially having been amongst the founders of the United Nations, working to reclaim their legitimate place among nations, have endeavoured at the same time to preserve the unity of their homeland in a spirit of fraternity and solidarity in order to draw the features of the future new Iraq, and to establish the mechanisms aiming, amongst other aims, to erase the effects of racist and sectarian policies and practices.

This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being.

## **CHAPTER ONE – FUNDAMENTAL PRINCIPLES**

### **Article 1.**

- (A) This Law shall be called the “Law of Administration for the State of Iraq for the Transitional Period,” and the phrase “this Law” wherever it appears in this legislation shall mean the “Law of Administration for the State of Iraq for the Transitional Period.”
- (B) Gender-specific language shall apply equally to male and female.
- (C) The Preamble to this Law is an integral part of this Law.

### **Article 2.**

- (A) The term “transitional period” shall refer to the period beginning on 30 June 2004 and lasting until the formation of an elected Iraqi government pursuant to a



permanent constitution as set forth in this Law, which in any case shall be no later than 31 December 2005, unless the provisions of Article 61 are applied.

- (B) The transitional period shall consist of two phases.
  - (1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This government shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations. This government shall exercise authority in accordance with this Law, including the fundamental principles and rights specified herein, and with an annex that shall be agreed upon and issued before the beginning of the transitional period and that shall be an integral part of this Law.
  - (2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held as stipulated in this Law, provided that, if possible, these elections are not delayed beyond 31 December 2004, and, in any event, beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent constitution.

### **Article 3.**

- (A) This Law is the Supreme Law of the land and shall be binding in all parts of Iraq without exception. No amendment to this Law may be made except by a three-fourths majority of the members of the National Assembly and the unanimous approval of the Presidency Council. Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.
- (B) Any legal provision that conflicts with this Law is null and void.
- (C) This Law shall cease to have effect upon the formation of an elected government pursuant to a permanent constitution.

### **Article 4.**

The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments,

governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

**Article 5.**

The Iraqi Armed Forces shall be subject to the civilian control of the Iraqi Transitional Government, in accordance with the contents of Chapters Three and Five of this Law.

**Article 6.**

The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

**Article 7.**

- (A) Islam is the official religion of the State and is to be considered a source of legislation. No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period. This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice.
- (B) Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation.

**Article 8.**

The flag, anthem, and emblem of the State shall be fixed by law.

**Article 9.**

The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, shall be guaranteed. The scope of the term "official language" and the means of applying the provisions of this Article shall be defined by law and shall include:

- (1) Publication of the official gazette, in the two languages;

- (2) Speech and expression in official settings, such as the National Assembly, the Council of Ministers, courts, and official conferences, in either of the two languages;
- (3) Recognition and publication of official documents and correspondence in the two languages;
- (4) Opening schools that teach in the two languages, in accordance with educational guidelines;
- (5) Use of both languages in any other settings enjoined by the principle of equality (such as bank notes, passports, and stamps);
- (6) Use of both languages in the federal institutions and agencies in the Kurdistan region.

## **CHAPTER TWO – FUNDAMENTAL RIGHTS**

### **Article 10.**

As an expression of the free will and sovereignty of the Iraqi people, their representatives shall form the governmental structures of the State of Iraq. The Iraqi Transitional Government and the governments of the regions, governorates, municipalities, and local administrations shall respect the rights of the Iraqi people, including those rights cited in this Chapter.

### **Article 11.**

- (A) Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State.
- (B) No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted.
- (C) Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose citizenship was withdrawn because he acquired another citizenship shall be deemed an Iraqi.
- (D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.

- (E) Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annulled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi.
- (F) The National Assembly must issue laws pertaining to citizenship and naturalization consistent with the provisions of this Law
- (G) The Courts shall examine all disputes arising from the application of the provisions relating to citizenship.

#### **Article 12.**

All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

#### **Article 13.**

- (A) Public and private freedoms shall be protected.
- (B) The right of free expression shall be protected.
- (C) The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed.
- (D) Each Iraqi has the right of free movement in all parts of Iraq and the right to travel abroad and return freely.
- (E) Each Iraqi has the right to demonstrate and strike peaceably in accordance with the law.
- (F) Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice. Coercion in such matters shall be prohibited.
- (G) Slavery, the slave trade, forced labor, and involuntary servitude with or without pay, shall be forbidden.
- (H) Each Iraqi has the right to privacy.

#### **Article 14.**

The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.

**Article 15.**

- (A) No civil law shall have retroactive effect unless the law so stipulates. There shall be neither a crime, nor punishment, except by law in effect at the time the crime is committed.
- (B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness would render him liable to punishment. Extreme exigent circumstances, as determined by a court of competent jurisdiction, may justify a warrantless search, but such exigencies shall be narrowly construed. In the event that a warrantless search is carried out in the absence of an extreme exigent circumstance, the evidence so seized, and any other evidence found derivatively from such search, shall be inadmissible in connection with a criminal charge, unless the court determines that the person who carried out the warrantless search believed reasonably and in good faith that the search was in accordance with the law.
- (C) No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs.
- (D) All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay.
- (E) The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. At the time a person is arrested, he must be notified of these rights.
- (F) The right to a fair, speedy, and open trial shall be guaranteed.

- (G) Every person deprived of his liberty by arrest or detention shall have the right of recourse to a court to determine the legality of his arrest or detention without delay and to order his release if this occurred in an illegal manner.
- (H) After being found innocent of a charge, an accused may not be tried once again on the same charge.
- (I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.
- (J) Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise.

#### **Article 16.**

- (A) Public property is sacrosanct, and its protection is the duty of every citizen.
- (B) The right to private property shall be protected, and no one may be prevented from disposing of his property except within the limits of law. No one shall be deprived of his property except by eminent domain, in circumstances and in the manner set forth in law, and on condition that he is paid just and timely compensation.
- (C) Each Iraqi citizen shall have the full and unfettered right to own real property in all parts of Iraq without restriction.

#### **Article 17.**

It shall not be permitted to possess, bear, buy, or sell arms except on licensure issued in accordance with the law.

#### **Article 18.**

There shall be no taxation or fee except by law.

#### **Article 19.**

No political refugee who has been granted asylum pursuant to applicable law may be surrendered or returned forcibly to the country from which he fled.

#### **Article 20.**

- (A) Every Iraqi who fulfills the conditions stipulated in the electoral law has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections.
- (B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

#### **Article 21.**

Neither the Iraqi Transitional Government nor the governments and administrations of the regions, governorates, and municipalities, nor local administrations may interfere with the right of the Iraqi people to develop the institutions of civil society, whether in cooperation with international civil society organizations or otherwise.

#### **Article 22.**

If, in the course of his work, an official of any government office, whether in the federal government, the regional governments, the governorate and municipal administrations, or the local administrations, deprives an individual or a group of the rights guaranteed by this Law or any other Iraqi laws in force, this individual or group shall have the right to maintain a cause of action against that employee to seek compensation for the damages caused by such deprivation, to vindicate his rights, and to seek any other legal measure. If the court decides that the official had acted with a sufficient degree of good faith and in the belief that his actions were consistent with the law, then he is not required to pay compensation.

#### **Article 23.**

The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.

### **CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT**

#### **Article 24.**

- (A) The Iraqi Transitional Government, which is also referred to in this Law as the federal government, shall consist of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and the judicial authority.

- (B) The three authorities, legislative, executive, and judicial, shall be separate and independent of one another.
- (C) No official or employee of the Iraqi Transitional Government shall enjoy immunity for criminal acts committed while in office.

**Article 25.**

The Iraqi Transitional Government shall have exclusive competence in the following matters:

- (A) Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; formulating foreign economic and trade policy and sovereign debt policies;
- (B) Formulating and executing national security policy, including creating and maintaining armed forces to secure, protect, and guarantee the security of the country's borders and to defend Iraq;
- (C) Formulating fiscal policy, issuing currency, regulating customs, regulating commercial policy across regional and governorate boundaries in Iraq, drawing up the national budget of the State, formulating monetary policy, and establishing and administering a central bank;
- (D) Regulating weights and measures and formulating a general policy on wages;
- (E) Managing the natural resources of Iraq, which belongs to all the people of all the regions and governorates of Iraq, in consultation with the governments of the regions and the administrations of the governorates, and distributing the revenues resulting from their sale through the national budget in an equitable manner proportional to the distribution of population throughout the country, and with due regard for areas that were unjustly deprived of these revenues by the previous regime, for dealing with their situations in a positive way, for their needs, and for the degree of development of the different areas of the country;
- (F) Regulating Iraqi citizenship, immigration, and asylum; and
- (G) Regulating telecommunications policy.

**Article 26.**

- (A) Except as otherwise provided in this Law, the laws in force in Iraq on 30 June 2004 shall remain in effect unless and until rescinded or amended by the Iraqi Transitional Government in accordance with this Law.



- (B) Legislation issued by the federal legislative authority shall supersede any other legislation issued by any other legislative authority in the event that they contradict each other, except as provided in Article 54(B).
- (C) The laws, regulations, orders, and directives issued by the Coalition Provisional Authority pursuant to its authority under international law shall remain in force until rescinded or amended by legislation duly enacted and having the force of law.

**Article 27.**

- (A) The Iraqi Armed Forces shall consist of the active and reserve units, and elements thereof. The purpose of these forces is the defense of Iraq.
- (B) Armed forces and militias not under the command structure of the Iraqi Transitional Government are prohibited, except as provided by federal law.
- (C) The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any offices or organizations subordinate to it, may not stand for election to political office, campaign for candidates, or participate in other activities forbidden by Ministry of Defense regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to vote in elections.
- (D) The Iraqi Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate pursuant to law and in accordance with recognized principles of human rights.
- (E) The Iraqi Transitional Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

**Article 28.**

- (A) Members of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and judges and justices of the courts may not be appointed to any other position in or out of government. Any member of the National Assembly who becomes a member of the Presidency Council or Council of

Ministers shall be deemed to have resigned his membership in the National Assembly.

- (B) In no event may a member of the armed forces be a member of the National Assembly, minister, Prime Minister, or member of the Presidency Council unless the individual has resigned his commission or rank, or retired from duty at least eighteen months prior to serving.

#### **Article 29.**

Upon the assumption of full authority by the Iraqi Interim Government in accordance with Article 2(B)(1), above, the Coalition Provisional Authority shall be dissolved and the work of the Governing Council shall come to an end.

### **CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY**

#### **Article 30.**

- (A) During the transitional period, the State of Iraq shall have a legislative authority known as the National Assembly. Its principal mission shall be to legislate and exercise oversight over the work of the executive authority.
- (B) Laws shall be issued in the name of the people of Iraq. Laws, regulations, and directives related to them shall be published in the official gazette and shall take effect as of the date of their publication, unless they stipulate otherwise.
- (C) The National Assembly shall be elected in accordance with an electoral law and a political parties law. The electoral law shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly and of having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others.
- (D) Elections for the National Assembly shall take place by 31 December 2004 if possible, and in any case no later than by 31 January 2005.

#### **Article 31.**

- (A) The National Assembly shall consist of 275 members. It shall enact a law dealing with the replacement of its members in the event of resignation, removal, or death.
- (B) A nominee to the National Assembly must fulfill the following conditions:

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- (1) He shall be an Iraqi no less than 30 years of age.
  - (2) He shall not have been a member of the dissolved Ba'ath Party with the rank of Division Member or higher, unless exempted pursuant to the applicable legal rules.
  - (3) If he was once a member of the dissolved Ba'ath Party with the rank of Full Member, he shall be required to sign a document renouncing the Ba'ath Party and disavowing all of his past links with it before becoming eligible to be a candidate, as well as to swear that he no longer has any dealings or connection with Ba'ath Party organizations. If it is established in court that he lied or fabricated on this score, he shall lose his seat in the National Assembly.
  - (4) He shall not have been a member of the former agencies of repression and shall not have contributed to or participated in the persecution of citizens.
  - (5) He shall not have enriched himself in an illegitimate manner at the expense of the homeland and public finance.
  - (6) He shall not have been convicted of a crime involving moral turpitude and shall have a good reputation.
  - (7) He shall have at least a secondary school diploma, or equivalent
  - (8) He shall not be a member of the armed forces at the time of his nomination.

**Article 32.**

- (A) The National Assembly shall draw up its own internal procedures, and it shall sit in public session unless circumstances require otherwise, consistent with its internal procedures. The first session of the Assembly shall be chaired by its oldest member.
- (B) The National Assembly shall elect, from its own members, a president and two deputy presidents of the National Assembly. The president of the National Assembly shall be the individual who receives the greatest number of votes for that office; the first deputy president the next highest; and the second deputy president the next. The president of the National Assembly may vote on an issue, but may not participate in the debates, unless he temporarily steps out of the chair immediately prior to addressing the issue.
- (C) A bill shall not be voted upon by the National Assembly unless it has been read twice at a regular session of the Assembly, on condition that at least two days intervene

between the two readings, and after the bill has been placed on the agenda of the session at least four days prior to the vote.

**Article 33.**

- (A) Meetings of the National Assembly shall be public, and transcripts of its meetings shall be recorded and published. The vote of every member of the National Assembly shall be recorded and made public. Decisions in the National Assembly shall be taken by simple majority unless this Law stipulates otherwise.
- (B) The National Assembly must examine bills proposed by the Council of Ministers, including budget bills.
- (C) Only the Council of Ministers shall have the right to present a proposed national budget. The National Assembly has the right to reallocate proposed spending and to reduce the total amounts in the general budget. It also has the right to propose an increase in the overall amount of expenditures to the Council of Ministers if necessary.
- (D) Members of the National Assembly shall have the right to propose bills, consistent with the internal procedures that drawn up by the Assembly.
- (E) The Iraqi Armed Forces may not be dispatched outside Iraq even for the purpose of defending against foreign aggression except with the approval of the National Assembly and upon the request of the Presidency Council.
- (F) Only the National Assembly shall have the power to ratify international treaties and agreements.
- (G) The oversight function performed by the National Assembly and its committees shall include the right of interpellation of executive officials, including members of the Presidency Council, the Council of Ministers, including the Prime Minister, and any less senior official of the executive authority. This shall encompass the right to investigate, request information, and issue subpoenas for persons to appear before them.

**Article 34.**

Each member of the National Assembly shall enjoy immunity for statements made while the Assembly is in session, and the member may not be sued before the courts for such. A member may not be placed under arrest during a session of the National Assembly, unless the member is accused of a crime and the National Assembly agrees to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

## CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY

### Article 35.

The executive authority during the transitional period shall consist of the Presidency Council, the Council of Ministers, and its presiding Prime Minister.

### Article 36.

- (A) The National Assembly shall elect a President of the State and two Deputies. They shall form the Presidency Council, the function of which will be to represent the sovereignty of Iraq and oversee the higher affairs of the country. The election of the Presidency Council shall take place on the basis of a single list and by a two-thirds majority of the members' votes. The National Assembly has the power to remove any member of the Presidency Council of the State for incompetence or lack of integrity by a three-fourths majority of its members' votes. In the event of a vacancy in the Presidency Council, the National Assembly shall, by a vote of two-thirds of its members, elect a replacement to fill the vacancy.
- (B) It is a prerequisite for a member of the Presidency Council to fulfill the same conditions as the members of the National Assembly, with the following observations:
  - (1) He must be at least forty years of age.
  - (2) He must possess a good reputation, integrity, and rectitude.
  - (3) If he was a member of the dissolved Ba'ath Party, he must have left the dissolved Party at least ten years before its fall.
  - (4) He must not have participated in repressing the *intifada* of 1991 or the Anfal campaign and must not have committed a crime against the Iraqi people.
- (C) The Presidency Council shall take its decisions unanimously, and its members may not deputize others as proxies.

### Article 37.

The Presidency Council may veto any legislation passed by the National Assembly, on condition that this be done within fifteen days after the Presidency Council is notified by the president of the National Assembly of the passage of such legislation. In the event of a veto, the

legislation shall be returned to the National Assembly, which has the right to pass the legislation again by a two-thirds majority not subject to veto within a period not to exceed thirty days.

**Article 38.**

- (A) The Presidency Council shall name a Prime Minister unanimously, as well as the members of the Council of Ministers upon the recommendation of the Prime Minister. The Prime Minister and Council of Ministers shall then seek to obtain a vote of confidence by simple majority from the National Assembly prior to commencing their work as a government. The Presidency Council must agree on a candidate for the post of Prime Minister within two weeks. In the event that it fails to do so, the responsibility of naming the Prime Minister reverts to the National Assembly. In that event, the National Assembly must confirm the nomination by a two-thirds majority. If the Prime Minister is unable to nominate his Council of Ministers within one month, the Presidency Council shall name another Prime Minister.
- (B) The qualifications for Prime Minister must be the same as for the members of the Presidency Council except that his age must not be less than 35 years upon his taking office.

**Article 39.**

- (A) The Council of Ministers shall, with the approval of the Presidency Council, appoint representatives to negotiate the conclusion of international treaties and agreements. The Presidency Council shall recommend passage of a law by the National Assembly to ratify such treaties and agreements.
- (B) The Presidency Council shall carry out the function of commander-in-chief of the Iraqi Armed Forces only for ceremonial and protocol purposes. It shall have no command authority. It shall have the right to be briefed, to inquire, and to advise. Operationally, national command authority on military matters shall flow from the Prime Minister to the Minister of Defense to the military chain of command of the Iraqi Armed Forces.
- (C) The Presidency Council shall, as more fully set forth in Chapter Six, below, appoint, upon recommendation of the Higher Juridical Council, the Presiding Judge and members of the Federal Supreme Court.
- (D) The Council of Ministers shall appoint the Director-General of the Iraqi National Intelligence Service, as well as officers of the Iraqi Armed Forces at the rank of general or above. Such appointments shall be subject to confirmation by the National Assembly by simple majority of those of its members present.

**Article 40.**

- (A) The Prime Minister and the ministers shall be responsible before the National Assembly, and this Assembly shall have the right to withdraw its confidence either in the Prime Minister or in the ministers collectively or individually. In the event that confidence in the Prime Minister is withdrawn, the entire Council of Ministers shall be dissolved, and Article 40(B), below, shall become operative.
- (B) In the event of a vote of no confidence with respect to the entire Council of Ministers, the Prime Minister and Council of Ministers shall remain in office to carry out their functions for a period not to exceed thirty days, until the formation of a new Council of Ministers, consistent with Article 38, above.

**Article 41.**

The Prime Minister shall have day-to-day responsibility for the management of the government, and he may dismiss ministers with the approval of a simple majority of the National Assembly. The Presidency Council may, upon the recommendation of the Commission on Public Integrity after the exercise of due process, dismiss the Prime Minister or the ministers.

**Article 42.**

The Council of Ministers shall draw up rules of procedure for its work and issue the regulations and directives necessary to enforce the laws. It also has the right to propose bills to the National Assembly. Each ministry has the right, within its competence, to nominate deputy ministers, ambassadors, and other employees of special grade. After the Council of Ministers approves these nominations, they shall be submitted to the Presidency Council for ratification. All decisions of the Council of Ministers shall be taken by simple majority of those of its members present.

**CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY**

**Article 43.**

- (A) The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the accused pursuant to law, without interference from the legislative or executive authorities.
- (B) All judges sitting in their respective courts as of 1 July 2004 will continue in office thereafter, unless removed from office pursuant to this Law.

- (C) The National Assembly shall establish an independent and adequate budget for the judiciary.
- (D) Federal courts shall adjudicate matters that arise from the application of federal laws. The establishment of these courts shall be within the exclusive competence of the federal government. The establishment of these courts in the regions shall be in consultation with the presidents of the judicial councils in the regions, and priority in appointing or transferring judges to these courts shall be given to judges resident in the region.

**Article 44.**

- (A) A court called the Federal Supreme Court shall be constituted by law in Iraq.
- (B) The jurisdiction of the Federal Supreme Court shall be as follows:
  - (1) Original and exclusive jurisdiction in legal proceedings between the Iraqi Transitional Government and the regional governments, governorate and municipal administrations, and local administrations.
  - (2) Original and exclusive jurisdiction, on the basis of a complaint from a claimant or a referral from another court, to review claims that a law, regulation, or directive issued by the federal or regional governments, the governorate or municipal administrations, or local administrations is inconsistent with this Law.
  - (3) Ordinary appellate jurisdiction of the Federal Supreme Court shall be defined by federal law.
- (C) Should the Federal Supreme Court rule that a challenged law, regulation, directive, or measure is inconsistent with this Law, it shall be deemed null and void.
- (D) The Federal Supreme Court shall create and publish regulations regarding the procedures required to bring claims and to permit attorneys to practice before it. It shall take its decisions by simple majority, except decisions with regard to the proceedings stipulated in Article 44(B)(1), which must be by a two-thirds majority. Decisions shall be binding. The Court shall have full powers to enforce its decisions, including the power to issue citations for contempt of court and the measures that flow from this.
- (E) The Federal Supreme Court shall consist of nine members. The Higher Juridical Council shall, in consultation with the regional judicial councils, initially nominate



no less than eighteen and up to twenty-seven individuals to fill the initial vacancies in the aforementioned Court. It will follow the same procedure thereafter, nominating three members for each subsequent vacancy that occurs by reason of death, resignation, or removal. The Presidency Council shall appoint the members of this Court and name one of them as its Presiding Judge. In the event an appointment is rejected, the Higher Juridical Council shall nominate a new group of three candidates.

#### **Article 45.**

A Higher Juridical Council shall be established and assume the role of the Council of Judges. The Higher Juridical Council shall supervise the federal judiciary and shall administer its budget. This Council shall be composed of the Presiding Judge of the Federal Supreme Court, the presiding judge and deputy presiding judges of the federal Court of Cassation, the presiding judges of the federal Courts of Appeal, and the presiding judge and two deputy presiding judges of each regional court of cassation. The Presiding Judge of the Federal Supreme Court shall preside over the Higher Juridical Council. In his absence, the presiding judge of the federal Court of Cassation shall preside over the Council.

#### **Article 46.**

- (A) The federal judicial branch shall include existing courts outside the Kurdistan region, including courts of first instance; the Central Criminal Court of Iraq; Courts of Appeal; and the Court of Cassation, which shall be the court of last resort except as provided in Article 44 of this Law. Additional federal courts may be established by law. The appointment of judges for these courts shall be made by the Higher Juridical Council. This Law preserves the qualifications necessary for the appointment of judges, as defined by law.
- (B) The decisions of regional and local courts, including the courts of the Kurdistan region, shall be final, but shall be subject to review by the federal judiciary if they conflict with this Law or any federal law. Procedures for such review shall be defined by law.

#### **Article 47.**

No judge or member of the Higher Juridical Council may be removed unless he is convicted of a crime involving moral turpitude or corruption or suffers permanent incapacity. Removal shall be on the recommendation of the Higher Juridical Council, by a decision of the Council of Ministers, and with the approval of the Presidency Council. Removal shall be executed immediately after issuance of this approval. A judge who has been accused of such a crime as cited above shall be suspended from his work in the judiciary until such time as the case arising from what is cited in this

Article is adjudicated. No judge may have his salary reduced or suspended for any reason during his period of service.

## **CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS**

### **Article 48.**

- (A) The statute establishing the Iraqi Special Tribunal issued on 10 December 2003 is confirmed. That statute exclusively defines its jurisdiction and procedures, notwithstanding the provisions of this Law.
- (B) No other court shall have jurisdiction to examine cases within the competence of the Iraqi Special Tribunal, except to the extent provided by its founding statute.
- (C) The judges of the Iraqi Special Tribunal shall be appointed in accordance with the provisions of its founding statute.

### **Article 49.**

- (A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below.
- (B) The method of appointment to the national commissions shall be in accordance with law.

### **Article 50.**

The Iraqi Transitional Government shall establish a National Commission for Human Rights for the purpose of executing the commitments relative to the rights set forth in this Law and to examine complaints pertaining to violations of human rights. The Commission shall be established in accordance with the Paris Principles issued by the United Nations on the responsibilities of national institutions. This Commission shall include an Office of the Ombudsman to inquire into complaints. This office shall have the power to investigate, on its own initiative or on the basis of a complaint submitted to it, any allegation that the conduct of the governmental authorities is arbitrary or contrary to law.

### **Article 51.**

No member of the Iraqi Special Tribunal or of any commission established by the federal government may be employed in any other capacity in or out of government. This prohibition is valid without limitation, whether it be within the executive, legislative, or judicial authority of the Iraqi Transitional Government. Members of the Special Tribunal may, however, suspend their employment in other agencies while they serve on the aforementioned Tribunal.

## **CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES**

### **Article 52.**

The design of the federal system in Iraq shall be established in such a way as to prevent the concentration of power in the federal government that allowed the continuation of decades of tyranny and oppression under the previous regime. This system shall encourage the exercise of local authority by local officials in every region and governorate, thereby creating a united Iraq in which every citizen actively participates in governmental affairs, secure in his rights and free of domination.

### **Article 53.**

- (A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. The term “Kurdistan Regional Government” shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.
- (B) The boundaries of the eighteen governorates shall remain without change during the transitional period.
- (C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.
- (D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.

### **Article 54.**

- (A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.
- (B) With regard to the application of federal laws in the Kurdistan region, the Kurdistan National Assembly shall be permitted to amend the application of any such law within the Kurdistan region, but only to the extent that this relates to matters that are not within the provisions of Articles 25 and 43(D) of this Law and that fall within the exclusive competence of the federal government.

#### Article 55.

- (A) Each governorate shall have the right to form a Governorate Council, name a Governor, and form municipal and local councils. No member of any regional government, governor, or member of any governorate, municipal, or local council may be dismissed by the federal government or any official thereof, except upon conviction of a crime by a court of competent jurisdiction as provided by law. No regional government may dismiss a Governor or member or members of any governorate, municipal, or local council. No Governor or member of any Governorate, municipal, or local council shall be subject to the control of the federal government except to the extent that the matter relates to the competences set forth in Article 25 and 43(D), above.
- (B) Each Governor and member of each Governorate Council who holds office as of 1 July 2004, in accordance with the law on local government that shall be issued, shall remain in place until such time as free, direct, and full elections, conducted pursuant to law, are held, or, unless, prior to that time, he voluntarily gives up his position, is removed upon his conviction for a crime involving moral turpitude or related to corruption, or upon being stricken with permanent incapacity, or is dismissed in accordance with the law cited above. When a governor, mayor, or member of a council is dismissed, the relevant council may receive applications from any eligible resident of the governorate to fill the position. Eligibility requirements shall be the same as those set forth in Article 31 for membership in the National Assembly. The new candidate must receive a majority vote of the council to assume the vacant seat.

#### Article 56.

- (A) The Governorate Councils shall assist the federal government in the coordination of federal ministry operations within the governorate, including the review of annual ministry plans and budgets with regard to activities in the governorate. Governorate Councils shall be funded from the general budget of the State, and these Councils shall also have the authority to increase their revenues independently by imposing taxes and fees; to organize the operations of the Governorate administration; to initiate and implement province-level projects alone or in partnership with international, and non-governmental organizations; and to conduct other activities insofar as is consistent with federal laws.
- (B) The *Qada'* and *Nahiya* councils and other relevant councils shall assist in the performance of federal responsibilities and the delivery of public services by reviewing local ministry plans in the afore-mentioned places; ensuring that they respond properly to local needs and interests; identifying local budgetary requirements through the national budgeting procedures; and collecting and retaining local revenues, taxes, and fees; organizing the operations of the local administration; initiating and implementing local projects alone or in conjunction with international, and non-governmental organizations; and conducting other activities consistent with applicable law.
- (C) Where practicable, the federal government shall take measures to devolve additional functions to local, governorate, and regional administrations, in a methodical way. Regional units and governorate administrations, including the Kurdistan Regional Government, shall be organized on the basis of the principle of de-centralization and the devolution of authorities to municipal and local governments.

**Article 57.**

- (A) All authorities not exclusively reserved to the Iraqi Transitional Government may be exercised by the regional governments and governorates as soon as possible following the establishment of appropriate governmental institutions.
- (B) Elections for governorate councils throughout Iraq and for the Kurdistan National Assembly shall be held at the same time as the elections for the National Assembly, no later than 31 January 2005.

**Article 58.**

- (A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of

the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

- (1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.
  - (2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.
  - (3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.
  - (4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.
- (B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.
- (C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

## **CHAPTER NINE – THE TRANSITIONAL PERIOD**

**Article 59.**

- (A) The permanent constitution shall contain guarantees to ensure that the Iraqi Armed Forces are never again used to terrorize or oppress the people of Iraq.
- (B) Consistent with Iraq's status as a sovereign state, and with its desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period, the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511 (2003) and any subsequent relevant resolutions. This arrangement shall last until the ratification of a permanent constitution and the election of a new government pursuant to that new constitution.
- (C) Upon its assumption of authority, and consistent with Iraq's status as a sovereign state, the elected Iraqi Transitional Government shall have the authority to conclude binding international agreements regarding the activities of the multi-national force operating in Iraq under unified command pursuant to the terms of United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions. Nothing in this Law shall affect rights and obligations under these agreements, or under United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions, which will govern the multi-national force's activities pending the entry into force of these agreements.

**Article 60.**

The National Assembly shall write a draft of the permanent constitution of Iraq. This Assembly shall carry out this responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Iraq and through the media, and receiving proposals from the citizens of Iraq as it writes the constitution.

**Article 61.**

- (A) The National Assembly shall write the draft of the permanent constitution by no later than 15 August 2005.
- (B) The draft permanent constitution shall be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. In the period leading up to the referendum, the draft constitution shall be published and widely distributed to encourage a public debate about it among the people.

- (C) The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it.
- (D) If the permanent constitution is approved in the referendum, elections for a permanent government shall be held no later than 15 December 2005 and the new government shall assume office no later than 31 December 2005.
- (E) If the referendum rejects the draft permanent constitution, the National Assembly shall be dissolved. Elections for a new National Assembly shall be held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government shall then assume office no later than 31 December 2005, and shall continue to operate under this Law, except that the final deadlines for preparing a new draft may be changed to make it possible to draft a permanent constitution within a period not to exceed one year. The new National Assembly shall be entrusted with writing another draft permanent constitution.
- (F) If necessary, the president of the National Assembly, with the agreement of a majority of the members' votes, may certify to the Presidency Council no later than 1 August 2005 that there is a need for additional time to complete the writing of the draft constitution. The Presidency Council shall then extend the deadline for writing the draft constitution for only six months. This deadline may not be extended again.
- (G) If the National Assembly does not complete writing the draft permanent constitution by 15 August 2005 and does not request extension of the deadline in Article 61(D) above, the provisions of Article 61(E), above, shall be applied.

**Article 62.**

This law shall remain in effect until the permanent constitution is issued and the new Iraqi government is formed in accordance with it.





COALITION PROVISIONAL AUTHORITY  
BAGHDAD

INFO MEMO

17 March 2004

FOR: Judges at the CCCI  
FROM:   
SUBJECT: Defendant Transport issues with CCCI

In order to facilitate efficient and organized transport of defendants to and from the CCCI, the following transportation plan will go into effect 20 March 2004:

- **Procedure prior to first court appearance:**

1. A defendant is arrested, booked and confined at the MCU police station.
2. Within 24 hours of arrest, the defendant must be transported from the police station to an Investigative Judge ("IJ") at the CCCI for an Investigation Hearing.
3. Once the Iraqi Police transports the defendant to the CCCI for the Investigative Hearing, and the IJ orders the defendant to be held pending trial, the Iraqi Corrections Service ("ICS") has complete responsibility for transporting defendants to Rusafa Complex, as well as to all subsequent hearings and trial dates, with the details to be coordinated between the ICS and LTC Salam.
4. The MCU detention cells should only be used for temporary detention of defendants prior to the 24 hour Investigative Hearing. No defendant should be held in a police station detention cell for longer than 24 hours.

- **First Court Appearance – INVESTIGATIVE HEARING:**

1. The 24 hour Investigation Hearing is held by an IJ.
  - a. The defendant will always be personally present at this Investigative Hearing.
  - b. File or paper review Investigative Hearings, without the defendant's personal appearance, are not authorized.
2. The IJ assigns each defendant a unique case number.
3. The IJ holds an Investigation Hearing and orders one of the following:



COALITION PROVISIONAL AUTHORITY  
BAGHDAD

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  - a. The defendant will always be personally present at this Investigative Hearing.
  - b. File or paper review Investigative Hearings, without the defendant's personal appearance, are not authorized.
2. The IJ assigns each defendant a unique case number.
3. The IJ holds an Investigation Hearing and orders one of the following:

- a. **Release** - there is not enough evidence for the case to continue and the case is closed.
- b. **Release** - there is not enough evidence at this time and the case is closed provisionally.
- c. **Bail** - there is sufficient evidence, but the defendant is permitted to post bail and be released pending trial.
- d. **Pretrial Confinement** - there is sufficient evidence to detain the defendant pending trial.

4. Procedure:

- a. If the defendant is to be detained pending trial, then the IJ will prepare a Detention Order sending the defendant to Rusafa pending Trial. It will be signed by the Judge and [redacted] who will serve in the same capacity as court liaisons.
- b. The defendant will be held in the courthouse detention cell when not in court.
- c. At the close of business each day, the ICS will pick up defendants from the courthouse detention cell.
  - I. The CCCI shall designate a courthouse clerk to coordinate the movement of prisoners and orders with the ICS.
  - II. The CCCI clerk will contact ICS employees whenever a defendant is held in the courthouse detention cell pending transfer to Rusafa.
  - III. When ICS arrives to transport the defendant from CCCI to Rusafa, the CCCI clerk will provide the ICS employee a set of complete paperwork:
    - A. Arabic Order
    - B. CPA Order
    - C. The CPA Order should be signed by the Judge and either [redacted]
    - D. This order does not need to be signed by Bruce Pagel
- d. The ICS employee will transport both the defendant and the Detention Order (CPA Order and Arabic order) to Rusafa.
- e. The Defendant is *never* transferred to a police station detention cell after an Investigation Hearing.

• **Second Court Appearance – Investigative Hearing or Trial:**

- 1. The Judge sets a court date.

2. Once a court date is set, the Judge will send a Transportation Order directly to ICS requesting the transport of a specific defendant to court. The CCCI and ICS will need to coordinate a courier system for the delivery of court documentation regarding defendant transportation.
3. The Judge must send a Transportation Order to ICS at least five days before the trial date. It will be delivered to the ICS personnel at Tisferat Rusafa who will transport the defendant, as required.
4. On the date of the trial, ICS will transport the defendant to the CCCI.
5. After transport to the CCCI for trial, the defendant will wait in the courthouse detention room until his case begins. Once trial is complete, the defendant will again wait in the courthouse detention room for the ICS to transport the defendant back to Rusafa.
6. If a Judge decides to release a defendant, a release order should be signed by the Judge and one of the CPS Officials named above. ICS will transfer the defendant back to Rusafa for out processing from the detention facility, no matter what the result of the hearing.
7. Neither the Iraqi Police nor the MCU should transfer any court documentation. The CCCI clerk and ICS personnel should coordinate and deliver all documentation between Rusafa and CCCI.



COALITION PROVISIONAL AUTHORITY  
BAGHDAD

INFO MEMO

23 February 2004

FOR: Chief Judge  
FROM:   
SUBJECT: Defendant Transport

In order to facilitate efficient and organized transportation of Defendants to and from court in Baghdad, the following timeline and transportation plan goes into effect 3 March 2004 at Rusafa and Khark:

- **Procedure prior to first court appearance:**

1. A Defendant is arrested and booked into confinement at a police station.
2. Within 24 hours of arrest, a Defendant must be transported from the police station to an Investigative Judge ("IJ") at the courthouse for an Investigation Hearing.
3. Once the Iraqi Police transports a Defendant to the courthouse for the Investigative Hearing, and the IJ orders the Defendant to be held pending trial, the Iraqi Corrections Service ("ICS") has complete responsibility for transporting Defendants to all subsequent hearings and trial dates.
4. Police station detention cells should only be used for temporary detention of Defendants before the 24 hour Investigative Hearing. No Defendant should be held in a police station detention cell for longer than 24 hours.

- **First Court Appearance – INVESTIGATIVE HEARING:**

1. The 24 hour Investigation Hearing is held by an IJ.
  - a. The Defendant will always be personally present at this Investigative Hearing.
  - b. File or paper review Investigative Hearings, without the Defendant's personal appearance, are not authorized.
2. The IJ assigns each Defendant a unique case number.
3. The IJ holds an Investigation Hearing and orders one of the following:

- a. **Release** - there is not enough evidence for the case to continue and the case is closed.
- b. **Release** - there is not enough evidence at this time and the case is closed provisionally.
- c. **Bail** - there is sufficient evidence, but the Defendant is permitted to post bail and be released pending trial.
- d. **Pretrial Confinement** - there is sufficient evidence to detain the Defendant pending trial.

4. Procedure:

- e. If the Defendant is to be detained pending trial, then the IJ will prepare a Detention Order sending the Defendant to Rusafa pending a Trial Court date.
- f. The Defendant will be removed to the courthouse detention cell.
- g. At the close of business each day, the ICS will pick up Defendants in the courthouse detention cell.
- h. The ICS employee will transport both the Defendant and the Detention Order to Rusafa.
- i. The Defendant is *never* transferred to a police station detention cell after an Investigation Hearing.

• **Second Court Appearance – TRIAL:**

- 1. A Trial Judge sets a trial date after the IJ refers a case to Trial Court.
- 2. Once a trial date is set, the Trial Judge will send a Transportation Order directly to ICS requesting the transport of a specific Defendant to court for trial.
- 3. The Trial Judge must send a Transportation Order to ICS at least five days before the trial date. It will be delivered to the ICS personnel who will transport the Defendant.
- 4. On the date of the trial, ICS will transport the Defendant to the appropriate courthouse on the ICS morning shuttle.
- 5. After transport to the courthouse for trial, the Defendant will wait in the courthouse detention room until his case is processed. Once trial is complete, the Defendant will again wait in the courthouse detention room for the ICS afternoon shuttle to transport the Defendant back to Rusafa.

6. There is no ability to hold Defendants in courthouse detention rooms overnight. The Defendant must be transported between the jail and the courthouse each day the Defendant is needed at the court on the ICS shuttle.

[redacted]

How are you – I hope that the bomb didn't shake you all up too badly ... we heard it all the way over here. I am glad that no one was hurt. Now, unfortunately, I have a bunch of business stuff I have to throw at you:

1. The ICS is going to begin to the new transportation plan with three new courthouses. Therefore, the list of courts that ICS should begin to transport defendants to and from everyday:  
Rusafa  
Karkh  
Karada  
Baya'a  
CCCI (Central Criminal Court of Iraq) – we told this court that they will have to coordinate with ICS if they need the ICS bus to come to the CCCI – they do not do enough business for an ICS bus to go back and forth there everyday
2. Since ICS will be picking the defendants and the court orders up from the courthouses directly, CPA will not be signing or stamping any court documents from any of the above courthouses. I gave Zaid a list of new signature authorities for court documentation ... but as time goes on, and more courthouses are added to the list, you will see less and less paperwork with CPA signatures. We are slowly but surely handing over the court processes to Iraqi court personnel.
3. The Iraqi police need to be allowed access to prisoners at Rusafa (within the Rusafa Compound ... the IPs can't take them anywhere) - this is so the IP's can get fingerprints and some other biological data ... apparently they are building a database too ...
4. [redacted] and I are going to come and visit you on Monday after the Law Enforcement Forum (we should be there about 1130 – 1200). If you are interested in attending this forum, you should come by – it is in the big old MoJ building near Rusafa jail ... [redacted] told me that [redacted] was going to attend the meeting, but he is in London ... I am not sure if he made other arrangements or not.



Sorry to drop all this boring business stuff on you ... I have attached two new memos (I gave these both to Zaid). Please let me know if you have any questions. Have a nice day, and I hope I get to see you on Monday.

v/r

09/01

## **COALITION PROVISIONAL AUTHORITY ORDER NUMBER 10**

### **MANAGEMENT OF DETENTION AND PRISON FACILITIES**

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

*Recognizing* the urgent necessity to ensure safe and humane prisons in order to re-establish law and order and provide for the safety of the people of Iraq,

I hereby promulgate the following:

#### **Section 1**

##### **Authority Over Detention and Prison Facilities**

Full authority and control over all detention and prison facilities, currently exercised by the Ministry of Labor and Social Affairs and the Ministry of Interior, is hereby vested in the Ministry of Justice. The Directorate of Adult Prisons and the Directorate of Juvenile Prisons in the Ministry of Labor and Social Affairs, all facilities under their authority, and all employees thereof, are hereby transferred to the Ministry of Justice.

#### **Section 2**

##### **Interagency Cooperation**

The Ministry of Labor and Social Affairs, the Ministry of Interior, and the Ministry of Justice, and all other relevant elements of government, shall cooperate in this effort. The Ministry of Justice, under the authority, direction and control of the Administrator of the CPA, may prescribe any administrative procedures necessary to ensure a properly coordinated transfer of the detention and prison facilities in accordance with this Order.

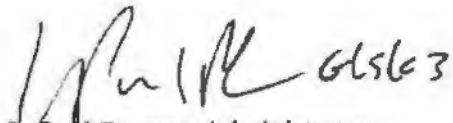
#### **Section 3**

##### **Prison and Detention Facility Standards**

There shall be promulgated pursuant to this Order an Implementing Memorandum that will set out fundamental standards applicable to the operation of all prison and detention facilities under the authority of the Ministry of Justice.

**Section 4**  
**Entry into Force**

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

  
Paul Bremer, Administrator  
Coalition Provisional Authority

CPA/ORD/8 Jun 2003/10

#### Article 4

The employee obligate with the following duties

Firstly: Does the work of his employment by himself with faithfulness responsibility

Secondly: Restrict by work appointment and doesn't absence except by a permission and specialized all format time business for work appropriation

Thirdly: Respect his chiefs commitment, polite and courtesy when addresses them and obey their orders which relate to his duty in the bound what codes, systems and instructions Judge, if this order include violation so this employee shall explain to his chief to write that violation and des not obligate execution that orders except if it is curtained by his chief and the chief is responsible of it.

Fourthly: Treated the chiefs in a good way and preserve their dignity.

Fifthly: Respect citizens and facilitate their handling completion.

Sixthly: Observe the states money which is under his disposal and use it in a good way.

Seventhly: Conceal the information and documents which he vics in virtue of office or during it if it is secrecy by its nature and he is afraid of disclosing it detriment to the sate or to the people or issue to him orders from his chief to conceal them and remain this duty in existence until after ending his service and doesn't allow to keep document official submission after retired or ending his service at any how.

Eighthly: Keeping the public employment dignity and avoiding them from all of what touch the needful respect towards it during doing his duty or out of the formal office hours time.

Ninthly: Prevent from the exploitation of his duty to get benefit or a personal profit to himself or to all other people.

Tenthly: Restitution to what is under disposal, instrument or tools to their place when the day of work ending except if the nature of work need other thing.

Eleventh: Observe codes, systems and instructions related to the protection of public health, safety in work and the protection of burning.

Twelfth: Perform the duty of his job according to what the codes systems and instructions decide.

**Article 5 The official is forbidden from the following**

1. Holding two positions in original characteristic or holding the position or other job save according to the text of the law.
2. Engage commercial business or establish a companies and the membership in it's administrative boards except the following.
  - A. Buying the shares of the joint stock companies
  - B. The works which are related to his possessions which devolved him due to inheritance or engage the possessions of his spouse or relatives till the third rank which were devolved to them due to inheritance. The official has to declare his office by this matter in 30 days and them minister have to make him choose between staying in his position and sale theses possessions or leaving the administration on a year from the date of his notification with this matter or between the resignation and the retirement on pension if the notice that this job will effect on the officials duties or it will damage the public interest.
3. Sharing in the bids.
4. Sharing in the auctions which are made by the offices of the state and social sector for selling the movable and unmovable possessions if he was authorized legally to confirm the sale to consider the sale final or if he was a member in the evaluation committees or selling committees or if he made a decision to sale or least these possessions or if he was an official in the public administration or the equivalent authority which the possessions belong to.
5. Usage of the materials, instruments and transports means and the other means which belong to the state and social sector for his private purpose.
6. Usage of any machine, apparatus or any other productions instruments his director didn't charge him to use them.
7. Usage untruly for the working hours and productions means in order to perform his work or the negligence in work which lead to the damages in production, services or properties.
8. Monkey in project or damage its instruments or it's first materials or gadgets or equipments.
9. Reduce the production or damage it intentionally.
10. Dclay the performancc of his work which causes interruption in the work of the other people.

11. Exact or accept reward or a present or advantage from the people who deals with his office or the employer or the contractors with his office or from anyone having a job relating to the official due to his position.

12. Coming to his office under the influence of drink or appearing in clear drunkenness in a public location.

13. Keeping for his own self the original copy paper of official document or take away this original from safe keeping files in order to use for nonofficial purposes.

14. Declare an announcement or declaration about the works of his office to the mass media with any matter having a direct touch with the work of his position have if he was allowed to do that by permission from his competent manager.

#### Article 6.

1. The official who has a position which lay in the level of the seventh rank or the equivalent among the ranks of the civil service law N024 of the year 1960 or the less ranks, has the right to work out of the official work times for his own work or for the others under the condition of notification his office with the locating and nature of his work annually and not to effect on his official duties.

2. The competent minister, or the one who was grated by him, has the right to permit to the official who are not objected to the text of the first item of this article to work out of the official times for a renovatable year.

3. The following officials are exempt from the text of this article :

- A. The officials who were appointed according to republic decree.
- B. The officials of the foreign office
- C. The agents in the foreign employment

#### Article 7:

If the official violates the duties of his position or make a deed among those which he prevented from he will be punished with the one of the punishment which are provided in this law irrespective of the other procedures which may be done against him according to the laws.

## Chapter 3

### The punishments and it's effects and procedures

Article 8: The punishments which may be enforced upon the official are:

1. Call attention by notifying the official in writing with the violation that he made and asking him to improve his behavior and it may lead to the delay of his promotion or raising for 3 months.
2. Warning by notifying the official in writing with the violation that he made and warn him not to violate his positions duties in the future or it may lead to delay his promotion or raising for six months.
3. Cutting the salary. By cutting the daily fee from the officials salary for a period not more than ten days according to written order containing the discrepancy that the official made and requested the punishment and it may lead to delay the promotion or the raising as the following:
  - A. Five months in the case of cutting the salary for a period not more that five days.
  - B. One month for each day in the case of cutting the salary for more than five days.
4. The reproof. By notifying the official in writing with the discrepancy that he made and the reasons which make his manner unsatisfactory and asking him to avoid the discrepancy and improve his behavior. This punishment may cause delay in the promotion or the raising for one year.
5. Reducing the salary. By cutting a sum from officials salary in percentage not more than 10% from the monthly salary for a period not less than 6 months and not more than 2 years in a written order notified the official with the deed that he made this punishment will cause delayed promotion or raising for 2 years.
6. Reducing the rank. By written order in which the official is notified with his deed that he made the sanction will cause:
  - A. Reducing the salary of the official to the minimum level of the rank which beyond his rank to the official who is objected to the employments laws or regulations, rules or instructions which act according to the system of the financial ranks and promotion. As well as giving him the premium that he had in the rank from which he reduced and he may return to the salary which was given to him before reducing his rank after 3 years from the date of his punishment as well as adding the period of his lat salary before the punishment.

B. Reducing two raisings from the salary and returning to the salary before reducing rank after 3 years from the date of punishment as well as adding the period of his last salary before the punishment to the officials who are objected to the laws or regulations, rules or instructions Which act with the systems of raising every two years.

The dismissal is by removing the employee from his position for a period limited by the dismissal resolution containing the reason on which the punishment is made according to the following procedure:

A. The employee will be dismissed for a period of no more than 3 years and less than one year if he is punished by two or one of the following punishments, and if he commits a mistake for a third time within five years from first punishment he will be punished by one of the following:

1. Reprimand
2. Reduce the salary
3. Reduce the grade

B. The employee dismissed according to his period of remaining in jail if he is charged to be in jail for not an immoral crime according to the date of issue the sentence. His custody period is regarded from the period of his dismissal. The half salary as paid by him will not be obtained during his hand over period.

#### Removal

The removal is made by removing the employee away from his position absolutely and he is not permitted to resume working at any state institutions, socialist sector according to a reasoned decree from the minister in following cases.

- A. If it's proved that he has committed a dangerous action by which keeping his job affects negatively the public interest.
- B. If he is sentenced by a crime committed under his official position
- C. If he dismissed and resumed his work and then he commits an action by which he should be dismissed again.

#### Article 9

1. Penalties imposed in article (8) will delay promotion of the employee.
2. If an employee subjected to more than one penalty during his service the penalty of delayed promotion should be strengthened sanction according to the item.

#### Article 10

1. The minister or the director of the office should appoint a group of experts one of them should be a graduate of law school.



2. The elected committee is responsible to conduct a written investigation with the nominated employee the committee has the right to listen and write down the declaration of the accused the witness and the committee has the right to collect all the documents which related to the case and to write recommendations to clarify in it all the information that the committee gathered.

3. If it is clear for the committee that the government employee is accused of wrong doing or he used position for committing a crime or wrong doing. The committee has the right to charge him and file a court case against him. Exception from the minister or the director of the office has the right after interrogation of the accused the employee and they have the right to impose the sanction which provide item 1, 2, and 3 from Article 8 in this Law.

#### Article 11

According to the rules of article 10 from this law:

1. The minister has the right to impose any sanction for the official who is violated to it's rules.

2. The chief or the authorized official impose any of the punishment as follows:

- A. Call attention
- B. Warning
- C. Reprimand
- D. Discount salary not more than five days
- E. Reproof

3. If the committee imposes major sanctions according to item 2 from this article the chief or the authorized official submit it to the minister to look at it.

4. The sanction which is imposed by the minister or the chief or the authorized official final except the following sanctions:

- A. Reprimand
- B. Reduce the salary
- C. Reduce the degree
- D. Dismissal
- E. Isolation

5. The official who was punished with one of the punishments which where provided in item (4) from this article objections during thirty days from the notification date with the decision of imposing the sanction.

#### Article 12

1. The minister has the right to impose the sanction of reproof or warning or discount salary to who is accipiter as a general manager when he as done an action opposite: Judgment of law this decision is final.

2. If it appears to the minister during the investigation that the official who objected to the judgment in item 1 from this article and he is requested a strengthened sanction which he's authorized he has to offer the order to ministers council including the suggestion in imposing and of the sanction which proving in the law. The decision from the minister council will be final.

#### Article 13

1. The minister has the power to drop the penalties imposed upon the employee according to Article 8 in this law if the following are applicable:
  - A. After one year of the punishment
  - B. If the accused showed a good will and distinction in his job
  - C. No additional penalty imposed on the employee according to the item 1 in Article 13.
2. The remove penalty will remove it effect

#### Article 14

Final penalties can be imposed by the president and the prime minister to the employee's when ever needed and the penalty is final.

#### Chapter 4

The objection on imposing punishment judgment

The minister council specialize in:

1. Reviewing the objections which mentioned in item no. 5 from Article no (11) of this law. He has the right to decide the certification on the revolutions or reducing the punishment or counseling it according to regular laws.
2. Public discipline council has to reject judgment on the issue judgment which contains the punishment. This has to be within 30 days from the date of informing the employee by the judgment of that punishment. The council should make decision on this rejection within 30 days from the day of presenting it. However the rejection will be refused if the council didn't do so within that period.
3. The objection should be presented to the public discipline council within 30 days from the date of informing the employee by refusing the rejection, truthfully or virtually.
4. An objected judgment which is issued during that mentioned period and the judgment of public discipline council which is issued according to objection results are regarded final decree.
5. Public discipline council has to take in consideration the judgment of the felony trial bases law, which is valid and suitable with judgments of this law and details should be secret.

# **The Law of the General Establishment for Social Reformation Section One The Aims**

## **Article -1-**

This law organizes the affairs of the general establishment for social reformation which are renewed according to the Ministry of Labor and Social Affairs law No. 195 for the year 1978, and the general establishment for social reformation is known later on as (The Establishment).

## **Article - 2 -**

The establishment works on achieving the following aims:

**First:** The evaluation of the inmates and those who are in custody in which the provisions of punishment or the measures of depriving liberation are issued against them from a specialized legal issuing authority by classifying & rehabilitating them according to behavior, profession & education.

**Second:** The making of cultural, national & religious enlightening curricula to educate & enlighten the inmates & those who are in custody according to the aims of the revolution which Al Ba'ath socialist party wants to achieve.

**Third:** Studying the family conditions of the inmates & those who are in custody & to present them (families) help to insure that they don't lean & this is done by cooperating with the public organizations.

**Fourth:** Participating with the other concerned bodies in the measures of protection from making & preventing crimes & the curing of its consequences including the following enlightens.

## **Section Two The Administration of the Establishment Chapter One – The Board Branch One The Formation of the Council**

## **Article -3-**

**First:** The board handles the management of the establishment, supervising of its affairs & the forming of its general policy.

**Second:** A. The board is composed of :-

1. The head of the establishment.
2. The general director of the old people reformation office.
3. The general director of the young people reformation office.
4. A representative from the general establishment for occupational labor & training with a position of general director.

5. A representative from the Ministry of Interior with a position not less than general director.
6. A representative from the Ministry of Justice with a position not less than the second class of judges.
7. A representative from the National Center for Criminals & Social Researches with a position not less than a scientific researcher.
8. A representative from the General Union for Iraqi Women.
9. A representative from the General Union for Iraqi Youth.

B. The members of the board referred to in 4, 5, 6,7,8,9, of item A of this article are appointed by an order from the Minister of Labor & Social Affairs according to a condition from the body they represent & for a period of 3 years which can then be renewed.

C. For each original member of the board which is mentioned in 4,5, 6,7,8,9, of item A of this article there must be a substitute member who is appointed for the same period & in the same way who replaces him in his absence.

D. The board can have the help of experts and specialists from outside the establishment as supervisors for the board.

**Three:** The Minister or Deputy Minister of Social Affairs has the right to head the sessions of the board.

## **Branch Two**

### **The Meetings of the Board**

#### **Article -4-**

**First:** The Board meets at least once a month by a call from its head & he may call the board to a meeting within 5 days if three or more of the members were needed.

**Second :** The board is held & its quorum is complete by the attendance of most of the members & the decision are issued by the most attended votes & if the votes are equal then the side in which the head voted for outweighs the other side.

**Third:** If the member did not attend the meetings of the board with a legal excuse for two times accordingly, then the office or the body which he represents must be confirmed, after that the office or body has to take a stance towards this confirmation & then the Minister of Social Affairs has to be informed of the result.

**Fourth:** The board has a secretary that is nominated by the head of the board. His (Her) job is to organize the agenda of the sessions, to fix its ????????? in a special record which is signed by the head & members of the board.

#### **Article -5-**

The decisions of the Board one presented to the Minister to be approved of and if the Minister does not object to the decisions within a period of 10 days from the date of its turning to the Ministry, it is then considered as if it is approved of but if he objects to the decision then the Board has to review it in the light of the Minister's notes, and if the Board insists on its point of view, at that time the Board holds a meeting headed by the

Minister and the decision is taken by the most votes of the board members and then the Board's decision becomes final.

## **Branch Three**

### **The Board's Proper Authorities**

Article -6-

The Board practices the following proper authority:

**First:** the affirmance of the suitable plans to achieve the aims of the establishment, its detailed projects and the following up of the implementation of the plans rotatively

**Second:** the affirmance of the scientific procedures that are suitable for the developing of the establishments' work.

**Third:** the affirmance of the general policy to rectificate and relabillitate the inmates and those who are in custody.

**Fourth:** the affirmance of the working and training regulations for the inmates and those in custody and to specify their wages.

**Fifth:** the affirmance of the annual balance (budget) project and the final accounts report and to approve of the transference in the same section and to delete or renew the establishment's cadres.

**Sixth:** the agreement on the publishing the reports and researches in the field of social reformation and to reward its doers according to instructions issued for this purpose.

**Seventh:** the agreement on the financial contracts, promises and obligations within the appropriated credits for it in the annual balance (budget) according to the provisions of the law.

**Eighth:** the granting of the monetary and in kind rewards by a suggestion from the head of the establishment for the efficient staffs in the establishment who are creative in doing their jobs or prevent it any harm according to instructions issued by the board for this purpose.

**Ninth:** the specifying of the reward of the experts and specialized persons who are from outside the establishment which the board seeks help from.

**Tenth:** The approval on organizing the training and learning courses for the staffs of the establishment and for sending them outside Iraq for the purposes of learning , training, knowing and for attending conferences, seminars , and symposiums according to the laws.

**Eleventh:** the discussing of the annual comprehensive report which concerns the establishment's work and to send it to the Ministry entailed with the opinions and suggestions which concern the establishment.

**Twelfth:** specifying the shape of the establishment's slogan and the degrees, uniforms and signs of all the staff in the establishment's executive force.

**Thirteenth:** suggesting the regulations and issuing the instructions to whatever the board sees necessary in order to facilitate and organize the work in the establishment.

**Fourteenth:** authorizing the head of the establishment some of its proper authorities.

## **Chapter Two**

### **The Duties and Proper Authorities of the Head of the Establishment**

#### **Article-7-**

The head of the establishment is appointed by a republic decree. He is the highest administrative head in the establishment, its legal representative and the one responsible for expansion in it (the establishment). He undertakes the following competences:

**First:** the implementation of the Board's instructions and decisions.

**Second:** supervising the management of the establishment's affairs and following up its work.

**Third:** the preparing of the annual balance project for the establishment and its cadre to present it to the Board.

**Fourth:** Issuing the suitable administrative instructions to insure that work is progressing in the establishment and to suggest plans that help in developing it.

**Fifth:** presenting the final account of the ending financial year to the Board.

**Sixth:** presenting the board an annual report concerning the whole activities and works of the establishment.

**Seventh:** appointing and promoting the employees and workers of the establishment and granting them the annual allowances and increases. He is also responsible according to the law for their transferring and discipline, for accepting their resignation and to pension them off.

**Eighth:** giving the order for spending within the limits authorized to him by the board.

**Ninth:** authorizing the general directors and employees of the establishment some of his competences.

**Tenth:** The conducting of other works decided to him by this law and the regulations and instructions issued pursuant to it.

### **Section Three**

#### **The Divisions of the Establishment**

#### **Article -8-**

**First:** The establishment is composed of the following divisions:

A: The center of the establishment

B: The old people reformation office

C: The young people reformation office

**Second:** Each office of the offices mentioned in item (1) of this article is headed by an employee with a position of general director, has obtained at least a primary college degree and is connected directly with the head of the establishment.

**Third:** The divisions of the establishment and the offices related to it are specified by a specialization system and this system has to be issued in a period not exceeding 6 months from the valid date of this law.

## Section 4

### The Service in the Establishment

#### Article -9-

The service regulation in the Economical Establishment (which is cancelled) is applicable to the staffs of this establishment.

#### Article -10-

Any person appointed as a guard in one of the departments of the social reformation establishment has to have the general conditions which are mentioned in the civil service law, in addition to the following conditions:

**First:** Has to be obtaining a primary school degree or at least a degree that equals it.

**Second:** Has to pass a training course with a continuous period not less than 6 months and which is organized by the establishment.

#### Article -11-

**First:** Anyone accepted in the course mentioned in article (10) of this law is excluded from the obligatory military service.

**Second:** Anyone accepted in the course is given from the date of his joining the course one wage degree higher than the wage degree that he deserves according to his school degree.

**Third:** It is counted for the person who is accepted in the course and who has finished the period of military service, the period of service mentioned for the purposes of allowances, promotion and retirement.

#### Article -12-

The guard is exempted from the duty of obligatory military service if he works in one of the social reformation departments.

#### Article -13-

**First:** The guards and observers of the executive force staff which is subordinate (follows) to the establishment, who actually guard and observe in the social reformation departments are granted monthly allowances with a rate of 100% of the wage.

**Second:** The managers and official reformation departments and their assistants are granted monthly allowance with a rate of 5% of the wage and also clothes allowances amounting to (60) dinars annually.

**Third:** The rest of the workers in the social reformation departments such as administrative accountants and others are granted monthly allowances with a rate of 15% of the wage.

**Fourth:** The staff of the executive force only, such as (guards) are spent a standard soldier's living and an allowance of the amount of (10,500) dinars for others who are working in the social reformation departments.

**Fifth:** The allowances mentioned in the above items are exempted from the provisions of government employees allowance law.

**Sixth:** The allowances concerning those mentioned in the above items are stopped when they are assigned outside the social reformation departments.

**Seventh:** The social researchers working in the establishment who are previously appointed or who are transferred from other offices or who are to be appointed in the future are granted a wage degree higher than the degree they deserve according to their studying degrees who are not included within the resolution of the revolution command council no. 1155 issued in the 6<sup>th</sup> of Sep. 1978.

**Eighth:** Those working in the other social reformation departments who are appointed to other ministries or bodies are granted the allowances mentioned in item 3 of this article.

## **Section 5**

### **Financial Provisions**

#### **Article -14-**

All the establishment's properties are public properties which must not be disposed of unless for the purposes of this law & according to its decided regulations & by the instructions issued for it.

#### **Article -15-**

The properties of the establishment are composed of:

**First :** Mobile & non mobile properties which are allocated for the benefit of jails according to law no. 151 of the year 1969, & the properties which have come to the establishment according to article 11 of the ministry of labor & social affairs law no. 195 of the year 1978.

**Second:** That which is allocated for the establishment in the general governmental balance (budget) & the annual plan.

**Third:** The profits gained from the service fees which are conducted by the establishment & the value of material which are sold.

**Fourth:** The donations which are granted to the establishment by bodies & personnel according to the provisions of the law.

## **Section Six**

### **Technical Committees**

#### **Article -16 -**

A technical committee is formed in each of the old people reformation office & the young people reformation office & also technical committees in the social reformation departments whatever the situation needs. Its way of formation and meeting, the method of work it follows, its specialization & the rewarding of its staff are specialized by instructions issued by the head of the establishment & approved by the board.



# **The Law of the General Establishment for Social Reformation Section One The Aims**

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## **Article - 2 -**

The establishment works on achieving the following aims:

**First:** The evaluation of the inmates and those who are in custody in which the provisions of punishment or the measures of depriving liberation are issued against them from a specialized legal issuing authority by classifying & rehabilitating them according to behavior, profession & education.

**Second:** The making of cultural, national & religious enlightening curricula to educate & enlighten the inmates & those who are in custody according to the aims of the revolution which Al Ba'ath socialist party wants to achieve.

**Third:** Studying the family conditions of the inmates & those who are in custody & to present them (families) help to insure that they don't lean & this is done by cooperating with the public organizations.

**Fourth:** Participating with the other concerned bodies in the measures of protection from making & preventing crimes & the curing of its consequences including the following enlightens.

## **Section Two The Administration of the Establishment Chapter One – The Board Branch One The Formation of the Council**

## **Article -3-**

**First:** The board handles the management of the establishment, supervising of its affairs & the forming of its general policy.

**Second:** A. The board is composed of :-

1. The head of the establishment.
2. The general director of the old people reformation office.
3. The general director of the young people reformation office.
4. A representative from the general establishment for occupational labor & training with a position of general director.

5. A representative from the Ministry of Interior with a position not less than general director.
6. A representative from the Ministry of Justice with a position not less than the second class of judges.
7. A representative from the National Center for Criminals & Social Researches with a position not less than a scientific researcher.
8. A representative from the General Union for Iraqi Women.
9. A representative from the General Union for Iraqi Youth.

B. The members of the board referred to in 4, 5, 6,7,8,9, of item A of this article are appointed by an order from the Minister of Labor & Social Affairs according to a condition from the body they represent & for a period of 3 years which can then be renewed.

C. For each original member of the board which is mentioned in 4,5, 6,7,8,9, of item A of this article there must be a substitute member who is appointed for the same period & in the same way who replaces him in his absence.

D. The board can have the help of experts and specialists from outside the establishment as supervisors for the board.

**Three:** The Minister or Deputy Minister of Social Affairs has the right to head the sessions of the board.

## **Branch Two**

### **The Meetings of the Board**

#### **Article -4-**

**First:** The Board meets at least once a month by a call from its head & he may call the board to a meeting within 5 days if three or more of the members were needed.

**Second :** The board is held & its quorum is complete by the attendance of most of the members & the decision are issued by the most attended votes & if the votes are equal then the side in which the head voted for outweighs the other side.

**Third:** If the member did not attend the meetings of the board with a legal excuse for two times accordingly, then the office or the body which he represents must be confirmed, after that the office or body has to take a stance towards this confirmation & then the Minister of Social Affairs has to be informed of the result.

**Fourth:** The board has a secretary that is nominated by the head of the board. His (Her) job is to organize the agenda of the sessions, to fix its ????????? in a special record which is signed by the head & members of the board.

#### **Article -5-**

The decisions of the Board one presented to the Minister to be approved of and if the Minister does not object to the decisions within a period of 10 days from the date of its turning to the Ministry, it is then considered as if it is approved of but if he objects to the decision then the Board has to review it in the light of the Minister's notes, and if the Board insists on its point of view, at that time the Board holds a meeting headed by the

Minister and the decision is taken by the most votes of the board members and then the Board's decision becomes final.

## **Branch Three**

### **The Board's Proper Authorities**

#### **Article -6-**

The Board practices the following proper authority:

**First:** the affirmance of the suitable plans to achieve the aims of the establishment, its detailed projects and the following up of the implementation of the plans rotatively

**Second:** the affirmance of the scientific procedures that are suitable for the developing of the establishments' work.

**Third:** the affirmance of the general policy to rectificate and relabillitate the inmates and those who are in custody.

**Fourth:** the affirmance of the working and training regulations for the inmates and those in custody and to specify their wages.

**Fifth:** the affirmance of the annual balance (hudget) project and the final accounts report and to approve of the transference in the same section and to delete or renew the establishment's cadres.

**Sixth:** the agreement on the publishing the reports and researches in the field of social reformation and to reward its doers according to instructions issued for this purpose.

**Seventh:** the agreement on the financial contracts, promises and obligations within the appropriated credits for it in the annual balance (budget) according to the provisions of the law.

**Eighth:** the granting of the monetary and in kind rewards by a suggestion from the head of the establishment for the efficient staffs in the establishment who are creative in doing their jobs or prevent it any harm according to instructions issued by the board for this purpose.

**Ninth:** the specifying of the reward of the experts and specialized persons who are from outside the establishment which the board seeks help from.

**Tenth:** The approval on organizing the training and learning courses for the staffs of the establishment and for sending them outside Iraq for the purposes of learning , training, knowing and for attending conferences, seminars . and symposiums according to the laws.

**Eleventh:** the discussing of the annual comprehensive report which concerns the establishment's work and to send it to the Ministry entailed with the opinions and suggestions which concern the establishment.

**Twelfth:** specifying the shape of the establishment's slogan and the degrees, uniforms and signs of all the staff in the establishment's executive force.

**Thirteenth:** suggesting the regulations and issuing the instructions to whatever the board sees necessary in order to facilitate and organize the work in the establishment.

**Fourteenth:** authorizing the head of the establishment some of its proper authorities.

## **Chapter Two**

### **The Duties and Proper Authorities of the Head of the Establishment**

#### **Article-7-**

The head of the establishment is appointed by a republic decree. He is the highest administrative head in the establishment, its legal representative and the one responsible for expansion in it (the establishment). He undertakes the following competences:

**First:** the implementation of the Board's instructions and decisions.

**Second:** supervising the management of the establishment's affairs and following up its work.

**Third:** the preparing of the annual balance project for the establishment and its cadre to present it to the Board.

**Fourth:** Issuing the suitable administrative instructions to insure that work is progressing in the establishment and to suggest plans that help in developing it.

**Fifth:** presenting the final account of the ending financial year to the Board.

**Sixth:** presenting the board an annual report concerning the whole activities and works of the establishment.

**Seventh:** appointing and promoting the employees and workers of the establishment and granting them the annual allowances and increases. He is also responsible according to the law for their transferring and discipline. for accepting their resignation and to pension them off.

**Eighth:** giving the order for spending within the limits authorized to him by the board.

**Ninth:** authorizing the general directors and employees of the establishment some of his competences.

**Tenth:** The conducting of other works decided to him by this law and the regulations and instructions issued pursuant to it.

## **Section Three**

### **The Divisions of the Establishment**

#### **Article -8-**

**First:** The establishment is composed of the following divisions:

A: The center of the establishment

B: The old people reformation office

C: The young people reformation office

**Second:** Each office of the offices mentioned in item (1) of this article is headed by an employee with a position of general director, has obtained at least a primary college degree and is connected directly with the head of the establishment.

**Third:** The divisions of the establishment and the offices related to it are specified by a specialization system and this system has to be issued in a period not exceeding 6 months from the valid date of this law.

## Section 4

### The Service in the Establishment

#### Article -9-

The service regulation in the Economical Establishment (which is cancelled) is applicable to the staffs of this establishment.

#### Article -10-

Any person appointed as a guard in one of the departments of the social reformation establishment has to have the general conditions which are mentioned in the civil service law, in addition to the following conditions:

**First:** Has to be obtaining a primary school degree or at least a degree that equals it.

**Second:** Has to pass a training course with a continuous period not less than 6 months and which is organized by the establishment.

#### Article -11-

**First:** Anyone accepted in the course mentioned in article (10) of this law is excluded from the obligatory military service.

**Second:** Anyone accepted in the course is given from the date of his joining the course one wage degree higher than the wage degree that he deserves according to his school degree.

**Third:** It is counted for the person who is accepted in the course and who has finished the period of military service, the period of service mentioned for the purposes of allowances, promotion and retirement.

#### Article -12-

The guard is exempted from the duty of obligatory military service if he works in one of the social reformation departments.

#### Article -13-

**First:** The guards and observers of the executive force staff which is subordinate (follows) to the establishment, who actually guard and observe in the social reformation departments are granted monthly allowances with a rate of 100% of the wage.

**Second:** The managers and official reformation departments and their assistants are granted monthly allowance with a rate of 5% of the wage and also clothes allowances amounting to (60) dinars annually

**Third:** The rest of the workers in the social reformation departments such as administrative accountants and others are granted monthly allowances with a rate of 15% of the wage.

**Fourth:** The staff of the executive force only, such as (guards) are spent a standard soldier's living and an allowance of the amount of (10,500) dinars for others who are working in the social reformation departments.

**Fifth:** The allowances mentioned in the above items are exempted from the provisions of government employees allowance law.

**Sixth:** The allowances concerning those mentioned in the above items are stopped when they are assigned outside the social reformation departments.

**Seventh:** The social researchers working in the establishment who are previously appointed or who are transferred from other offices or who are to be appointed in the future are granted a wage degree higher than the degree they deserve according to their studying degrees who are not included within the resolution of the revolution command council no. 1155 issued in the 6<sup>th</sup> of Sep. 1978.

**Eighth:** Those working in the other social reformation departments who are appointed to other ministries or bodies are granted the allowances mentioned in item 3 of this article.

## **Section 5**

### **Financial Provisions**

#### **Article -14-**

All the establishment's properties are public properties which must not be disposed of unless for the purposes of this law & according to its decided regulations & by the instructions issued for it.

#### **Article -15-**

The properties of the establishment are composed of:

**First :** Mobile & non mobile properties which are allocated for the benefit of jails according to law no. 151 of the year 1969, & the properties which have come to the establishment according to article 11 of the ministry of labor & social affairs law no. 195 of the year 1978.

**Second:** That which is allocated for the establishment in the general governmental balance (budget) & the annual plan.

**Third:** The profits gained from the service fees which are conducted by the establishment & the value of material which are sold.

**Fourth:** The donations which are granted to the establishment by bodies & personnel according to the provisions of the law.

## **Section Six**

### **Technical Committees**

#### **Article -16 -**

A technical committee is formed in each of the old people reformation office & the young people reformation office & also technical committees in the social reformation departments whatever the situation needs. Its way of formation and meeting, the method of work it follows, its specialization & the rewarding of its staff are specialized by instructions issued by the head of the establishment & approved by the board.

# **The Law of the General Establishment for Social Reformation Section One The Aims**

## **Article -1-**

This law organizes the affairs of the general establishment for social reformation which are renewed according to the Ministry of Labor and Social Affairs law No. 195 for the year 1978, and the general establishment for social reformation is known later on as (The Establishment).

## **Article - 2 -**

The establishment works on achieving the following aims:

**First:** The evaluation of the inmates and those who are in custody in which the provisions of punishment or the measures of depriving liberation are issued against them from a specialized legal issuing authority by classifying & rehabilitating them according to behavior, profession & education.

**Second:** The making of cultural, national & religious enlightening curricula to educate & enlighten the inmates & those who are in custody according to the aims of the revolution which Al Ba'ath socialist party wants to achieve.

**Third:** Studying the family conditions of the inmates & those who are in custody & to present them (families) help to insure that they don't lean & this is done by cooperating with the public organizations.

**Fourth:** Participating with the other concerned bodies in the measures of protection from making & preventing crimes & the curing of its consequences including the following enlightens.

## **Section Two The Administration of the Establishment Chapter One – The Board Branch One The Formation of the Council**

## **Article -3-**

**First:** The board handles the management of the establishment, supervising of its affairs & the forming of its general policy.

**Second:** A. The board is composed of :-

1. The head of the establishment.
2. The general director of the old people reformation office.
3. The general director of the young people reformation office.
4. A representative from the general establishment for occupational labor & training with a position of general director.

5. A representative from the Ministry of Interior with a position not less than general director.
6. A representative from the Ministry of Justice with a position not less than the second class of judges.
7. A representative from the National Center for Criminals & Social Researches with a position not less than a scientific researcher.
8. A representative from the General Union for Iraqi Women.
9. A representative from the General Union for Iraqi Youth.

B. The members of the board referred to in 4, 5, 6, 7, 8, 9, of item A of this article are appointed by an order from the Minister of Labor & Social Affairs according to a condition from the body they represent & for a period of 3 years which can then be renewed.

C. For each original member of the board which is mentioned in 4, 5, 6, 7, 8, 9, of item A of this article there must be a substitute member who is appointed for the same period & in the same way who replaces him in his absence.

D. The board can have the help of experts and specialists from outside the establishment as supervisors for the board.

**Three:** The Minister or Deputy Minister of Social Affairs has the right to head the sessions of the board.

## **Branch Two**

### **The Meetings of the Board**

#### **Article -4-**

**First:** The Board meets at least once a month by a call from its head & he may call the board to a meeting within 5 days if three or more of the members were needed.

**Second :** The board is held & its quorum is complete by the attendance of most of the members & the decision are issued by the most attended votes & if the votes are equal then the side in which the head voted for outweighs the other side.

**Third:** If the member did not attend the meetings of the board with a legal excuse for two times accordingly, then the office or the body which he represents must be confirmed, after that the office or body has to take a stance towards this confirmation & then the Minister of Social Affairs has to be informed of the result.

**Fourth:** The board has a secretary that is nominated by the head of the board. His (Her) job is to organize the agenda of the sessions, to fix its ????????? in a special record which is signed by the head & members of the board.

#### **Article -5-**

The decisions of the Board one presented to the Minister to be approved of and if the Minister does not object to the decisions within a period of 10 days from the date of its turning to the Ministry, it is then considered as if it is approved of but if he objects to the decision then the Board has to review it in the light of the Minister's notes, and if the Board insists on its point of view, at that time the Board holds a meeting headed by the



Minister and the decision is taken by the most votes of the board members and then the Board's decision becomes final.

## **Branch Three**

### **The Board's Proper Authorities**

#### **Article -6-**

The Board practices the following proper authority:

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**Third:** the affirmance of the general policy to rectificate and relabillitate the inmates and those who are in custody.

**Fourth:** the affirmance of the working and training regulations for the inmates and those in custody and to specify their wages.

**Fifth:** the affirmance of the annual balance (budget) project and the final accounts report and to approve of the transference in the same section and to delete or renew the establishment's cadres.

**Sixth:** the agreement on the publishing the reports and researches in the field of social reformation and to reward its doers according to instructions issued for this purpose.

**Seventh:** the agreement on the financial contracts, promises and obligations within the appropriated credits for it in the annual balance (budget) according to the provisions of the law.

**Eighth:** the granting of the monetary and in kind rewards by a suggestion from the head of the establishment for the efficient staffs in the establishment who are creative in doing their jobs or prevent it any harm according to instructions issued by the board for this purpose.

**Ninth:** the specifying of the reward of the experts and specialized persons who are from outside the establishment which the board seeks help from.

**Tenth:** The approval on organizing the training and learning courses for the staffs of the establishment and for sending them outside Iraq for the purposes of learning , training, knowing and for attending conferences, seminars , and symposiums according to the laws.

**Eleventh:** the discussing of the annual comprehensive report which concerns the establishment's work and to send it to the Ministry entailed with the opinions and suggestions which concern the establishment.

**Twelfth:** specifying the shape of the establishment's slogan and the degrees, uniforms and signs of all the staff in the establishment's executive force.

**Thirteenth:** suggesting the regulations and issuing the instructions to whatever the board sees necessary in order to facilitate and organize the work in the establishment.

**Fourteenth:** authorizing the head of the establishment some of its proper authorities.

## **Chapter Two**

### **The Duties and Proper Authorities of the Head of the Establishment**

#### **Article-7-**

The head of the establishment is appointed by a republic decree. He is the highest administrative head in the establishment, its legal representative and the one responsible for expansion in it (the establishment). He undertakes the following competences:

**First:** the implementation of the Board's instructions and decisions.

**Second:** supervising the management of the establishment's affairs and following up its work.

**Third:** the preparing of the annual balance project for the establishment and its cadre to present it to the Board.

**Fourth:** Issuing the suitable administrative instructions to insure that work is progressing in the establishment and to suggest plans that help in developing it.

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**Sixth:** presenting the board an annual report concerning the whole activities and works of the establishment.

**Seventh:** appointing and promoting the employees and workers of the establishment and granting them the annual allowances and increases. He is also responsible according to the law for their transferring and discipline, for accepting their resignation and to pension them off.

**Eighth:** giving the order for spending within the limits authorized to him by the board.

**Ninth:** authorizing the general directors and employees of the establishment some of his competences.

**Tenth:** The conducting of other works decided to him by this law and the regulations and instructions issued pursuant to it.

## **Section Three**

### **The Divisions of the Establishment**

#### **Article -8-**

**First:** The establishment is composed of the following divisions:

A: The center of the establishment

B: The old people reformation office

C: The young people reformation office

**Second:** Each office of the offices mentioned in item (1) of this article is headed by an employee with a position of general director, has obtained at least a primary college degree and is connected directly with the head of the establishment.

**Third:** The divisions of the establishment and the offices related to it are specified by a specialization system and this system has to be issued in a period not exceeding 6 months from the valid date of this law.

## Section 4

### The Service in the Establishment

#### Article -9-

The service regulation in the Economical Establishment (which is cancelled) is applicable to the staffs of this establishment.

#### Article -10-

Any person appointed as a guard in one of the departments of the social reformation establishment has to have the general conditions which are mentioned in the civil service law, in addition to the following conditions:

**First:** Has to be obtaining a primary school degree or at least a degree that equals it.

**Second:** Has to pass a training course with a continuous period not less than 6 months and which is organized by the establishment.

#### Article -11-

**First:** Anyone accepted in the course mentioned in article (10) of this law is excluded from the obligatory military service.

**Second:** Anyone accepted in the course is given from the date of his joining the course one wage degree higher than the wage degree that he deserves according to his school degree.

**Third:** It is counted for the person who is accepted in the course and who has finished the period of military service, the period of service mentioned for the purposes of allowances, promotion and retirement.

#### Article -12-

The guard is exempted from the duty of obligatory military service if he works in one of the social reformation departments.

#### Article -13-

**First:** The guards and observers of the executive force staff which is subordinate (follows) to the establishment, who actually guard and observe in the social reformation departments are granted monthly allowances with a rate of 100% of the wage.

**Second:** The managers and official reformation departments and their assistants are granted monthly allowance with a rate of 5% of the wage and also clothes allowances amounting to (60) dinars annually.

**Third:** The rest of the workers in the social reformation departments such as administrative accountants and others are granted monthly allowances with a rate of 15% of the wage.

**Fourth:** The staff of the executive force only, such as (guards) are spent a standard soldier's living and an allowance of the amount of (10,500) dinars for others who are working in the social reformation departments.

**Fifth:** The allowances mentioned in the above items are exempted from the provisions of government employees allowance law.

**Sixth:** The allowances concerning those mentioned in the above items are stopped when they are assigned outside the social reformation departments.

**Seventh:** The social researchers working in the establishment who are previously appointed or who are transferred from other offices or who are to be appointed in the future are granted a wage degree higher than the degree they deserve according to their studying degrees who are not included within the resolution of the revolution command council no. 1155 issued in the 6<sup>th</sup> of Sep. 1978.

**Eighth:** Those working in the other social reformation departments who are appointed to other ministries or bodies are granted the allowances mentioned in item 3 of this article.

## **Section 5**

### **Financial Provisions**

#### **Article -14-**

All the establishment's properties are public properties which must not be disposed of unless for the purposes of this law & according to its decided regulations & by the instructions issued for it.

#### **Article -15-**

The properties of the establishment are composed of:

**First :** Mobile & non mobile properties which are allocated for the benefit of jails according to law no. 151 of the year 1969, & the properties which have come to the establishment according to article 11 of the ministry of labor & social affairs law no. 195 of the year 1978.

**Second:** That which is allocated for the establishment in the general governmental balance (budget) & the annual plan.

**Third:** The profits gained from the service fees which are conducted by the establishment & the value of material which are sold.

**Fourth:** The donations which are granted to the establishment by bodies & personnel according to the provisions of the law.

## **Section Six**

### **Technical Committees**

#### **Article -16 -**

A technical committee is formed in each of the old people reformation office & the young people reformation office & also technical committees in the social reformation departments whatever the situation needs. Its way of formation and meeting, the method of work it follows, its specialization & the rewarding of its staff are specialized by instructions issued by the head of the establishment & approved by the board.

# **The Law of the General Establishment for Social Reformation**

## **Section One**

### **The Aims**

#### **Article -1-**

This law organizes the affairs of the general establishment for social reformation which are renewed according to the Ministry of Labor and Social Affairs law No. 195 for the year 1978, and the general establishment for social reformation is known later on as (The Establishment).

#### **Article - 2 -**

The establishment works on achieving the following aims:

**First:** The evaluation of the inmates and those who are in custody in which the provisions of punishment or the measures of depriving liberation are issued against them from a specialized legal issuing authority by classifying & rehabilitating them according to behavior, profession & education.

**Second:** The making of cultural, national & religious enlightening curricula to educate & enlighten the inmates & those who are in custody according to the aims of the revolution which Al Ba'ath socialist party wants to achieve.

**Third:** Studying the family conditions of the inmates & those who are in custody & to present them (families) help to insure that they don't lean & this is done by cooperating with the public organizations.

**Fourth:** Participating with the other concerned bodies in the measures of protection from making & preventing crimes & the curing of its consequences including the following enlightens.

## **Section Two**

### **The Administration of the Establishment**

#### **Chapter One – The Board**

#### **Branch One**

#### **The Formation of the Council**

#### **Article -3-**

**First:** The board handles the management of the establishment, supervising of its affairs & the forming of its general policy.

**Second:** A. The board is composed of :-

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8. A representative from the General Union for Iraqi Women.
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B. The members of the board referred to in 4, 5, 6,7,8,9, of item A of this article are appointed by an order from the Minister of Labor & Social Affairs according to a condition from the body they represent & for a period of 3 years which can then be renewed.

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## Branch Two

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#### Article -4-

**First:** The Board meets at least once a month by a call from its head & he may call the board to a meeting within 5 days if three or more of the members were needed.

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**Second:** Each office of the offices mentioned in item (1) of this article is headed by an employee with a position of general director, has obtained at least a primary college degree and is connected directly with the head of the establishment.

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**Third:** The rest of the workers in the social reformation departments such as administrative accountants and others are granted monthly allowances with a rate of 15% of the wage.

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**Fifth:** The allowances mentioned in the above items are exempted from the provisions of government employees allowance law.

**Sixth:** The allowances concerning those mentioned in the above items are stopped when they are assigned outside the social reformation departments.

**Seventh:** The social researchers working in the establishment who are previously appointed or who are transferred from other offices or who are to be appointed in the future are granted a wage degree higher than the degree they deserve according to their studying degrees who are not included within the resolution of the revolution command council no. 1155 issued in the 6<sup>th</sup> of Sep. 1978.

**Eighth:** Those working in the other social reformation departments who are appointed to other ministries or bodies are granted the allowances mentioned in item 3 of this article.

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# **The Law of the General Establishment for Social Reformation**

## **Section One**

### **The Aims**

#### **Article -1-**

This law organizes the affairs of the general establishment for social reformation which are renewed according to the Ministry of Labor and Social Affairs law No. 195 for the year 1978, and the general establishment for social reformation is known later on as (The Establishment).

#### **Article - 2 -**

The establishment works on achieving the following aims:

**First:** The evaluation of the inmates and those who are in custody in which the provisions of punishment or the measures of depriving liberation are issued against them from a specialized legal issuing authority by classifying & rehabilitating them according to behavior, profession & education.

**Second:** The making of cultural, national & religious enlightening curricula to educate & enlighten the inmates & those who are in custody according to the aims of the revolution which Al Ba'ath socialist party wants to achieve.

**Third:** Studying the family conditions of the inmates & those who are in custody & to present them (families) help to insure that they don't lean & this is done by cooperating with the public organizations.

**Fourth:** Participating with the other concerned bodies in the measures of protection from making & preventing crimes & the curing of its consequences including the following enlightens.

## **Section Two**

### **The Administration of the Establishment**

#### **Chapter One – The Board**

#### **Branch One**

#### **The Formation of the Council**

#### **Article -3-**

**First:** The board handles the management of the establishment, supervising of its affairs & the forming of its general policy.

**Second:** A. The board is composed of :-

1. The head of the establishment.
2. The general director of the old people reformation office.
3. The general director of the young people reformation office.
4. A representative from the general establishment for occupational labor & training with a position of general director.

5. A representative from the Ministry of Interior with a position not less than general director.
6. A representative from the Ministry of Justice with a position not less than the second class of judges.
7. A representative from the National Center for Criminals & Social Researches with a position not less than a scientific researcher.
8. A representative from the General Union for Iraqi Women.
9. A representative from the General Union for Iraqi Youth.

B. The members of the board referred to in 4, 5, 6,7,8,9, of item A of this article are appointed by an order from the Minister of Labor & Social Affairs according to a condition from the body they represent & for a period of 3 years which can then be renewed.

C. For each original member of the board which is mentioned in 4,5, 6,7,8,9, of item A of this article there must be a substitute member who is appointed for the same period & in the same way who replaces him in his absence.

D. The board can have the help of experts and specialists from outside the establishment as supervisors for the board.

**Three:** The Minister or Deputy Minister of Social Affairs has the right to head the sessions of the board.

## Branch Two

### The Meetings of the Board

#### Article -4-

**First:** The Board meets at least once a month by a call from its head & he may call the board to a meeting within 5 days if three or more of the members were needed.

**Second :** The board is held & its quorum is complete by the attendance of most of the members & the decision are issued by the most attended votes & if the votes are equal then the side in which the head voted for outweighs the other side.

**Third:** If the member did not attend the meetings of the board with a legal excuse for two times accordingly, then the office or the body which he represents must be confirmed, after that the office or body has to take a stance towards this confirmation & then the Minister of Social Affairs has to be informed of the result.

**Fourth:** The board has a secretary that is nominated by the head of the board. His (Her) job is to organize the agenda of the sessions, to fix its ????????? in a special record which is signed by the head & members of the board.

#### Article -5-

The decisions of the Board one presented to the Minister to be approved of and if the Minister does not object to the decisions within a period of 10 days from the date of its turning to the Ministry, it is then considered as if it is approved of but if he objects to the decision then the Board has to review it in the light of the Minister's notes, and if the Board insists on its point of view, at that time the Board holds a meeting headed by the

Minster and the decision is taken by the most votes of the board members and then the Board's decision becomes final.

## **Branch Three**

### **The Board's Proper Authorities**

#### **Article -6-**

The Board practices the following proper authority:

**First:** the affirmance of the suitable plans to achieve the aims of the establishment, its detailed projects and the following up of the implementation of the plans rotatively

**Second:** the affirmance of the scientific procedures that are suitable for the developing of the establishments' work.

**Third:** the affirmance of the general policy to rectificate and relabillitate the inmates and those who are in custody.

**Fourth:** the affirmance of the working and training regulations for the inmates and those in custody and to specify their wages.

**Fifth:** the affirmance of the annual balance (budget) project and the final accounts report and to approve of the transference in the same section and to delete or renew the establishment's cadres.

**Sixth:** the agreement on the publishing the reports and researches in the field of social reformation and to reward its doers according to instructions issued for this purpose.

**Seventh:** the agreement on the financial contracts, promises and obligations within the appropriated credits for it in the annual balance (budget) according to the provisions of the law.

**Eighth:** the granting of the monetary and in kind rewards by a suggestion from the head of the establishment for the efficient staffs in the establishment who are creative in doing their jobs or prevent it any harm according to instructions issued by the board for this purpose.

**Ninth:** the specifying of the reward of the experts and specialized persons who are from outside the establishment which the board seeks help from.

**Tenth:** The approval on organizing the training and learning courses for the staffs of the establishment and for sending them outside Iraq for the purposes of learning , training, knowing and for attending conferences, seminars , and symposiums according to the laws.

**Eleventh:** the discussing of the annual comprehensive report which concerns the establishment's work and to send it to the Ministry entailed with the opinions and suggestions which concern the establishment.

**Twelfth:** specifying the shape of the establishment's slogan and the degrees, uniforms and signs of all the staff in the establishment's executive force.

**Thirteenth:** suggesting the regulations and issuing the instructions to whatever the board sees necessary in order to facilitate and organize the work in the establishment.

**Fourteenth:** authorizing the head of the establishment some of its proper authorities.

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**Eighth:** giving the order for spending within the limits authorized to him by the board.

**Ninth:** authorizing the general directors and employees of the establishment some of his competences.

**Tenth:** The conducting of other works decided to him by this law and the regulations and instructions issued pursuant to it.

### **Section Three**

#### **The Divisions of the Establishment**

#### **Article -8-**

**First:** The establishment is composed of the following divisions:

A: The center of the establishment

B: The old people reformation office

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**Second:** Each office of the offices mentioned in item (1) of this article is headed by an employee with a position of general director, has obtained at least a primary college degree and is connected directly with the head of the establishment.

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## MEMORANDUM OF AGREEMENT

**SUBJECT:** The Transfer of Prisoner Detention Centers from the Ministry of Interior to the Ministry of Justice

**AUTHORITY:** Under Coalition Provisional Authority (CPA) Order #10, dated June 2003, as further delineated in Coalition Provisional Authority Memorandum #2, also dated June 8, 2003, the authority and responsibility for the operation and control of detention centers was transferred exclusively to the Ministry of Justice.

**INTENT:** This Memorandum of Agreement provides implementing guidance for the above CPA directives and establishes the specified intent of both the Ministry of Interior and the Ministry of Justice to complete the transfer of these facilities in a timely and reasonable manner to thereby attain compliance with the CPA directives

**DEFINITION:** For the purposes of this agreement, the following definitions apply.

**Criminal Suspect-**a person who has been arrested for the commission of a criminal act, is currently in the custody of the Iraqi Police (IP) or the Iraqi Correctional Service (ICS), but who has not yet been convicted of any wrongdoing on any charge which led to his custody.

**Pre-Trial Detainee-**a criminal suspect against whom there has been an accusatory instrument by an Investigative Judge or a member of his staff

**Convict-**a person who has been found to have committed a criminal act as a result of a judicial process and who, as a result, has been sentenced to a term of incarceration as punishment therefore

**Prisoner-**a person in the custody of the IP or ICS. Prisoners include criminal suspects, pre-trial detainees and convicts.

**Jail-**a place where criminal suspects are remanded after they have been arrested, operated and maintained by the IP, and may include short term detention centers found in local police stations. Jails are used to confine criminal suspects until the filing of a formal accusatory instrument by an Investigative Judge or a member of his staff.

**Detention Center-** is a place where pre-trial detainees are remanded, operated and maintained by the ICS. Detention centers should be separate and apart from jails, and are used to house remanded individuals from the filing of the accusatory instrument until paroled by order of a court of competent jurisdiction or are convicted

**Prison-**a place of incarceration, operated and maintained by the ICS, where convicts are committed to serve out their sentences

facility should accommodate no more than 18 pre-trial detainees (450 divided by 25). Applying the 3:1 staffing ratio to this number leads to the transfer of 6 IP guards to 1 ICS per shift, or a total of 18. As the 18 guards transferred represent 10% of the total number of police authorized at the station, this percentage would then be applied to 1 distribution of all other assets at the station. The result would be that 1 supervisor, 2 administrative/support personnel, 3 sedans, 1 bus, 3 radios and 1 million ID in opera funds would also be transferred to the Ministry of Justice.

Where possible, personnel to be transferred will be those persons who currently spend the majority of their duty day working with the prisoner population at the facility. The Ministry of the Interior will provide the proper administrative notification to the affected staff members and release all affected records, property and budgetary assets to the Ministry of Justice for their continued use in the operation of the center. The Ministry of Justice will receive all personnel in a timely manner and properly inform them of their new ministry alignment, provide receipt for all property transferred with the detention center, and account for all budgetary items and real property involved in the undertaking. The Senior Advisor to the Ministry of Interior, or his specified designee, shall act as the official representative of the Ministry of Interior in these matters. Likewise, the Director of the Prisons Department, or his specified designee, shall act as the official representative of the Ministry of Justice in these matters.

In the event that the application of the general formulaic approach described above is felt to work an undue hardship upon the remaining IP mission or the new IC mission, the parties to this Memorandum agree to negotiate in a good faith until a mutually satisfactory resolution can be reached.

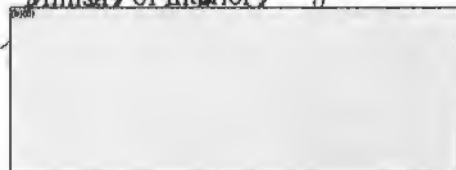
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**OPERATIONAL OBJECTIVE:** To affect this transfer of responsibility in a smooth and reasonable fashion so as to provide a seamless transition while maintaining a favorable operational tempo within the criminal justice system, the optimal date for completing transition nationwide is the 31 January 2004.

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Senior Advisor  
Ministry of Interior





Senior Advisor  
Ministry of Justice



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**AUTHORITY:** Under Coalition Provisional Authority (CPA) Order #10, dated June 8, 2003, as further delineated in Coalition Provisional Authority Memorandum #2, also dated June 8, 2003, the authority and responsibility for the operation and control of such detention centers was transferred exclusively to the Ministry of Justice.

**INTENT:** This Memorandum of Agreement provides implementing guidance for the above CPA directives and establishes the specified intent of both the Ministry of Interior and the Ministry of Justice to complete the transfer of these facilities in a timely and reasonable manner to thereby attain compliance with the CPA directives.

**DEFINITION:** For the purposes of this agreement, the following definitions apply:

**Criminal Suspect**-a person who has been arrested for the commission of a criminal act, is currently in the custody of the Iraqi Police (IP) or the Iraqi Correction Service (ICS), but who has not yet been convicted of any wrongdoing on any charge which led to his custody.

**Pre-Trial Detainee**-a criminal suspect against whom there has been filed an accusatory instrument by an Investigative Judge or a member of his staff.

**Convict**-a person who has been found to have committed a criminal act as a result of a judicial process and who, as a result, has been sentenced to a term of incarceration as punishment therefore.

**Prisoner**-a person in the custody of the IP or ICS. Prisoners include criminal suspects, pre-trial detainees and convicts.

**Jail**-a place where criminal suspects are remanded after they have been arrested, operated and maintained by the IP, and may include short term detention cells found in local police stations. Jails are used to confine criminal suspects until the filing of a formal accusatory instrument by an Investigative Judge or a member of his staff.

**Detention Center**- is a place where pre-trial detainees are remanded, operated and maintained by the ICS. Detention centers should be separate and apart from jails, and are used to house remanded individuals from the filing of the accusatory instrument until paroled by order of a court of competent jurisdiction or are convicted.

**Prison**-a place of incarceration, operated and maintained by the ICS, where convicts are committed to serve out their sentences.

**CURRENT CONDITIONS:** Prisoners awaiting trial or transfer to prison to serve their sentences are currently regularly housed in various jails and detention centers under administrative control of the IP and the Ministry of Interior. To attain compliance with CPA directives, the Ministry of Interior needs to facilitate the transfer of pre-trial detainees in their custody to detention centers, and transfer their operational control of these detention centers, along with their allotted operational components, designated personnel, associated logistical and administrative support systems, and the appropriate portions of each detention center's allocated budget to the Ministry of Justice's Department of Prisons. The Ministry of Justice needs to then receive these entities and assume overall operational control of these detention centers from the Ministry of Interior and accept full responsibility for their administration.

**CONCEPT OF AGREEMENT:** Working jointly, the Ministry of Interior and the Ministry of Justice will identify all detention facilities to be designated as detention centers. Both Ministries will cooperate in the positive identification of the authorized level of police officers, administrative staff members, and support personnel allocated to the operation of these facilities, as well as conduct a thorough inventory of all authorized equipment (including weapons and ammunition) and property. Upon completion, the personnel, equipment and property shall be apportioned between the Ministry of Interior and Ministry of Justice as indicated herein.

In the event that an identified detention facility is an appurtenance to a police station, a general rule shall apply to resolve how many personnel and how much equipment shall be transferred. A square footage determination will be made for the existing space in every detention facility currently operated by the IP to be designated a detention center. The total square footage will then be divided by 25 square feet, the standard space allotted to one prisoner. This will determine the prisoner capacity for the detention center. As detention centers are staffed at a ratio of three prisoners for every guard, this formula will be applied to determine how many authorized IP police personnel per 8 hour shift will be transferred to the ICS staff. The number of police guards transferred will then be compared against the total number of police personnel authorized to determine the transfer percentage for that detention center. This percentage will then be applied across the board to all other personnel, property or equipment to be apportioned at the detention center. Once the transfer has been completed, the ICS will operate the detention center within the police station appurtenance. The following example illustrates how this process shall work.

The detention center in question is currently built into a police station that has the following characteristics-

- the detention area has 450 square feet;
- there are 180 police officers authorized to be assigned to the police station, along with 10 supervisors, and 20 administrative/support staff;
- there are 33 sedans, three vans and two buses at the station, along with 36 radios;
- the police station has an operating budget of 12 million ID per year, and the transfer of authority will be effective on 1 March 2004.

Computing the maximum prisoner density as described above indicates that the facility should accommodate no more than 18 pre-trial detainees (450 divided by 25). Applying the 3:1 staffing ratio to this number leads to the transfer of 6 IP guards to the ICS per shift, or a total of 18. As the 18 guards transferred represent 10% of the total number of police authorized at the station, this percentage would then be applied to the distribution of all other assets at the station. The result would be that 1 supervisor, 2 administrative/support personnel, 3 sedans, 1 bus, 3 radios and 1 million ID in operating funds would also be transferred to the Ministry of Justice.

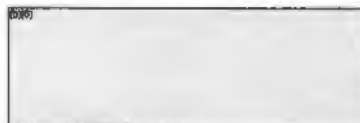
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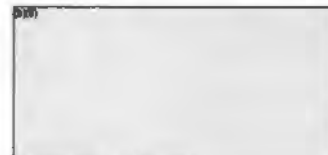
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Senior Advisor  
Ministry of Interior



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Ministry of Justice









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CPA Press Release  
Contact: Chip Beck (914 822 5386)

[Who We Are](#)

February 28th 2004

[Official Documents](#)**IRAQI SCOUT INITIATIVE**[Where We're  
Going](#)

28 FEB Baghdad, Iraq -- Ambassador L. Paul Bremer, the Coalition Provisional Administrator in Baghdad, approved public diplomacy support for a new initiative Iraqi Boy Scout and Girl Scout program with the backing of the World Scouting (WSO) and Arab Scout Organization (ASO).

[Regional  
Government](#)

The initiative to formally create an "Iraqi Scouts" organization, along the lines of national Scouting programs worldwide, came about through the formation of an coalition of volunteer Scouters and adult Eagle Scouts currently serving in the "Green Zone" of various regions of Iraq and a vast group of Stateside, Regional and World Scouters who enthusiastically support this historic effort.

[Links  
to Learn More](#)[Photo Gallery](#)[Join Our  
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The Iraqi Scouts Initiative committee is being led by Co-Chairmen Chip Beck (Baghdad) and Michael Bradle (Lampasas, Texas). Mike Bradle (39) is an Eagle Scout and Texas native with extensive national Scouting connections who is organizing U.S. and international fund-raising support for the program. Chip Beck (58) is a retired Navy Commander and Commissioner for Venture Scouting in the National Capital Area Council (NCAC), D.C. who is serving a 6 month CPA tour of duty in Iraq.

[USAID](#)

Beck and a cadre of 100 experienced multinational Scouters informally established a "Green Zone Council" of Scouting in February as a loose fraternal organization for fellow Scouts serving in Iraq. Through various Scouting networks, the "GZC" as it is called, has drawn the attention of Bradle and his corporation, who offered their full support, suggesting work to formally re-establish a legal, recognized, and fully functioning Scouting program.

[Oil For Food](#)[NGO Registry](#)

The Scout program will be open to boys and girls of all ethnic and cultural backgrounds and will allow for local nuances to shape various regional program options.

[Search](#)[Go](#)[Advanced Search](#)

An immediate goal is to identify Iraqi adult leaders, youths, and community supporters who can be recruited and trained in all aspects of a professional and volunteer Scouting organization. The Co-Chairmen have set a goal of establishing a national Scouting program with a minimum of 100 Iraqi Scouts, with Troops or Crews in all 18 Iraqi provinces, and regional Councils in the north, central, south-central, southern, and Baghdad areas of Iraq.

A National Iraqi Scouting Headquarters is envisioned for Baghdad as well. Five national Scouters are currently in Iraq.



camps in the various mountain, lakes, desert, marsh, and "fertile crescent" areas of also under consideration, with Iraq-based Scouters beginning to survey suitable tent facilities in conjunction with various Iraqi regional and community leaders.

Scouting is not new to the Middle East or even Iraq, where Scouting was first introduced but was later expelled from the WSO during the Saddam era.

As a people-to-people example of "public diplomacy," Bradle and Beck hope to seek professional training support from active Scouters in countries such as Jordan, Egypt, Arabia, and the Gulf States.

The Iraqi Scouting Initiative is viewed as an opportunity to create a positive atmosphere of national unity among Iraqi youth, parents, and community leaders from all parts of Iraq. Universal values of good citizenship, community service, individual honor and self-reliance are the natural products of Scout programs.

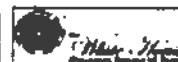
For more information, contact:

POC IRAQ: Co-Chairman Chip Beck, 914-822-5386 [beckc@orha.centcom.mil](mailto:beckc@orha.centcom.mil)

POC U.S.: Co-Chairman Mike Bradle, 512-556-4100 [mike@tejascorp.com](mailto:mike@tejascorp.com)

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Senior Advisor  
Ministry of Interior

\_\_\_\_\_  
Senior Advisor  
Ministry of Justice

**Coalition Provisional Authority – Communications Support Office**  
**Communications & Information Technology Requirements Request Form**

1. CITER Number (assigned by CSO): \_\_\_\_\_ (YYNNNNN)
2. Date submitted: \_\_\_\_\_ (DDMMYYYY) Room Number \_\_\_\_\_
3. Business Unit /Org Name: \_\_\_\_\_
4. Requestor: \_\_\_\_\_  
(Last Name) (First Name) (Rank/Title)
5. Phone #: \_\_\_\_\_ 6. E-Mail: \_\_\_\_\_
7. Action Officer: \_\_\_\_\_  
(Last Name) (First Name) (Rank/Title)
8. Phone #: \_\_\_\_\_ 9. E-Mail: \_\_\_\_\_
10. Requirement Title: \_\_\_\_\_
11. Date Required: \_\_\_\_\_ (DDMMYYYY)
12. Explanation of Requirement (include number of users supported, quantity of devices desired, capabilities needed, and/or any other information that will define this requirement): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
13. Priority/Justification (please include any additional information that will assist the CSO in assigning a priority to this request): \_\_\_\_\_  
\_\_\_\_\_
14. Received by (CSO rep): \_\_\_\_\_ 15. Date: \_\_\_\_\_
- Attach additional information on Continuation Sheets as required.*
- CSO Action Officer: \_\_\_\_\_

## Communications & Information Technology Requirements Request Form (CITR)

The CITR Form is the main document that is required from the business unit<sup>1</sup> to support a requirement to the Communications Support Office (CSO). Break/Fix issues (things like "My computer is smoking!" and new accounts) will be referred to the CSO Help Desk as usual. This form is used as the cover sheet for all actions related to your request and may be submitted by your BU to the CSO Help Desk (Palace, Room M233). For assistance in filling out the form you may contact the CSO Customer Relations Manager (DSN 239-8909). The important point is that the requirement does not exist unless it is documented in this manner. A master list of all submitted requirements will be maintained by the Customer Relations Manager<sup>2</sup> and will be available for your review at any time. Submission of a request form does not guarantee fulfillment – requirements will be addressed on a case by case basis within the bounds of available resources and security limitations.

### CITR Form Fields:

1. **CITR Number:** The requirement number will be assigned by the CSO Director of Operations and will be sequential based up on the receipt of CPA requirements.
2. **Date submitted:** Self explanatory.
3. **Business Unit/Org Name:** Please use the formal title of your business unit. The Help Desk has a list of known business units and if you cannot find your organizational name on that list please check with the CSO Customer Relations Manager.
4. **The Requestor is normally the lead official** (such as the Minister, Director, or Commander) of your BU.
5. **Phone #:** The Requestor's telephone number.
6. **E-Mail:** The Requestor's e-mail address (if it is @ ORHA.CENTCOM.MIL, just enter the User ID and @ ORHA).
7. **The Action Officer** is the individual assigned to manage this request and the person who best understands the requirement. This may also be your Information Management Officer (IMO) if you have one assigned in your business unit.
8. **Phone #:** The Action Officer's telephone number.
9. **E-Mail:** The Action Officer's e-mail address (abbreviate as indicated in 6 above.)
10. **Requirement Title:** The title should be concise, short and to the point, this will be the reference name we will use when communicating on your project. For example a title might include Expansion of or New Office space for
11. **Date Required:** This field is a mandatory field. Be realistic since this will be used in determining the priority of the project, and you want to maintain credibility. ASAP and Immediately are not acceptable entries.
12. **Explanation of Requirement.** This is where you detail what it is you need. Please focus on the mission and capabilities you require, not on specific technologies or product lines. The CSO must deliver service within the existing configuration management baseline whenever possible. However, unique requirements may lead to modifications of the baseline, so provide as much information as possible to assist in making that determination.
13. **Priority/Justification:** Please provide information which will assist the CSO in determining the priority to assign this project.
14. **Received by:** The CSO representative will sign and date the form, enter it onto the Master List, enter the CITR Number on the form, and provide you with a copy of your request for reference purposes. All new requirements will be reviewed and prioritized within the Master List daily and a CSO project officer assigned.

You may use blank paper for Continuation Sheets if you need more space. Please number the pages and place the Requirement Title at the top of each page. You may review the CPA CSO IT Request Master List with the CSO Customer Relations Manager. Please call ahead (DSN 239-8909) to schedule a convenient time.

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<sup>1</sup> Or BU. A generic term used to denote ministries, agencies, offices and other organizations of the Coalition Provisional Authority or other entities receiving communications or information technology support from the Communications Support Office.

<sup>2</sup> Located in the Palace, Room M231

# **TRANSITIONAL ADMINISTRATIVE LAW**

## **Executive Summary**

**The Transitional Administrative Law will be the Supreme Law of Iraq, during the transitional period.** It will expire once a government is elected under a permanent constitution and take office. This will happen no later than December 31, 2005. The transitional period will consist of two phases:

- *Phase I:* On 30 June 2004, an Iraqi Interim Government will be vested with full sovereignty, and the Coalition Provisional Authority will dissolve. This Iraqi government will be formed through a process of widespread consultation with the Iraqi people and will govern according to the Transitional Administrative Law and an annex to be issued before the beginning of the transitional period.
- *Phase II:* The Iraqi Transitional Government will take office after elections for the National Assembly. These elections will take place as soon as possible, but no later than 31 January 2005.

**The Fundamental Principles of the Law include the following:**

- The system of government in Iraq will be republican, federal, democratic, and pluralistic. Federalism will be based on geography, history, and the separation of powers and not on ethnicity or sect.
- The Iraqi Armed Forces will fall under the control of Iraq's civilian political leadership.
- Islam will be the official religion of the State and will be considered a source of legislation. The Law will respect the Islamic identity of the majority of the Iraqi people and guarantee the freedom of religious belief and practice.
- Arabic and Kurdish will be the official languages of Iraq.

**The people of Iraq are sovereign and free.** All Iraqis are equal in their rights and without regard to gender, nationality, religion, or ethnic origin and they are equal before the law. Those unjustly deprived of their citizenship by previous Iraqi regimes will have the right to reclaim their citizenship. The government will respect the rights of the people, including the rights

- To freedom of thought, conscience, and expression.
- To assemble peaceably and to associate and organize freely;
- To justice: to a fair, speedy, and open trial and to the presumption of innocence;
- To vote, according to law, in free, fair, competitive and periodic elections;
- To file grievances against officials when these rights have been violated.

**The Transitional Iraqi Government will contain checks, balances, and the separation of powers.** The federal government will have the exclusive right to exercise sovereign power in a number of critical areas, including the management and control of the following

- National security policy; independent militias shall be prohibited.
- Foreign policy, diplomatic representation, and border control.
- National fiscal, monetary and commercial policy.
- National resources, revenues from which must be spent on the needs of all of Iraq's regions in an equitable manner.

**The Transitional Legislative Authority** will be vested in a National Assembly, which will pass laws and help select and oversee the work of the executive authority. The National Assembly will be freely elected by the people of Iraq, under an electoral system designed to achieve

# TRANSITIONAL ADMINISTRATIVE LAW

## Executive Summary

representation of women of at least one-quarter of its members, as well as fair representation of all of Iraq's communities.

**The Transitional Executive Authority** will consist of the Presidency and the Council of Ministers, including the Prime Minister.

- The Presidency Council will consist of the President and two Deputy Presidents, and will be elected by the National Assembly as a group. The Presidency Council will represent the sovereignty of Iraq, may veto laws, and make appointments. All decisions of the Presidency Council will be taken unanimously.
- The Presidency Council will nominate the Prime Minister and, on the recommendation of the Prime Minister, will also nominate the Council of Ministers. All ministers will need to be confirmed in a vote of confidence by the National Assembly.
- The Prime Minister and the Council of Ministers will oversee the day-to-day management of the government.

**The Federal Judicial Authority** will be independent. A Federal Supreme Court will be created to hear judicial appeals and to ensure that all laws in Iraq are consistent with the Transitional Administrative Law. It will consist of nine members, who will be appointed by the Presidency Council upon the recommendation of an impartial Higher Juridical Council.

**Federalism and local government** will ensure a unified Iraq and prevent the concentration of power in the central government that enabled decades of tyranny and oppression. This will encourage the exercise of local authority in which all citizens are able to participate actively in political life.

- The Kurdistan Regional Government will be recognized as an official regional government within a unified Iraq, and will continue to exercise many of the functions it currently exercises. Groups of governorates elsewhere in Iraq will be permitted to form regions, and take on additional authorities.
- The governorates will have Governors and Governorate Councils, in addition to municipal, local, and city councils as appropriate.
- All authorities not reserved to the Federal Government may be exercised as appropriate by the governorates and the Kurdistan Regional Government.
- Elections for Governorate Councils throughout Iraq, and also for the Kurdistan National Assembly, will be held at the same time as elections for the National Assembly, no later than 31 January 2005.

**Iraq's security will be defended by Iraqi Armed Forces, working together with the Coalition.** Consistent with Iraq's sovereign status, the Iraqi Armed Forces will play a leading role as a partner in the multinational force helping to bring security to Iraq in the transitional period. The Iraqi Transitional Government will also have the authority to negotiate a security agreement with Coalition forces.

**The National Assembly will be responsible for drafting the permanent constitution.**

After consulting with the Iraqi people and completing a draft, the proposed constitution will be submitted to the public in a referendum, which will occur no later than 15 October 2005. If the constitution is adopted, elections for a new government under the constitution will be held, and the new government will take office no later than 31 December 2005.



## **IRAQI GOVERNING COUNCIL ADOPTS BILL OF RIGHTS**

### ***Unprecedented document for Iraq and the region***

**The Transitional Administrative Law sets out the basic rights of all the people of Iraq. With the adoption of this Law, the Governing Council has taken an historic step forward toward a democratic Iraq.**

#### **Individual rights guaranteed in the Transitional Administrative Law:**

✓ "All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, freedom, and the security of his person. No one may be deprived of his life or liberty except in accordance with legal procedures. All are equal before the courts." (Chap. 2, Article 14)

✓ "Public and private freedom shall be protected." (Chap. 2, Article 15)

✓ "The right of free expression shall be protected." (Chap. 2, Article 16)

✓ "Each Iraqi has the right to freedom of thought, conscience, and religion; belief and practice. Censorship in such matters shall be prohibited." (Chap. 2, Article 17)

✓ "Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall cruel, inhuman or degrading treatment." (Chap. 2, Article 18)

✓ "Each Iraqi has the right to demonstrate and strike peacefully in accordance with the law." (Chap. 2, Article 19)

✓ "The right of free peaceful assembly, and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed." (Chap. 2, Article 20)

✓ "Every Iraqi... has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections. No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy." (Chap. 2, Article 30)

✓ "Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted. Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship." (Chap. 2, Article 11)

✓ "The right to a fair, speedy and open trial shall be guaranteed." (Chap. 2, Article 15)

✓ "All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal." (Chap 2, Article 15)

✓ "The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. Any person whose rights are asserted, he must be notified of these rights." (Chap 2, Article 15)

✓ "The accused shall be afforded the right to confront and cross-examine witnesses against him, and the right to present witnesses in his defense." (Chap 2, Article 15)

✓ "The accused shall be afforded the right to a public trial, and the right to a speedy trial." (Chap 2, Article 15)

✓ "The accused shall be afforded the right to a trial by jury, and the right to a trial by a judge or a jury, as determined by the law." (Chap 2, Article 15)

✓ "The accused shall be afforded the right to a trial by a judge or a jury, as determined by the law." (Chap 2, Article 15)

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[REDACTED] (CIV)

**From:** [REDACTED] (GS-15)  
**Sent:** Wednesday, February 04, 2004 8:40 AM  
**To:** [REDACTED] (O-6)  
**Cc:** [REDACTED] (CIV)  
**Subject:** RE: MOJ pay issue

COL

This is being worked internally in prisons. Your POC is [REDACTED] prisons.

[REDACTED] (AUSA)  
Resident Legal Advisor (US Dept of Justice)  
Baghdad, Iraq

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

**From:** [REDACTED] (O-6)  
**Sent:** Tuesday, February 03, 2004 11:07 PM  
**To:** [REDACTED] (GS-15)  
**Subject:** FW: MOJ pay issue

[REDACTED]

This in regards to the one you are working, do we have an answer yet?

Col [REDACTED]

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

**From:** [REDACTED] (O-4)  
**Sent:** Tuesday, February 03, 2004 10:49 PM  
**To:** [REDACTED] (O-6)  
**Subject:** FW: MOJ pay issue

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

**From:** [REDACTED] (O-4)  
**Sent:** Tuesday, February 03, 2004 4:15 PM  
**To:** [REDACTED] (GS-9); [REDACTED] (O-6)  
**Cc:** [REDACTED] (O-4)  
**Subject:** RE: MOJ pay issue

I'm looking for some guidance on this one. Who in MoI would handle something like this?

[REDACTED]

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

**From:** [REDACTED] (O-5)  
**Sent:** Tuesday, February 03, 2004 4:12 PM  
**To:** [REDACTED] (O-4); [REDACTED] (O-4)  
**Cc:** Armstrong, John (SES-5); Ryan, Charles (SES-5); Bartlett, Joseph T. (SES)  
**Subject:** RE: MOJ pay issue

MAJ [REDACTED]

2/4/2004

The jail itself is an MOI facility. However, we are going there in about a week to determine if the facility needs to be transferred to MOJ. I've copied my bosses this message but, at this time, the facility still belongs to MOI.

Sincerely,

LTC [REDACTED] US Army  
 Senior Military Prisons Advisor, 4th Infantry Division  
 Coalition Provisional Authority (CPA)  
 Ministry of Justice (MOJ)  
 Dept. of Prisons (Rm S 103)  
 Baghdad Central, Iraq  
 Email: [REDACTED]

Tel# DSN: [REDACTED]

COM: [REDACTED]

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

**From:** [REDACTED] (O-4)  
**Sent:** Tuesday, February 03, 2004 4:06 PM  
**To:** [REDACTED] (O-4)  
**Cc:** [REDACTED] (O-5)  
**Subject:** RE: MOJ pay issue

I don't know --- you're talking MoJustice. I'm Ministry of Interior. That doesn't help, does it? The only person I know in MoJ is LTC [REDACTED]. I doubt he does these issues, but I'll copy him.....maybe can point you to the right person.

Regards,

[REDACTED]

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

**From:** [REDACTED] (O-4)  
**Sent:** Tuesday, February 03, 2004 1:16 PM  
**To:** [REDACTED] (O-4)  
**Subject:** FW: MOJ pay issue

[REDACTED]

I know you are preparing to leave. Who is the best person to address this and this type of issue in MOJ?

[REDACTED]

MAJ, USA  
 Coalition Provisional Authority  
 Regional Operations Room M235  
 Liaison Officer  
 APO AE 09335  
 DSN: [REDACTED]  
 Cell: [REDACTED]

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

**From:** [REDACTED]  
**Sent:** Tuesday, February 03, 2004 12:42 PM  
**To:** [REDACTED] (O-4)  
**Cc:** [REDACTED]  
**Subject:** MOJ pay issue

2/4/2004

[Redacted]

Greetings from Baqubah. I've been here about a week as the Deputy CG and am working on pay issues. Col. [Redacted] brought to our attention an urgent matter and we're looking for assistance. Seems the Iraqi vender hired to supply meals for the some 400 prisoners in detention is not getting paid. At the moment, Hogue is using CERB funds, but that can't last. We understand that the MOJ is supposed to be paying for this service. Any chance you can shake something loose or point us in the right direction. Thanks.

Regards,

[Redacted]

Deputy GC  
Baqubah

2/4/2004

[REDACTED] (CIV)

**From:** Wilkinson, Molly (SES-1)

**Sent:** Wednesday, February 04, 2004 3:39 PM

**To:** [REDACTED] (GS-9); [REDACTED] (O-6); [REDACTED] (CIV)

**Cc:** Casteel, Steven (SES-6); [REDACTED] (OTHER); [REDACTED] (GS-15); Bartlett, Joseph T. (SES)

**Subject:** RE: Current MOI Vendors issue

[REDACTED]—for background—last Dec, I, on behalf of [REDACTED] who had reached agreement with [REDACTED] the former Senior Advisor to Justice, on a transfer of properties from MOI control to MOJ control. This MOU (which I had but can't find—Stephan please get a copy from [REDACTED]) should have been discussed with Nouri Badran by [REDACTED]. The problem is, I am not sure if [REDACTED] ever brought it up to Nouri.

So:

1. [REDACTED] or whoever goes to see Nouri next needs to bring this MOU and explain why we did it and why it benefits MOI blah blah.
2. Then (I have already gotten it translated into Arabic) it needs to be distributed out to all the police stations etc throughout the Iraqi Ministry of Interior so the transfer of property to MOJ—THIS IS IMPORTANT because bills are coming due and it's important to get who's is responsible for paying for what....
3. Then, the MOJ people I believe will be traveling out to the sites to coordinate.

[REDACTED]—have I got this right so far?

[REDACTED]—in other words—the ball is in our court with Nouri....

[REDACTED]

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

**From:** [REDACTED] (GS-9)

**Sent:** Wednesday, February 04, 2004 2:22 PM

**To:** Wilkinson, Molly (SES-1)

**Subject:** FW: Current MOI Vendors issue

[REDACTED]

Can you help me on this one, too? This issue doesn't ring a bell with me.

[REDACTED]

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

**From:** [REDACTED] (CIV)

**Sent:** Wednesday, February 04, 2004 2:07 PM

**To:** [REDACTED] (GS-9)

**Subject:** Current MOI Vendors issue

[REDACTED]

[REDACTED] told me you were her replacement and would be involved in seeing the Memorandum of Agreement was implemented from the perspective of MOI. I hope I understood her correctly. Before she left, I copied you the agreement we reached. I trust you received it, as it didn't come back to me.

[REDACTED]

Legal Advisor  
MOJ/Dept. of Prisons

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

2/4/2004

**From:** [REDACTED] (GS-15)  
**Sent:** Wednesday, February 04, 2004 8:40 AM  
**To:** [REDACTED] (O-6)  
**Cc:** [REDACTED] (CIV)  
**Subject:** RE: MOJ pay issue

COL

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[REDACTED] (AUSA)  
 Resident Legal Advisor (US Dept of Justice)  
 Baghdad, Iraq

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**Subject:** FW: MOJ pay issue

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**Sent:** Tuesday, February 03, 2004 4:15 PM  
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**Subject:** RE: MOJ pay issue

MAJ [REDACTED]

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 Dept. of Prisons (Rm S 103)  
 Baghdad Central, Iraq  
 Email: [REDACTED]

Tel# DSN: [REDACTED]

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[REDACTED]

MAJ, USA  
 Coalition Provisional Authority  
 Regional Operations Room M235  
 Liaison Officer  
 APO AE 09335  
 DSN [REDACTED]  
 Cell: [REDACTED]

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

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, February 03, 2004 12:42 PM





deprived of



International Committee of the Red Cross  
Central Tracing Agency and Protection Division  
19 Avenue de la Paix  
1202 Geneva, Switzerland  
T +41 22 734 60 01 F +41 22 733 20 57  
E mail: [icrc.gva@icrc.org](mailto:icrc.gva@icrc.org) [www.icrc.org](http://www.icrc.org)

Copyright for all photos: ICRC  
October 2002

deprived of **FREEDOM**

## Protection of prisoners: a necessity



**Even in societies where the rule of law prevails, the authorities may, if they feel threatened, be tempted to use undue force in order to attain their political or military objectives.**

The same is true of opposition factions. People deprived of their freedom in such circumstances are particularly vulnerable, for they are in danger of disappearing or being subjected to torture or ill-treatment.

Under international humanitarian law and the mandate entrusted to it by the international community, the International Committee of the Red Cross (ICRC) is responsible for helping the victims of both internal and international armed

conflicts and of other situations of violence. Since 1915 the ICRC has progressively developed procedures for visiting and subsequently monitoring the conditions in which people deprived of their freedom are detained. On the basis of the Geneva Conventions or with the prior consent of the detaining authorities, it regularly visits prisoners of war, civilian internees and security prisoners, and keeps a check on their situation until they are released. By making repeated visits, it is able to assess the psychological and material conditions of detention.

The ICRC reports its findings to the authorities and, if necessary, asks them to take steps to halt any abuses noted or remedy shortcomings in the prison system.

Although the risk of purely arbitrary arrest is high, particularly during internal unrest, the ICRC remains strictly neutral: it does not comment on the grounds for imprisonment, but confines its observations and requests to the treatment of detainees, particularly during interrogation, and to the conditions of detention. However, it does make sure that people facing prosecution benefit by the minimum legal safeguards laid down in international law.

Through its work the ICRC supports the efforts made by the international community to promote respect for international humanitarian law and the general principles of human rights.

## Visits to prisoners: a practice established in the early twentieth century

Ever since 1915, the ICRC has been visiting people deprived of their freedom in times of conflict. It became concerned about the situation of prisoners of war and civilian internees in the early months of the First World War, once it was clear that the conflict would be of long duration: on its own initiative, and with the belligerents' consent, it started visiting them.

Its objective was to encourage the parties to improve the prisoners' conditions of detention wherever necessary, and to be able to inform their governments and families how they were faring. This practice was subsequently codified in international humanitarian law, in the 1929 Geneva

Convention on prisoners of war. In 1918 and 1919, ICRC delegates also visited security prisoners for the first time in Petrograd (Russia) and in Hungary. During the Second World War they made over 11,170 visits to camps housing prisoners of war and civilian internees in the hands of States party to the 1929 Geneva Convention.

After 1945 the ICRC adapted its activities to the needs created by new forms of conflict, offering its humanitarian services to the belligerents and visiting people in captivity during the wars in Viet Nam and Afghanistan and the internal conflicts in Mozambique, El Salvador and Nicaragua, and in situations of internal tension such as the one that prevailed in South

Africa. At the same time, the ICRC has continued to protect and assist prisoners of war during and after international armed conflicts (Falklands/Malvinas Islands, Iran/Iraq, Panama/United States, the Gulf war, Ecuador/Peru and Eritrea/Ethiopia).



## International humanitarian law: protection for people deprived of their freedom

**International humanitarian law contains many provisions relating to the situation of people deprived of their freedom.**

In international armed conflicts, the following persons are protected by the Geneva Conventions of 1949 and Additional Protocol I:

- prisoners of war, by the Third Geneva Convention which is devoted entirely to them (for instance, during the Gulf war, Iraqi prisoners detained by the Coalition forces and prisoners from Coalition countries in the hands of the Iraqi authorities);
- civilian internees (i.e. civilians deprived of their freedom for security reasons), by the Fourth Geneva

Convention on the protection of civilians in wartime (for instance, Iraqi nationals living in the United Kingdom, Italy and France and interned there from the start of the Gulf war);

- in the event of territorial occupation, persons suspected or accused of committing acts hostile to the occupying power, persons tried for such acts and criminal law prisoners, by the provisions of the Fourth Geneva Convention (for instance, Palestinians detained or interned by Israel).

The States **I** party to the Geneva Conventions have formally undertaken to allow ICRC delegates to visit the above-mentioned persons in the event of international armed conflict.

In non-international armed conflicts, on the other hand, people who are not or are no longer taking part in the hostilities, particularly those deprived of their freedom, are protected by Article 3 common to the Geneva Conventions and by Additional Protocol II.

The ICRC **I** steps in on their behalf by virtue of the right of initiative assigned to it by the Conventions. In practice, it draws on the concepts applicable to international armed conflicts to define the categories of prisoners to whom it wants access: members of government armed forces, armed rebels captured by enemy forces, and civilians arrested by the government or the armed opposition because of their real or

presumed support for the other side. The ICRC likewise visits people who are likely to be persecuted because of their ethnic origin, religions, belief, etc.

3.

■ The ICRC ■ may also offer its services to the authorities in the event of internal tension or disturbances. In such cases it acts, according to the gravity and urgency of the humanitarian needs observed, on the basis of the humanitarian right of initiative laid down in the Statutes of the International Red Cross and Red Crescent Movement and accepted by the States. For its detention-related activities those two criteria are determined by factors such as the number of arrests, the effectiveness of supervisory mechanisms within the country, the conduct of police and security forces and allegations of ill-treatment and disappearances.

Then again, the ICRC may offer its services to the authorities in other situations such as serious disruptions of law and order or the lack of minimum guarantees of individual safety, for instance, if many people are affected or if it believes that its intervention may reduce tension.

Over the years the ICRC has steadily extended the scope of its activities: criminal law offenders are included in its representations and visits if they share the same premises as persons arrested in connection with internal tension or disturbances, or if they are suffering as a direct result of that situation. For example, if prison food supplies are inadequate (thus affecting all prisoners, regardless of their status or the reasons for their arrest), the ICRC asks the authorities to take the necessary steps to remedy the shortage. Any additional assistance provided by the ICRC is distributed to all prisoners alike.

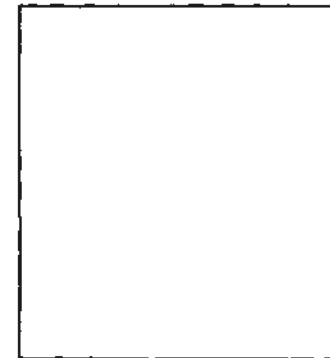


## Visits to prisoners captured during internal armed conflict

**The Russian civil war (1917-1921) was the first internal armed conflict during which the ICRC visited prisoners; its delegates modelled their activities on the practice established for prisoners of war in international armed conflicts.**

With the spate of internal conflicts after the Second World War,

this work assumed particular importance. The ICRC's objective was to gain access to all people captured and held by all parties to the conflict, but it did not always manage to do so. In other situations, ICRC visits have helped to protect people held not only by the government authorities but also by liberation or opposition movements.





## ICRC visits: facts are established, then the authorities are approached

**ICRC teams visiting people deprived of their freedom consist of at least one delegate and one doctor or sometimes a nurse.**

The size of the team and the length of the visits depend on the scale of the problems anticipated and the size of the premises to be visited: two people are enough to visit a police station in Sri Lanka, but one or more teams working together over several weeks will be required for the same task in large prisons divided into many sections holding thousands of prisoners, such as that of Shibergan in Afghanistan.

¶ All ICRC visits ¶ follow a standard procedure and take place only if certain conditions are fulfilled.

ICRC visits to places of detention start with a preliminary exchange of views with the people in charge there to explain how the visits themselves are organized and carried out. Together with the prison authorities, the delegates then inspect the entire premises (cells, dormitories, latrines, showers, exercise yards, visiting rooms, kitchens, workshops, sports areas, places of worship, infirmary, punishment and solitary confinement cells, etc.).

The most important part of the visit is the private conversations the delegates have with each prisoner who so requests, as well as with those to whom the delegates themselves wish to speak in private, at which neither the authorities nor the guards are present.

In this way the ICRC team tries to find out what the prisoners regard as their main problems.

After analysing the information gathered and their own observations, the delegates submit their findings, conclusions and recommendations to the people in charge of the place of detention and make a note of their comments. In many cases, problems can be solved by establishing an ongoing working relationship with the local prison authorities.

■ The next step ■ is to approach the higher authorities. Problems such as overcrowding, medical care and water or food supplies very often depend not only on the prison director but also on other authorities such as the Prisons Department or the Ministry of Health. Such approaches may take the form of interviews at various levels or of correspondence or written reports, depending on how great and how urgent the problem is.

The ICRC regularly provides the national authorities with a summary report on its findings over a given period or in a specific category of places of detention, which covers not only the problems identified but also any improvements observed or measures taken.

#### ■ Prior conditions ■

Drawing on the experience acquired over the years, the ICRC has thus established guidelines enabling it to evaluate a prison system with maximum objectivity and submit concrete and realistic proposals which take local customs and standards into account.

Whatever the circumstances, the ICRC visits people deprived of their freedom only if the authorities allow it:

- to see all prisoners who come within its mandate and to have access to all places at which they are held;
- to speak with prisoners in private, without any third parties being present;

- to draw up a list of prisoners during its visit whom it considers to come within its mandate, or to receive such a list from the authorities and to check and supplement it if necessary;

- to repeat its visits to all prisoners of its choice if it considers that the situation so warrants, and to do so as often as it wishes.





# 8

## ■ Confidential reports ■

Until the late 1940s, the ICRC used to publish its reports on visits to prisoners. However, because its reports were sometimes used polemically for political purposes, thereby jeopardizing further dialogue with the authorities, the ICRC had to stop publishing them.

Since then, ICRC reports have been submitted solely to the authorities concerned. The ICRC nevertheless reserves the right to publish its entire report if a detaining authority issues an abridged and consequently incomplete version of it.

## ■ Place of detention: one reality, three perceptions ■

Steps taken by ICRC delegates on behalf of people deprived of their freedom are based on an analysis and consolidation of information obtained chiefly from three sources:

- the authorities, who explain their view of the prison system and conditions of detention and tell of any problems encountered;
- prisoners, who describe their own experiences and difficulties;
- the delegates, who gather full information from these two sources and their own observations to form their own conclusions.

## Private interviews with prisoners: the cornerstone of ICRC action

**Conversations in strict privacy between delegates and individual prisoners, without any authorities present, are the cornerstone of ICRC action on behalf of people deprived of their freedom.**

Such interviews without witnesses, as they are sometimes called, serve a dual purpose: they give the prisoners a break from prison routine, during which they can speak freely about what matters most to them and be sure of being heard; and they enable the ICRC to find out all about the conditions of detention and the treatment of prisoners. The interviewing delegate also enquires how the arrest and the subsequent questioning took place, and about the conditions of

detention at the various places where the prisoner was temporarily he'd before arriving at the place visited.

In addition, the delegate may be given information about fellow prisoners whose arrest has not yet been notified to the ICRC or whom it has not been able to contact. He or she will ensure that the interview takes place without interference from other prisoners, who might seek to exert pressure.

■ The task of conducting such interviews is all the more delicate because they often revive painful memories of traumatic experiences, and there can be no question of subjecting the prisoners to a fresh interrogation. There are no precise rules for interviewing

detainees: it is up to the delegate to assess the situation on a case-by-case basis and adjust to it to create an atmosphere of trust. Sometimes the chance to speak to somebody from outside is enough for the individual prisoners to confide in the delegate, while for others it may take several visits before they will tell their story. Then again, they may open up only to the ICRC doctor. On the strength of the information thus gathered and after cross checking, the ICRC decides what action should be taken.

Whenever necessary, interpreters are used to communicate with the prisoners. They are recruited by the ICRC itself and, to avoid any pressure, they are never nationals of the country in which the visits

take place. If it has no suitable interpreters available, the ICRC may ask the prisoners to appoint one or more from among themselves; this practice is seldom adopted, however, since the prisoner interpreting a fellow inmate's remarks may be endangered by doing so or may distort what he or she says.



## A professional code of conduct drawn up with the prisoner's interests in mind

**To the ICRC, the interests of the individual prisoners visited prevail over all other considerations. Their situation may lead to diplomatic approaches or some other intervention, but must always be handled with the utmost caution.**

A risk of reprisals against prisoners if allegations of ill-treatment are reported to the prison authorities may cause the ICRC to postpone its call for an investigation. Delegates will nevertheless contact other officials often at a higher level to prevent such situations from recurring. On no account will the ICRC quote a prisoner's statements without his or her express permission. It takes care to see that its interventions do not have

any negative impact on the day-to-day life of inmates, and adapts them accordingly. This is monitored by regular visits to the same place of detention.

■ The ICRC ■ is also careful not to disrupt the prisoners' own internal organization. To withstand the pressures of prison life to the best of its ability, every group of prisoners sets up its own structures which sometimes reflect the social hierarchy and political movements of the outside world. To request the transfer of prisoners from one block to another may upset that internal structure and have serious repercussions such as fights, rivalries between groups or the deprivation of certain advantages linked to residence in a given block. On the other hand, the ICRC may ask

for prisoners to be transferred because they are being taunted or ill-treated by cellmates for political or other reasons.



## Individual monitoring to prevent extrajudicial executions and forced disappearances of people under arrest

**Any situation of conflict or violence within a country brings with it the risk of disappearances and extrajudicial executions.**

In order to prevent disappearances, the identity of people arrested must be established as soon as possible and their cases kept under observation. The ICRC therefore asks to be informed promptly of all people arrested and detained and to see them without delay. When visiting such prisoners, the ICRC registers their names and all other personal data and transmits them to their families. It can thus keep track of these people throughout their imprisonment, for each time it visits their place of detention it asks to see them again. If this is not possible,

it will want to know why, and ask to be informed of the missing prisoner's whereabouts. If a prisoner is transferred, the ICRC will try to visit him or her at the new place of detention.

Such visits will continue until the danger is significantly reduced or until the person is released, and individual monitoring may not stop even then, for families sometimes have to be contacted to check that a prisoner really has been released. If the situation so requires, particularly when the ICRC cannot gain access to a person whom it has previously visited, it repeatedly contacts the highest authorities both orally and in writing until it receives satisfactory information as to that person's situation and whereabouts.

The ICRC also contacts the authorities when its delegates are given eyewitness accounts of arrests, or at the request of families who report that a relative is missing.



## A step-by-step approach

**The ICRC analyses each item of information gathered by its delegates in the field in order to ensure that it really does see all detainees.**

If it feels that it is not being given access to all the prisoners it wishes to see, the ICRC contacts the authorities to enquire about them. Its work is therefore not confined to the prisoners it visits, but is also based on statements made to its delegates by people who themselves witnessed an arrest, by the families of missing persons or by prisoners who report that a fellow inmate has disappeared.

Prisoners sometimes tell delegates that they have been held at places which the authorities have not reported to the ICRC. In such

cases, the ICRC will negotiate access to the places in question and ask to be systematically informed of their existence. However, if it believes that unofficial detention and hence the danger of disappearances may increase if it steps in, it may decide to postpone its intervention. It will nonetheless try, on the basis of any information it can obtain and especially the testimony of credible fellow prisoners, to keep a check on the situation of people detained in such places.

### Registration and notification: a safeguard

The risk of extrajudicial execution or disappearance is frequently greater when the authorities have no reliable system for monitoring the prisoners' presence at,

transfer to or release from places of detention.

To lessen that risk the ICRC stresses the need for such a system; in particular, it recommends that registers be kept or that the authorities in the capital be systematically notified of each arrest, transfer or release. It also points out the advantages to the detaining authorities of doing so, i.e. being able to improve the organization, whether food supplies or security arrangements, of everyday life in places of detention.

ICRC delegates have sometimes helped to establish a monitoring system at the national level, for instance, by training local officials or providing material assistance.

The ICRC systematically checks information provided by the authorities against the lists it draws up during its visits or eye-witness accounts provided by the population.

## Long-term dialogue and presence: a strategic choice

**The ICRC has chosen to work on the basis of dialogue with parties to conflict and with the authorities, seeking to influence their behaviour and persuade them to comply with humanitarian law and principles.**

But to do so a climate of confidence, which can only be created in the long term and through sustained work in the field, has to be established with all concerned. That is one reason for the ICRC's discretion. In exchange, it expects its contacts to show that they are willing to take the political steps required to improve the situation.

### ¶ The limits of confidentiality ¶

Dialogue with the authorities, and not the systematic denunciation of violations of international law and humanitarian principles, is the course of action adopted by the ICRC. It does not allow itself to be swayed by the media or any other form of public pressure. But if serious and repeated violations occur and its own confidential approaches are in vain, or if it finds that the authorities clearly have no intention of respecting international humanitarian law, it may decide to speak out.







Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. (...) Parties to the conflict shall prepare and forward to each other through the same bureau,\* certificates of death or duly authenticated lists of the dead.

*First Geneva Convention of 1949, Article 16*

\* i.e. ICRC Central Tracing Agency

## Dialogue, not compromise

**All ICRC action on behalf of people deprived of their freedom is based on dialogue with prisoners, but also with the authorities.**

Getting the most objective picture possible of a place of detention or a prison system means listening to what everyone concerned has to say about it.

Dialogue with the prison officials helps the ICRC to find out whether the problems observed are due to shortcomings in the system or occasional malfunction, or are obviously intentional. Such dialogue also serves to determine the level in the chain of command at which the problem originates, and the authorities to be contacted about it.

Depending on circumstances, it may be necessary to call for a budget allocation, promote food self-sufficiency, make the local civilian or medical authorities aware of their responsibilities, restore a dialogue between guards and authorities or, in some cases, appeal to outside States for specific forms of assistance.

Malnutrition among prisoners may, for example, reflect widely differing problems ranging from deliberate policy on the part of the detaining authorities to difficulties of a purely logistical nature. In one African country, the ICRC urgently requested the Ministries of the Interior and Transport to provide a prison with food and have the lorry used to deliver the prison's supplies repaired; they responded,

and the prisoners soon showed no further sign of malnutrition.

Problems among prisoners may also reflect the attitude of a guard or official. Initially the ICRC will try to persuade those responsible to modify their behaviour but, if that fails, it will contact the authorities at a higher level.

Engaging in dialogue does not mean accepting a compromise: the ICRC will adamantly continue to press for a solution to the humanitarian problems observed. Using all possible channels open to it, it will try to reach all members of the administrative, judicial, military and political systems who are capable of influencing the situation, from the prison director right up to the head of State. If the

ICRC finds that it is making no headway and concludes that a new approach would be in the interest of the persons it visits, it may decide to suspend or discontinue its activities, or even publicly appeal to the States party to the Geneva Conventions to ensure that international humanitarian law is respected.

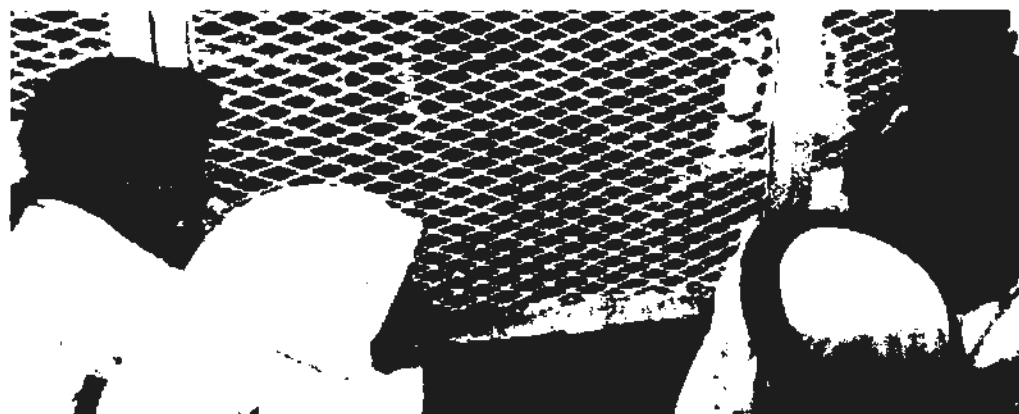
## Restoring family contact: a vital task

**To maintain decent conditions of detention, it is essential to preserve contact between prisoners and their families. Such contact is essential to their psychological well-being. Moreover, the family can provide the prisoner with often vital material support.**

In many contexts, family links are severed by conflict or unrest. The ICRC will then step in to restore them, asking that prisoners be authorized to communicate with their kin by means of Red Cross messages (the content of which is restricted to personal and family news) and to receive family visits throughout their detention.

If necessary the ICRC may, in cooperation with the National Red

Cross or Red Crescent Society, provide financial assistance or organize transport to help families travel to the prison, since prisoners are often held thousands of kilometres away from their homes and would otherwise be totally cut off from their loved ones.



## Everyday prison life

**One of the ICRC's objectives when visiting places of detention is to ensure that prisoners are detained in conditions which show due respect for human dignity.**

Such conditions depend first and foremost on the detaining authorities. However well intentioned they may be, they do not always have the necessary resources to meet all the relevant international standards. To obtain appropriate living conditions and treatment, humane principles must be firmly upheld and imaginative solutions found. Above all, this means listening to the needs expressed by prisoners, and taking the local social and cultural context into account. For example, some prisoners do not want to be housed

in individual cells as required by international agreements. The concept of living space may therefore vary widely from one culture to another and the ICRC must adapt its approaches accordingly

■ One of the ICRC's priorities is to get to know the prisoners' everyday environment. After an interview with the director of the place of detention, the visit starts with an inspection of all premises and facilities used by the prisoners. In the presence of the authorities, delegates have the daily routine explained to them, from how the kitchens are run and the sanitary installations cleaned to the ventilation of dormitories and the storage of food; they also check on facilities for family visits and access to the exercise yard,

etc. The same subjects are taken up again during the conversations held in private with the prisoners and the results are rounded off by the delegates' own observations.



#### ■ Ad hoc emergency aid ■

The ICRC's aim is to persuade the detaining authorities to take the necessary steps to ensure decent conditions of detention, not to shoulder their responsibilities for them. However, the ICRC will itself provide material assistance if the situation so requires and particularly if the survival of prisoners is at stake. This may take the form of additional food, medicines for the prison dispensary, sanitation work or various other repairs. At the same time the ICRC will ask the detaining authorities to assume their obligations as such, reminding them that they themselves are responsible for providing decent material and psychological conditions of detention.

#### ■ An extreme case: Rwanda ■

The situation in Rwanda's prisons after the genocide of 1994 was so acute – the government in place lacked the means to perform its duties as the detaining authority, the prisons were overcrowded to an unprecedented degree and the local population was clamouring for mass arrests – that the ICRC took exceptional action. In order to save the lives of tens of thousands of prisoners, the ICRC decided to equip new places of detention. It also took over the task of feeding the prisoners, at the same time calling on the authorities to progressively assume their responsibilities in that respect.



## Looking beneath the surface

**ICRC delegates are aware that their visits may have been prepared, if not adroitly orchestrated, by the authorities.**

There may be freshly painted walls, mended sanitary facilities, larger helpings of food on that particular day, and medical care for the sick. The ICRC naturally welcomes all

improvements which are lasting and of true benefit to the prisoners. But only regular visits can show whether they are permanent or not.

The delegates' own experiences enable them to see through such stratagems and to identify any problems regarding treatment or

living conditions that are not immediately obvious. To do so, they must compare the differing versions given by prisoners and the authorities with their own personal observations. It is only by looking beneath the surface and analysing the situation in greater depth, thanks to their knowledge of the prison environment, that they

will be able to form an accurate picture of the real conditions of detention and take appropriate steps in agreement with the authorities.



**To assess the conditions of detention, specific parameters must be taken into account.**

These parameters are as follows

- the prison facilities (buildings, dormitories, bedding, sanitary facilities, drainage, ventilation and exercise yard);
- the prisoners' access to these facilities (the official or customary routine in the place of detention, e.g. frequency of access to

showers and length of the exercise period, as the fact that a facility exists does not mean that prisoners can use it);

- internal regulations (timetables, family visits, correspondence, leisure activities, etc.);
- treatment and discipline (relations between prisoners and authorities, possibility for prisoners to speak with the prison officials, duration and conditions of solitary confinement, etc.);

- the training and the working conditions of the prison staff,

- contacts with the outside;

- the internal organization of prisoners (political disputes, gangs, internal reprisals, collaboration with the authorities, etc., and delegates must be familiar with this aspect of prison life, otherwise any proposal they make may endanger the very people they are trying to help).

**Role of medical personnel** ICRC visiting teams include doctors and nurses whose primary role is not to treat prisoners but to ensure that the detaining authorities guarantee them a state of health consistent with local standards. They assess the detainees' nutritional status, hygiene and living conditions (drinking water, ventilation of premises, latrines, overcrowding and its consequences on the prisoners' mental and physical health, etc.), as well as the personnel and facilities available for medical care; they will also check whether the prison population really does have access to them. Here, too, the private interviews play a crucial part.



## Combating torture and ill-treatment

**In situations of conflict or violence, anyone deprived of freedom may be subjected to torture and other ill-treatment at each stage of his or her detention.**

To prevent and try to put a stop to such practices is one of the ICRC's main concerns. Even when ICRC delegates are allowed to visit prisoners during the interrogation period, which is often considered the most dangerous, they are very rarely able to do so in the places where such acts are committed.

The ICRC's work to combat torture and ill-treatment is largely based on convergent accounts by prisoners of everything that has happened to them since their arrest. Any physical and psychological

after-effects observed by the ICRC doctor, which may or may not corroborate their statements, are also taken into account. All this information is gathered during conversations in private with the prisoners. It is then analysed, compared and evaluated in the light of statements from other sources to check intrinsic consistency and authenticity, for the ICRC is well aware that the strength of its representations lies in their credibility. Subject to the individual prisoners' permission, the ICRC passes on allegations of torture or ill-treatment to the authorities. In some cases it calls for an enquiry to establish the facts and prevent the recurrence of such acts. In others, it goes straight to the top and asks the highest authorities to put a stop to them. If, when a case is cited, the prisoner concerned

does not want to be named in connection with it or the delegates fear that their intervention might be followed by reprisals, the ICRC will proceed differently. If, however, the lives of prisoners are directly threatened, it will contact the authorities at the next level of responsibility, calling for warnings that acts of torture will be punished and for improvements in the training of prison guards.

Torture and ill-treatment may indicate a deliberate intention to punish, deter, interrogate or even terrorize. In such situations only the delegate's ability to convince and influence people, which requires tenacity and patience, will yield results. But unless the highest authorities show the necessary political will, the ICRC's effective-

ness will be limited. In practice, its work and that of the human rights agencies which is based on public opinion campaigns complement one another.

**A disorganized prison system** may also give rise to torture and ill-treatment. In such cases the ICRC will try to identify the causes of any malfunction and act upon them. In a prison where ill-treatment was regularly inflicted, for instance, delegates noticed that the untrained guards were too few in number to maintain security and believed that violence was the only means they had to do their job. The ICRC alerted the relevant authorities, insisted on the need to increase the number of guards and to train them properly. As a result, there were far fewer complaints of ill-treatment.

21



## Torture: no definition broad enough

**To give itself sufficient scope for action, the ICRC has never defined the term "torture". There are always two aspects to torture, one physical and the other psychological; they are interlinked and inseparable.**

The psychological effects often go far deeper than the physical effects. For instance, seeing torture inflicted on one's children or other loved ones, or even on somebody else, may prove much more traumatic than actually undergoing physical torture oneself.

Torture also has a strong cultural connotation. Its significance within a given social order and the intention behind it vary widely. Some behaviour may be regarded as "benign" in one culture, whereas in

another it may violate, for example, a religious taboo.

The ICRC has therefore decided not to adopt any of the definitions of torture formulated by the international community in recent years, although it may refer to them if it feels that doing so might help to combat the phenomenon of torture.

**■ The doctor's role in visits to torture victims ■**

In principle, every ICRC team visiting prisoners who may have been tortured includes a doctor to examine them and assess their physical and psychological condition. For people who have been brutalized and humiliated by torture, this meeting with a doctor from the outside is often invaluable, for they can be reassured as to their state of

health. It is particularly important for victims of sexual torture: they will often confide more readily in a doctor than in another delegate. The doctor examines the prisoners and the results go on file, possibly to serve as supporting evidence. With the respective prisoners' consent, detailed allegations may be used in representations to put a stop to torture. The ICRC doctor

acts as a "neutral medical intermediary". As such, he or she may remind the prison doctors of medical ethics by drawing their attention to the World Medical Association's Declaration of Tokyo, which prohibits any active or passive participation by doctors in torture and any other forms of cruel, inhuman or degrading treatment.



## Special protection for women and children in prison

**Women and children in prison are particularly vulnerable and therefore need specific protection.**

Admittedly, women are generally less likely than men to be deprived of their freedom on account of a conflict but, when they are, their conditions of detention are sometimes worse than those of other prisoners. Women may be deprived of their freedom during armed conflicts for various reasons. There are detailed rules in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 concerning the treatment of persons deprived of their freedom in connection with situations of armed conflict. These rules include specific provisions on the treatment of women in detention.

The aim of these specific provisions is to provide additional protection for women with regard to their particular medical and physiological needs, which are often, but not always, related to their child-bearing role, and to give consideration for their privacy.

■ The accommodation ■ provided for women may be too cramped if only one detention centre is set aside for them. The fact that prisons often have no female staff may have serious consequences, including certain forms of harassment by guards. During its visits, the ICRC pays special attention to the situation of women prisoners, who are moreover usually visited by female delegates. Specific rules regarding women and expectant or nursing mothers are laid down in the Geneva

Conventions. Also, standards set out in other international instruments require particular care to ensure that women deprived of their freedom are held in a safe and decent custodial environment: mixed gender staffing, separate accommodation, equality of access to activities, ante-natal and post-natal care, hygiene and health care, protection from ill-treatment, family visits, etc.

## Children and detention of a mother

**Also of relevance is the prohibition on the execution of the death penalty on pregnant women or mothers with dependent infants.**

Women often play the central role in the family unit, and detained women often suffer acutely from separation from their children (especially babies and young children) and from lack of information as to their well-being. Women therefore need to have contact with their children, including physical contact. Women may have to be given assistance to have such contact because of the distance of the place of detention from their homes, because contacts outside the prison are restricted, or because they do not know the whereabouts of their children.

In some cases, women may enter the prison pregnant or become pregnant while in detention. Babies may also be taken away from their mothers immediately after birth or when the mother is discharged from hospital. Many women (especially nursing mothers) find enforced separation from their children particularly traumatic and one of the most difficult aspects of their detention. The effects on the children could also be psychologically damaging. Nursing mothers should therefore be able to keep their newborn babies with them in detention if this is in the best interests of the children. If separated from them, nursing mothers must be informed of their whereabouts and be allowed to maintain frequent physical contact with them.



## Special protection for children

**During its visits, the ICRC pays special attention to the situation of detained minors. Children are imprisoned too, either for criminal law offences or because they have been caught up in the turmoil of events, or even because they have been enrolled as combatants.**

For them, the loss of freedom may be very hard to bear and have lasting effects on their development. They should also be protected against indecent assault. The ICRC insists on the psychological and emotional equilibrium, development and education of young prisoners being ensured as far as possible, and urges the detaining authorities to see that the following requirements are met:

- juveniles in detention should, as a rule, be accommodated separately from adults except when children and parents are held in the same place;
- juveniles should be offered as many purposeful activities as possible, such as sport, vocational training, recreation, physical education;
- if they are not released and their detention is extended, children must be transferred as soon as possible to a specialized establishment for minors;
- children must receive food, hygiene and medical care suited to their age and general condition;
- children must be able to continue their schooling;
- children must be able to keep in regular contact with their families and the outside world;
- disciplinary procedures and sanctions must be adjusted;
- regarding the death penalty, the States party to the Fourth Geneva Convention (Art. 68, para. 4) and the Additional Protocols (Art. 77, para. 5, API and Art. 6, para. 4, APII) should take legislative measures under penal and military law to prohibit the pronouncement or execution of a death sentence against anyone aged less than 18 years at the time of the offence.

## An important aspect of protection: upholding legal safeguards

**The ICRC intervenes to ensure that certain universally recognized principles enshrined in the Geneva Conventions and their Additional Protocols are respected by all parties to an armed conflict.**

No person may be deprived of his or her freedom except on legal grounds and in accordance with procedures provided for by law. The ICRC has therefore acted in conflict situations to see that judicial guarantees are applied. Judicial guarantees, also known as fair trial rights, are an integral part of international humanitarian law. They are provided for in the Geneva Conventions, and in their two Additional Protocols. These provisions are a key component of the notion of humane treatment

and their very aim is to protect the life, health and dignity of persons subjected to penal sanctions. Judicial guarantees were considered to be so important by the drafters of the Geneva Conventions and their Additional Protocols that their violation constitutes a grave breach or a war crime under the Conventions and under customary international law.

■ The ICRC ■ has thus, for example, requested that prisoners of war accused of criminal offences be informed of the charges and evidence against them and that the right of such prisoners not to testify against themselves be respected. One State holding prisoners of war under investigation for the murder of another prisoner was reminded by the ICRC of

the ban on extorting confessions, the right of the accused prisoners to be defended by a lawyer qualified to prepare their defence, their right to the services of an interpreter, etc.



The basic provision on judicial guarantees is contained in Article 3 common to the four Geneva Conventions which prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples".

The Third Geneva Convention contains detailed safeguards that must be applied in criminal proceedings against prisoners of war, whereas the Fourth Geneva Convention contains judicial guarantees for civilians in international armed conflict. Judicial guarantees for any person affected by an

international armed conflict who is not entitled to more favorable treatment under the Conventions are elaborated in Additional Protocol I, while the safeguards that must be applied in penal proceedings carried out in relation to

an internal armed conflict are provided for in Additional Protocol II (see below).

In the past few years the ICRC has extended its interventions in this domain to other situations of

violence, drawing on the rules and principles of international humanitarian law and other relevant rules of international law.



## Penal prosecutions

### Article 6 of Protocol II additional to the Geneva Conventions

“**1.** This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.

**2.** No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:

- a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
- b) no one shall be convicted of an offence except on the basis of individual penal responsibility;

**3.** A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

**4.** The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

- a) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed, if after the commission of the offence, provision

**5.** At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.”

- is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
- d) anyone charged with an offence is presumed innocent until proved guilty according to law;
- e) anyone charged with an offence shall have the right to be tried in his presence;

- f) no one shall be compelled to testify against himself or to confess guilt

## ICRC action: a means at the international community's disposal

**For several decades the international community has been intensifying its efforts, both in terms of legislation and in the field, to protect people deprived of their freedom.**

The ICRC's presence in the prison environment is one way of promoting respect for human dignity. Its intervention, which takes place in situations of acute crisis, must then gradually be supplemented by the human rights activities of other agencies.

While pursuing its own approach, which is based on dialogue with the authorities and on confidentiality, the ICRC has strengthened its operational cooperation in this field with national, international and non-governmental organiza-

tions, such as the Office of the United Nations High Commissioner for Human Rights, UNICEF and Médecins sans frontières, so as to avoid duplication of efforts and inconsistency in any action undertaken. Other components of the International Red Cross and Red Crescent Movement some-

times do welfare work in prisons in peacetime; some National Red Cross and Red Crescent Societies, for instance, provide material, psychological and social support for their countries' prisoners.





## "What matters (...)"

**"What matters is not only the good the ICRC brings, but even more the bad it prevents."**

**Nelson Mandela**

(Registration No. 220/82, Robben Island Prison, 1962-1990)

It is hard for the ICRC to assess the true impact of its visits to people deprived of their freedom; it would also be difficult to say how things might have been if the ICRC had been unable to operate in a given situation. Nelson Mandela qualified the ICRC's work in these terms: "What matters is not only the good the ICRC brings, but even more the bad it prevents". All conversations with prisoners show that a visit by the ICRC has at least one result: it offers them a lifeline, an opportunity to talk and be listened to, to voice their tensions and frustrations (sometimes quite aggressively), and to express their anxieties and fears to someone who is well-disposed towards them. The psychological effect of contact with the outside world is

very important and should not be underestimated.

Moreover, the regular presence of the ICRC and its constant contacts at all levels of power have a dissuasive effect: they help to forestall and contain such phenomena as forced disappearances, torture and ill-treatment. Working as it does in times of armed conflict, disturbances, tensions and other situations of violence within a country the ICRC is well aware that its activities are part of a longer-term process, for although rapid improvements can certainly be made, its mere presence in places of detention does not mean that abuses will stop.

If such phenomena are to be eradicated completely, the situation

must return to normal and non-governmental organizations and other components of civil society must be able to resume their regulatory functions, particularly those which enable the judicial system to work properly and arbitrary practices to be effectively curbed.

## Mission

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

[redacted] (CIV)

**From:** [redacted] (CIV)  
**Sent:** Friday, February 06, 2004 3:48 PM  
**To:** Bartlett, Joseph T. (SES)  
**Subject:** RE: Unanswered questions about the trailer

2/6/2004

Terry,

The HR attorney is not going to be capable of also representing the prisoner in the criminal defense for the original charge and hence will not stand for being prevented from pursuing the human rights violation claim. The latter will be a civil/administrative/media effort and hence you'll never succeed in forcing the prisoner to choose between a defense for his charge or a remedy for the alleged abuse at the hands of the authorities. You're going to be dealing with two different attorneys for this prisoner, like it or not. The question is, does one get unfettered access and special rights to his client while another lawyer representing the same client gets less?

In the Western world, if an attorney files a complaint (which is a whole other question, where and how is that done in Iraq?) against the prison administration, then clearly the prison administration from the warden on down should have no conversations with that lawyer without legal representation themselves. That's the technical answer. In the real world of Iraq, if some hotshot U.S. lawyer comes in and starts making allegations against ICS officers for doing something which is probably far less egregious than what they used to do, there's going to be some real problems with continued everyday cooperation (hostility resulting from lack of understanding about an ill defined system). I'm probably being euphemistic here, the HR lawyer is apt to find his tires slashed or much worse.

Am I wrong?

[redacted]

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

**From:** Bartlett, Joseph T. (SES)  
**Sent:** Friday, February 06, 2004 2:38 PM  
**To:** [redacted] (CIV)  
**Subject:** RE: Unanswered questions about the trailer

[redacted]

Excellent issues! Off the top of my head, I would say that an inmate is allowed only one legal representative (could be a team of more than one attorney, but usually is only one). The inmate must choose who will be his legal representative. The HR attorney, if acting as the inmate's legal representative, should receive the same treatment as any other attorney who has a privilege relationship with an inmate.

Please see me with a deeper explanation of what you mean in 1.A.2.

The place, the location, in this case the trailer, will naturally be subject to both routine and dedicated search activities as is everywhere within the secure perimeter of the prison. No special privilege will be afforded this location in that regard.

Does all that make good legal sense?

Thanks.

Terry

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

**From:** [redacted] (CIV)  
**Sent:** Friday, February 06, 2004 1:35 PM  
**To:** Bartlett, Joseph T. (SES)  
**Subject:** Unanswered questions about the trailer

2/6/2004

Terry,

The geographic placement of the Human Rights trailer at Abu Graib has been thoroughly discussed, but I'm concerned about related matters which, Col. [REDACTED] tells me have not been discussed. I am well aware of the political nature of this matter, however all parties still must have a roadmap so as to make this work.

1. Are the attorneys maintaining an office in this trailer anticipating an attorney/client relationship with inmates?
  1. Not with regard to the pending criminal charges but in regard to any potential civil/administrative claim against the CPA/prison administration/Iraqi government for any alleged violation of the inmate's rights.
    1. If the answer is yes, will the HR attorney be treated any differently from the criminal defense attorney who may also be representing the same prisoner?
    2. If the answer is yes, an adversarial role in a potential or pending matter will severely limit the quantity and quality of assistance ICS officers on site can offer the HR attorney

If the answer is yes, will the attorney understand that any 'office' inside the prison cannot be considered

3. 'attorney/client privileged' domain and hence to search when prison-wide security searches are done?

2/6/2004

[REDACTED] (Contr.)

**From:** Bartlett, J. Terry (SES)  
**Sent:** Sunday, March 07, 2004 3:31 PM  
**To:** [REDACTED] (Contr.)  
**Subject:** FW: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

[REDACTED]  
Please digest the track of message below and then see me.  
Thanks.  
Terry

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

**From:** McArthur, Doman O. (SES)  
**Sent:** Saturday, March 06, 2004 11:07 PM  
**To:** [REDACTED] (GS-12); Executive Secretary  
**Cc:** [REDACTED]

[REDACTED]  
[REDACTED] Bartlett, J. Terry (SES); [REDACTED]  
[REDACTED]

**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

All:

The e-mail trail below demonstrates the need to develop a system for responding to detainee inquiries directed to Ambassador Bremer. (It probably would be a good idea to make sure that the responses sent out from Ambassador Bremer's office are consistent with those from LTG Sanchez, as well).

The last thing I want to do is have another meeting on detainees because all the people who are on the distribution are working on a million other things, so I will try to organize this by e-mail. **For this approach to work, I have to get responses. If I can't get answers this way, the only way to do it is another meeting, so please read this and send feedback on items within your area of responsibility. Also, if there is someone who should be on here who is not, please forward this to them.**

Ambassador Bremer identified me today as the "detainee guy", which follows by a couple of weeks a similar proclamation by Ambassador Jones, so I suppose I am now officially the detainee guy. I realize that the issue crosses many lines of responsibility and two chains of command, so I am asserting no more authority than the fact that I am trying to do something that Ambassador Bremer wants to get done. With that in mind, I ask for your patience, indulgence, and cooperation.

3/7/2004

The first thing we need to do is decide who is responsible for what part of the process.

**Tracking correspondence - Who will be responsible for tracking detainee related correspondence to the Ambassador?** I note that Ms. [redacted] asked StratCom to take the lead, but it is unclear whether that means in getting the letters drafted or in managing the correspondence process. When I was in the ExecSec today, I got the impression that the idea is to cull detainee issue correspondence out and put it on a separate track. **Please let me know if that is the intent.**

Also, I think we need to make some policy determinations. For example, I would not give information to someone in Pennsylvania who asks about a specific detainee (see the original request below). I believe we should provide general responses to anyone who asks, but should not address specific detainees unless there is reason to believe that the person making the request has some relationship with the detainee. **Who will have authority to make such policy determinations?**

**Drafting correspondence** – I am happy to take responsibility for drafting the form letters, but I need some input from individuals with direct responsibility for the issues. **(Since we are already overdue on the response for juveniles, please note the questions and requests below).**

The areas that we are looking at and the broad themes I would like to include are as follows:

- 1) Security Internee language – general (Please note that I have reorganize this a bit from my previous e-mail. Based on what I now understand the plan to be, I recommend that we have a standard paragraph or two on each of the following subjects that can be cut and pasted into a response. I've attached a document with some language for specific issues, but we need to get text for each of the most common issues. The idea is that we can start with the full document; then cut out the parts that were not asked about. It may take a little smoothing to get the flow right between paragraphs, but with a little work you can make a product that looks personal rather than like a form letter. An obvious form letter is almost worse than no response at all.)
  - a. Security Internees – general - See attached draft language
  - b. Notification of families – see attached draft language (LTC [redacted] - can you give me language on the reception center

3/7/2004

that will open soon? Col [REDACTED] – can you answer or put me in touch with PAO rep who can address additional measures – i.e., publishing lists in paper? CPT [REDACTED] – can you tell me when new lists (criminal detainees, Not In Camp rosters, etc.) will be available?

- c. Treatment during arrests - We make every effort to minimize damage and injury during raids. We have a process for dealing with complaints (SJA, can you give me details?)
- d. Visitation rights – see attached draft language – (LTC Hurley – Are you confident enough of opening the visitation center that we can start to talk about it?)

2) Juvenile detainees

- a. OGC and MOJ – do you have bullets on this?
- b. How do we define juvenile (U.S. law is <18, but Iraqi law says >15 is adult. Which do we use?
- c. What do we do besides segregation from general population? (Do they get special privileges, visits?)

3) Women detainees

- a. Very small number of female Security Internees
- b. Differentiate from female criminal detainees
- c. Besides segregation, what do we do different for women?

4) Criminal detainees

- a. Most are now under direct Iraqi custody with only U.S. supervision
- b. Once in the criminal system, they get all criminal rights (including right to counsel)

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

**From:** [REDACTED] (GS-12)

**Sent:** Saturday, March 06, 2004 2:58 PM

**To:** [REDACTED] (O-3)

**Cc:** McArthur, Doman O. (SES)

**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

[REDACTED] – I've been informed that for various reasons, this letter drafting project has been shifted to Dobie McArthur, who has a great deal of knowledge of the policy areas of the detainee issue. I copy below an email that originated with him and was sent to you (but not originally to me). Sorry for the confusion on who is drafting this, but the e-mail below makes clear that Dobie knows what is going on. Be well.

3/7/2004

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

From: McArthur, Doman O. (SES)

Sent: Saturday, March 06, 2004 11:32 AM

To: [REDACTED]

[REDACTED]

[REDACTED]

Cc: [REDACTED]

Subject:

Hello:

The number of requests for information about detainees continues to grow. There are procedures in place to handle specific requests about the status of individuals, but there are also a lot of more general questions and comments that touch on broader subjects. All this points to a need to establish some approved language for responding to correspondence, either written or through e-mail, on the subject of detainees. Since this issue touches so many sections, I am trying to coordinate language on several subjects that appear most often. What I would like to do is draft some language on each of several topics and then send it around to everyone for comment. Once there is agreement on substance, we can send it to Stratcomm for final approval on language and tone.

The areas that we are looking at and the broad themes I would like to include are as follows:

- 1) General detainee letter (we'll have to revise periodically to capture new improvements)
  - a. Working to make Iraq safe, there are real bad guys, and we have to take them off the street
  - b. We make every effort to minimize damage and injury during raids
  - c. We have a process for dealing with complaints (SJA, can you give me details?)
  - d. Explain Geneva convention IV (i.e., security, not judicial detention, hence no right to a lawyer)
  - e. We do our best to hold only those that are real and continuing threat
  - f. Describe new board and release trends (i.e., more than 1,000 have been approved for release since mid-February)
  - g. Explain difference between SI and Criminal detainee
  - h. Explain efforts to get information to public - list in Arabic and English, available since mid-Feb, being updated, etc.
  - i. Col [REDACTED] - can you answer or put me in touch with PAO rep who can address additional measures - i.e., publishing lists in paper
  - j. Explain visitation - center IOC by 15 April
- 2) Juvenile detainees
  - a. OGC and MOJ - do you have bullets on this?
  - b. How do we define juvenile (U.S. law is <18, but Iraqi law says >15 is adult. Which do we use?
  - c. What do we do besides segregation from general population? (Do they get special privileges, visits?)
- 3) Women detainees
  - a. Very small number of female Security Internees
  - b. Differentiate from female criminal detainees
  - c. Besides segregation, what do we do different for women?
- 4) Criminal detainees
  - a. Most are now under direct Iraqi custody with only U.S. supervision
  - b. Once in the criminal system, they get all criminal rights (including right to counsel)

I am working on draft language for each of these subjects and will circulate it soon. However, it would be helpful if I could get some feedback from each of the addressees to make sure I don't leave things out or get them wrong.

Thanks for your help and support,

Doble

3/7/2004



[redacted]  
Press Officer  
CPA -- Office of Strategic Communications  
[redacted]

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

**From:** [redacted] (O-3)  
**Sent:** Saturday, March 06, 2004 2:43 PM  
**To:** [redacted] (GS-12)  
**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

[redacted]  
I am working on an edit to the original draft you sent me (nothing personal, just per DCoS guidance) and would like to perhaps get together with you on Sunday sometime. When would be good for you? I look forward to working with you. Thanks.

[redacted]

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

**From:** [redacted] (GS-12)  
**Sent:** Friday, March 05, 2004 10:56 PM  
**To:** [redacted] (O-3)  
**Subject:** FW: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

Capt. [redacted] - Hello. As you have heard, I believe, I have been asked to prepare a standard form letter for use by Ambassador Bremer when he receives inquiries about detainees. I have prepared the attached draft using, in part, information provided by you through Capt [redacted]. Thank you for that.

Please take a look at this letter and revise as you wish. Executive Secretary wants concurrence with everyone, including you all at CJTF7. They hoped for this letter by early Friday, but concurrence has been slow and, frankly, the Ambassador I suspect is focused on the Constitution.

Thank you.

[redacted]  
Press Officer  
CPA -- Office of Strategic Communications  
[redacted]

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

**From:** [redacted] (GS-12)  
**Sent:** Thursday, March 04, 2004 11:19 PM  
**To:** [redacted]  
Bartlett, J. Terry (SES); [redacted]  
[redacted]  
**Cc:** [redacted]  
**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

All - Please find attached a draft of a letter to satisfy Ambassador Bremer's request. He (or

3/7/2004

someone working for the Coalition) will use this letter as a standard response for inquiries about detainees (like the one at the beginning of this trail. I was tasked with coming up with a draft for review after coordinating with you all.

Before drafting this, I received guidance only from MOJ.

Please review the attached letter revising as you deem necessary.

Ambassador Bremer wants a final, coordinated draft for his review tomorrow.

[REDACTED]  
Press Officer  
CPA -- Office of Strategic Communications  
[REDACTED]

---

As you are aware, Ambassador Bremer wants prepared for him by tomorrow morning a standard response to queries related to juvenile detainees/internees such as the one at the beginning of this trail.

It seems to me that the standard response will have to address both juvenile criminal detainees (held by MOJ) and security internees (held by CJTF7). This is why I've included both those who work with criminals and security internees.

I propose a "thank you for your concern" letter that the Administrator can send out explaining the rights of the detainee (counsel, hearings, family visits, ICRC visits, other Geneva rights, etc), our obligations to the detainee (minimum conditions, ICRC access, other Geneva obligations, etc) and the fact that the Coalition respects these rights and fulfills these obligations when it comes to juveniles (and all those in detention) -- all of this without getting into the specifics of the case at issue. All of this will have to be quite general because it differs from criminal and security designations.

I see a couple of options to move forward:

1. One of you subject-matter experts (who already knows everything that needs to be in the letter) drafts the letter;
2. You all feed me right away the information that you think should be included in the letter, and I draft the letter.

I welcome your input as to how we should proceed. If one of you feels like volunteering to write as a detainee expert, please advise.

[REDACTED]  
Press Officer  
CPA -- Office of Strategic Communications  
[REDACTED]

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

**From:** Executive Secretary

**Sent:** Thursday, March 04, 2004 2:16 PM

**To:** [REDACTED]

**Cc:** Executive Secretary

**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

[REDACTED] and [REDACTED]

3/7/2004

Thanks for getting back to me. We are going to need to prepare a standard response to Ambassador Bremer by OOB tomorrow. I have talked to [redacted] and CJTF-7 Chief of Staff's office is working on it [redacted] was copied).

The following are the other point people:

MOJ: Terry Bartlett and [redacted]  
Human Rights: [redacted]  
MOI: [redacted]  
OGC: [redacted]

[redacted] -- if you're around, I'll stop by just to touch base on this.

Thanks,

[redacted]  
Executive Secretariat

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

**From:** [redacted] (CIV)  
**Sent:** Thursday, March 04, 2004 1:16 PM  
**To:** [redacted] (FS-5)  
**Subject:** FW: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

[redacted] will be Stratcomm's POC on this but please cc me on any correspondence from the front office.

Also, if you could add someone from CJTF7, that would be great.

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

**From:** [redacted] (GS-12)  
**Sent:** Thursday, March 04, 2004 12:56 PM  
**To:** [redacted] (CIV)  
**Cc:** [redacted] (FS-1)  
**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

[redacted] -- I do cover MOJ's inmates and prisoners. These are people arrested for violating the Iraqi criminal code and awaiting trial or sentenced by Iraq's criminal courts.  
CJTF-7 handles the issue of security detainees. These are people detained by Coalition forces pursuant to the Geneva Conventions because they pose a threat to Coalition forces.

[redacted] -- I did not see a CJTF-7 person copied on the original tasker below. You indicated that you wanted them involved. I agree. With CJTF7 in control of the security detainee issues, they are crucial. I suspect that we'll get more CJTF-7 support if the tasker comes from you, rather than as a request by me.

[redacted]  
Press Officer  
CPA -- Office of Strategic Communications  
914-822-4935

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

**From:** [redacted] (CIV)

3/7/2004

**Sent:** Thursday, March 04, 2004 12:04 PM  
**To:** [REDACTED] (GS-12)  
**Subject:** FW: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

Do you cover detainees as well? Read over this and let me know how you think we should proceed.

Thanks.

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

**From:** [REDACTED] (E-5)  
**Sent:** Thursday, March 04, 2004 12:02 PM  
**To:** [REDACTED] (CIV)  
**Subject:** FW: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

*FYI*

SGT [REDACTED]  
 Executive Assistant  
 Office of the Executive Secretariat  
 Coalition Provisional Authority, Baghdad  
 DSN: [REDACTED]  
 Mobile: [REDACTED]  
 NIPRNET: [REDACTED]  
 SIPRNET: [REDACTED]

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

**From:** [REDACTED] (CIV)  
**Sent:** Thursday, March 04, 2004 11:26 AM  
**To:** Executive Secretary  
**Subject:** FW: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

The point of contact in Human Rights is either [REDACTED] or my self

[REDACTED]

[REDACTED]  
 Senior Adviser  
 Office of Human Rights and Transitional Justice

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

**From:** [REDACTED] (O-2)  
**Sent:** Thursday, March 04, 2004 9:53 AM  
**To:** [REDACTED] Tappan, Robert A. (SES-4); [REDACTED] (GS-15); [REDACTED] (CIV); Schmults, Edward C. (SES6)  
**Cc:** [REDACTED]  
**Subject:** RE: Tasker: Response to Detainee Inquiries that Go to Amb Bremer

3/7/2004

From the Ministry of Justice, the POC's will be Terry Bartlett and [REDACTED]

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

**From:** [REDACTED]  
**Sent:** Wednesday, March 03, 2004 10:03 PM  
**To:** Tappan, Robert A. (SES-4); [REDACTED]  
[REDACTED] Schmultz, Edward C. (SES6)

**Cc:** [REDACTED]  
[REDACTED]

**Subject:** Tasker: Response to Detainee Inquiries that Go to Amb Bremer

All:

Ambassador Bremer would like to have a system in place to respond to detainee inquiries sent to him directly by email, to start with juvenile detainees. If I could ask Stratcom to take the lead, with help from others on language and approach.

Could Justice, Interior, CJTF-7, OGC, and Human Rights identify points of contact to work on this with Stratcom? My initial thinking is that someone other than Amb Bremer should reply, and someone may have already prepared another response on this issue. The ExecSec POC on this issue will be [REDACTED]

You should expect that Amb Bremer may raise this issue in a morning meeting soon.

Thank you.

[REDACTED]  
Executive Assistant, CPA Administrator  
Director, CPA Executive Secretariat

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

**From:** Bremer, Paul  
**Sent:** Wednesday, March 03, 2004 7:31 PM  
**To:** [REDACTED]  
**Subject:** FW: Iraq

I am getting more and more of these. We need a system to reply to these.

[REDACTED]

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

**From:** [REDACTED]  
**Sent:** Wednesday, March 03, 2004 7:29 PM  
**To:** Bremer, Paul  
**Cc:** [REDACTED]  
**Subject:** Iraq

Ambassador Paul Bremer

3/7/2004

Coalition Provisional Authority

[REDACTED]

March

3, 2004

Dear Ambassador Bremer:

I am very concerned about 14 year old **Qusay Fayel Mousleh** of the village Abu Hishma. He is being held in Camp 7 of Bucca Camp, and has been detained nearly 8 months in difficult conditions.

Please take a moment to act on behalf of him *and others who like him are minors*. We support his family is attempting through peaceful means to work for a quick resolution of his case.

Also, please commend the authorities at Um Qasr for their efforts to allow family visits, and encourage those at other detention results to take their example!

Sincerely,

[REDACTED]

[REDACTED]

cc: Christian Peacemaker Teams in Iraq  
Family of Qusay Fayel Mousleh

3/7/2004

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3/7/2004

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26-02-2004

## Iraq: ICRC visits to prisoners and detainees

Despite the difficult security situation, the ICRC continues to regularly visit prisoners of war as well as detained and interned civilians in Iraq.

The visits are carried out by ICRC personnel based in neighbouring Jordan.

In line with its mandate under the Geneva Conventions, the ICRC assesses the treatment of persons deprived of their freedom as well as the conditions they are held under – issues such as food, accommodation and medical care. The organization registers the identities of persons visited and repeats the visits in order to be able to monitor their situation throughout the period they spend in detention. The ICRC also makes it possible for prisoners and detainees to stay in contact with their families by exchanging Red Cross messages.

Between March and December 2003, ICRC delegates visited and registered the identities of some 10,200 prisoners of war and civilians deprived of freedom held by Coalition forces and protected by the Geneva Conventions. With the support of the Iraqi Red Crescent Society, the ICRC transmitted more than 15,500 Red Cross messages between them and their families during the same period. In its role as a neutral intermediary, the ICRC also facilitated the repatriation of several hundred foreign prisoners following their release by Coalition forces.

The objectives of the ICRC's visits to persons deprived of freedom are strictly humanitarian. They always follow the same pattern irrespective of the person visited. This is strictly in line with the Geneva Conventions that state that all prisoners are entitled to humane treatment. Any observations of problems and recommendations for improvements are reported directly to the authority in charge of and responsible for the prisoners. *More details on ICRC visits to prisoners around the world.*

The ICRC does not make any judgement on whether persons should be deprived of freedom or not. In line with the Geneva Conventions, it strongly favours that those who have committed war crimes or other offences are held accountable for their actions as long as they are granted the judicial guarantees stipulated by international humanitarian law.

### Other ICRC activities

Because of concerns for the security of its staff the ICRC has had to curtail the extent and scope of its humanitarian activities in Iraq. However, the organization retains the capacity to respond rapidly to major emergencies. Over recent weeks, ICRC staff acted within hours to provide surgical and medical materials to hospitals treating victims of several bomb attacks.

### Other documents in this section:

[The ICRC worldwide](#) > [Middle East and North Africa](#) > [Iraq](#)

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#### Section

### Health in prison

When ICRC delegates visit prisoners, they are always accompanied by medical staff, who assess inmates' health and look into all consequences of ill-treatment, whether physical or psychological. Access to documents describing conditions for such visits and the issue of torture.

[Key document](#) | [News](#) | [More in this section](#) | [In other sections](#)

ICRC medical staff always accompany delegates on their visits to places of detention, in order to assess the inmates' health and look into all consequences of ill-treatment, whether physical or psychological.

The doctors and nurses who participate in these visits are well versed in the specific problems of prison health, such as hygiene, epidemiology, nutritional needs and vitamin deficiencies. Their role is to try to identify, assess and prioritize any public health problems which exist in the prisons they visit.

When the risk of a health problem in prison is so great that the response capacity of the penitentiary health service is overwhelmed, the ICRC can implement programmes to address these problems, such as tackling vitamin deficiencies, assisting in vector control, improving sanitary installations, obtaining equitable and efficient medical services for all prisoners. In certain exceptional cases, it can take more specific action such as running tuberculosis programmes and building capacity in dealing with HIV/AIDS.

Addressing health problems of prison inmates also includes medical assessments as to whether detainees have been the victims of torture or other forms of cruel, inhuman and degrading treatment. In such cases, apart from documenting torture in a professional way, ICRC doctors also provide support and counselling for victims of such abuse.

See also on this site : [Protecting prisoners and detainees in wartime](#)

#### Key document

##### **Visits to prisoners by the ICRC**

31-1-1997

**Hernán Reyes** (ICRC Activities\Assistance\Health\Health in prison)

##### **The role of the physician in ICRC visits to prisoners**

1-12-1994

**Hernán Reyes** (ICRC Activities\Assistance\Health\Health in prison)

#### News

- North Africa: Visit to Moroccan prisoners held by Polisario Front** 24-12-2003  
ICRC News  
Between 2 and 16 December, an ICRC team including a doctor visited Moroccan prisoners in the hands of the Polisario Front. The delegates spoke individually with 291 of the 614 prisoners still being held (188 of whom have been in captivity for over 20 years).  
(News)
- Armenia: Seminar on health care in prisons** 16-12-2003  
ICRC News  
An international seminar on health care in prisons took place from 10 to 12 December in Yerevan, the capital of Armenia.  
(News)
- 300 Moroccan prisoners released and repatriated** 8-11-2003  
Press Release  
Geneva/Tunis (ICRC) – On 8 November, 300 Moroccan prisoners released by the Polisario Front were repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC).  
(News)
- Southern Caucasus: Eliminating tuberculosis in prisons** 24-3-2003  
ICRC News  
Tuberculosis (TB) has staged a dramatic comeback. A decade after being declared a global emergency by the World Health Organisation, TB remains the main health threat for prisoners, bringing sickness and death.  
(News)

## More in this section

- Visits to prisoners and documentation of torture** 31-3-2002  
Extract from "The medical documentation of torture", edited by Micheal Peel, chapter 5, pp.77-100, Geenwich Medical Media, London, 2002.  
Hernan Reyes (ICRC Activities\Assistance\Health\Health in prison)
- Health and human rights in prisons** 1-12-2001  
Extract from "HIV in Prisons: A reader with particular relevance to the newly independent states", chapter 2, pp.9-18, World Health Organization-Europe "HIPP" (Health in Prisons Project), 2001.  
Hernan Reyes (ICRC Activities\Assistance\Health\Health in prison)
- Women in Prison and HIV** 1-12-2000  
Extract from "HIV in Prisons: A reader with particular relevance to the newly independent states", chapter 9, pp.193-218, World Health Organization-Europe "HIPP" (Health in Prisons Project), 2001.  
Hernan Reyes (ICRC Activities\Assistance\Health\Health in prison)
- Visits to detained torture victims by the ICRC (II): The psychological impact of visits and interviews with detained torture victims** 1-1-2000  
Marina Staff (ICRC Activities\Assistance\Health\Health in prison)
- Visits to detained torture victims by the ICRC (I): Management, documentation, and follow-up** 1-1-2000

*Marina Steiff* (ICRC Activities\Assistance\Health\Health in prison)

**Medical and Ethical Aspects of Hunger Strikes in Custody and the Issue of Torture** 1-1-1998  
Extract from *Maltreatment and Torture*

*Hernán Reyes* (ICRC Activities\Assistance\Health\Health in prison)

**Pitfalls of tuberculosis programmes in prisons** 1-11-1997  
Extract from *British Medical Journal*, Volume 315, Number 7120, 1447-1450 p., 1997

*Hernán Reyes and Rudi Coninx* (ICRC Activities\Assistance\Health\Health in prison)

**(Ir)relevance of condoms in prisons** 1-11-1997

*Hernán Reyes* (ICRC Activities\Assistance\Health\Health in prison)

**The Bellagio Task Force Report on Transplantation, Bodily Integrity, and the International Traffic in Organs** 1-1-1997

Extract from *Transplantation Proceedings*, (1997; 29:2739-45)

(ICRC Activities\Assistance\Health\Health in prison)

**'Doctors at risk': A viewpoint from the International Committee of the Red Cross** 24-3-1996

Extract from *Healthy prisons : A vision for the future*

*Hernán Reyes* (ICRC Activities\Assistance\Health\Health in prison)

**How visits by the ICRC can help prisoners cope with the effects of traumatic stress** 1-1-1996

Extract from *International Responses to traumatic Stress*, Baywood Publ.

*Pascal Daudin and Hernán Reyes* (ICRC Activities\Assistance\Health\Health in prison)

**Torture and its consequences** 1-1-1995

Extract from *TORTURE*, Volume 5, Number 4, 72-76 p., 1995

*Hernán Reyes* (ICRC Activities\Assistance\Health\Health in prison)

**In other sections**

**Visiting people deprived of their freedom : Combating torture and ill treatment** 16-7-2002  
Includes Photo  
(ICRC Activities\Protection\Detention)

**International Day Against Torture: June 26** 11-6-2002

Torture is a clear violation of international humanitarian law and as such of direct concern to the ICRC. On the occasion of the United Nations International Day in Support of Victims of Torture, the ICRC joins with others in condemning a practice which demeans humanity and human dignity.

(ICRC Activities\Protection\Detention)

**Face to face with torture** 11-6-2002

On an almost daily basis an ICRC delegate somewhere in the world will be faced with the reality of torture.

(ICRC Activities\Protection\Detention)



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27-02-2004

## ICRC visits to persons deprived of their freedom: an internationally mandated task, implemented worldwide

Topics: [Why visit prisoners?](#) - [The role of the ICRC](#) - [Purpose of the visits](#)

[Why visit prisoners?](#) | [The role of the ICRC](#) | [Purpose of the visits](#)

### Why visit prisoners?

Visiting people deprived of their freedom in connection with conflict is a core protection task of the International Committee of the Red Cross (ICRC).

*The principle of the visits is that because people who are taken prisoner or detained during, or as a result of, a conflict, are regarded by their captors as the enemy, they need the intervention of a neutral, independent body to ensure that they are treated humanely and kept in decent conditions, and that they have the possibility of exchanging news with their families.*

**In 2003, the ICRC visited 469'647 prisoners and detainees held in 1'933 places of detention in 73 countries. Of these, 126'922 were followed up individually.**

During the First and Second World Wars, countless numbers of prisoners - whether American, British, French, German or of other nationalities - benefitted from these visits, and from the dispatch of parcels and messages from home. This work continues today, for example through the visits to prisoners of war taken in the conflict between Ethiopia and Eritrea, or in the Western Sahara.

### Humanity, impartiality, neutrality....

The point about international humanitarian law - including the Geneva Conventions and all other treaties which protect people during conflict - is that no distinction is made between one side or another; there are no degrees of humane treatment reserved for certain groups according to their supposed merits; no "good or "bad" victims, "worthy" or unworthy": **all prisoners are entitled to humane treatment.**

### The role of the ICRC

The ICRC was created almost 140 years ago to deal with the problems of one specific group of war victims: wounded soldiers. But it was not long before the organisation, because of its widely recognised neutrality, was able to compile lists of prisoners taken in the Franco-Prussian war of 1870. The simple fact of transmitting these lists provided immense relief for anxious families back home, and remains at the heart of the ICRC's role in war-time.

Over the years the ICRC increased its activities in this field, and in the revised Geneva Conventions of 1949 was given a clear mandate from the international community to ensure that the detailed rules of the Conventions were applied. Prisoners of war are specifically protected under these rules.

The ICRC also has the recognized right to offer its services to visit another category of people detained during internal conflicts and strife - variously known as "security" or "political" detainees. In an overwhelming number of cases, the ICRC has been able to persuade the warring parties in conflicts around the world to treat these detainees in accordance with the humanitarian principles set out in the Geneva Conventions, which have been adopted by virtually every country in the world.

This principle has enabled the ICRC, as a specifically neutral intermediary in conflicts, to insist on access

to prisoners on all sides, whether UN peacekeepers in Bosnia, US soldiers in Yugoslavia, or British soldiers in Iraq, to give but a few examples. And this same principle underlies the ICRC's action in visiting Taliban and al-Qaida members held by US or Afghan forces - no more, no less.

Experience has shown that respect for basic humanitarian rules in war-time, apart from preventing or at least limiting atrocities, also helps restore trust and eases reconciliation in the post-conflict stage. Non-respect for the rules, on the other hand, can lead to a vicious spiral of cruelty in which there are no winners.

#### **The purpose of the ICRC visits**

First, what they do NOT seek to achieve: the liberation of prisoners (other than particular individual cases, on strict medical or other humanitarian grounds).

The standard ICRC procedures, which are made clear with the detaining authorities prior to the visits, include registration of the prisoners; an overview of all facilities used by, or intended for, them; a private talk with any or all of them, to discuss any problems they might have over their treatment or conditions; the provision of standard forms for writing a brief message to their families (which after approval by the detaining authorities will be delivered by the ICRC, insofar as this is possible). If the prisoners agree, their problems are taken up with the authorities immediately, with the aim of trying to solve them.

***The reports written by the ICRC after each visit are given to the detaining authorities and are not intended for publication - the point being that detention problems are best solved through constructive dialogue based on mutual confidence, rather than in the glare of publicity which inevitably carries the risk of politicizing the issues. This is why the ICRC will not comment publicly on such issues as possible problems concerning the transportation of prisoners or their conditions of detention.***

**Other documents in this section:**  
[ICRC Activities > Protection > Detention](#)

**In other sections:**  
[The ICRC worldwide\Asia and the Pacific\Afghanistan](#)  
[The ICRC worldwide\The Americas\United States](#)

 [Back to previous page](#)



[About the ICRC](#) | [ICRC activities](#) | [The ICRC worldwide](#) | [Focus](#) | [Humanitarian law](#) | [Info resources](#) | [News](#)



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**Landmines**

[DONATIONS](#)

[Français](#) [Español](#) [عربي](#)

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[Contacts](#) | [Advanced Search](#)

[Home](#) > [ICRC Activities](#) > [Protection](#) > [Detention](#)

27-02-2004

## ICRC visits to persons deprived of their freedom: an internationally mandated task, implemented worldwide

Topics: [Why visit prisoners?](#) - [The role of the ICRC](#) - [Purpose of the visits](#)

[Why visit prisoners?](#) | [The role of the ICRC](#) | [Purpose of the visits](#)

### Why visit prisoners?

Visiting people deprived of their freedom in connection with conflict is a core protection task of the International Committee of the Red Cross (ICRC).

*The principle of the visits is that because people who are taken prisoner or detained during, or as a result of, a conflict, are regarded by their captors as the enemy, they need the intervention of a neutral, independent body to ensure that they are treated humanely and kept in decent conditions, and that they have the possibility of exchanging news with their families.*

During the First and Second World Wars, countless numbers of prisoners - whether American, British, French, German or of other nationalities - benefitted from these visits, and from the dispatch of parcels and messages from home. This work continues today, for example through the visits to prisoners of war taken in the conflict between Ethiopia and Eritrea, or in the Western Sahara.

**In 2003, the ICRC visited 469'647 prisoners and detainees held in 1'933 places of detention in 73 countries. Of these, 126'922 were followed up individually.**

### Humanity, impartiality, neutrality....

The point about international humanitarian law - including the Geneva Conventions and all other treaties which protect people during conflict - is that no distinction is made between one side or another; there are no degrees of humane treatment reserved for certain groups according to their supposed merits; no "good or "bad" victims, "worthy" or unworthy": **all prisoners are entitled to humane treatment.**

### The role of the ICRC

The ICRC was created almost 140 years ago to deal with the problems of one specific group of war victims: wounded soldiers. But it was not long before the organisation, because of its widely recognised neutrality, was able to compile lists of prisoners taken in the Franco-Prussian war of 1870. The simple fact of transmitting these lists provided immense relief for anxious families back home, and remains at the heart of the ICRC's role in war-time.

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[ICRC Activities > Protection > Detention](#)

**In other sections:**  
[The ICRC worldwide\Asia and the Pacific\Afghanistan](#)  
[The ICRC worldwide\The Americas\United States](#)

 [Back to previous page](#)





[About the ICRC](#) | [ICRC activities](#) | [The ICRC worldwide](#) | [Focus](#) | [Humanitarian law](#) | [Info resources](#) | [News](#)



Ottawa Convention  
1 March 5th anniversary  
**Landmines**

[DONATIONS](#)

[Français](#) [Español](#) [عربي](#)

Search

[Contacts](#) | [Advanced Search](#)

[Home](#) > [Info resources](#) > [Frequently asked questions](#)

15-11-2002 FAQ

## ICRC doesn't publish its reports on prison visits - how can working confidentially be effective in preventing torture?

ICRC believes that the best way that it can prevent or halt torture and ensure decent conditions of detention is by getting repeated and unrestricted access to prisoners, talking to them about their problems, and urging the detaining authorities to make any improvements that may be necessary. The price of this is a policy of confidentiality, taking up the problems only with the people directly concerned.

**Negotiating access:** Most of the prisoners ICRC visits (or seeks to visit) are not protected by laws which *oblige* the authorities to open the gates - access must be negotiated.

**Power of persuasion:** The ICRC's discreet approach, in which its findings are reported only to the authority concerned, combined with its professional expertise and neutrality, form the key elements in persuading those in power to adopt, where necessary, more humanitarian measures.

**The limits to discretion:** ICRC might decide to break its rule of silence and/or suspend its operation under certain extreme circumstances:

- if, after repeated approaches and requests, the prisoners' treatment or conditions hasn't improved
- if the ICRC's usual procedures for visits are not respected
- if a detaining authority publishes just part of a visit report

Such a decision would have to take into account the best interests of the detainees themselves.

**More on this:** [Visiting people deprived of their freedom : Combating torture and ill treatment - factsheet](#) (July 2002)

*The answers to FAQs on this site are intended as brief, informative summaries of what are often complex matters, and the terminology used has no legal significance.*

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[Info resources](#) > [Frequently asked questions](#)

### In other sections:

[ICRC Activities\Protection\Detention](#)

[Back to previous page](#)





## **Standard Minimum Rules for the Treatment of Prisoners**

**Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977**

### ***Preliminary Observations***

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.
2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.
3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.
4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.  
  
(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.
5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.  
  
(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

**PART I****RULES OF GENERAL APPLICATION*****Basic principle***

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

***Register***

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) Information concerning his identity;
- (b) The reasons for his commitment and the authority therefor;
- (c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register. Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners;

(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

(d) Young prisoners shall be kept separate from adults. Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular

supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All pans of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

### ***Personal hygiene***

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

### ***Clothing and bedding***

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their

admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

### ***Food***

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

### ***Exercise and sport***

21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

### ***Medical services***

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners

suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

- (a) The quantity, quality, preparation and service of food;
- (b) The hygiene and cleanliness of the institution and the prisoners;
- (c) The sanitation, heating, lighting and ventilation of the institution;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

### ***Discipline and punishment***

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be inflicted;

(c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

### ***Instruments of restraint***

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer; (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

### ***Information to and complaints by prisoners***

35. (1) Every prisoner on admission shall be provided with written information about the

regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

#### ***Contact with the outside world***

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong. (2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

#### ***Books***

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

#### ***Religion***

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.





(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

### ***Retention of prisoners' property***

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition. (2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

### ***Notification of death, illness, transfer, etc.***

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

### ***Removal of prisoners***

45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

***Institutional personnel***

46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity. (4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood

by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

### ***Inspection***

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

## ***PART II***

### ***RULES APPLICABLE TO SPECIAL CATEGORIES***

#### ***A. PRISONERS UNDER SENTENCE***

##### ***Guiding principles***

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation I of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid. 61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

### ***Treatment***

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

### ***Classification and individualization***

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the

light of the knowledge obtained about his individual needs, his capacities and dispositions.

### **Privileges**

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

### **Work**

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free

workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

### ***Education and recreation***

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty. 78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

### ***Social relations and after-care***

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

#### ***B. INSANE AND MENTALLY ABNORMAL PRISONERS***

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

#### ***C. PRISONERS UNDER ARREST OR AWAITING TRIAL***

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners," hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.



89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

#### **D. CIVIL PRISONERS**

94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

#### **E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE**

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

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[CONTACT](#) [TOP](#) [HOME](#) [INSTRUMENTS](#) [DOCUMENTS](#) [INDEX](#) [SEARCH](#)

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## **United Nations Standard Minimum Rules for the Treatment of Prisoners**

Adopted August 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

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### **Preliminary Observations**

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.
2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.
3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.
4.
  - (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to security measures or corrective measures ordered by the judge.
  - (2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.
5.
  - (1) The rules do not seek to regulate the management of institutions set

aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

## **PART I.**

### **RULES OF GENERAL APPLICATION**

#### **Basic principles**

6.

(1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

#### **Register**

7.

(1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

(a) Information concerning his identity;

(b) The reasons for his commitment and the authority therefor;

(c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

#### **Separation of categories**

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

- (b) Untried prisoners shall be kept separate from convicted prisoners;
- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d) Young prisoners shall be kept separate from adults.

### **Accommodation**

9.

(1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

### **Personal hygiene**

15. Prisoners shall be required to keep their persons clean, and to this end they shall be

provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

### **Clothing and bedding**

17.

(1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

### **Food**

20.

(1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

### **Exercise and sport**

21.

(1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

#### **Medical services**

22.

(1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23.

(1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25.

(1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26.

(1) The medical officer shall regularly inspect and advise the director upon:

- (a) The quantity, quality, preparation and service of food;
- (b) The hygiene and cleanliness of the institution and the prisoners;
- (c) The sanitation, heating, lighting and ventilation of the institution;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25(2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

### **Discipline and punishment**

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28.

(1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;

- (b) The types and duration of punishment which may be inflicted;
- (c) The authority competent to impose such punishment.

30.

- (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.
- (2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.
- (3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32.

- (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.
- (2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.
- (3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

#### **Instruments of restraint**

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

- (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
- (b) On medical grounds by direction of the medical officer;
- (c) By order of the director, if other methods of control fail, in order to



prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

#### **Information to and complaints by prisoners**

35.

(1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36.

(1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

#### **Contact with the outside world**

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38.

(1) Prisoners who are foreign nationals shall be allowed reasonable

facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

### **Books**

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

### **Religion**

41.

(1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

### **Retention of prisoners' property**

43.

(1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

#### **Notification of death, illness, transfer, etc.**

44.

(1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

#### **Removal of prisoners**

45.

(1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

#### **Institutional personnel**

46.

(1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47.

(1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49.

(1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50.

(1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be

appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51.

(1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52.

(1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53.

(1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54.

(1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

### **Inspection**

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional

## **PART II**

### **RULES APPLICABLE TO SPECIAL CATEGORIES**

#### **A. PRISONERS UNDER SENTENCE**

##### **Guiding principles**

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation I of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60.

(1) The regime of the institution should seek to minimize any differences

between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63.

(1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient

after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

### **Treatment**

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66.

(1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

### **Classification and individualization**

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.



**Privileges**

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

**Work**

71.

- (1) Prison labour must not be of an afflictive nature.
- (2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.
- (3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- (4) So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.
- (5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
- (6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72.

- (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.
- (2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73.

- (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.
- (2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74.

- (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.
- (2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75.

- (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.
- (2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76.

- (1) There shall be a system of equitable remuneration of the work of prisoners.
- (2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
- (3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

#### **Education and recreation**

77.

- (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.
- (2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

#### **Social relations and after-care**

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81.

(1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

## **B. INSANE AND MENTALLY ABNORMAL PRISONERS**

82.

(1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

**C. PRISONERS UNDER ARREST OR AWAITING TRIAL**

84.

(1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as 'untried prisoners,' hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85.

(1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88.

(1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or

dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

#### **D. CIVIL PRISONERS**

94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

#### **E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE**

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

[[Back to the Human Rights Watch Prison Conditions Page](#)]



## **COALITION PROVISIONAL AUTHORITY MEMORANDUM NUMBER 2**

### **MANAGEMENT OF DETENTION AND PRISON FACILITIES (CPA/ORD/30 May 2003/09)**

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

*Recognizing* the urgent necessity to ensure secure and humane prisons in order to re-establish law and order and provide for the safety of the people of Iraq,

*Noting* the obligation of the CPA to restore public order and safety and to maintain and ensure fundamental standards for persons detained,

I hereby promulgate the following:

#### **Section 1 Purpose**

- 1) This Memorandum prescribes standards to be applied in the Iraqi prison system, under the authority of the Ministry of Justice.
- 2) All prisons within Iraq shall, to the greatest extent practicable, operate in accordance with the following standards until otherwise directed. Any and all existing Iraqi prison regulations are hereby suspended.

#### **Section 2 Basic Principles and Control**

- 1) The following standards shall be applied impartially. There shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2) It shall nevertheless be a requirement, consistent with the need to maintain prison security, to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.
- 3) To ensure these standards are met, the Administrator will remain in full control of the Iraqi prison system and may at any time amend this Memorandum as necessary, or direct other action with respect to the prison system.

**CPA/MEM/8 Jun 2003/02**

- 4) In addition, CPA officials of the Justice Ministry and Coalition Forces operating under their oversight shall have the right to enter and inspect any Iraqi prison system, and give directions regarding the operation of that system, consistent with the terms of this Memorandum.

### **Section 3**

#### **Register**

- 1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:
  - a) information concerning his identity;
  - b) the reasons for his commitment and the authority therefor; and
  - c) the day and hour of his admission and release.
- 2) No person shall be received in an institution without a valid commitment order, the details of which shall have been entered in the register.

### **Section 4**

#### **Separation of Categories**

Different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment, so that:

- a) men and women shall be detained in separate institutions;
- b) untried prisoners shall be kept separate from convicted prisoners;
- c) persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offense; and
- d) prisoners under 18 years of age shall be kept separate from adults.

### **Section 5**

#### **Accommodation**

- 1) Where sleeping accommodation is in individual cells or rooms, each prisoner should occupy by night a cell or room by himself. The central prison administration may make an exception to this rule for special reasons, such as temporary overcrowding.
- 2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions.

There shall be regular supervision by night, in keeping with the nature of the institution.

- 3) All accommodation provided for the use of prisoners, and in particular all sleeping accommodations, shall, to the extent practicable, meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
- 4) In all places where prisoners are required to live or work:
  - a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; and
  - b) artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
- 5) The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
- 6) Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week.
- 7) All bed pans or ablution facilities of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

#### **Section 6 Personal Hygiene**

- 1) Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
- 2) In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.



- 2) Prisoners who have not been convicted are presumed to be innocent and shall be treated as such.
- 3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime that is described in the following rules in its essential requirements only.
- 4) Untried prisoners shall be kept separate from convicted prisoners.
- 5) Young untried prisoners shall be kept separate from adults and shall where possible be detained in separate institutions.
- 6) Untried prisoners shall sleep singly in separate rooms.
- 7) Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.
- 8) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
- 9) If he wears prison dress, it shall be different from that supplied to convicted prisoners.
- 10) An untried prisoner shall always be offered an opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.
- 11) An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
- 12) An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.
- 13) An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

**Section 7**  
**Clothing and Bedding**

- 1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
- 2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
- 3) If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.
- 4) Every prisoner shall be provided with a separate bed, and with separate and sufficient bedding that shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

**Section 8**  
**Food**

- 1) Every prisoner shall be provided by the administration at regular hours with food of nutritional value adequate for health and strength, and of wholesome quality.
- 2) Drinking water shall be available to every prisoner whenever he needs it.

**Section 9**  
**Exercise and Sport**

Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

**Section 10**  
**Medical Services**

- 1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry.
- 2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

- 3) The services of a qualified dental officer shall be available to every prisoner.
- 4) In women's institutions there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.
- 5) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.
- 6) The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary health measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects that might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
- 7) The medical officer shall have responsibility for the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
- 8) The medical officer shall report to the prison master whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
- 9) The medical officer shall regularly inspect and advise the prison master upon the:
  - a) quantity, quality, preparation and service of food;
  - b) hygiene and cleanliness of the institution and the prisoners;
  - c) sanitation, heating, lighting and ventilation of the institution;
  - d) suitability and cleanliness of the prisoners' clothing and bedding; and the
  - e) observance of the provision concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.
- 10) The prison master shall take into consideration the reports and advice that the medical officer submits in accordance with this regulation and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

**Section 11**  
**Discipline and Punishment**

- 1) Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.
- 2) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.
- 3) This standard shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.
- 4) The following shall always be determined by the law or by the regulation of the competent administrative authority:
  - a) conduct constituting a disciplinary offense;
  - b) the types and duration of punishment that may be inflicted; and
  - c) the authority competent to impose such punishment.
- 5) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offense.
- 6) No prisoner shall be punished unless he has been informed of the offense alleged against him and is given a proper opportunity to present his defense. The competent authority shall conduct a thorough examination of the case.
- 7) Where necessary and practicable, the prisoner shall be allowed to make his defense through an interpreter.
- 8) Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.
- 9) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.
- 10) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner.

- 11) The medical officer daily shall visit prisoners undergoing such punishments and shall advise the prison master if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

## **Section 12**

### **Instruments of Restraint**

- 1) Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
  - a) as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
  - b) on medical grounds by direction of the medical officer; and
  - c) by order of the prison master, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the prison master shall at once consult the medical officer and report to the higher administrative authority.
- 2) The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied any longer than is strictly necessary.

## **Section 13**

### **Information to and Complaints by Prisoners**

- 1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.
- 2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.
- 3) Every prisoner shall have the opportunity each week day of making requests or complaints to the prison master of the institution or the officer authorized to represent him.

- 4) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the prison master or other members of the staff being present.
- 5) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.
- 6) Unless it is patently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

#### **Section 14** **Communications and Contacts with Others**

- 1) Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.
- 1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
- 2) Prisoners who are nationals of States without diplomatic or consular representation in Iraq and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State that takes charge of their interests or any national or international authority whose task it is to protect such persons.
- 3) Prisoners shall be permitted to read publications that do not pose a threat to security, and to hear wireless or television transmissions as authorized or controlled by the prison administration.
- 4) Access shall be granted to official delegates of the International Committee of the Red Cross (ICRC) whenever sought, to be conducted at mutually arranged times. ICRC delegates shall be permitted to inspect health, sanitation and living arrangements and to interview all detainees in private. They shall also be permitted to record information regarding the detainee and to pass messages to and from the family of the detainee subject to reasonable censorship by the prison authorities.

## **Section 15**

### **Books**

Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

## **Section 16**

### **Religion**

- 1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
- 2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.
- 3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, any prisoner may refuse to receive a visit of any religious representative, his attitude shall be fully respected.
- 4) So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

## **Section 17**

### **Retention of Prisoners' Property**

- 1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.
- 2) On the release of the prisoner all such items shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

- 3) Any money or effects received for a prisoner from outside shall be treated in the same way.
- 4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

### **Section 18** **Notification of Death, Illness, Transfer, etc.**

- 1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental afflictions, the prison master shall at once inform the spouse, if the prisoner is married or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- 2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to visit the relative either under escort or alone.
- 3) Every prisoner shall have the right immediately to inform his family of his imprisonment or his transfer to another institution.

### **Section 19** **Removal of Prisoners**

- 1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
- 2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way that would subject them to unnecessary physical hardship, shall be prohibited.
- 3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

### **Section 20** **Institutional Personnel**

- 1) The prison administration shall provide for the careful selection of every grade of the prison personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.



- 2) The prison administration shall constantly seek to awaken and maintain in the minds both of the prison personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
- 3) To secure the foregoing ends, prison personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness.
- 4) The personnel shall possess an adequate standard of education and intelligence.
- 5) Before entering on duty, the personnel shall be given a course of training in their general and specific duties.
- 6) All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.
- 7) The prison master of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.
- 8) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.
- 9) When two or more institutions are under the authority of one prison master, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.
- 10) The prison master, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.
- 1) Whenever necessary, the services of an interpreter shall be used.
- 12) In institutions that are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.
- 13) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

- 14) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.
- 15) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.
- 16) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.
- 17) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison master of the institution.
- 8) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.
- 19) Except in special circumstances, staff performing duties that bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

#### **Section 21 Inspection**

There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

### **STANDARDS APPLICABLE TO SPECIAL CATEGORIES A. PRISONERS UNDER SENTENCE**

#### **Section 22 Classification of Prisoners**

- 1) The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects that may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.
- 2) The these principles require individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

### **Section 23 Treatment**

- 1 The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to prepare them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.
- 2) To these ends, all appropriate means shall be used to the extent possible, including religious care, education, vocational guidance, training and employment counseling, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.
- 3) For every prisoner with a sentence of suitable length, the prison master shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.
- 4) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

### **Section 24 Classification and Individualization**

- 1 The purposes of classification shall be:

- a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence, or pose a danger to themselves or others;
  - b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.
- 2) So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

#### **Section 25 Privileges**

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

#### **Section 26 Work**

- 1) Prison labor must not be of an afflictive nature.
- 2) All prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer.
- 3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- 4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.
- 5) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labor is supplied, account being taken of the output of the prisoners.
- 6) The precautions specified in Iraqi law governing labor and working conditions to protect the safety and health of workers shall be equally observed in institutions.
- 7) The maximum daily and weekly working hours of the prisoners shall be fixed in accordance with Iraqi law governing labor and working conditions.

- 8) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.
- 9) There shall be a system of equitable remuneration of the work of prisoners.
- 10) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
- 11) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

#### **Section 27 Education and Recreation**

- 1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.
- 2) So far as practicable, the education of prisoners shall be integrated with the educational system so that after their release they may continue their education without difficulty.
- 3) Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

#### **Section 28 Social Relations and After-Care**

- 1) Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.
- 2) From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.
- 3) Services and agencies, governmental or otherwise, that assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and

necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

- 4) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.
- 5) It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

## **B. INSANE AND MENTALLY ABNORMAL PRISONERS**

### **Section 29 Psychiatric Care**

- 1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.
- 2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.
- 3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.
- 4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all prisoners who are in need of such treatment.

## **C. PRISONERS UNDER ARREST OR AWAITING TRIAL**

### **Section 30 Untried prisoners**

- 1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody but have not yet been tried and sentenced, will be referred to as "untried prisoners", hereinafter in these rules.

- 4) For the purposes of his defense, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defense and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

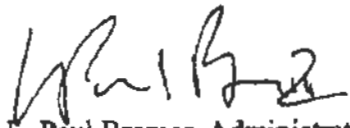
#### **D. CIVIL PRISONERS**

##### **Section 31 Debtor Prisoners**

Persons imprisoned for debt shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favorable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

##### **Section 32 Entry into Force**

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

 6/8/03  
L. Paul Bremer, Administrator  
Coalition Provisional Authority

**CLASSIFIED INFORMATION**

HAS BEEN REMOVED FROM  
FILE AND SCANNED  
SEPARATELY



AL-KASHAF BUREAU

5. FEB. 2004

To

Sub./Construction of isolation

Cells in Female prisone/Rusafa

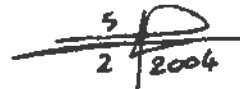
Dear sir

We are thankful for your invitation to construct the above mainioned work, and we are glad to submit our bidd, which is consist of:-

- 1- Excavation for foundations for both in and out side walls.
- 2- Casting concrete for foundations.
- 3- Supply material and construct brick walls, 24 cm thick.
- 4- Cement plastering and finishing of both sides of external wall.
- 5- Juss plastering for internal walls.
- 6- Supply and erect (4) max. security steel doors complete with frams.
- 7- Supply and erect (2) estran type toilets, with all necessary plumbing.
- 8- Paint the internal new walls with acrylic paint, and the new steel doors with oil paint.
- 9- Supply and erect necessary electrical system for the new cells.
- 10- Pour concrete bunks for (3) cells.
- 11- Finish the floors of new cells with concrete.
- 12- Cleaning the site.

For a total amount of (20,000.00) \$, JUST TWENTY THOUSEND DOLARS ONLY.

Hopping exceptance, with respect.

  
2 / 2004

ENG.

M.A. AL-KASHAF

JUMA'A BUREAU

4/2/2004

To/

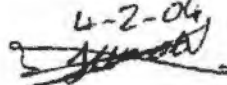
Sub/Constructing of isolation cells  
in Female prison/Russia

Dear Sir,

I am happy to receive your invitation to execute the following items in above mentioned site:-

- 1- Excavation for foundations.
- 2- Casting concrete for foundations.
- 3- Construct brick walls (24 cm thick)
- 4- Cement plastering and spraying of external walls.
- 5- Juss plastering for internal walls.
- 6- Supply and erect (4) Max. security doors with frames.
- 7- Supply and erect (2) toilets with necessary fittings
- 8- Paint the new walls with emulsion paint, and the doors with oil paint.
- 9- Supply and erect necessary electrical system in the new cells.
- 10- Pour concrete bunks for (3) cells.
- 11- Finish the floors with concrete.
- 12- cleaning the site.

all above items for a total amount of  
(28,000.00)\$. Only twenty eight thousand dollars  
with respect.

4-2-04  


J.A. AL-Fahad  
Contractor

To/

Sub/Construction of isolation cells  
in Female prisione/Ausafa

Dear Sir,


I am glad for your invitation to construct the above work, which is of the following items:-

- 1- Excavation for foundations.
- 2- Casting concrete for foundations.
- 3- Building brick walls, 24 cm thick.
- 4- Cement plastering and finishing of both sides of external walls.
- 5- Juss plastering for internal walls.
- 6- Supply and erect (4) Max. security steel doors complete with frames.
- 7- Supply and erect (2) eastern type toilets, with all necessary fittings.
- 8- Paint the internal new walls with acrylic paint and new steel doors with oil paint.
- 9- Supply and erect necessary electrical system for the new cells.
- 10- Pour concrete bunks for (3) cells.
- 11- Finish the floors of new cells with concrete.
- 12- Cleaning the site.

All for a total amount of (26,000.00) \$ only

Twenty six thousand dolars

With Respect

  
Contractor  
Hadi Adnan  
4-2-2004

General Management  
Hatır Sk. 20 06700 GOP  
Ankara - TÜRKİYE  
Tel: +90 (312) 447 0070  
Faks: +90 (312) 447 0082  
e-mail: [main@zafer.com.tr](mailto:main@zafer.com.tr)  
web: <http://www.zafer.com.tr>



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

CPA SOUTH CONTRACTING  
BASRA

10.01.2004

Attn:

Dear

Our proposal for the Basrah Central Prison is attached with all documents related to our company profile as per the request of the subject tender.

Our proposed time frame for the implementation of the subject work is 210 days. We propose to utilize the local Iraqi labors at a maximum rate (app. 75%), and local equipment and materials up to a maximum level of availability.

Although we are a Turkish Contractor and our HQ is in Ankara, Turkey, we are also a locally registered company in Erbil, Iraq. However, Iraqi company Al-Hasneen Co, Mr Firas K. Nazzal is our Local Agent in Iraq.

Our company, Zafer Construction, performs work mostly for the US Government Agencies through out Turkey, the Middle East, the Old CIS Republics and Afghanistan. We are very much aware of the security issue herein Iraq. We have accomplished US Embassy Building Renovations in Kazakhstan, Azerbaijan, Georgia and Armenia complete with all physical and electronics security.

We appreciate your kind consideration in our company.

Respectfully,

  
Levent AKIN

Regional Manager, Middle East  
ZAFER Contracting & Construction  
E-mail: [lakin@zafer.com.tr](mailto:lakin@zafer.com.tr)  
Thuraya: 0088 216 611 00 517  
Erbil Mobile Tel: 0032-48445 6801



**TABLE OF CONTENTS**

- 1. COVER LETTER**
- 2. COMPLETED BID SHEETS**
- 3. INTRODUCTION TO COMPANY PROFILE**
- 4. HEAD OFFICE ORGANIZATION CHART**
- 5. TYPICAL SITE OFFICE ORGANIZATION CHARTS**
- 6. LIST OF TECHNICAL STAFF**
- 7. LIST OF ADMINISTRATIVE STAFF**
- 8. TECHNICAL REFERENCE LETTERS**
- 9. CERTIFICATES**
  - 9.1 NATO SECURITY CERTIFICATE**
  - 9.2 ISO 9001:2000 CERTIFICATE**
  - 9.3 ISO 14001 CERTIFICATE**
  - 9.4 OHSAS CERTIFICATE**
- 10. ACTIVITY DOCUMENTS**
- 11. LIST OF ONGOING PROJECTS**
- 12. LIST OF COMPLETED PROJECTS**
- 13. PAST PERFORMANCE**
- 14. PICTURES OF COMPLETED PROJECTS**
- 15. RESUME OF PROPOSED SUPERVISOR**

***1. COVER LETTER***



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

General Management  
Hatur Sokak No. 20  
06700 GOP Ankara  
Tel: +90 (312) 447 00 70  
Fax: +90 (312) 447 00 82  
e-mail: [main@zafer.com.tr](mailto:main@zafer.com.tr)  
web: <http://www.zafer.com.tr>



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

Date: 10 Jan, 2003

No: 0005

CPA  
IRAQ

ATTN:   
THE CPA SOUTH CONTRACTING  
2300 STREET N.W. 8 TH FLR.

Sub: Price Proposal for the Basrah Central Prison- Basrah--IRAQ

Dear

Our price proposal is 3,790,942.32 USD for the subject project. This proposal is based on the requirements stated in 'Technical Assessment Report' for Basrah Central Prison, scope dated 22 Dec. 2003.

We look forward to be awarded and have the opportunity of extending the best of our services for your esteemed organization.

Yours Truly,  
Taner Stimer

Proposal Manager



**2. COMPLETED BID SHEETS**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**



General Management  
Hacı Sokak No. 20  
06700 GOP Ankara  
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Fax: +90 (312) 447 00 82  
e-mail: [main@zafer.com.tr](mailto:main@zafer.com.tr)  
web: <http://www.zafer.com.tr>



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

Date: 10, Jan, 2003

No: 0005

CPA  
IRAQ

### Bid sheet for the Basrah Central Prison- Basrah--IRAQ

		M2	CONSTRUCTION	MECHANICAL	ELECTRICAL	TOTAL
1	RECEPTION BUILDING	309	\$68.777,09	\$19.163,82	\$13.820,61	\$101.761,51
2	STAFF REGIONAL HEADQUARTES	750	\$165.280,55	\$39.685,74	\$24.111,07	\$229.077,36
3	ADMINISTRATION BUILDING	167	\$53.989,46	\$13.635,07	\$11.037,71	\$78.662,24
4	MEDICAL BUILDING	374	\$73.657,38	\$17.977,65	\$13.160,29	\$104.795,33
5	VISITOR CENTER BUILDING	376	\$43.616,42	\$17.616,09	\$9.747,80	\$70.980,31
6	GUARD HOUSE	28	\$9.289,38	\$5.294,70	\$6.521,05	\$21.105,13
7	GENERATOR FUEL TANK	79	\$21.277,34	\$18.333,85	\$195.791,02	\$235.402,21
8	KITCHEN RECREATION HALL	575	\$114.675,49	\$14.474,39	\$17.670,42	\$146.820,30
9	A B WING BUILDINGS	2.496	\$643.081,89	\$81.392,61	\$53.558,89	\$778.033,38
10	C WING BUILDING	996	\$296.657,38	\$29.483,63	\$29.825,22	\$355.966,23
11	BATHROOM BUILDINGS	315	\$197.073,00	\$44.842,85	\$9.884,74	\$251.800,58
12	JUVENILE HOLDING ROOM	194	\$54.094,66	\$11.086,95	\$7.282,38	\$72.463,99
13	FEMALE HOLDING BUILDING	124	\$36.607,67	\$10.693,93	\$7.106,35	\$54.407,95
14	SEGRAGATION BUILDING	214	\$91.195,39	\$17.932,69	\$9.147,81	\$118.275,89
15	ENTRANCE GUARD HOUSE	50	\$19.228,73	\$6.261,75	\$2.319,82	\$27.810,31
16	GUARD TOWERS	72	\$92.971,48	\$25.797,73	\$6.720,66	\$125.489,86
17	YARD COMPOUND SECURITY		\$789.529,96	\$95.841,08	\$132.718,69	\$1.018.089,73
	TOTALS		\$2.771.003,26	\$469.514,54	\$550.424,52	\$3.790.942,32

Yours Truly,  
Taner Süner

Proposal Manager

**ZAFER**  
CONTRACTING & CONSTRUCTION

### **3. INTRODUCTION TO COMPANY PROFILE**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

- 11-Ukraine
- 12-Turkmenistan
- 13-Kosovo
- 14-Lithuania
- 15-Turkey

The projects Zafer has accomplished involved Engineering, Procurement, Construction (EPC) contracts, and renovation works, industrial facilities as well as housing and residential complexes.

Zafer is extremely familiar with international products, specifications, quality standards, and business and management policies. Having completed several high quality residential projects in different cities in Turkey and abroad, Zafer has experience also in the construction of high quality housing projects.

Zafer has completed and is undertaking construction works with the assurance and support of his personnel experienced to work with various international organizations and having professional qualifications regarding new construction, demolition, renovation, and restoration in different countries.

In all projects Zafer emphasizes the importance of the use of the latest technologies in its office organization and communication for an effective office and project management, and successful competition. All our office activities are highly computerized, to include document control, material control, tendering, scheduling, design and drafting, and communication. Our head office being connected on-line to the Internet, e-mail facilities are used extensively in our communications with our area offices in Germany, Azerbaijan, Russia, and Kazakhstan and all construction sites and the clients.

Zafer has a young and powerful organization, capable of managing any type and size of construction contract, reflected by the examples of our completed and ongoing works.

Zafer has offices in Ankara Turkey, Baghdad & Erbil (Iraq), Frankfurt (Germany), Moscow (Russia), Baku (Azerbaijan), Almaty and Atyrau (Kazakhstan) and also is a member of the prestigious "Association of Turkish International Contractors".

With the extensive experience and capabilities Zafer is a competitive and strong business partner especially in Europe, CIS countries and Middle East.

Below you may find information on some of the similar projects that ZAFER has completed. More of this information and other projects of ZAFER are available in the general company profile which is given as Volume 3 of this proposal.

## **INTRODUCTION**

**Zafer Construction Company**, the leading member of the **Zafer Group of Companies**, has extensive experience in International construction projects. Zafer has been working for many years with very prestigious Government organizations and Multinational Companies & Organizations such as;

- ⊗ **US Army Corps of Engineers,**
- ⊗ **US Department of State Office of Foreign Buildings Operations,**
- ⊗ **NATO,**
- ⊗ **Turkish Ministry of National Defense,**
- ⊗ **Turkish Ministry of Foreign Affairs**
- ⊗ **Turkish Ministry of Education,**
- ⊗ **US Air Force,**
- ⊗ **World Bank,**
- ⊗ **Ahmet Yesevi University (Turkistan, Kazakhstan),**
- ⊗ **Coca-Cola International Bottlers,**
- ⊗ **Pepsi-Cola International Bottlers,**
- ⊗ **Mobil Petroleum Company,**
- ⊗ **Texaco Petroleum Company,**
- ⊗ **Chevron Petroleum Company,**
- ⊗ **Bovis International,**
- ⊗ **Brown & Root,**
- ⊗ **PFD (Parson Fluor Daniels)**

Zafer has proven its expertise in international construction business and standards, with fast tracking projects requiring quick planning; in compliance with international management systems.

Starting form 1993, when the company was restructured to meet the requirements of international construction contracts, up to date Zafer has successfully completed more than 40 project abroad in different sizes totaling more than 250,000,000USD.

In the last 5 years Zafer has worked in 15 different countries and 31 different locations, which shows our extensive capability in fast mobilization and immediate adaptation to new regions and/or countries such as;

- 1- Germany
- 2- Russia
- 3- Kazakhstan
- 4- Azerbaijan
- 5- Georgia
- 6- Armenia
- 7- Uzbekistan
- 8- Tajikistan
- 9- Belarus
- 10-Moldova

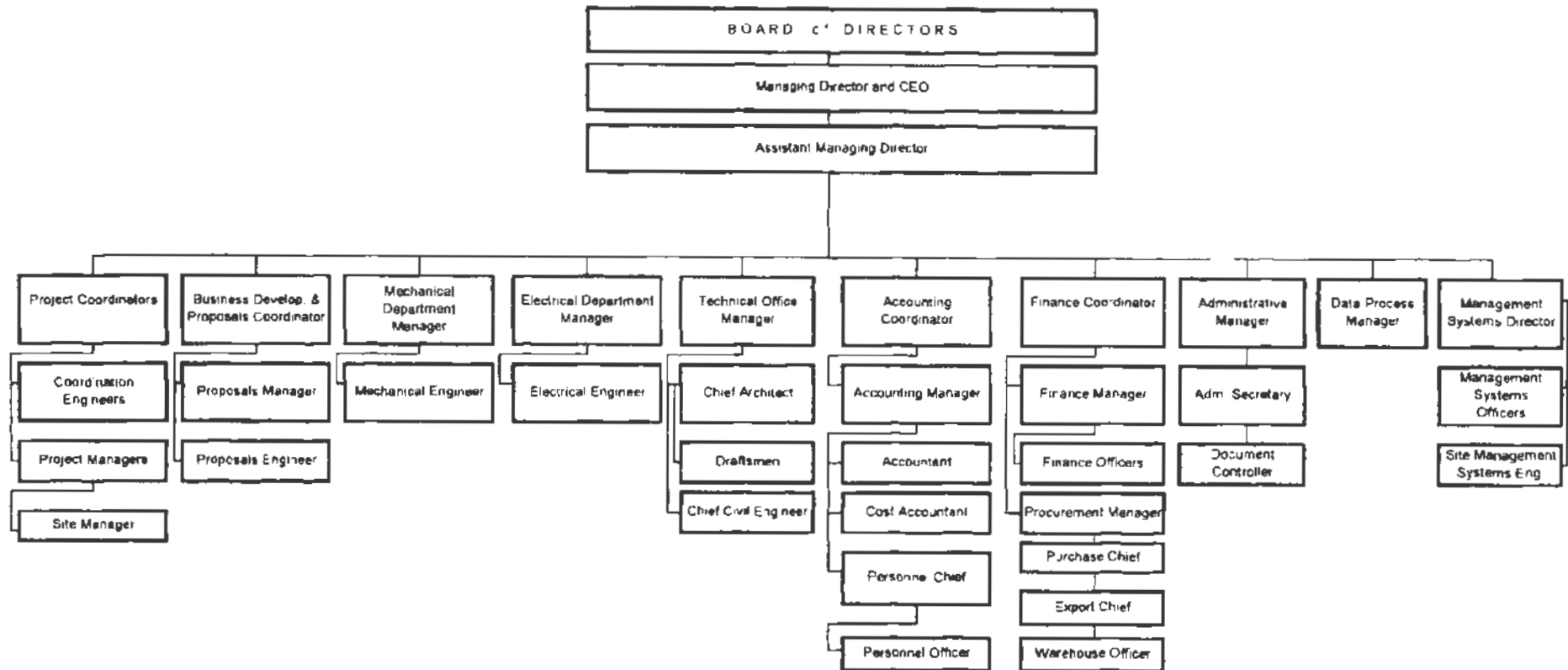
**4. HEAD OFFICE ORGANIZATION CHART**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

## HEAD OFFICE ORGANIZATION CHART

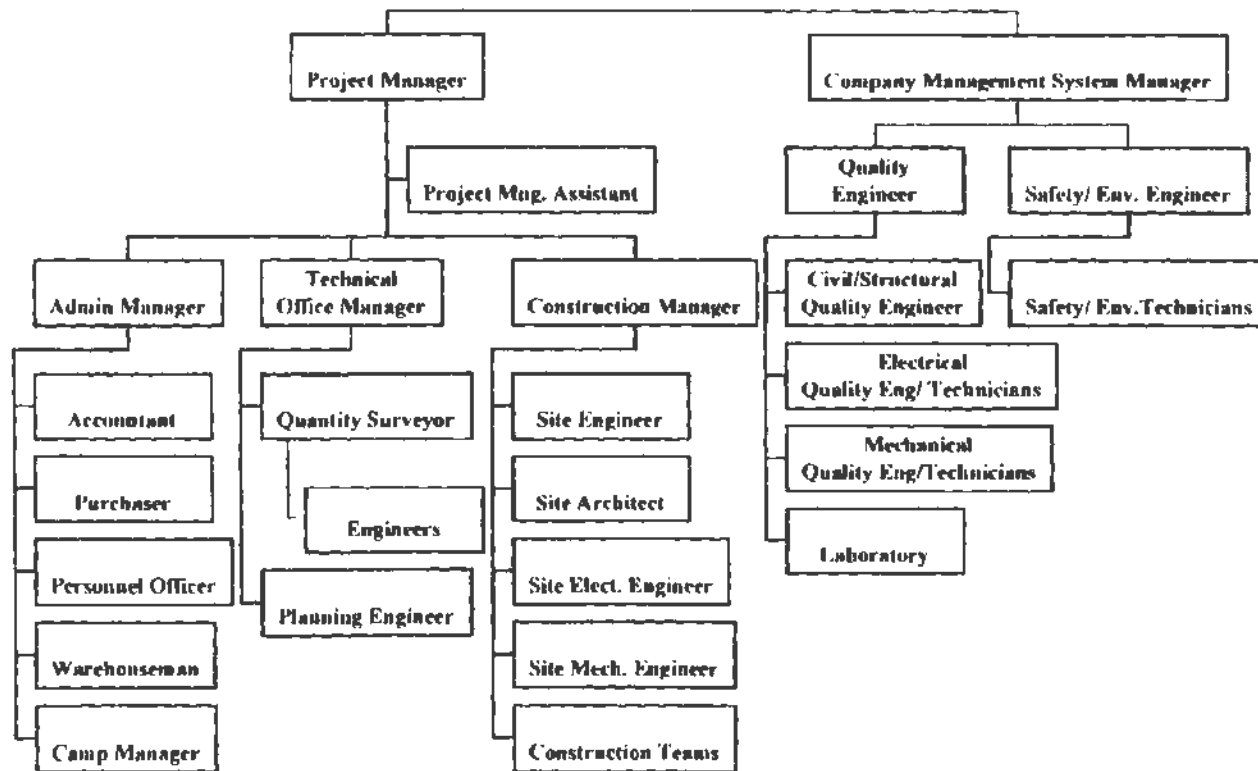


**5. TYPICAL SITE OFFICE ORGANIZATION  
CHARTS**



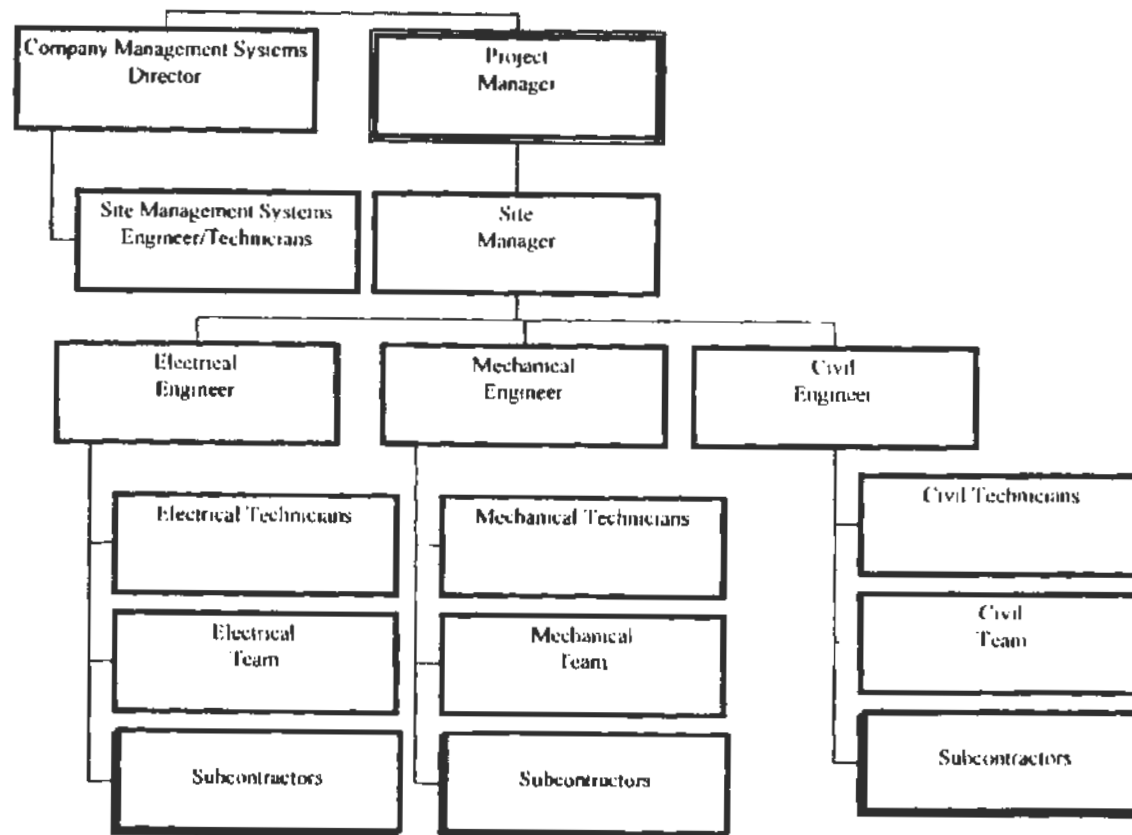
**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

**ZAFER SITE ORGANIZATION  
(LARGE CONTRACTS)**





ZAFER SITE ORGANIZATION  
(SMALL CONTRACTS)



## **6. LIST OF TECHNICAL STAFF**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

# Technical Personnel



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

No	First Name - Surname	Profession	Graduated School	Graduation Year
1	M.Necati YAĞCI	B.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1987
2	İbrahim SEYFİTTİNOĞLU	B.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1989
3	Hakkı Ünal ELVERİCİ	M.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1969
4		B.S. Civil Engineer		1977 1996
5	Armağan BAŞEĞMEZ	M.S. Architect	Government Engineering & Architectural Academy Istanbul/Tukey	1969
6	Önder TÜMER	M.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1991
7	Nemir SEYFİTTİNOĞLU	B.S. Civil Engineer	Gazi University, Ankara-Turkey	1988
8	Seçil KUYUCAK	M.S. Civil Engineer, M.B.A. Business Administration	Middle East Technical University, Ankara, Turkey	2001 2002
9	Ertugrul ZAIMOĞLU	B.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1988
10	Atila Kemal OĞUZ	B.S. Civil Engineer	Yıldız Technical University, Istanbul / Tukey	1989
11	Özge IŞIK	M.S. Architect	Gazi University Ankara / Turkey	2001
12	Halim GURER	M.S. Architect	Meinz University, Architecture Idstein Wiesbaden Technical University, Urban Planning	1981
13	Firuzan ENSON	B.S. Architect	Middle East Technical University, Ankara, Turkey	1976

**Technical Personnel****ZAFER**İNŞAAT A.Ş.  
CONSTRUCTION CO.

No	First Name - Surname	Profession	Graduated School	Graduation Year
14	Resmi Baha ÜNSAL	B.S. Architect	Government Engineering & Architectural Academy Istanbul/Tukey	1982
15	Ufuk SEYFETTİN	B.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1995
16	Selcuk ZIG	B.S. Civil Engineer	Near East University / Cyprus	1998
17	Ali SEYFETTİNOĞLU	B.S. Civil Engineer	Istanbul Technical University Istanbul/Turkey	1997
18	Bülent SAYAR	B.S. Civil Engineer	Istanbul Technical University Istanbul/Turkey	2001
19	Süleyman KARACA	B.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1997
20	Hakan YAĞCI	B.S. Civil Engineer	East Mediterenian University, Cyprus	1999
21	Doğan SAVAŞMAN	M.S. Civil Engineer	Darmstadt University of Technology	1997
22	Levent AKIN	M.S. Civil Engineer	Middle East Technical University, Ankara, Turkey	1981
23	Abdo Süleyman KARACA	B.S. Civil Engineer	Kocaeli Technical University Kocaeli /Turkey	1999
24	Hasan DALVEREN	B.S. Civil Engineer	Government Engineering & Architectural Academy Konya /Tukey	1977
25	Mithat AKKAYA	M.S. Civil Engineer	Istanbul Technical University Istanbul/Turkey	1973
26	Ünal ATEŞ	Civil Technician	Dicle University, Mardin /Turkey	1994
27	Ali ALCANSOY	B.S. Mechanical Engineer	Middle East Technical University, Ankara, Turkey	1980

**Technical Personnel**



**ZAFER**

İNŞAAT A.Ş.  
CONSTRUCTION CO.

No	First Name - Surname	Profession	Graduated School	Graduation Year
28	Tufan EMİROĞLU	B S. Mechanical Engineer	Yıldız Technical University, Istanbul, Türkiye	1989
29	Servet MORAN	B.S. Electrical Engineer	Middle East Technical University, Ankara, Turkey	1987
30	Serdar ÖZEREN	Draftsman	Technical Vocational School of Higher Education of Construction, Ankara, Turkey	1984
31	İbrahim ALCANSOY	Draftsman	Technical Vocational School of Higher Education of Construction, Ankara, Turkey	1985

**7. LIST OF ADMINISTRATIVE STAFF**



**ZAFER**  
İNŞAAT & TİCARET  
CONSTRUCTION CO.

**ZAFER Taahhüt**  
**İnşaat ve Ticaret A.Ş.**

# Administrative Personnel



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

No	First Name - Surname	Profession	Graduated School	Graduation Year
1	Afife ÖNCÜ	Finans Coordinator	University of London (MBA) - UK	1983
2	Erol SÖNMEZOCAK	Accounting Coordinator	Ankara University (Finance & Accounting) Ankara/Turkey	1967
3	Tanık ÖZTÜRK	Finans Manager	Ankara University (Finance & Accounting) Ankara/Turkey	1983
4	Mehtap YAĞCI	Administrative Manager	A. University (Psychology) Ankara/Turkey	1985
5	Nalan COŞKUN	Accounting Manager	Hacettepe University (Business Administration) Ankara/Turkey	1993
6	Çetin ATEŞ	Procurement Manager	High School	1977
7	Murat K. ÇETİN	Export Manager	Gazi University, (Economy) Ankara/Turkey	1986
8	Erkan BÜYÜKGÜLLÜ	Computer System Manager	Gazi University (Math) Ankara/Turkey	1990
9	Aliye YALÇIN	Personnel Chief	Hacettepe University (Economy) Ankara/Turkey	1988
10	Umut SÖNMEZOCAK	Finans Asst	Gazi University, (Econometry) Ankara - Turkey	1998
11	Akın ŞİMŞEK	Accountant	High School	1989
12	Ahmet DOKUR	Accountant	High School	1980
13	Ozlem TÜRKER	Finans Asst	Middle East Technical University, (Economy) Ankara, Turkey	1993

**Administrative Personnel**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

No	First Name - Surname	Profession	Graduated School	Graduation Year
14	Jazira KÜÇÜKEVCİLİOĞLU	ISO, OHSAS and Environm. Management System Asst	Hacettepe University (MBA) Ankara/Turkey	2001
15	Gökhan TÜRKOĞLU	Accountant	Blacksea Technical University, Trabzon Turkey	1996
16	Songül İNAL	Accountant	High School	1990
17	Serkan YAĞCI	Accountant	Istanbul Bilgi University, (Business Administration) Istanbul - Turkey	2001
18	Güler ARIEL	Accountant	High School	1991
19	Bayram GUMUŞ	Accountant	High School	1979
20	Mehmet Tapkan	Procurement Assistant	Gazi University, (Economy) Ankara/Turkey	1996
21	Hakan ÇAKIR	Finans	Dokuz Eylül University, Izmir / Turkey	1991
22	Tanık DOĞU	Personnel Chief Asst.	Yenimahale High School	1993
23	Aylin TEZCAN	Document Control	Bitkent University, Ankara/Turkey	1996
24	Ayla ALAT	Secretary	Anatolia University, Eskisehir/ Turkey	2002



***8. TECHNICAL REFERENCE LETTERS***



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

***ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.***

HOCA AHMET YESEVI  
INTERNATIONAL  
TURKISH-KAZAKH UNIVERSITY

Mr. M. Necati YAĞCI  
General Manager

Zafer Contracting, Electricity,  
Construction and Trade Co.Inc.

Hatır Sok. No:20, GOP 06700  
ANKARA

Subject: Completion of Turnkey Construction Works of  
First and Second Section of Ahmet Yesevi  
International Turkish-Kazakh University  
Turkistan Kalecigi, Kazakhstan

Dear Mr. YAĞCI,

The construction of Dormitory Buildings, Infrastructure connections, Conference Hall, Culture Center and Mess Hall: (Tea Hall) buildings by your company under University Campus Project have been successfully completed on turnkey basis.

We congratulate, in your person, Zafer personnel both in the head office and at the construction site for the self-sacrificing work performed in compliance with the specifications and projects comprising the techniques, materials and quality required by the era and the success shown in providing fast, reliable and safe support required for the performance of the work.

Having full confidence that you exhibit the uncompromising quality in your other businesses as well together with the interest and care you have shown in the work schedule and the requirements of the employer, we wish you the continuation of your successful works, and that, we will be highly pleased to collaborate with you in your other businesses.

Yours truly,  
Ziyaeddin BAŞKAN  
Deputy Rector

Foreign Language



## **TENGIZCHEVROIL**

466440, The Republic of Kazakhstan  
Atyrau Oblast  
Zhilyoy Region  
Karaton-1  
TCO Village

27 August 2001

### **ZAFER CONSTRUCTION CO.**

Mr. Necati Yagci  
Hattir Sokak No. 20  
06700-G.O.P.  
Ankara, Turkey

Fax: 90 (312) 447- 0082



Atyrau Projects  
Site Office

Kazakhstan Telephone: +7 312 302 6655  
Kazakhstan Facsimile: 7 312 302 6651

**SUBJECT: Letter of Appreciation  
Atyrau Housing Project**

Gentlemen:

The project is nearing completion and I want to thank you for the outstanding efforts of your Company both in Atyrau and the head office. Atyrau is a very difficult work location. However, Zafer was able to overcome the obstacles of logistic, local content issues and other locally imposed constraints. The second phase of the project will be ready for occupancy by year-end 2001, which is five months ahead of the original schedule.

During the course of the project there was a very marked improvement in safety on the job, currently with the peak work force of over 900 workers there has not been a lost workday incident in over 7-months. This is truly a significant accomplishment based on the incident rate earlier in the project.

The quality of the workmanship has been very good and equal to what one would expect in the US. I would be pleased to be a reference for you.

**Tengizchevroil**



**Technical Manager**

## **EFES INVEST**

EFES SERAI YATIRIM VE TICARET A.Ş.

İstanbul - Serai Mh. 13  
30920 - Etiler - Beşiktaş  
Tic. Sic. No: 2828000000  
Tic. Sic. No: 2828000000

15 November 1998

Mr. Necati Yağcı  
General Manager  
Zafer Construction Company  
Kaptanpaşa Sokak No. 53  
06700 GOP  
Ankara, Turkey

Sub: Coca - Cola Production Facilities Construction Project  
Baku, Azerbaijan.

Dear Mr. Yağcı,

I would like to express my sincere appreciation for the effort put forth by your company during the construction of the subject project.

You have been able to start the construction works in less than a week after the signing of the contract, to meet all intermediate milestone dates and complete the whole of the works ahead of the schedule.

On this second project that we have worked together, we would again like to congratulate yourselves, your colleagues, Zafer's engineers and construction and electromechanical installation teams for your rapid mobilization, timely procurement of construction and electromechanical materials and equipment, exceptional work performance and close cooperation with our representatives on the construction site during construction and installation works. We have witnessed another example of Zafer's ability to mobilize in short periods, to work to tightest construction schedules and to design, accomplish and complete the works within budget, ahead of time and to international technical and quality standards.

We wish continuation of your success and look forward to opportunities in the future to work together on other construction projects of our Company.

Sincerely,

  
Umur Ünsal  
General Manager



DDO PEPSICO HOLDINGS, 18/2 Tverskaya Ulitsa, Moscow 103009  
Phone: +7502-9371700, +7095-9371700. Fax: +7502-9371701, +7095-9371701

TO WHOMSOEVER IT MAY CONCERN

I take pleasure in issuing this Letter of Recommendation to Zafer Construction Company, Ankara.

Zafer Construction was appointed the General Contractor of our first Pepsi Bottling Plant in Russia in the city of Samara after competitive bidding. Our project was started in mid-November 1996 and completed in record time seven months later in early June 1997 when we produced the first commercial production. Considering that over 75% of this construction period was during the harsh winter weather, this performance was superlative. They met every one of the requirements that we laid down for them in terms of cost, schedule and quality of construction.

Thereafter, based on their outstanding performance on the main plant project, we also contracted their services for our Waste Water Treatment Plant and 1500 sqm Office Block, both of which were also excellently executed. The total value of the work that they carried out for us in Samara was approximately US\$14 million.

We have found Zafer Construction to be extremely customer focused and flexible to the clients' needs. Their General Manager, Mr Yagci takes personal interest in the projects under their execution and has a can-do / will-do attitude that we find very refreshing. The aim is always to get the job done first in the best possible way and worry about the paperwork later. They are an extremely proactive group that encompass within their skill set design and construction activities and they do not hesitate to sit alongside the client to achieve a common goal to the best of their ability. During the execution of our Samara project, they offered us several design improvement suggestions during the course of construction that saved us significant time, money or both.

We have been so pleased with their performance that we would readily recommend them to any other potential clients and we would definitely consider them the contractor of choice for our future initiatives.

We wish them the very best in the future.

RM Gursahney  
Director of Projects - Russia and CIS  
Sept 12, 1997

# BOVIS

Bovis International Limited

Worldwide Construction  
and Consulting

Pepsi International Bottlers

Project Office

Krums Olmex

Samara

Tel. 8462 50 06 48

Fax. 3462 50 06 48

## MEMORANDUM

TO : Zafer Insaat A.Ş.  
Mr.N.Yagci

CC : N.Seyitnuglu

FROM : Matthew Wayne

DATE : 30/10/97

SUBJECT : Pepsi International Bottlers - Samara.

Necati Bey,

As you are aware on the 31/10/97 Bovis will complete their contract works in regard to Pepsi Samara and I personally will leave Samara for Moscow.

I would like to take this opportunity to express my very sincere appreciation towards you and your company as a large majority of the success of this project has undoubtedly been due to Zafer.

Zafer's commitment towards the achievement of project goals and your attitude towards both Bovis and Pepsi has been 100%. Your company philosophy and Client awareness / appreciation is one which I have yet to discover with any other contractor within my career and with, I believe, lead Zafer into a very successful future.

I would also like to congratulate all your project staff / operatives upon their achievements throughout the project. The working conditions your people had to endure, at the most critical period of the project, were very extreme but they displayed a work ethic that Zafer should be proud of.

On a personal note, Bovis could not have contributed to the success of this project without the full co-operation of your professional team. The team integration (Pepsi, Bovis and Zafer) displayed and the personnel relationships built were, in my opinion the key to all our success. I believe, and it is a view backed by all of the Pepsi Senior Management, that in Nemir, Zafer have a 1<sup>st</sup> class Project Manager in every respect and considering his age, a very valuable asset for the future.

Finally, I would confirm that Bovis will obviously be contacting Zafer in regard to future works and that yourself, Ibrahim Bey or Hasim Bey are very welcome at any time to call or visit our Moscow office.

Kind Regards and Thanks

DATE

Registered Office: Bovis House, Northolme Road, Harrogate, Wetherby, W.A.S. HA2 9EE Tel: +44 161 422 2208 Fax: +44 161 422 2206

P&O



23 October 2001

Zafer Construction Co  
Atyrau, Kazakhstan

Our ref: 01-018 TCO-ZFR

Subject: 270 Days Safety Milestone

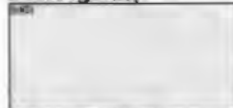
Attn: Mr. Necati Yagci

Dear Necati,

I am very pleased to be able to write this letter of congratulations to you and the project team. The accomplishment of 270 days without a lost work day incident is tremendous. It reflects the commitment and support of the entire Zafer organization as well as the effective working relationship which Zafer and TCO have developed in execution of the Housing Project.

I look forward to the next major milestone and hope to have the opportunity to join in that celebration when it is achieved. On behalf of the entire TCO organization I extend to you our appreciation for a job well done and support for your ongoing efforts to ensure every worker is able to return home safely each day.

Best regards,



General Director



02 -10- 2002

Foreign Language

466440, The Republic of Kazakhstan  
Atyrau Oblast  
Zhilyoy Region  
Karaton-1  
TCO Village



Foreign Language

2 Oct 2002

Zafer Construction Co.  
Atyrau, Kazakhstan

Letter No.: 02-047 TCO-ZFR  
Ref: Ltr 02-036 TCO-ZFR dated 23 May 2002

Subject: TCO Atyrau Housing Project, Contract OK11340  
Acceptance and Handover of Balance of Work

Attn: Mr. Nemir Seyfittinoglu

Dear Sir:

The balance of Work to be completed since Partial Acceptance - Phase 2 on 23 May 2002 is hereby accepted.

Upon satisfactorily completing any warranty items as required by the contract, the Company shall release 15% retention of the value of the balance of Work to be completed (as of 23 May 2002) one hundred eighty (180) days after the date of this Acceptance.

This Acceptance is not intended to waive the performance of any requirement under Contract No. OK11340 which in all respects remains in full force and effect.

Thank you.

Very truly yours,

Project Manager  
TCO Atyrau Projects

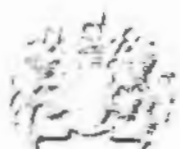
02 -10- 2002



**CLASSIFIED INFORMATION**

**HAS BEEN REMOVED FROM  
FILE AND SCANNED  
SEPARATELY**

---



# CERTIFICATE OF REGISTRATION

## Quality Management System

Foreign Language



*Operate a Quality Management System  
which complies with the requirements of  
**BS EN ISO 9001:2000**  
for the activities detailed in the scope of  
registration.*

Certificate No: **FS 74958**

*Signed on behalf of BSI*

*Originally registered: 11 Aug 2003*



This is not a legal document and cannot be used as such. This certificate does not expire.  
To check its validity telephone +44 (0)20 8996 9001 or visit [www.bsi-global.com/BusinessPartners](http://www.bsi-global.com/BusinessPartners)  
Further clarifications regarding the scope of this certificate and the applicability of ISO 9001:2000 requirements may be  
obtained by consulting the organization. The British Standards Institution is incorporated by Royal Charter.  
Group Headquarters: 389 Chiswick High Road, London W4 4AL, UK.



**9. CERTIFICATES**

**9.1 NATO SECURITY CERTIFICATE**

**9.2 ISO 9001:2000 CERTIFICATE**

**9.3 ISO 14001 CERTIFICATE**

**9.4 OHSAS CERTIFICATE**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt**  
**İnşaat ve Ticaret A.Ş.**



# CERTIFICATE OF REGISTRATION

## Quality Management System

*This is to certify that:*

Foreign Language

**Hold Certificate No: FS 74958**

*and operate a Quality Management System which complies with the requirements of BS EN ISO 9001:2000 for the following scope:*

Design engineering, procurement and logistics, construction, erection, installation, and project management of civil, architectural, mechanical and electrical works.

*For and on behalf of BSI:*

0000

*Certification Manager, Systems Assessment*

**Originally registered: 11 Aug 2003**

**Latest issue: 11 Aug 2003**

**Page: 1 of 1**



003

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*The British Standards Institution is incorporated by Royal Charter.  
Group Headquarters: 389 Chiswick High Road, London W4 4AL, UK.*

**BSI**  
Management  
Systems



# Certificate *of* Registration

*Environmental Management System*

*This is to certify that:*

**Zafer Taahhut, Elektrik, Insaat ve Tic. A.S.**  
**Hatir Sok. No:20**  
**06700 Gaziosmanpasa**  
**Ankara**  
**Turkey**

*Operate an Environmental Management System which complies with the requirements of  
BS EN ISO 14001:1996 for the activities detailed in the scope of registration.*

Certificate No.: EMS 77234



*Signed on behalf of BSI*

*Originally registered: 11 Aug 2003*



003

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*The British Standards Institution is incorporated by Royal Charter.*

*Group Headquarters: 389 Chiswick High Road, London W4 4AL, UK.*

**BSI**  
**Management  
Systems**

MC440015SUE 1/5A/0102/UK/CP

# Certificate



# Registration

*Environmental Management System*

*This is to certify that:*

**Zafer Taahhut, Elektrik, Insaat ve Tic. A.S.**  
**Hatir Sok. No:20**  
**06700 Gaziosmanpasa**  
**Ankara**  
**Turkey**

*Hold Certificate No:* **EMS 77234**

*and operate an Environmental Management System which complies with the requirements of*  
**BS EN ISO 14001:1996 for the following scope:**

Design engineering, procurement and logistics, construction, erection, installation,  
and project management of civil, architectural, mechanical and electrical works.

*For and on behalf of BSI:*



**Certification Manager, Systems Assessment**

**Originally registered: 11 Aug 2003**

**Latest issue: 11 Aug 2003**

**Page: 1 of 1**



003

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*This certificate does not expire.*

*To check its validity telephone: +44 (0)20 8996 9001 or visit [www.bsi-global.com/BusinessPartners](http://www.bsi-global.com/BusinessPartners)*

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*Group Headquarters: 389 Chiswick High Road, London W4 4AL, UK.*



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MC4407155/2 1/5A/D132/UKDP



# Certificate *of* Registration

*Occupational Health  
and Safety Management*

*This is to certify that:*

**Zafer Taahhut, Elektrik, Insaat ve Tic. A.S.**  
**Hatir Sok. No:20**  
**06700 Gaziosmanpasa**  
**Ankara**  
**Turkey**

*Operate an Occupational Health and Safety System which complies with the requirements of OHSAS 18001:1999 for the activities detailed in the scope of registration.*

**Certificate No.: OHS 77233**



*Signed on behalf of BSI*

**Originally registered: 11 Aug 2003**

*This is not a legal document and cannot be used as such.*

*This certificate does not expire.*

*To check its validity telephone +44 (0)20 8996 9001 or visit [www.bsi-global.com/BusinessPartners](http://www.bsi-global.com/BusinessPartners)*

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**BSI**  
A British Standard  
**Management  
Systems**

MS/AR/01/SS/11 1/5A/0102/UK/0P



# Certificate



# Registration

*Occupational Health and Safety Management*

*This is to certify that:*

**Zafer Taahhut, Elektrik, Insaat ve Tic. A.S.**  
**Hatir Sok. No:20**  
**06700 Gaziosmanpasa**  
**Ankara**  
**Turkey**

*Hold Certificate No:* **OHS 77233**

*and operate an Occupational Health and Safety Management System which complies with the requirements of OHSAS 18001:1999 for the following scope:*

Design engineering, procurement and logistics, construction, erection, installation, and project management of civil, architectural, mechanical and electrical works.

*For and on behalf of BSI:*



**Certification Manager, Systems Assessment**

**Originally registered: 11 Aug 2003**

**Latest issue: 11 Aug 2003**

**Page: 1 of 1**

*This licence remains the property of BSI and shall be returned immediately upon request.*

*This certificate does not expire.*

*To check its validity telephone: +44 (0)20 8996 9001 or visit [www.bsi-global.com/BusinessPartners](http://www.bsi-global.com/BusinessPartners)*

*The British Standards Institution is incorporated by Royal Charter.*

*Group Headquarters: 389 Chiswick High Road, London W4 4AL, UK.*



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MC4401A5BUE 1/8A/0102/UNDP

## **10. ACTIVITY DOCUMENTS**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt**  
**İnşaat ve Ticaret A.Ş.**

Ankara Chamber Of Commerce

Service : Registration

Issue Date: 23.10.2002

## ACTIVITY DOCUMENT

Company Name : ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİCARET ANONİM  
ŞİRKETİ

Address : REŞİT GALİP CAD HATIR SK NO-20

G.O.P. ANKARA

Trade Reg. No : 96094

Chamber Reg. Date : 27.07 1993

Chamber Reg. No : 18/3087

Capital : 5.000.000.000,000 TL

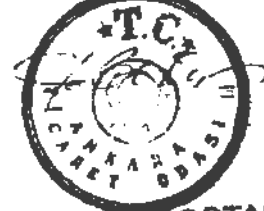
Degree : EXCELLENT

Business Field : SUBJECT WRITTEN IN MAIN CONTRACT

The company whose name and the registration number mentioned above is still a member of our  
chamber.

This form is given due to their application

Secretary General



Yaşar BOSTAN  
Deputy Director of Registration

Adres: Söğütözü Mh.2.Cadde No:5 06530-Söğütözü/ANKARA

TEL:(312)-285 79 50/5 hat-----FAX:(312)-286 01 76-286 27 64



**11. LIST OF ONGOING PROJECTS**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

*Ongoing Projects*



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

TS 14558-102 1001  
GNS 17213-01001 1001  
EKS 17213-01001 1001

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	CONTRACT COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Eskisehir Air Station Dormitory / Administrative Facilities Eskisehir Turkey	Eskisehir Turkey	1 594 000	26.02.2003	26.04.2004		P
<b>PFD</b> Contract No: 571501-1-1042 Construction of Operations & Maintenance Building + BoilerHouse within the scope of Sour Gas Injection Facilities	Tengiz - Kazakhstan	2 907 448	19.07.2002	22.04.2004		P

**12. LIST OF COMPLETED PROJECTS**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**

# Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Residential Building Projects						
Barracks Modernization, Building 4002, Cambria Frisch Kaserne DACA90-01-C-0090	Darmstadt, Germany	6 041.681 (1€=1.08 \$)	01.11.2001	30.07.2003		P
Restoration of Building 11, Coleman Barracks DACA90-01-C-0061	Mannheim, Germany	4.645.528 (1€=1.08 \$)	26.11.2001	12.06.2003		P
Well Drilling and Water Storage, Turkey (MATOC)	Turkey	1.100.000	24.02.2003	11.06.2003		P
Trainer Compound, Task Order 0001, Pol E Charkhi, Afghanistan	Afghanistan	4.500.000	08.02.2003	19.06.2003		S
Kabul Military Training Center, Task Order 0002, Kabul, Afghanistan	Afghanistan	8.500.000	06.05.2003	12.10.2003		S
Task Order 0004, Brigades Bed Down Facilities, Pol E Charkhi, Afghanistan	Afghanistan	3.000.000	27.04.2003	30.08.2003		S



# Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Refurbish Helicopter/ Plane Parking Area, Construction of Communication Service Center Building, Lilo Tbilisi, Republic of Georgia	Tbilisi, Republic of Georgia	1 990.000	01.02.2003	15.12.2003		P
Border Crossing Station, Red Bridge, Poti Coast Guard Hq	Republic of Georgia	4 818.281	20.11.2001	24.12.2002 (Red Bridge) 28.10.2002 (Poti) Contract completion: 11.08.2003		P
US Embassy Bank Facility Construction	Moscow, Russia	146.259	19.05.2003	17.08.2003		P
US Embassy Consular Office Renovations	Moscow, Russia	3.771.393	02.04.2001	14.12.2002		P
TENGIZCHEVROIL L.L.P. Housing Project 88 luxury villas including 2 on Executive Director's House, School, Community Center, Club House, Open and Closed Swimming Pools, Gymnasium, Security and Utility Bldg Complex	Atyrau - Kazakhstan	50 854.626	09.06.1999	02.10.2002 Contract completion: 31.12.2002		P
T.C. Ministry of Defence Fenerbahçe Region Lodging Facilities	Istanbul, Turkey	1 647.808	06.10.2000	30.11.2001	Colonel Ismail Tannsever Project Engineer, Ministry of Defence Bakanliklar / Ankara - Turkey Tel: +90 532 433 86 54	P
WORLD BANK Construction of Offices for Resident Mission	Bishkek, Kyrgyz Republic	300.531	15.03.2001	15.10.2001	WORLD BANK USA	P

# Completed Projects



WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Ereğli Demir ve Çelik Fabrikaları T. A.Ş. Erdemir Aris High School and Dormitories	Ereğli, Türkiye	1.056.633	17.07.2000	04.06.2001	Abdunnur DEMİRCİ Project Engineer Tel: +90 (312) 372 318 22 96	P
US Embassy Gate Replacement and Perimeter Wall Upgrade	Moscow, Russia	1.988.843	01.05.2002	22.10.2003		P
US Consulate Housing Renovation	Frankfurt, Germany	3.685.348	29.09.1998	28.03.2001		P
Turkish Ministry of Defence Georgia Lodging Facilities	Tbilisi - Georgia	4.200.000	14.06.1999	14.02.2000	Mr. Haldun Demir Major Ministry of Defence Tel: +90 (312) 402 31 69	P
Restoration of Military Barracks, Building 8202	Baumholder, Germany	1.796.906	30.09.1998	23.12.1999		P
Restoration of Commissary Building Building No 8575, Smith Barracks	Baumholder, Germany	430.242	25.08.1998	29.11.1999		P
WORLD BANK Construction of Offices for Resident Mission	Ankara - Turkey	647.337	16.07.1999	15.10.1999	Mrs. Ayşe RONAY Office Administrator Tel: +90 (312) 468 45 27 Fax: +90 (312) 468 45 26	P
Republic of Turkey Ministry of Education, Primary School Projects	Sanlıurfa, Mardin - Turkey	7.400.000	10.12.1998	01.08.1999	T.C. Ministry of Education UBM Consultancy Ltd. Mr. Hüseyin Giritli Tel: +90 (312) 311 0898 Fax: +90 (312) 311 1071	P

# Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Child Development Center İncirlik AB, Turkey Contract No. DACA90-96-C-0219	Adana, Turkey	1.590.457	30.09.1996	08.04.1999		P
Restoration of Barracks, Buildings 8116 and 8424 Construction of Military Guest houses	Baumholder, Germany	5.764.741	29.09.1996	31.03.1999		P
US Department of State Foreign Buildings Operations Worldwide Design-Build Basic Ordering Agreement US Embassy Dushanbe Interim Facilities	Dushanbe, Tajikistan	2.393.750	01.07.1998	04.02.1999		P
Hodja Ahmet Yesevi International Turkish / Kazak University -2nd Stage	Turkistan / Kazakistan	11.360.087	20.05.1997	15.01.1999		P
Restore Barracks Building No. 3702	Baumholder, Germany	4.661.337	29.09.1996	20.11.1998		P
Modify and Repair Bldgs. 66th MI (Military Intelligence) Organization - Darmstadt/Germany Electro-mechanical design and construction and architectural renovation of Buildings 4361,4366,4367 and 4173 for 66th MI Organization in Darmstadt Training area.	Darmstadt, Germany	4.485.166	16.10.1997	01.07.1998		P
US Embassy Renovation and Additional Buildings - Minsk Structural, architectural, and electro-mechanical renovation of Consular/GSO Annex Buildings, construction of garage and new Annex - G buildings	Minsk, Belarus	1.220.874	20.06.1997	08.05.1998		P

## Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
US Embassy Consular Office Building Construction of 900 m2 of new reinforced concrete building	Ankara, Turkey	1.137.295	30.09.1996	07.01.1998		P
Construction of 2 Villas Renovation and Retrofitting of 2 Villas	Almaty, Kazakhstan	741.000	30.05.1997	15.01.1998		P
Hodja Ahmet Yesevi International Turkish / Kazak University - 1st Stage	Turkistan / Kazakhstan	18.035.802	14.04.1995	08.11.1996		P
Renovation of Belhaci Seismic Research Center	Ankara, Turkey	282.800	30.09.1995	01.10.1996		P
Renovation of Turkish Embassy	Minsk, Belarus	223.962	27.05.1996	27.08.1996		P
Renovation of U.S. Embassy Shark Building	Tashkent, Uzbekistan	436.567	25.09.1995	14.03.1996		P
Renovation of U.S. Foreign Commercial Office Building Complete renovation incl.: Security upgrade (FE/BR walls, doors&windows), New HVAC system	Almaty, Kazakhstan	514.715	01.09.1995	06.03.1996		P
Renovation of U.S. Embassy Building	Chisinau, Moldova	788.837	01.03.1996	26.09.1996		P
Renovation and Restoration of Canadian Embassy Complete renovation and structural upgrade of the building	Almaty, Kazakhstan	746.486	28.02.1995	15.10.1995		P
TCER (Trans Caucasus Embassy Renovation Project) Renovation of the U.S. Embassies in Baku (Azerbaijan), Almaty (Kazakhstan), Tbilisi (Georgia) and Yerevan (Armenia) Logistics and life support, all construction materials, and workmanship in non-CAA areas	Baku, Almaty, Tbilisi, Yerevan	32.423.083	04.11.1993	31.12.1994		S

# Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
<b>Industrial Facilities Projects</b>						
<b>Chevron - Munaigaz Pipe Plant, Atyrau - Kazakhstan</b>	Atyrau - Kazakhstan	7.439.514	01.02.2002	27.03.2003	Chevron - Munaigaz	P
<b>SAIPEM, Blue Stream Gas pipeline Project Onshore Manufacturing and Welding Plant</b>	Samsun, Turkiye	860.933	09.08.2000	28.02.2001	Saipem SPA, Italy Mr. Luigi FERRANO Contracting Officer Tel: + 90 (362) 435 63 31	P
<b>Upgrade Sewage Treatment Plant Incirlik AB, Turkey Contract No. DACA90-96-C-0241</b>	Adana, Turkey	1.934.001	27.09.1996	12.05.1998		P
<b>Coca-Cola Production Facilities Interior and exterior works around existing 11,000 m2 building shell, including electromechanical installations</b>	Volgograd, Russian Federation	6.899.025	10.07.1997	02.02.1998		P
<b>Coca-Cola Production Facilities Completion and Renovation of existing 14000 m2 building, and construction of 2000 m2 of new building</b>	Yekaterinburg, Russian Federation	12.774.000	25.04.1997	31.01.1998		P
<b>Construction of new warehouses for Coca Cola Production Plant</b>	Almaty, Kazakstan	1.549.773	11.06.1997	01.12.1997	Almaty Coca Cola Bottlers JSC Mr. Mustafa Karpuz Tel: +90 (212) 2823005 Mr. Taner Dursun Tel: +7 (3272) 50 95 19	P
<b>Baku Water Supply Project Contract No. 5 Design, Supply and Installation of Warehouses</b>	Baku - Azerbaijan	3.161.567	20.08.1996	15.11.1997		P
<b>Pepsi Cola Production Facilities Completion and Renovation of existing 12000 m2 building, and construction of 4000 m2 of new building</b>	Samara, Russian Federation	14.392.393	05.11.1996	15.05.1997	Pepsi Cola International Bottlers, Moscow, the Russian Federation Mr. Gurehaney Tel: +7 (095) 967 1900 Fax: +7 (095) 967 1901	P

# Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Construction of Coca Cola Production and Bottling Plant	Baku, Azerbaijan	6 279 036	19.02.1996	21.10.1996	Efes Sınai Yatırım ve Ticaret A.Ş. Mr. Mustafa Karpuz +90 (212) 282 3005	P
Construction and Renovation of Coca Cola Production and Bottling Plant	Almaty, Kazakhstan	1 771 402	05.05.1995	15.01.1996	Almaty Coca Cola Bottlers JSC Mr. Mustafa Karpuz Tel +90 (212) 2823005	P
Other Projects						
<b>PFD</b> Contract No: 571501-1-1059 Supply and Construction of Sour Gas Injection Temporary Facilities	Tengiz - Kazakhstan	1 355 959	10.06.2002	10.10.2002	Mr. P. Mallet, Company Contracts Supervisor Atyrau Branch Office of PFD International LLC 48A. Kulmanova Street. 465012 Atyrau Tel : +7 (312) 299 60 88	P
<b>US Embassy</b> Gate Replacement and Perimeter Wall Upgrade	Moscow, Russia	3 070 165	12.01.2001	01.07.2002 Terminated due to problems between Client/Owner and local authorities		P
<b>New General Services Annex</b>	Asghabat - Turkmenistan	648 800	02.04.1999	02.01.2000	FBO US Foreign Building Operations	P
<b>Podujevo Airport</b> Rehabilitation works	Podujevo, Kosova	1 635 707	02.09.1999	30.10.1999	British Army Forces	P
<b>Texaco Service Stations</b> Turn-key green field construction of two service stations in Almaty	Astana, Kazakhstan	1 100 000	06.03.1998	10.06.1998		P
<b>Mobil Service Stations</b> Turn-key green field construction of two service stations in Almaty	Almaty, Kazakhstan	3 077 000	20.04.1997	13.09.1997		P
<b>Construction of Cellular Telephone Distribution System</b> Complete with the Microwave transmission facilities and customer offices	Almaty & various locations, Kazakhstan	5 350 000	08.09.1994	08.09.1997		P

## Completed Projects



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

WORK DESCRIPTION	LOCATION	CONTRACT AMOUNT (US DOLLARS)	CONTRACT START DATE	COMPLETION DATE	OWNER/ CLIENT NAME PHONE	CONTRACT PRIME/SUB
Petroleum Club Night Club/PUB Renovation and Decoration Works	Almaty, Kazakistan	564.000	01.07.1996	23.11.1996	Oil Business Center Mr. Sergei Podorenko	P
Renovation of Building 601 at Seismic Research Station	Beibaşı, Ankara	171.000	16.11.1995	16.10.1996		P
Renovation and Reconstruction of UNOCAL Office Building	Baku, Azerbaijan	499.851	06.11.1995	06.06.1996		P
Pepsi Cola Bottling Plant (Design) Design, Drawings, Specifications and Tender Document Preparation	Almaty, Kazakistan	208.500	09.08.1996	31.10.1996	Leucadia International, Almaty Miss Aletta Stienstra Tel: +7 (3272) 438933, 506365 Fax: +7 (3272) 506365	P
Hotel Otrar Renovation	Almaty, Kazakistan	714.897	09.12.1994	28.10.1995	Intourist - Almaty Mr. Temirhan Dostmuhammedov Tel: +7 (3272) 330002	P
Kurkan Central Electric Network System Overhead transmission line and distribution network	Diyarbakır, Turkey	1.015.529	12.08.1994	16.06.1995	N.V. Turkse Shell Mr. Murat Savut Tel: +90 (412) 2280550	P

### **13. PAST PERFORMANCE**



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt**  
**İnşaat ve Ticaret A.Ş.**



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

TCO L.L.P. ATYRAU HOUSING PROJECT — ATYRAU, KAZAKHSTAN

**Contracting Agency & Contract Number:**

TCO (Partnership of CHEVRON, EXXON/MOBIL and KAZAKHOIL)

OK 11340

**Name of Point of Contact:**

[REDACTED]

Project Manager/Technical manager

466440 Republic of Kazakhstan

Atyrau Oblast, Zhilyay Region, Karaton-1

TCO Village

Tel: [REDACTED]

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Turn-key, Green-Field / New Construction

**Contract Amount:**

50.854.626 \$

**Period of Performance:**

Date of contract: 09 Jun 1999

Completion: 31-12-2002 (Actual Completion on 02 Oct 2002)



"The project is nearing completion and I want to thank you for the outstanding efforts of your Company both in Atyrau and the head office. Atyrau is a very difficult work location. However, Zafer was able to overcome the obstacles of logistic, local content issues and other locally imposed constraints.

The quality of the workmanship has been very good and equal to what one would expect in the U.S. I would be pleased to be a reference for you."

Technical Manager of TCO, [REDACTED]

**Brief Description:**

These words by Technical Manager (Former Project Manager) of TCO [REDACTED] taken from the letter of appreciation dated 27-Aug-2001, describe a construction project that has been constructed in three phases and is about to be handed over ahead of the original schedule by Zafer.

A housing complex for the Oil Partnership of CHEVRON, EXXON/MOBIL and KAZAKHOIL, consisting of: 2 Director Houses (570m2 ea), 88 Town Houses (330m2 ea), Clubhouse (1060sm), Gymnasium (1800sm), Open and Closed Pool with a pool building, Tennis Building (1950sm including 2 tennis courts), School (2000sm), Utility Building (950sm), Security Buildings, Gatehouses (15ea), All security Fence and Gates, All Roads, Sidewalk's and Meandering Walks, Landscaping of 90,000sm

area; Gas Distribution; Water Distribution ; Rain Water Drainage; Waste Water Drainage; Street Lighting; and Water Treatment Systems; New Transformer Station and Power Distribution System; Generator System, installation of 2 ea 2250kva generators; Data Distribution System, using fiber optic cables is constructed.

8 Townhouses and 1 Director House is finished in the scope of Phase 1. Phase 2A and Phase 2B works continued while Phase 1 units are occupied and temporary utility is working.

Although the project was not design to build, the procedure that has been followed to adjust the design to the local codes and conditions put Zafer in a position to develop the existing design (together with the designer); thus Zafer and related staff has extensive involvement and experience in Design part of the project as well.

Zafer's construction roles and responsibilities were substantial and included procurement of materials and equipment, construction planning, management of construction subcontractors.

Working in Kazakhstan on a project designed in United States added to get more familiarized with the local standards, GOST and SNIP regulations and the ways to match those with the international standards and specific requirement of the client.



Project is being done by satisfying the local regulations and codes, and complying with Client's needs thus also complying with the US Codes, specs and while being finished with high quality workmanship.

The good result of the project arised from well-adjusted standards of different cultures and good coordination between the Client, Designer, Contractor, and Local Authorities.

Different materials and equipment from many countries such as US, Canada, UK, Germany, Austria, Sweden, France, Switzerland, Italy, Finland, Russia, Denmark, Belgium, Holland, Luxemburg, Slovenia, United Arabic Emirates, and Turkish are procured; while Turkish and Kazakh labour forces were in duty. Supervisors for the special materials and equipments from different countries were also on site time to time to accomplish a better standard.

For the logistical operation required to support the construction project; the materials management activities included carefully orchestrated shipping procedures to prevent any tampering with specially-selected materials from various supplier from different origins of countries. The transit modalities and time required to get material to the job site required accuracy in every aspect of the procurement and logistic cycles.

The project was significant for Zafer; demanding quality and reliability standards were set both for the materials and also for people who worked on the project. Needless to say, safety impacted every aspect of the construction process; as can be seen from the below words of [redacted] letter on 23 October 2001.



*"I am very pleased to be able to write this letter of congratulations to you and the project team. The accomplishment of 270days without a lost work day incident is a tremendous. It reflects the commitment and support of the entire Zafer organization as well as the effective working relationship which Zafer and TCO have developed in execution of the Housing project."*

General Director of TCO, [redacted]

Zafer has also provided and is providing testing & commissioning of the equipment and systems that are procured and installed, meanwhile providing training of the Client's personnel.

**Experience**

**Remarks:**

There is an increase in the contract amount due to change in requirements in all underground utilities, infrastructures, extensive soil improvements and other design developments for higher standards.

All UG utility works such as storm sewer, sanitary sewer, domestic water, heating gas, power and irrigation systems have been constructed for the facility.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

FENERBAHCE LODGING FACILITIES PROJECT —ISTANBUL, TURKEY

**Contracting Agency & Contract Number:**

Turkish Ministry Of Defense

**Name of Point of Contact:**

[REDACTED]

**Project Engineer,**

Ministry of Defence Bakanliklar / Ankara - Turkey

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor Lump-sum Fixed Price

**Type of Project / Construction:**

Design-Built, Green-Field / New Construction

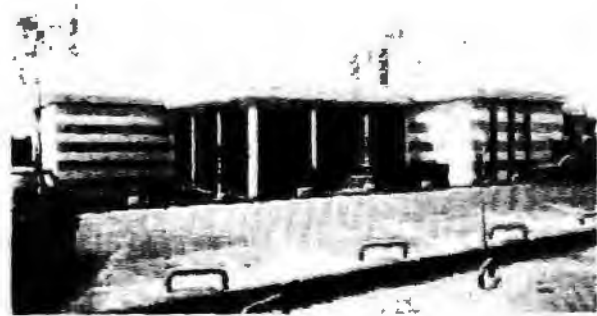
**Contract Amount:**

4.410.000 \$

**Period of Performance:**

Date of contract: 30 Nov 2000

Completion: 30 Nov 2001 (Completed on 27 Sep 2001)



**Brief Description:**

Design and construction of additional military facilities for 4 star General Staff within a military installation completed by Zafer.

Zafer's role on the project was to provide design services and construction for the secure, housing block which consists of a basement +3 floors with 6 apartments and a shopping mall in the same military facility. Total construction area of the housing unit is 2000m<sup>2</sup>.

The shopping mall with restaurants, fast food shops, cafes, hairdressers, cinema, shops, office spaces, supermarket, cold rooms, etc for the lodging area has a construction area of approximately ~3000sq m.



Landscaping of the area around the shopping mall and the housing unit was done, including all roads, car parking areas, sidewalks and meandering walks in between.

Power distribution; street lighting; gas distribution; water distribution ; rain water drainage ; waste water systems ,for the associated area, were designed and constructed as part of the project.

More to the electrical issues; a new transformer station is also constructed in the area with 35/0.4kv, 1600kW capacity. 2300m long 35kV medium voltage underground line is built for the system. Also 500 kW generator was installed.

Project is completed in an aspect to satisfy both local and military regulations and codes. In addition to the high level of security and high quality of workmanship; project was done with co-operation with military related personnel.

## Experience

Adaptations of the schedule according to military regulations, getting necessary and associated permissions and approvals while there are other military facilities taking place on the site on were the difficulties of the project. Although the work schedule has been revised continuously due to military facilities going on the site. Zafer did not only fall behind the revised schedules but also completed the project ahead of the schedule.

Project done as design-built for General Staff of Ministry of Defense needed good coordination of designers involved, where also high level of security was on the scene.

The workforce and materials management activities included not only quality criteria but also security. Demanding quality and reliability standards were set for the people who worked on the project; hiring and assignment processes included thorough background investigations for employees.

Zafer provided testing & commissioning of the equipment and systems that are involved in the project, meanwhile providing training of the military personnel regarding the equipment.

### Remarks:

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş

**Project Title & Location:**

TBİLİSİ LODGING FACILITIES PROJECT —TBİLİSİ, REPUBLIC OF GEORGIA

**Contracting Agency & Contract Number:**

Turkish Ministry Of Defense

99-2YIGRCQZ-001

**Name of Point of Contact:**

[REDACTED]

**Project Engineer**

Ministry of Defence bakanliklar / Ankara - Turkey

Tel: [REDACTED]

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor , Lump-sum Fixed Price

**Type of Project / Construction:**

Design Built / Turn-key, New Construction

**Contract Amount:**

4.290.000 \$

**Period of Performance:**

Date of contract: 14 Jun 1999

Completion: 07 Apr 2000 (Completed on 30 Jan 2000)



"In the scope of Georgia Lodging Facilities Project: ZAFER CONSTRUCTION CO has completed the turn-key projects of Military Hotel, Military School Sports Complex, 25m Range Pistol Training Polygon, and Computer Aided Tank Training Polygon successfully in a very short time.

We appreciate and congratulate your efforts for the successful completion of the project in a self-denial way, complying with schedule, specifications and projects, while professionally using and meeting the new techniques, materials and high quality in a quick and safe manner.

Due to your great interest and concern to projects of Ministry of Defense Department of Construction and Real Estate; and being assured that you have the same the high quality of work in all your works; we long for the success of Zafer Construction Co. personnel and affirm our request to work together in future projects.

PE, Head of Proj. Develop. & Cost Est Div.. [REDACTED]

**Brief Description:**

The Georgia Lodging Facilities as a turn-key project, included design, renovation and new construction of military facilities.

The designed and constructed Military Hotel for the visitors (4,000sm) with its complete administrative and social facilities is also furnished according to the scope. It mainly has 44 rooms, with 69 beds, basement + 4 floors with sauna, Turkish bath, restaurant, gym room, game rooms, cafe, personnel offices, laundry, cold rooms, and etc.

For the hotel; a new transformer station was constructed and standby generator was installed. All utility connections were made to the local systems where distances for electrical and gas systems were considerable.

Renovation of the Military sports complex and recreation facilities (3000sq m) including basketball court, volleyball and handball courts, sauna, changing rooms, cafe, offices are done in the Tbilisi Military School.

## Experience

Pistol Training Polygon (25mt range) renovation and modernization with complete electrical and mechanical systems was a part of the scope. Renovation of heating center and generator were done while total interior and exterior electrical and mechanical systems were being renovated.

In Gori, a Tank Training Polygon (500mt range in 20,000sq m area), its associated control building (1000sq m) renovation and modernization were done while including an addition of computer system for control of the systems for the training polygon.

Landscaping and parking areas of the above mentioned facilities are also designed and done.

The turn-key military Georgia Lodging Facilities, added to Zafer's experience as a project requiring military security, financed and managed by a second country, which is completed in international and local standards while complying with military regulations and codes.



The project enabled us to get more familiarized in the Republic of Georgia with interpretation of the local GOST and SNIP standards, local regulations, and their adoption with international standards.

The project was also very important experience on the know-how for getting necessary building, construction and building use permits and related approvals. In addition to the standart local and governmental regulations that military project in Georgia for Georgian Military enabled us to learn how to generate quick and practical solutions to the potential problems in the country.

Project is completed in an aspect to satisfy both Turkish Ministry of Defense and Republic of Georgia military regulations & codes while performing a good coordination between the designers, material suppliers from different countries and the site.

### Remarks:

Project was completed ahead of schedule, with no time and cost increase to the client.



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

AHMET YESEVİ INTERNATIONAL TURKISH / KAZAKH UNIVERSITY —TURKISTAN KAZAKHSTAN

**Contracting Agency & Contract Number:**

Ahmet Yesevi University Administration

**Name of Point of Contact:**

University Administration

[Redacted]

Tel [Redacted]

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Design-Built / Turn-key, New Construction,

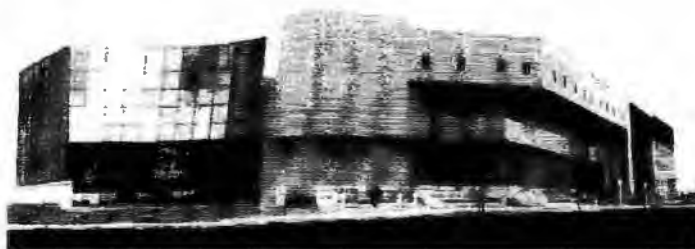
**Contract Amount:**

29.395.889 \$

**Period of Performance:**

Date of contract: Phase1-14 Apr 1995; Phase2-20 May 1996

Completion: Phase1-08 Oct 1996; Phase2-15 Jan 1999



"We congratulate, in you person, Zafer personnel both in the head office and at the construction site for the self-sacrificing work performed in compliance with the specifications and projects comprising the techniques, materials and quality required by the era and the success shown in providing fast, reliable and safe support required for the performance of the work. Having full confidence that you exhibit the uncompromising quality in your other businesses as well together with the interest and care you have shown in the work schedule and the requirements of the employer, we wish you the continuation of your successful works."

Deputy [Redacted]

**Brief Description:**

These words are by Deputy [Redacted] of the University after completion of the project from a letter dated 04 Feb 2002.

The turn-key project totaling ~30million USD was designed and constructed in two stages.

All civil, architectural, electro-mechanic works including the design, procurement, logistics, labor, engineering and commissioning works for different purpose of structures and systems are done complying local codes and regulations with high quality workmanship and on time.

The first stage of the project comprised 35,000sq m of University Buildings of Student Dormitories and a Hotel for visitors and Infrastructure Construction. Then the second stage of the project was for design and construction of an Administration Buildings, Conference Center and Dining Facility.

The student dormitories with a construction area of 25,000sq m, hotel for the visitors and university personnel with a construction area of 10,000sq m, Dining Facility of 2500sq m for 500people, Cultural Center of 15,000sq m including a Museum of 1000sq m, Conference room of 3000sq m for 850audiences and Exhibition halls in the complex implements familiarities to bund different facilities with different aims of use in a single site.





The complex is designed and constructed complete with its Heating Plant and Distribution System for the Compound.

Design and construction of Central Generator and Distribution System for the Compound was also a part of the project.

All utility works required including waste water, potable water, drainage systems are done in the complex.

All access roads, vehicle roads within the compound, pedestrian and meandering walks and landscaping of the compound is designed and completed within the scope.

The project design was done in Turkey in coordination with a Local design Agency who has compiled the design requirements with local codes and standards. Considering the fact that, the client's representative, support office and site are located far from each other and even in different countries, a good Coordination between Local Design consultant and Client's Representative (in KAZAKHSTAN), Support Office (in TURKEY) and the Site (in KAZAKHSTAN) was also an important point of concern and was achieved successfully.



Working in Kazakhstan on a project designed in Turkey added to get more familiarized with the local standards, GOST and SNIP regulations and the ways to match those with the International standards and specific requirement of the client.

The good result of the project aroused from well-adjusted standards of different cultures and good coordination between the Client, Designer, Contractor, and Local Authorities.

Different materials and equipment from various countries are procured and utilized in the project whilst Turkish and Kazakh labour forces were in duty. Supervisors for the special materials and equipments from different countries were also on site time to time to accomplish a better standard.

For the logistical operation required to support the construction project, the materials management activities included careful and neat organized shipping procedures. The transit modalities and time required to get material to the job site required accuracy in every aspect of the procurement and logistic cycles.

Zafer has also provided testing & commissioning of the equipment and systems meanwhile providing training of the Client's personnel.

**Remarks:**

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

CONSTRUCTION OF 5 SCHOOLS FOR MINISTRY OF EDUCATION OF TURKEY - MARDİN, KEHRİZ/SANLIURFA, HARRAN/SANLIURFA, YENİCE/SANLIURFA, MAZIDAĞ/MARDİN

**Contracting Agency/Private Company:**

Ministry of Education of Turkey

98E2.M3.P71, 98E2.M3.P36

**Name of Point of Contact:**

T.C. Ministry of Education

UBM Consultancy Ltd.

[Redacted]

Tel: [Redacted]

Fax: [Redacted]

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Design-Built / Green-Field Construction

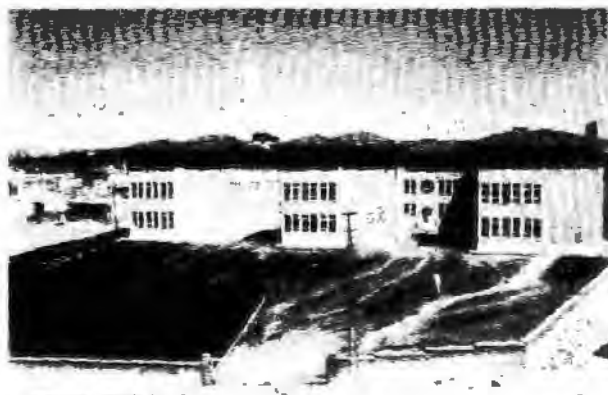
**Contract Amount:**

7.400.000\$

**Period of Performance:**

Date of contract: 10 Dec 1998

Completion: 01 Aug 1999



**Brief Description:**

School complex projects ignited by change in education system in Turkey. In this scope 5 school projects were awarded to Zafer as design and construction. With a total of 30,000sq m construction area, 5 schools at 5 different locations are designed and constructed to accompany 4500 students.

Each school complex had fitness halls, computer rooms, and laboratories in addition to the classrooms and offices.

Design and construction was done according to European standards in terms of function, materials and workmanship.



Company's responsibility was from design to the end of construction and required all construction practices including preliminary investigation of the areas, soil investigation and utility supplies and connections, complete design of all disciplines (architectural, structural, electrical, mechanical systems and civil structures), construction, landscaping and hardscaping.

**Remarks:**

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

CHILD DEVELOPMENT CENTER, İNCİRLİK AB-ADANA, TURKEY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-96-C-0219

**Name of Point of Contact:**

US Army Corps of Engineers District, Europe

POB

Tel:

Fax:

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Turn-key, Green-Field

**Contract Amount:**

1.590.457 \$

**Period of Performance:**

Date of contract: 30 Sep 1996

Completion: 08 Apr 1999

**Brief Description:**

Zafer's scope for the project included construction of education and recreation building for the pre school age children.

The constructed facility comprises day nursery rooms, kitchen, dining room, playrooms, playgrounds, landscaping, and hardscaping.

Start of work has been delayed to May 1998 due to very late issued NTP by Client.

Customer's great satisfaction has been achieved due to timely finish and quality of work performed.

Project is completed in an aspect to satisfy US Codes and Specs, US Army regulations and codes, and local standards. In addition to the level of security and high quality of workmanship; project was done with co-operation with military related personnel.

Below words dated 03 May 1999 by Mr. McCallister may reflect the quality and performance of the project.

*Zafer Construction Company is officially commended for the superior construction and early completion of the Child Development Center at Incirlik Air Base, Turkey.*

*Through diligent efforts Zafer Construction Company completed this valuable project over three months early, with high quality workmanship, and a perfect safety record. These achievements reflect a corporate dedication to quality and to customer satisfaction.*

TUSEG Area Engineer, [REDACTED]

**Remarks :**

N/A



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

POLYETHYLENE PIPE PLANT PROJECT -- ATYRAU, KAZAKHSTAN

**Contracting Agency & Contract Number:**

Chevron - Munaigaz Inc.

CMI-CS-02/001

**Name of Point of Contact:**

[REDACTED]

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor Lump-sum Fixed Price

**Type of Project / Construction:**

Design-Built, Green-Field, New Construction

**Contract Amount:**

6.842.730 \$

**Period of Performance:**

Date of contract: 05 Feb 2002

Completion: 31 03 2003

**Brief Description:**

For the design and construction of facilities required to manufacture polyethylene pipe near Atyrau, Kazakhstan the major components of the facilities are: access road including tie-in to the existing highway; railroad spur that is approximately 1.1 km. long, steel structure production building covering an interior area of 4,200sq m that is capable of accommodating three extrusion lines and expandable to five lines, warehouse building covering an interior area of 453sq m, utilities building covering an interior area of 910 sq m, office building made of bricks covering an interior area of 460sq m, two resin silos for storage of 500,000 pounds of polyethylene resin, one resin regrind silo for storage of 120,000 pounds of polyethylene material, site preparation for pipe storage area covering 2 hectares; water-cooled chillers with 300 ton cooling capacity with two cooling towers, cranes for handling finished products, regrind equipment, electrical equipment required to provide 2500 KVA of electrical power for equipment, heating and lighting; utility piping systems required for potable water, industrial water, sewer and natural gas where distances are considerable; and installation and commissioning of Company supplied equipment.

Zafer's construction roles and responsibilities are substantial and include procurement of materials and equipment, design of structures according to Client's needs and in accordance with local norms, construction planning, and management of construction subcontractors.

The good result of the project arised from well-adjusted standards of different cultures and good coordination between the Client, Contractor, and Local Authorities.

Different materials and equipment from many countries are procured; while Turkish and Kazakh labour forces are in duty for high quality workmanship. Supervisors for the special materials and equipments from different countries are also being organized on site to accomplish a better standard.

For the logistical operation required to support the construction project; the materials management activities included well organized shipping procedures to prevent any delay with specially-selected materials from various supplier from different





## Experience

origins of countries. The transit modalities and time required to get material to the job site required accuracy in every aspect of the procurement and logistic cycles.

Zafer will also provide testing & commissioning of the equipment and systems that are procured and installed, or supplied by Client and to be installed by Zafer.

**Remarks:**

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

POTI COAST GUARD AND RED BRIDGE BORDER CROSSING  
STATION-REPUBLIC OF GEORGIA

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe  
DACA90-01-C-0137

**Name of Point of Contact:**

Project Manager  
US ARMY CORPS OF ENGINEERS  
Europe District

Tel:

Fax:

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Design- Built / Green Field Construction

**Contract Amount:**

4,750,000 \$

**Period of Performance:**

Date of contract: 22 Nov 2001

Completion: 03 Aug 2003

**Brief Description:**

Zafer's responsibility for the design and construction of military lodging facilities in Poti and Red Bridge comprises lodging facilities as administration buildings, utility buildings, dining facilities, housing units of 6000m2 total area.

Project is design and construction of civil, architectural, mechanical, electrical and landscaping works for military lodging facilities at two different locations in Georgia (in Poti and Red Bridge). Construction of military base including Officer's family housing units, Unaccompanied Personnel Housing, Administration building, Dining Hall, Munition storage, utility building, Vehicle Repair Shop and similar facilities. Project also includes construction of helipads, guard towers, perimeter fence and gates. Reinforced concrete structures with interior finishes of 6000m2 total, connections to utilities, design and construction of mechanical and electrical systems, and landscaping of 60,000m2 complete with utilities including stand alone power generators, water well etc.

The design-built project adds to Zafer's experience as a project requiring military security, financed and managed by a second country, being performed in international and local standards while complying with US Army COE regulations and codes.

The project enabled us to get more familiarized in the Republic of Georgia with interpretation of the local GOST and SNIP standards, local regulations, and their adaptation with international standards.

The project was also very important experience on the know-how for getting necessary building, construction and building use permits and related approvals.

**Remarks:**

N/A





**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş

**Project Title & Location:**

SGI MAINTANENCE & OPERATONS AREA-TENGİZ, KAZAKHSTAN

**Contracting Agency & Contract Number:**

PFD International LLC

571501-0-1042

**Name of Point of Contact:**

[REDACTED]

Company Contracts Engineer

PFD International LLC

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Design- Built / Green-Field Construction

**Contract Amount:**

2.907.448 \$

**Period of Performance:**

Date of contract: 19 June 2002

Completion: 29 Dec 2003

**Brief Description:**

Zafer's responsibility for SOUR GAS INJECTION (S.G.I) project is design and construction of new maintenance and operations area which serves and comprises principally of: a main building able resist 10kN/m2 blast from any direction and to house a control room, local equipment room, maintenance workshop, fire station and ancillary rooms and offices while 50% to serve as a safe heaven against a possible toxic gas hazard, called 'maintenance and operations building'; a seperate building to shelter for a glycol package, filter, expansion drum and circulation pumps called 'Glycol Heater Shelter'; the glycol/water storage tank with associated bund and sump located outside the glycol package building; fencing, earthworks, paving and other site works.

The mechanical equipment comprises Glycol/Water Fired Heater package, Glycol / Water Tank, Glycol / Water Circulation Pumps, Glycol / Water Expansion Drum and Glycol Filter.

Zafer's role is to carry out the Work which shall be engineering, documentation, procurement, material/equipment certification, transportation, handling, storage, construction, precommissioning, commissioning, testing, and all other relevant service, work, installation or assistance necessary to install the facilities in accordance with the Normative documents of the Republic of Kazakhstan.

The Work is multi discipline and comprises Civil, Structural, Architectural, Building Services, Electrical, Control Systems, Underground piping, Mechanical and Piping work.

Work is being performed taking into consideration of a standard of design, materials and site workmanship to ensure the design life of 30 years while being weatherproof and able to resist the environmental conditions for the design life.

**Remarks:**

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

SGI TEMPORARY FACILITIES-TENGİZ, KAZAKHSTAN

**Contracting Agency/Private Company:**

PFD International LLC

571501-0-1059

**Name of Point of Contact:**

Mr. [REDACTED]

Company Contracts Engineer

PFD International LLC

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor , Lump-sum Fixed Price

**Type of Project / Construction:**

Design-Built ,Turn-key, Green-Field,

**Contract Amount:**

1,355,959 \$

**Period of Performance:**

Date of contract: 10 June 2002

Completion: 25 Oct 2002

**Brief Description:**

For the project compiling mainly prefabricated and modular buildings Zafer will supply all adequate and competent labor, supervision, tools, equipment, installed and consumable materials, services, testing devices and warehousing and each and every item of expense necessary for the design, engineering, supply, fabrication, field erection, application, handling, hauling, unloading and receiving, installation, construction, assembly, testing (excluding soils and concrete testing), evaluation, and quality assurance of assembly, testing (excluding soils and concrete testing), evaluation, and quality assurance of Modular Type Units/Temporary buildings including all necessary appurtenances, utility connections, and interior equipment.

There are a total of 2000m2 building area for 14 buildings. They are prefabricated buildings for company office, medical center, and safety office. Modular buildings are to be utilized for security gate house, substation housing and toilet blocks. Steel structure company warehouse is also included in the scope.

The Work is multi discipline and comprises Civil, Structural, Architectural, Building Services, Electrical, Control Systems, Mechanical and Piping work.

**Remarks:**

N/A



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

WORLDWIDE DESIGN-BUILD BASIC ORDERING IDIQ AGREEMENT

**Contracting Agency/Private Company:**

US Department of State

AFBO/AP/DCB, Room L-600, SA-6

P.O. Box 12248, Rosslyn Station

Arlington, VA 22219

**Name of Point of Contact:**

Mr. [REDACTED] Contracting Officer

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor ,IDIQ Agreement, Firm Fixed Price

**Type of Project / Construction:**

Design- Built , Worldwide Renovations/Constructions

**Contract Amount:**

5.000.000 \$ for year

**Period of Performance:**

Date of contract: 24 Sep 1997

Completion: 20 Sep 2001

**Brief Description:**

Basic Ordering Agreement for firm fixed price procurement of design-build renovations by individual task orders. Design, site survey and construction services have been provided under the contract.

**Remarks:**

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

US EMBASSY CONSULAR BUILDING —ANKARA, TURKEY

**Contracting Agency & Contract Number:**

US Embassy Ankara, FBO

S-FBOAD-96-C-0021

**Name of Point of Contact:**

US Embassy, Ankara

FBO

Mr. 

Tel: 

Fax: 

**Type of Contract:**

Prime Contractor Lump-sum Fixed Price

**Type of Project / Construction:**

Turn-key Construction / New Construction

**Contract Amount:**

1.137.295 \$

**Period of Performance:**

Date of contract: 30 Sep 1996

Completion: 07 Jan 1998



**Brief Description:**

Zafer's role on the project was constructing 900sq m new reinforced building.

Work begun on site on 19 Nov 1996, provide construction for the secure, DOS rated consular building with all civil, architectural, electrical and mechanical systems complete with landscaping.

Project is completed on time while providing and installing Norshield security doors and windows, in an aspect to satisfy security demands.

The workforce and materials management activities included not only quality criteria but also security. Demanding quality and reliability standards were set for the people who worked on the project; hiring and

assignment processes included thorough background investigations for employees.

Construction of the project finished on time resulted in very pleased customer.

**Remarks:**

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

TCER EMBASSY RENOVATION PROJECT —KAZAKHSTAN, AZERBAIJAN, GEORGIA, ARMENIA

**Contracting Agency & Contract Number:**

US State Department, FBO; US Army COE

**Name of Point of Contact:**

U.S. State Department, FBO/U.S. Army Corps of Engineers

Ms. [REDACTED]

Tel [REDACTED]

**Type of Contract:**

Nominated Subcontractor / Cost plus Fee

**Type of Project / Construction:**

Combination of Green-Field new construction & Renovation

**Contract Amount:**

32.423.083 \$

**Period of Performance:**

Date of contract: 04 Nov 1993

Completion: 31 Jan 1994



**Brief Description:**

Zafer's role on the ~32million USD Trans Caucasus Embassy Renovation Project was renovation and upgrade of the U.S. Embassies in Baku (Azerbaijan), Almaty (Kazakhstan), Tbilisi (Georgia) and Yerevan (Armenia).

The project included logistics and life support of all construction materials, and workmanship in non-CAA areas where all civil, architectural and electro-mechanic works including the procurement, logistics, labor, engineering and preparation of shop drawings were in the scope.

Life support and logistics of 4 sites, in 4 different countries, where 1,500 workers and 150

Administrative and Engineering personnel was working together with coordination between Designer (in USA), Support Office (in Turkey) and the Sites (in 4 different countries) was a primary concern for the project.

Thus, the project completed in a way due the full co-operation and the team integration displayed; including procurement, logistics, labor and engineering.

Different materials from many countries are procured; while Turkish and local labor forces were in duty. Supervisors for the special materials and equipments from different countries were also on site time to time to accomplish a better standard.

For the logistical operation required to support the project; the materials management activities included carefully organized shipping procedures to prevent any tampering with specially-selected materials from various supplier from different origins of

## Experience

countries. The transit modalities and time required to get material to the job site required accuracy in every aspect of the procurement and logistic cycles.

The workforce and materials management activities included not only quality criteria but also security. Demanding quality and reliability standards were set for the people who worked on the project; hiring and assignment processes included thorough background investigations for employees.

The project, completely under Zafer's responsibility, was another example project which enabled more familiarity with US Codes and specs, US Governmental issues, Russian standards, GOST, SNIP standards, and adaptation of the design to local norms and conditions, together compiled with experience of coordination between Designer, Client, Support Office and Site at different locations.

*I would like to express my sincere appreciation for the effort put forth by your company during the construction of this project and particularly at this difficult juncture.*

*The work completed to November 30, 1994 was of high quality and performed in an efficient manner. Your efforts in the last few weeks during the demobilization have made it much easier to assume control of the project.*

FBO Owner's Representative, [REDACTED]

### Remarks:

As from the words of Mr. [REDACTED] regarding the Baku site of the project although the project value increased due to increased scope of work, construction of the project finished on time resulted in very pleased customer.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

İNCİRLİK AB SEWAGE TREATMENT PLANT-ADANA, TURKEY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-96-C-0241

**Name of Point of Contact:**

[REDACTED]

**Tel:**

[REDACTED]

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Turn-key, Green-Field, Construction

**Contract Amount:**

1.934.001 \$

**Period of Performance:**

Date of contract: 27 Sep 1996

Completion: 12 May 1998 (Contract Completion 12 Dec 1999)

**Brief Description:**

Zafer's scope for the project included establishment of new activated sludge type sewage treatment structures. Work onsite started on 12 May 1997

All automatic controlled with average daily flow of 263 m3/hr new activated sludge type waste water treatment plant structures are built together with construction and installation of related facilities.

Tanks of 12,400 m3 total capacity, 16 each 30 Kw aerators, 15 Kw 3 each scrapers, total 19 each sludge pumps with different capacities, MCC panels with plug-in draw out compartments, 630 kVA, 10/0.4 kV transformer sub-station (metal kiosk) with MV & LV panels, dry type transformer, site control panels for all the pumps were all part of the project.

Gradual commissioning and operation of the new plant is performed while the existing plant was under operation.

After the new system is operational, the existing plant was demolished. A new irrigation system is constructed to utilize the treated water.

The project required experience with and added to experience with US Army CORPS of Engineers projects and a good coordination where Client, Site and Contractor are located in different places.

Project is completed in an aspect to satisfy US Codes and Specs, US Army regulations and codes, and local standards. In addition to the level of security and high quality of workmanship; project was done with co-operation with military related personnel.

**Remarks:**

N/A



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

US EMBASSY GATE REPLACEMENT AND PERIMETER WALL UPGRADE — MOSCOW, RUSSIA

**Contracting Agency & Contract Number:**

US Government OBO

S-LMAQM-00-C-6042

SALMEC-02-C-0012

**Name of Point of Contact:**

Mr. [REDACTED] Contracting Officer

Contracting Officer, FBO

Tel [REDACTED]

Fax [REDACTED]

**Type of Contract:**

Prime Contractor, Lump-sum Fixed Price

**Type of Project / Construction:**

Turn-key, Renovation and New Construction

**Contract Amount:**

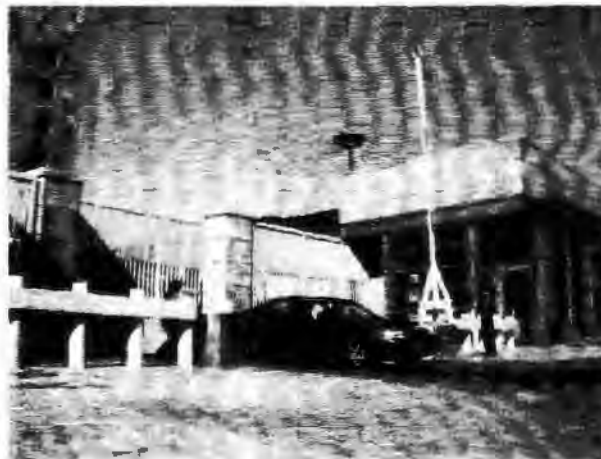
3,070,165 \$

**Period of Performance:**

Date of contract: 12 Jan 2001 / 25 Mar 2002

Completion: on 10 Aug 01 project terminated due to problems between Client and local authorities. Re-awarded to Zafer.

Completion by 24 May 2003



**Brief Description:**

The security upgrade project when first awarded was comprising demolition of existing 4 gates (east, west, north and south), installation of high security gate assemblies, construction of gatehouses, demolition of approximately 1km long perimeter wall and re-building of 4m high secure perimeter wall facilities.

Due to problems between the Client and local authorities project is first suspended, then terminated after completion of north gate and south gate facilities.

After more than 6 months the remaining of the project is re-bid and Zafer is re-awarded.

Project is ongoing according to schedule, and by satisfying security demands.

The workforce and materials management activities include not only quality criteria but also security. Demanding quality and reliability standards are set for the people who worked on the project; hiring and assignment processes include thorough background investigations for employees.

The project is being performed by materials from different countries; mostly USA, then Russia, Turkey and Finland where as Turkish and Russian labor forces are in duty.



## Experience

For the logistical operation required to support the project, the materials management activities included carefully organized shipping procedures to prevent any tampering with specially-selected materials from various supplier from different origins of countries. The transit modalities and time required to get material to the job site required accuracy in every aspect of the procurement and logistic cycles.

The project, completely under Zafer's responsibility, is another example project which requires familiarity with US Codes and specs, US Governmental issues, Russian standards, GOST, SNIP standards, and adaptation of the design to local norms and conditions, together comp led with experience of coordination between Designer, Client, Support Office and Site at different locations

### Remarks:

N/A



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

RESTORATION OF BARRACKS, BUILDINGS 8115 AND 8424-BAUMHOLDER GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-96-C-0232

**Name of Point of Contact:**

Mr. [REDACTED] - Project Engineer

Tel. [REDACTED]

Mr. B.Reeves - Safety & QC Representative

Baumholder Resident Office

Tel: +49 (6783) 67043

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

6.250.000 (12.567.136DM)

**Period of Performance:**

Date of contract: 29 Sep 1996

Completion: 31 Mar 1999



**Brief Description:**

Zafer's role on the project was structural, architectural and electro-mechanical renovation of barracks buildings #8116 and #8424 in Baumholder Base.

Work has started on site on 29 Nov 1996 and completed for US Army COE consisted of structural, architectural and electro-mechanical renovation of facilities over 5800 sq m. Existing buildings have been renovated to serve as a Military barracks building with 2 sleeping rooms sharing a bathroom, NCO rooms, arms room, janitors rooms, common use areas such as game rooms, storage rooms, kitchens etc.

Asbestos containing hazardous materials in the building were removed and disposed acc. to US & German safety, health and environmental regulations. A special exterior bracing is done to the buildings to hold the roof structure and facade without transferring any load to the existing weak exterior walls. Total demolition of all existing slabs and complete demolition of walls and finishes is done within the scope. After demolition; new slabs and new exterior wall is constructed as load bearing elements. Electrical and mechanical systems are completely renovated, also complete renewal of finish works including new doors, new kitchens, new cabinets, finishes etc was done.



## Experience

The project required experience and added to experience with US Army CORPS of Engineers projects and a good coordination where Client, Site and Contractor are located in different places

The techniques utilized for the project are in conformance with USAREUR Barracks Design Guide and DIN for demolition, hazardous/toxic materials removal, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

Project is completed in an aspect to satisfy US Codes and Specs, US Army regulations and codes, local standards, DIN norms. In addition to the level of security and high quality of workmanship, project was done with co-operation with military related personnel

### *Remarks:*

Project has been suspended by COE due to uncertainties on the structural stability and design of the buildings thus the time for completion has been extended due to suspension. After structural stability and design issue has been set, there arose major changes in the scope due to structural requirements. The project is completed with no litigation.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

COMPREHENSIVE REPAIR ON BUILDING NO 3702-LANDSTUHL, GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-96-C-0236

**Name of Point of Contact:**

US Army Corps of Engineers District, Europe

Mr.  ACO

Tel:

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

5.655.122 \$

DM 9.566.440

**Period of Performance:**

Date of contract: 27 Sep 1996

Completion: 27 Sep 1998 (Contract Completion 12 Nov 1997)



**Brief Description:**

Zafer's role on the project was structural, architectural and electro-mechanical renovation of barracks building #3702 in Landstuhl Hospital (over 4500 m2 facility).

Work is completed for US Army COE consisted of structural, architectural and electro-mechanical renovation of facility over 4500 sq m.

Existing building has been renovated to serve as a Military barracks building with 2 sleeping rooms sharing a bathroom, NCO rooms, arms room, janitors rooms, common use areas such as game rooms, storage rooms, kitchens etc.

Existing slabs are partially demolished whereas walls and finishes are completely demolished within the scope of work. New slabs and walls are constructed. Electrical and mechanical systems have been completely changed. A complete renovation of finish works has been performed including new doors and window installation, prefabricated bathroom units have been made.

Landscaping and hardscaping have also been done according to the contract scope.

The project required experience with US Army CORPS of Engineers projects and a good coordination between Client, Site and Contractor that are located in different places.

## Experience

The techniques utilized for the project are in conformance with USAREUR Barracks Design Guide and DIN for demolition, hazardous/toxic materials removal, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

Project is completed in an aspect to satisfy US Codes and Specs, US Army regulations and codes, local standards, DIN norms. In addition to the level of security and high quality of workmanship; project was done with co-operation with military related personnel.

### Remarks:

*"Through your diligent efforts, you were able to complete the renovation of the building 3702 nearly four months ahead of the schedule. Your job site management staff was professional in every aspect of their job site management and a pleasure to work with."*

US Army COE, Contracting Officer,  

Project has been suspended by COE from 7.Feb.97 to 14.Aug.97 due to structural problems in the building. Project scope is modified to include extensive structural upgrade of the building. As a result project amount is increased and duration is extended. Although there was a considerable delay due to suspension of work, as   states in his words from his letter dated 09 Dec 1998; project has been completed successfully nearly four months ahead of schedule with no litigation.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

MODIFY AND REPAIR 4 BUILDINGS AT 66<sup>TH</sup> MI ORGANIZATION-DARMSTADT, GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-97-C-0251

**Name of Point of Contact:**

Ms.

Contracting Officer

COE, Wiesbaden - Germany

Tel:

Fax:

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Design & Built / Combination of Renovation & New construction

**Contract Amount:**

\$ 4,900,000 (DM 9.777.302)

**Period of Performance:**

Date of contract: 30 Sep 1997

Completion: 01 Jul 1998 (Contract Completion 14 May 1998)

**Brief Description:**

The very Fast Track Brown Field /Green Field Design to Built Project which is completed in six months, started on 16 Oct 1997 on site.

The project includes electro-mechanical design and construction and architectural renovation of 4 Buildings 4361, 4366, 4367 and 4373 for 66th MI Organization in Darmstadt Training area.

In the scope of the work very comprehensive electrical and mechanical Systems were designed and built including but not limited to: air handling units, computer room



units, ventilation and air conditioning of all rooms; and moisture control and automation by the use of VAV (Variable Air Volume) boxes and moisture control devices, harmonic transformers, generator systems including 3ea 1000kva, new transformer station of 2000kva, fire alarm system, chilled water systems including chiller systems of 3ea with 300 capacity, fan coil systems.

## Experience

It was a project performed in a very short time though having in its scope all civil, architectural, and all electro-mechanic works including the design, procurement, logistics, labor and engineering; all utility works including waste water, potable water and drainage systems.

Landscaping and hardscaping are also done according to the contract scope.

The project required experience with and added to experience with US Army CORPS of Engineers projects and a good coordination between Design Consultant (in USA) and Client's Representative (in GERMANY), Support Office (in TURKEY) and the Site (in Darmstad/GERMANY).

The M166 project, being not only a design build project but also a brown field green field project, done for US Army CORPS of Engineers is a project comprising working experience in a different country, with a design-build project and for military purposes.

For M166 project, in addition to the high level of security and high quality of workmanship; the design and construction teams utilized techniques which are in conformance with US Codes and Specs, US Army regulations and codes, local standards, and DIN norms.

### Remarks:

This Project is a very good example of our capability on fast track projects and success of our coordination with the client. The project was completed timely and to the satisfaction of the client despite the involvement of several Government agencies and the fact that the scope has been modified by COE to include additional work items requested by the user.



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

RESTORATION OF BARRACKS, BUILDINGS 8202-BAUMHOLDER, GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-98-C-0102

**Name of Point of Contact:**

Mr.

Project Engineer

COE, Wiesbaden - Germany

Tel:

Fax:

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

\$ 2.086.299 (DM 4.043.040)

**Period of Performance:**

Date of contract: 30 Sep 1998

Completion: 23 Dec 1999 (Contract Completion 26Sep1999)



mechanical systems are completely renovated with also complete renewal of roof and finish works including new doors, new kitchens, new cabinets, finishes etc.

**Brief Description:**

Zafer's role on the project was structural, architectural and electro-mechanical renovation of barracks building #8202 in Baumholder Base.

Work has started on site on 15 Feb 1999 and completed for US Army COE consisted of structural, architectural and electro-mechanical renovation of facilities over 3000 sq m. Existing buildings have been renovated to serve as a barracks building with 2 sleeping rooms sharing a bathroom, NCO rooms, arms room, janitors rooms, common use areas such as game rooms, storage rooms, kitchens etc.

Asbestos containing hazardous materials in the building were removed and disposed acc. to German safety, health and environmental regulations. Partial demolition of the existing slabs and complete demolition of walls and finishes is done within the scope. Electrical and

## Experience

The project required experience with and added to experience with US Army CORPS of Engineers projects and a good coordination where Client, Site and Contractor are located in different places.

The techniques utilized for the project are in conformance with USAREUR Barracks Design Guide and DIN for demolition, hazardous/toxic materials removal, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

Project is completed in an aspect to satisfy US Codes and Specs, US Army regulations and codes, local standards, DIN norms. In addition to the level of security and high quality of workmanship; project was done with co-operation with military related personnel.

### Remarks:

*"Your company provided excellent management service.*

*The professional and courteous conduct is a great credit to your company. This project was completed ahead of the schedule, with minor cost growth resulting in a very pleased customer."*

US Army COE, Resident Engineer, [REDACTED]

Project has been suspended by COE due to uncertainties on the structural stability and design of the buildings, thus the time for completion has been extended due to suspension. After structural stability and design issue has been set, there arose changes in the scope due to structural requirements. The project is completed resulting in a very pleased customer as [REDACTED] mentions in his reference letter dated 3 Jan 2000 and with no litigation.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

RESTORATION OF COMMISSARY BUILDING BUILDING NO 8575, SMITH BARRACKS-BAUMHOLDER, GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-98-C-0064

**Name of Point of Contact:**

Mr. [REDACTED]

Project Engineer

COE, Wiesbaden - Germany

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

\$ 500,307 (DM 968,045.28)

**Period of Performance:**

Date of contract: 25 Aug 1998

Completion: 29 Nov 1999 (Contract Completion 12Dec1999)

**Brief Description:**

Commissary building no 8575 project is renovation of architectural finishes and replacement of mechanical and electrical systems of an operational commissary and construction of additional warehouse.

While the renovation work is being performed by Zafer; commissary was in use, therefore phasing and working during the usual non-working hours was the main aspect of the project.

Partial demolition of the existing slabs, walls and finishes is done within the scope. Electrical and mechanical systems are completely renovated with renewal of finish works.

The project required experience with and added to experience with US Army CORPS of Engineers projects and a good coordination where Client, Site and Contractor are located in different places.

The techniques utilized for the project are in conformance with DIN for demolition, hazardous/toxic materials removal, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

Project is completed in an aspect to satisfy US Codes and Specs, US Army regulations and codes, local standards, DIN norms. In addition to the level of security and high quality of workmanship; project was done with co-operation with military related personnel.

**Remarks:**

Construction has resulted in a very pleased customer. No liquidated damages, all work finished on time.



**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

BARRACKS MODERNIZATION, BUILDING 4002, CAMBRIA FRISCH KASERNE-DARMSTADT, GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-01-C-0090

**Name of Point of Contact:**

Mr. [REDACTED] Resident Engineer

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

5.467.008,19 EURO

**Period of Performance:**

Date of contract: 01 Nov 2001

Completion: 02 May 2003

**Brief Description:**

Zafer's role on the project is structural, architectural and electro-mechanical renovation of barracks building #4002 in Cambria Frisch Kaserne.

Work ongoing for US Army COE consists of structural, architectural and electro-mechanical renovation of facilities. Existing buildings are being renovated to serve as a barracks building with 2 sleeping rooms sharing a bathroom, NCO rooms, arms room, janitors rooms, common use areas such as game rooms, storage rooms, kitchens etc.

All hazardous materials like asbestos, PCB, PAH containing paint, plaster, screed, insulation etc. were removed totally and disposed acc. to German safety, health and environmental regulations. Partial demolition of the existing slabs and complete demolition of walls and finishes is being done within the scope. Electrical and mechanical systems are being completely renovated with also complete renewal of roof and finish works including new doors, new kitchens, new cabinets, finishes etc.

The project requires experience with and adds to experience with US Army CORPS of Engineers projects and a good coordination where Client, Site and Contractor are located in different places.

The techniques being utilized for the project are in conformance with USAREUR Barracks Design Guide and DIN for demolition, hazardous/toxic materials removal, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

Project is ongoing in an aspect to satisfy US Codes and Specs, US Army regulations and codes, local standards, DIN norms. In addition to the level of security and high quality of workmanship, project was done with co-operation with military related personnel.

**Remarks:**

Project has been suspended by COE due to uncertainties on removal of asbestos, PCB, PAH containing paint, plaster, screed, insulation etc. thus the time for completion has been extended due to suspension.

After abatement works of the hazardous materials were completed the construction works continued.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

RESTORATION OF BUILDING 11, COLEMAN BARRACKS-MANNHEIM, GERMANY

**Contracting Agency & Contract Number:**

US Army Corps of Engineers District, Europe

DACA90-01-C-0061

**Name of Point of Contact:**

Mr. [REDACTED] Project Engineer

Europe District

Tel: [REDACTED]

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

4.014.419,79 EURO

**Period of Performance:**

Date of contract: 26 Nov 2001

Completion: 30 May 2003

**Brief Description:**

Zafer's role on the project is structural, architectural and electro-mechanical renovation of barracks building #4002 in Cambrai Frisch Kaserne.

Work ongoing for US Army COE consists of structural, architectural and electro-mechanical renovation of facilities. Existing buildings are being renovated to serve as a barracks building with 2 sleeping rooms sharing a bathroom, NCO rooms, arms room, janitors rooms, common use areas such as game rooms, storage rooms, kitchens etc.

All hazardous materials like asbestos, PCB, PAH containing paint, plaster, screed, insulation etc. were removed totally and disposed acc. to German safety, health and environmental regulations. Partial demolition of the existing slabs and complete demolition of walls and finishes is being done within the scope. Electrical and mechanical systems are being completely renovated with also complete renewal of roof and finish works including new doors, new kitchens, new cabinets, finishes etc.

The project requires experience with and adds to experience with US Army CORPS of Engineers projects and a good coordination where Client, Site and Contractor are located in different places.

The techniques being utilized for the project are in conformance with USAREUR Barracks Design Guide and DIN for demolition, hazardous/toxic materials removal, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

Project is ongoing in an aspect to satisfy US Codes and Specs, US Army regulations and codes, local standards, DIN norms. In addition to the level of security and high quality of workmanship, project was done with co-operation with military related personnel.

**Remarks:**

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

RENOVATION OF 5 CONSULATE HOUSING BUILDINGS ; FRANKFURT AM MAIN GERMANY

**Contracting Agency & Contract Number:**

US State Department, FBO

SGE500-98-D-0008

**Name of Point of Contact:**

Mr.  Contracting Officer

Joachim Becher Strasse 19

D-60320 Frankfurt am Main / Germany

Tel:

**Type of Contract:**

Prime Contractor / Indefinite Quantity-  
Fixed Price

**Type of Project / Construction:**

Construction / Remodeling-renovation

**Contract Amount:**

4.074.242 \$ (8.592.037 DM)

**Period of Performance:**

Date of contract: 16 Nov 1998

Completion: 28 March 2001



**Brief Description:**

Zafer's role on the project is structural, architectural and electro-mechanical renovation of 5 Consulate Buildings with 12 apartments each in Frankfurt am Main.

Work has started on site on 16 Nov 1998 and completed for US State Department, FBO consisted of structural, architectural and electro-mechanical renovation of facilities over 15.000 sq m in total. Existing buildings are renovated to serve as a consulate housing building with 2 sleeping rooms, a bathroom, a living room, and a kitchen, storage rooms, etc.

Few partial demolition of the existing slabs and of walls and finishes is done within the scope. Electrical and mechanical systems are partially renovated with also complete renewal of all finish works including new doors, new kitchens, new cabinets, finishes etc.

The project requires experience with US Government FBO projects and adds to experience with projects and a good coordination where Client, Site and Contractor are located in different places.

The techniques being utilized for the project are in conformance with DIN for demolition, re-arrangement of interior building components, structural improvement, replacement and renovation of interior components and finishes, installation of new mechanical and electrical systems.

The project, completely under Zafer's responsibility, was another example project which enabled more familiarity with US Codes and specs, US Governmental issues, German standards, DIN standards, and adaptation of the design to local norms



## Experience

and conditions, together compiled with experience of coordination between Designer, Client, Support Office and Site at different locations.

### *Remarks:*

This Project was consisting of renovation of separate identical buildings. The price for the renovation of each building was determined as a fixed price but the number of buildings to be renovated was indefinite. At the end FBO has issued 5 work orders and renovated 5 buildings.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

COCA COLA YEKATERINBURG PRODUCTION AND DISTRIBUTION CENTER-YEKATERINBURG, RUSSIA

**Contracting Agency & Contract Number:**

ZAO Coca Cola Inchcape Bottlers Yekaterinburg

**Name of Point of Contact:**

ZAO Coca Cola Inchcape Bottlers Yekaterinburg

11th Floor, 58 Ulista Mamina Sibiryaka,

Yekaterinburg, Russian Federation

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Design& Built / Remodeling-renovation

**Contract Amount:**

12.774.016 \$

**Period of Performance:**

Date of contract: 25 Apr 1997

Completion: 31 Jan 1998 (Contract completion 15 Sep 1997)

**Brief Description:**

Zafer's responsibility for the Brown Field/Green Field Design to Built completion and renovation project; comprised completion and renovation of an existing 14,500 sq m building, and construction of 2300 sq m of new building.

Project required a good coordination between Local Design Institute (in Yekaterinburg), Client's Representative (in Moscow), Support Office (in Turkey) and the Site (in Yekaterinburg).

The project completed in a way due the full co-operation and the team integration displayed includes civil and architectural works; and electro-mechanic systems including the procurement, logistics, labor and engineering.

Utility works including waste water, potable water, drainage systems; waste water treatment plant for the facilities were also constructed as a part of the project.

All roads, open storage areas, hardscaping and landscaping of the compound were also included.

Timely procurement of construction and electro-mechanical materials and equipment was also a primary concern for the project which required materials from different countries. In addition to Turkish and Russian labor force, who conducted works with a standard due Coca Cola, supervisors were also on the site for a better performance of installation of special equipments.





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## Experience

The Brown Field / Green Field Design to Built project; completely under Zafer's responsibility; was another example project which enabled more familiarity with Russian standards, GOST, SNIP standards, and their adaptation to Client's needs and standards, international standards and US standards together compiled with experience of coordination between Designer, Client, Support Office and Site at different locations.

### Remarks:

N/A

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

COCA COLA VOLGOGRAD PRODUCTION AND DISTRIBUTION CENTER-VOLGOGRAD, RUSSIA

**Contracting Agency & Contract Number:**

ZAO Coca Cola Inchcape Bottlers Volgograd

**Name of Point of Contact:**

Inchcape International, Moscow, the Russian Federation

Mr.

Tel:

Fax:

**Type of Contract:**

Prime Contractor / Lump sum Fixed Price

**Type of Project / Construction:**

Design&Built / Remodeling-renovation

**Contract Amount:**

6.899.025 \$

**Period of Performance:**

Date of contract: 10 Jul 1997

Completion: 02 Feb 1998 (Contract completion 15 Oct 1997)

**Brief Description:**

Zafer's responsibility for the Brown Field/Green Field Design to Built project covering interior and exterior works around existing 11,000 sq m building shell, including electro-mechanical installations.

Project required a good coordination between Local Design Institute (in Volgograd), Client's Representative (in Moscow), Support Office (in Turkey) and the Site (in Volgograd).

The project completed in a way due the full co-operation and the team integration displayed includes civil and architectural works; and electro-mechanic systems including the procurement, logistics, labor and engineering.

Utility works including waste water, potable water, drainage systems; waste water treatment plant for the facilities were also constructed as a part of the project.

All roads, open storage areas, hardscaping and landscaping of the compound were also included.

Timely procurement of construction and electro-mechanical materials and equipment was also a primary concern for the project which required materials from different countries. In addition to Turkish and Russian labor force, who conducted works with a standard due Coca Cola, supervisors were also on the site for a better performance of installation of special equipments.





## ***Experience***

The Brown Field / Green Field Design to Build project; completely under Zaler's responsibility; was another example project which enabled more familiarity with Russian standards, GOST, SNIP standards and their adaptation to Client's needs and standards, international standards and US standards together compiled with experience of coordination between Designer, Client, Support Office and Site at different locations

### ***Remarks:***

The project completion date has extended due to ancillary facilities added to the contract scope.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş.

**Project Title & Location:**

COCA COLA PRODUCTION PLANT —BAKU, AZERBAIJAN

**Contracting Agency & Contract Number:**

Efes Invest - Turkey

**Name of Point of Contact:**

Efes Sınai Yatırım ve Ticaret A.Ş.



**Type of Contract:**

Prime Contractor / Unit Price

**Type of Project / Construction:**

Construction / New Construction

**Contract Amount:**

6.255.166 \$

**Period of Performance:**

Date of contract: 19 Feb 1996

Completion: 22 Oct 1996

"You have been able to start the construction works in less than a week after the signing of the contract, to meet all intermediate milestone dates and complete the whole of the works ahead of the schedule. On this second project that we have worked together, we would again like to congratulate yourselves, your colleagues, Zafer's engineers and construction and electromechanical installation teams for your rapid mobilization, timely procurement of construction and electromechanical materials and equipment, exceptional work performance and close cooperation with our representatives on the construction site during construction and installation works. We have witnessed another example of Zafer's ability to mobilize in short periods, to work to tightest construction schedules and to design, accomplish and complete the works within budget, ahead of time and to international technical and quality standards."

Efes Invest, General Manager,

**Brief Description:**

Zafer's responsibility for the unit-price contracted Green Field Fast Track Project; Coca Cola Production Plant, started in 01 March 1996 and was ready for Bottling Equipment installation on 15 May 96 and Coke production started in June 96.

The project required a good coordination between Designer and Client's Representative (in TURKEY), Support Office (in TURKEY) and the Site (in AZERBAIJAN). It shall be emphasized that the success of this project is in a way due the full co-operation and the team integration displayed.

The scope of contract included all civil, architectural and all electro-mechanic works including the



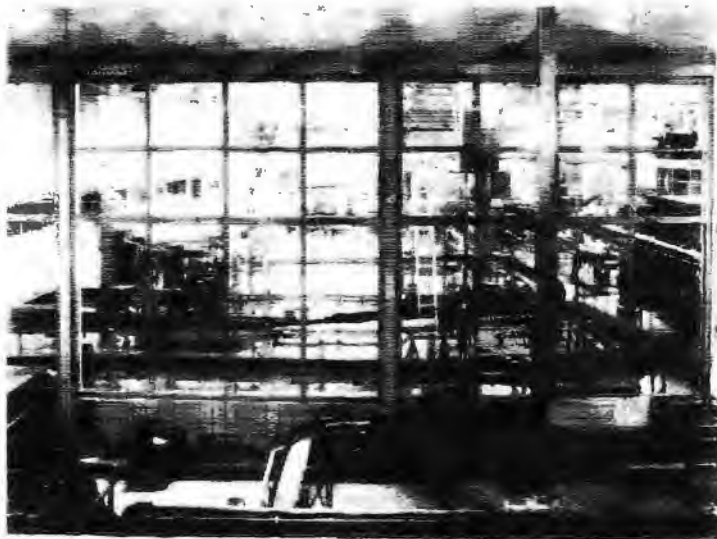
## Experience

procurement, logistics, labor and engineering.

Utility works including waste water, potable water, drainage systems; waste water treatment plant for the facilities were also constructed as a part of the project.

All roads, open storage areas, hardscaping and landscaping of the compound were also included.

The contract duration being very limited required fast mobilization and Zafer achieved this by starting the construction works in less than a week after the signing of the contract. By this dynamism we were able meet all intermediate milestone dates and complete the whole of the works ahead of the schedule.



Timely procurement of construction and electromechanical materials and equipment was also a primary concern in such a project which required materials from different countries. In addition to Turkish and Russian labor force, who conducted works with a standard due Coca Cola, supervisors were also on the site for a better performance of installation of special equipments.

Coca Cola was another example project which enabled more familiarity with Russian standards, GOST, SNIP standards, and their adaptation to Client's needs, international standards and US standards together compiled with experience of coordination between Designer, Client, Support Office and Site at different locations.

### Remarks:

As can be witnessed from U. Unsal's words the work is completed within budget, ahead of time and to international technical and quality standards.

**Offeror's Company/Division:**

ZAFER TAAHHÜT ELEKTRİK İNŞAAT VE TİC. A.Ş

**Project Title & Location:**

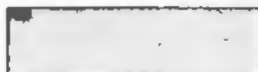
PEPSI COLA PRODUCTION PLANT —SAMARA, RUSSIA

**Contracting Agency & Contract Number:**

Pepsi International Bottlers

**Name of Point of Contact:**

Pepsi Cola International Bottlers



**Type of Contract:**

Prime Contractor / Lump-sum Fixed Price

**Type of Project / Construction:**

Construction / Combination of Renovation and New

**Contract Amount:**

14.392.393 \$

**Period of Performance:**

Date of contract: 05 Nov 1996

Completion: 15 May 1997

"Zafer's commitment towards the achievement of project goals and your attitude towards both Bovis and Pepsi has been 110%. Your company philosophy and Client awareness / appreciation is one which I have yet to discover with any other contractor within my career and will, I believe lead Zafer into a very successful future.

I also would like to congratulate all your project staff / operatives upon their achievements throughout the project. The working conditions your people had to endure, at the most critical period of the project, were very extreme but they displayed a work ethic that Zafer should be proud of.

On a personal note, Bovis could not have contributed to the success of this project without the full co-operation of your professional team. The team integration (Pepsi, Bovis and Zafer) displayed and the personnel relationships built were, in my opinion the key to all our success."

Bovis Int. Ltd., 

**Brief Description:**

Zafer's responsibility for the Brown Field/Green Field Fast Track Project; Pepsi Samara production Plant, started in November 96 and Pepsi-Cola Production and Bottling started in June 97.

As Matthew Wayne, Representative of the client hired consultant, states although the working conditions Zafer had to endure on site, at the most critical period of the project, were very extreme the project completion has achieved in a very short time.

The project consists of completion and renovation of



existing 12,000sm building, and construction of total 4,000sm of new building.

The project required a good coordination between Designer and Client's Representative (in ARGENTINA and MOSCOW), Support Office (in TURKEY) and the Site (in Samara/RUSSIA). Following the words of Mr. Wayne again, the success of this project is in a way due the full co-operation and the team integration (Pepsi, Bovis and Zafer) displayed.

Project includes civil and architectural works including the procurement, logistics, labor and engineering. Electro-mechanic systems including the procurement, logistics, labor and engineering are also in the scope. Utility works including waste water, potable water, drainage systems; waste water treatment plant for the facilities were also constructed as a part of the project.

All roads, open storage areas, hardscaping and landscaping of the compound, truck loading docks and railway docks were also included.

Pepsi Cola-Samara project enabled more familiarity with Russian standards, GOST, SNIP standards, and their adaptation to Client's needs, international standards and US standards together with experience with coordination of Designer, Client, Support Office and Site at different locations.

The project is constructed with materials from various countries, requiring professional organization of shipping and logistics for the short construction period and also completed with high quality workmanship of Turkish and Russian labor confirming US standards and complying the local standards.

**Remarks:**

*"Considering that over 75% of this construction period was during the harsh winter weather, this performance was superlative. They meet every one of the requirements that we laid down for them in terms of cost, schedule and quality of construction."*

*Thereafter, based on their outstanding performance on the main plant project, we also contracted their services for our Waste Water Treatment Plant and 1500 sq m Office Block, both of which are excellently executed.*

*We have found Zafer Construction to be extremely customer focused and flexible to the clients' needs. Their General Manager, Mr. Yagci takes personal interest in the projects under their execution and has a can-do / will-do attitude that we find very refreshing.*

*They are an extremely proactive group that encompass within their skill set design and construction activities and they do not hesitate to sit alongside the client to achieve a common goal to the best of their ability. During the execution of our Samara project, they offered us several design improvement suggestions during the course of construction that have saved us significant time, money or both."*



Pepsi Co., Dir. of Projects - Russia & CIS, [REDACTED]

As Mr. [REDACTED] words summarize based on performance on the main plant project, Zafer is awarded for Waste Water Treatment Plant and 1500 sq m Office Block. The addition in the scope was covering the laboratory and water tanks also. Broadening of the scope has resulted in increase to the contract price but as Mr. [REDACTED] expresses during the execution of the project, Zafer has offered several design improvement suggestions that has lead to significant savings of money or both.

#### ***14. PICTURES OF COMPLETED PROJECTS***

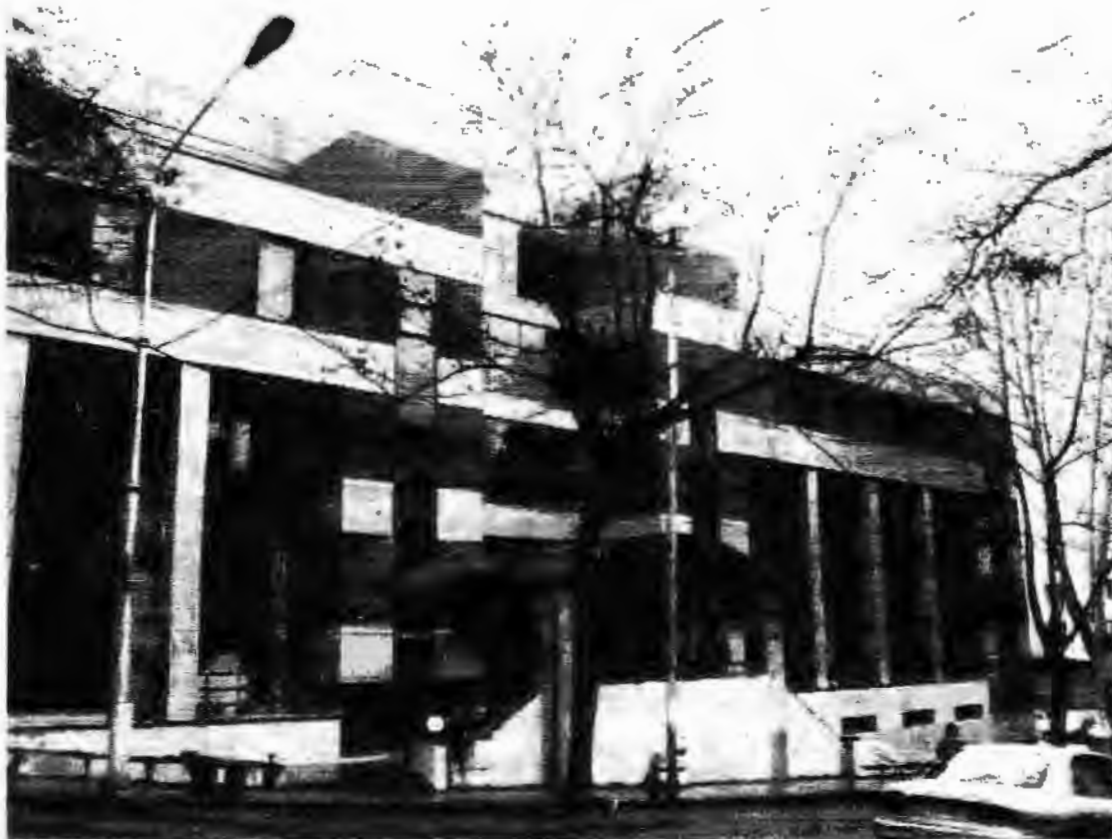


**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**



**Tengizchevroil (TCO) Housing Project, Atyrau - Kazakhstan**



**Turkish Ministry of Defence, Georgia Lodging Facilities, Tbilisi – Georgia**



**Turkish Ministry of Defence,  
Georgia Lodging Facilities, Hotel Tori,  
Tbilisi – Georgia**



**Turkish Ministry of Defence,  
Georgia Lodging Facilities, Hotel Tori,  
Tbilisi – Georgia**

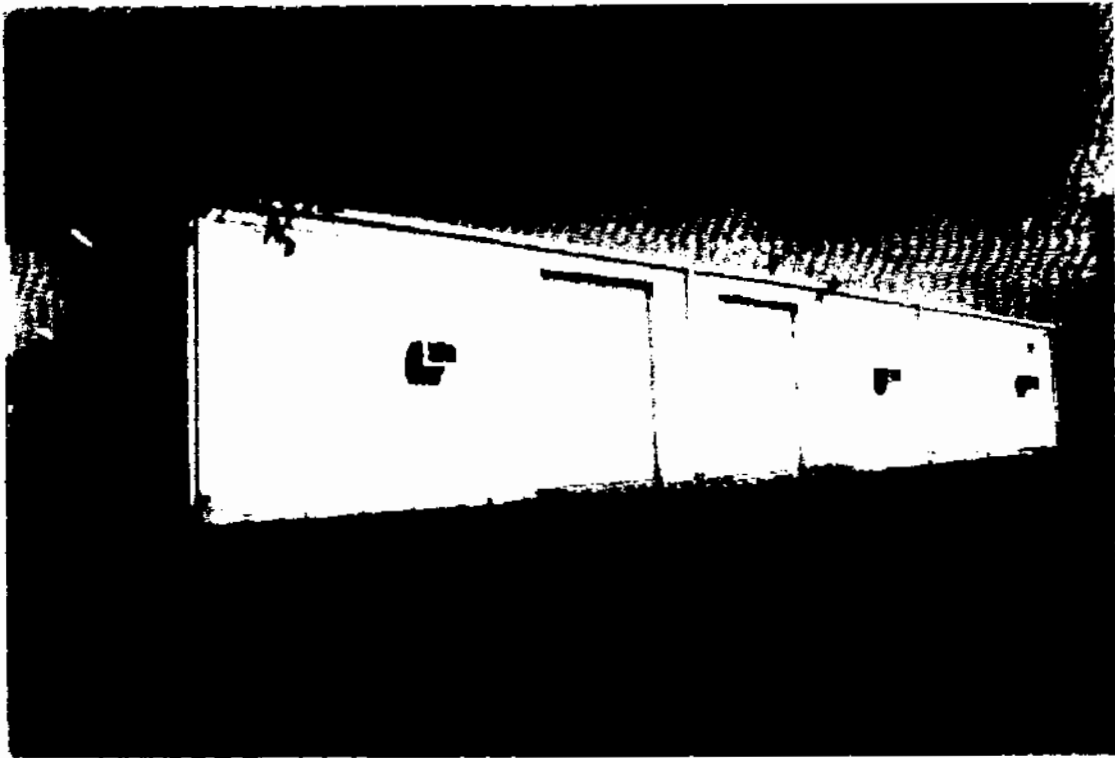




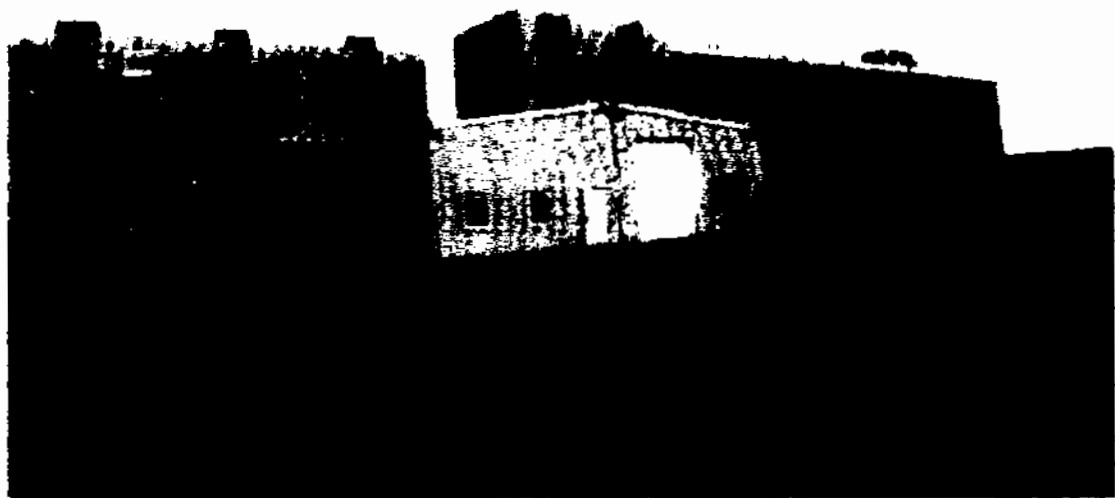
**Turkish Ministry of Defense, Tbilisi Sports Hall, Tbilisi - Georgia**



**Turkish Ministry of Defense, Tbilisi Sports Hall, Tbilisi - Georgia**



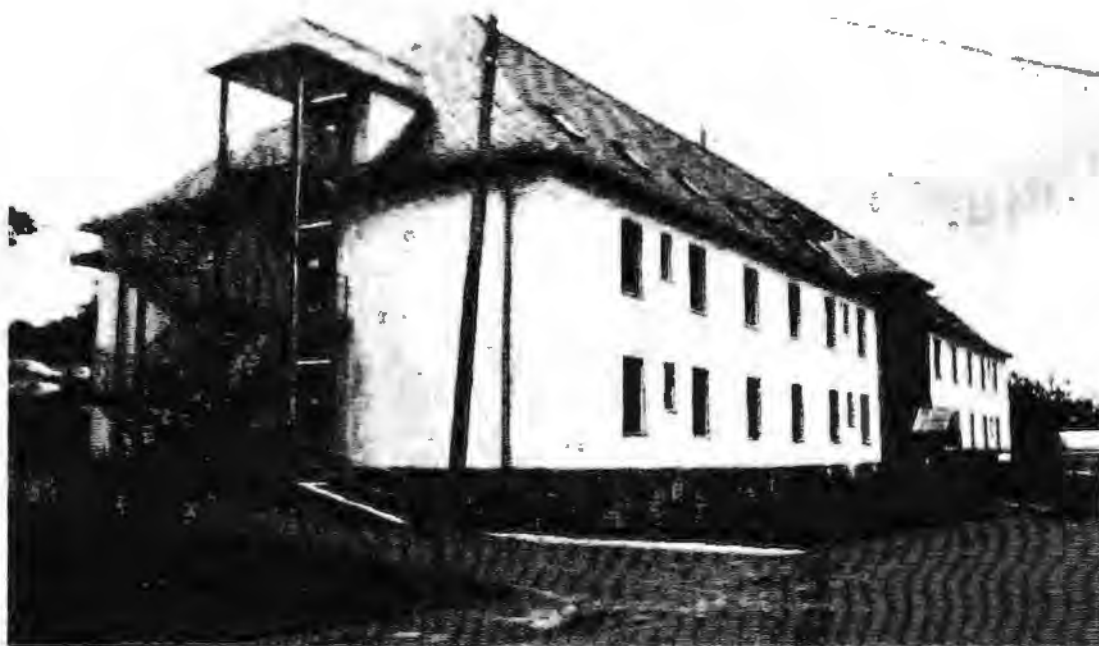
**Baku Water Supply Project, Baku - Azerbaijan**



**Baku Water Supply Project, Baku - Azerbaijan**



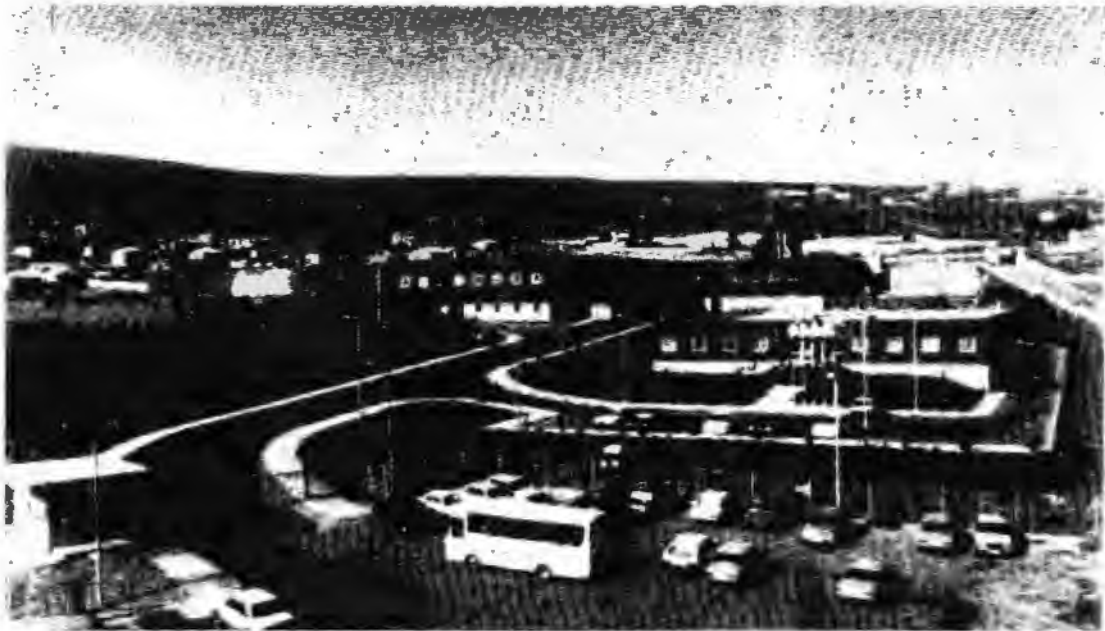
**Renovation of Barracks, Building 8116, Baumholder – Germany**



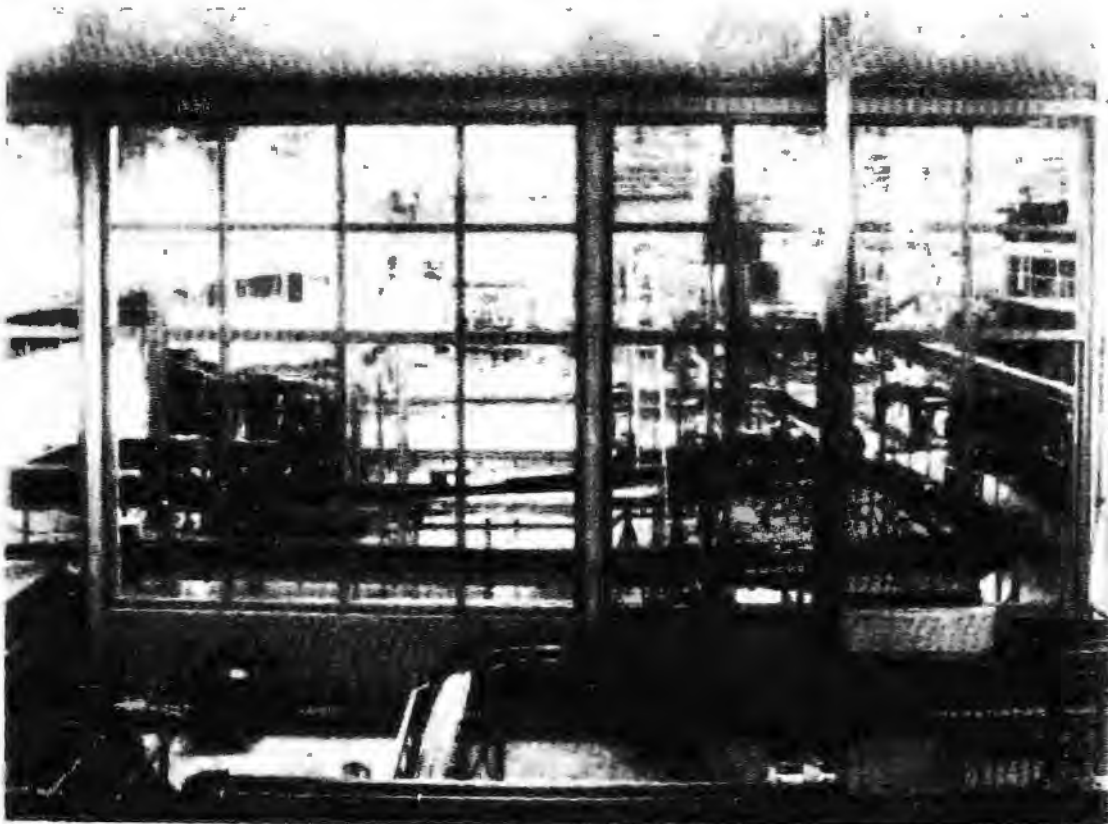
**Renovation of Barracks, Building 8424, Baumholder – Germany**



**Renovation of Barracks, Building 8202, Baumholder – Germany**



**Coca Cola Production Facilities, Baku - Azerbaijan**



**Coca Cola Production Facilities, Baku - Azerbaijan**



**Coca Cola Production and Bottling Facilities, Yekaterinburg – Russian Federation**



**Coca Cola Production and Bottling Facilities, Yekaterinburg – Russian Federation**



**Coca Cola Production and Bottling Facilities, Yekaterinburg – Russian Federation**

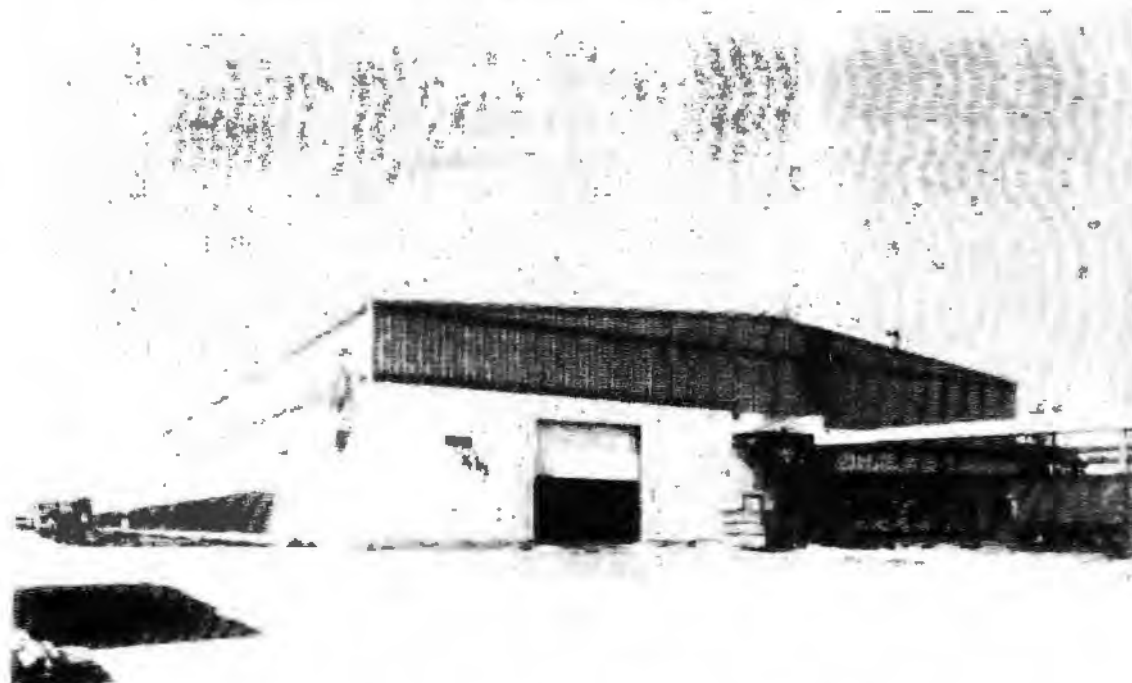


**Coca Cola Production and Bottling Facilities, Yekaterinburg – Russian Federation**





**Coca Cola Production and Bottling Facilities, Volgograd – Russian Federation**

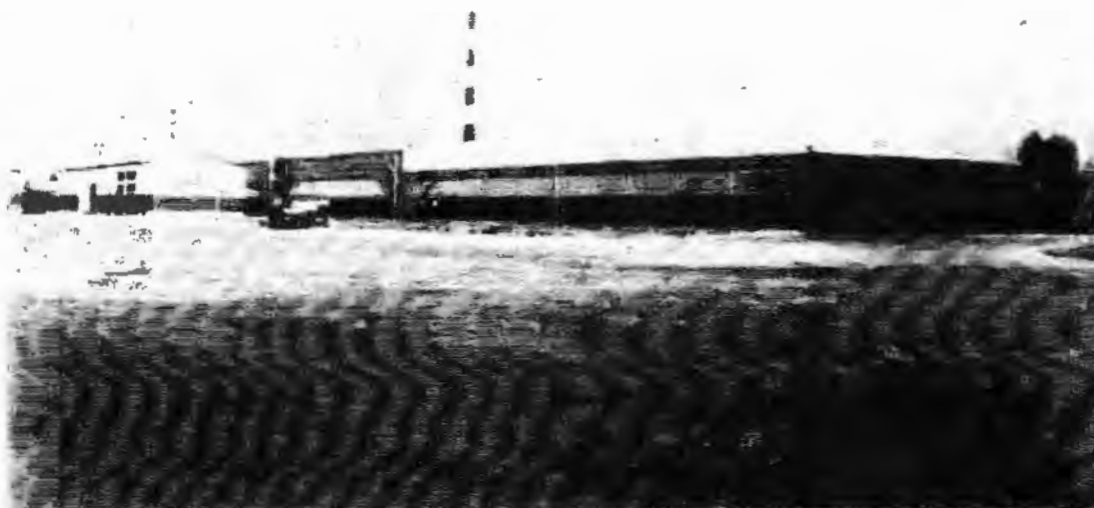


**Coca Cola Production and Bottling Facilities, Volgograd – Russian Federation**





**Coca Cola Production and Bottling Facilities, Volgograd – Russian Federation**



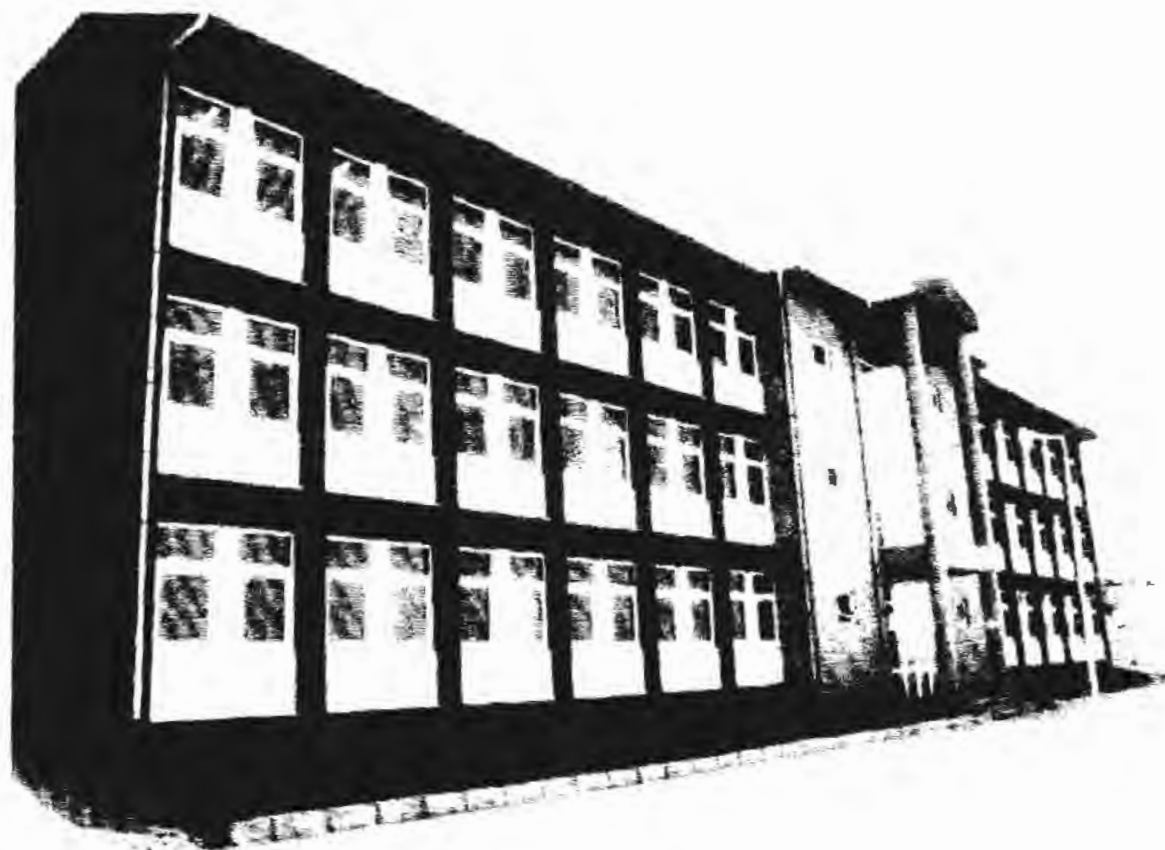
**Coca Cola Production and Bottling Facilities, Volgograd – Russian Federation**



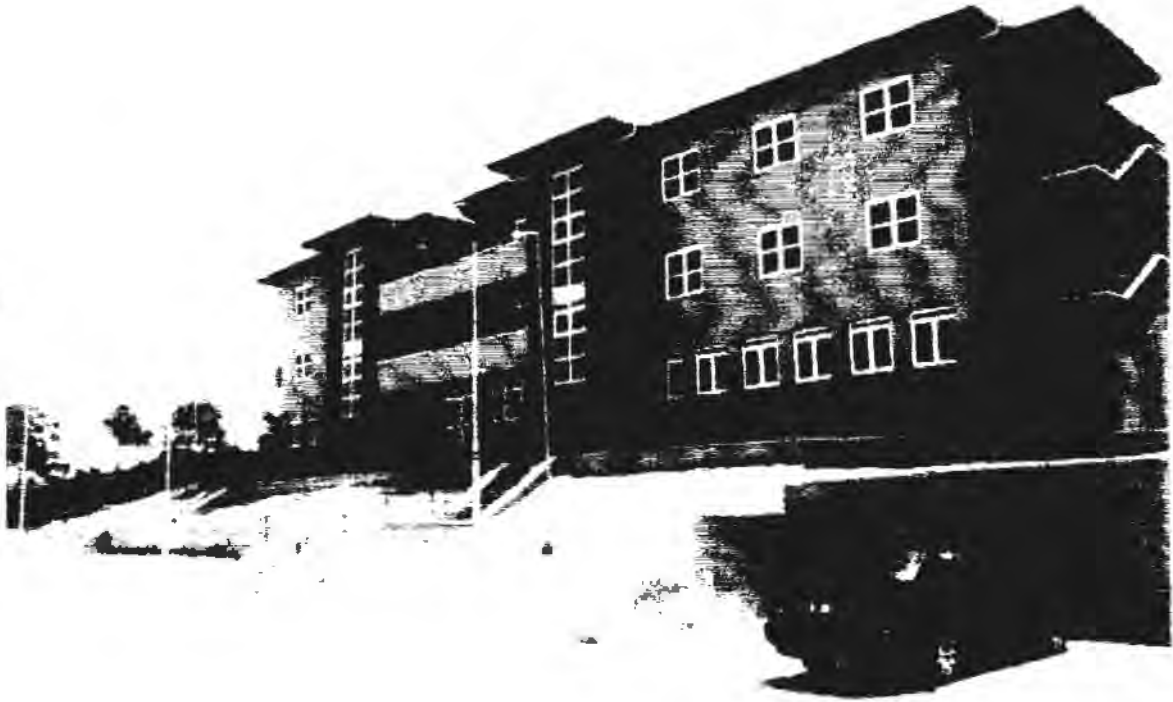
**Modify and Repair Headquarters 66<sup>th</sup> MI, Darmstadt – Germany**



**Modify and Repair Headquarters 66<sup>th</sup> MI, Darmstadt – Germany**



**Erdemir Arts High and Dormitories, School Building Eregli- Turkey**



**Erdemir Arts High and Dormitories, Dormitories Building Eregli- Turkey**



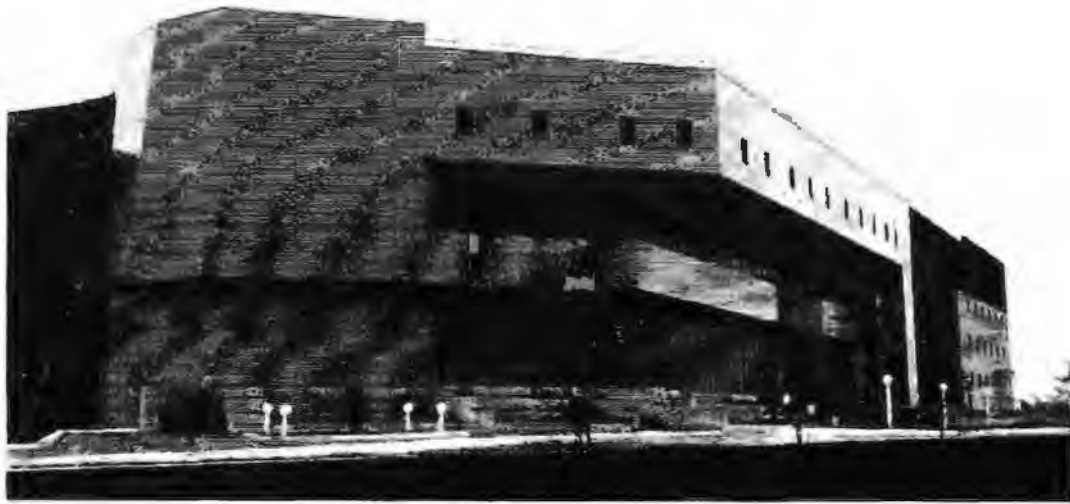
**Renovation of 5 Consulate Apartments, Frankfurt am Main - Germany**



**Fenerbahçe Lodging Facilities, Housing Unit, Istanbul-Turkey**



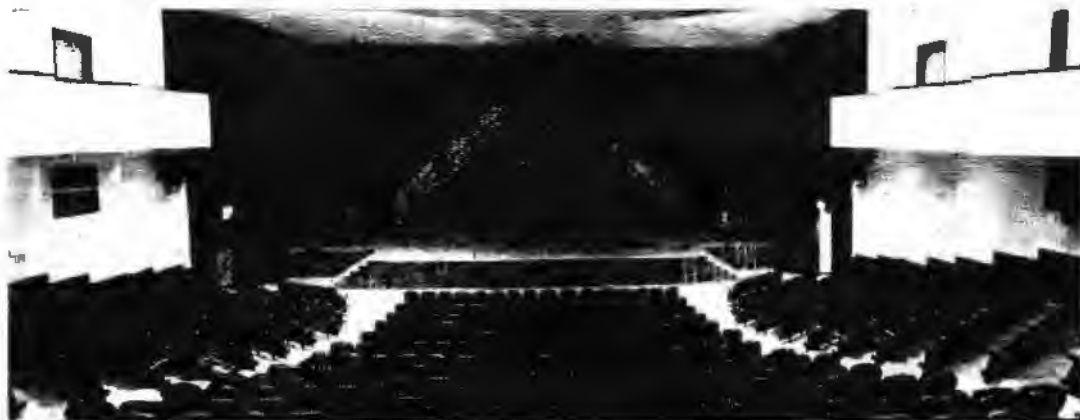
**Fenerbahçe Lodging Facilities, Shopping Center, Istanbul-Turkey**



**Ahmet Yesevi University, Cultural Center Building Turkistan – Kazakstan**



**Ahmet Yesevi University, Cultural Center Building Turkistan – Kazakstan**



**Ahmet Yesevi University, Cultural Center Building Turkistan – Kazakstan**



**Ahmet Yesevi University Student Dormitories, Turkistan – Kazakstan**



**Ahmet Yesevi University Student Dormitories, Turkistan - Kazakstan**



**Ahmet Yesevi University Student Dormitories, Turkistan – Kazakstan**





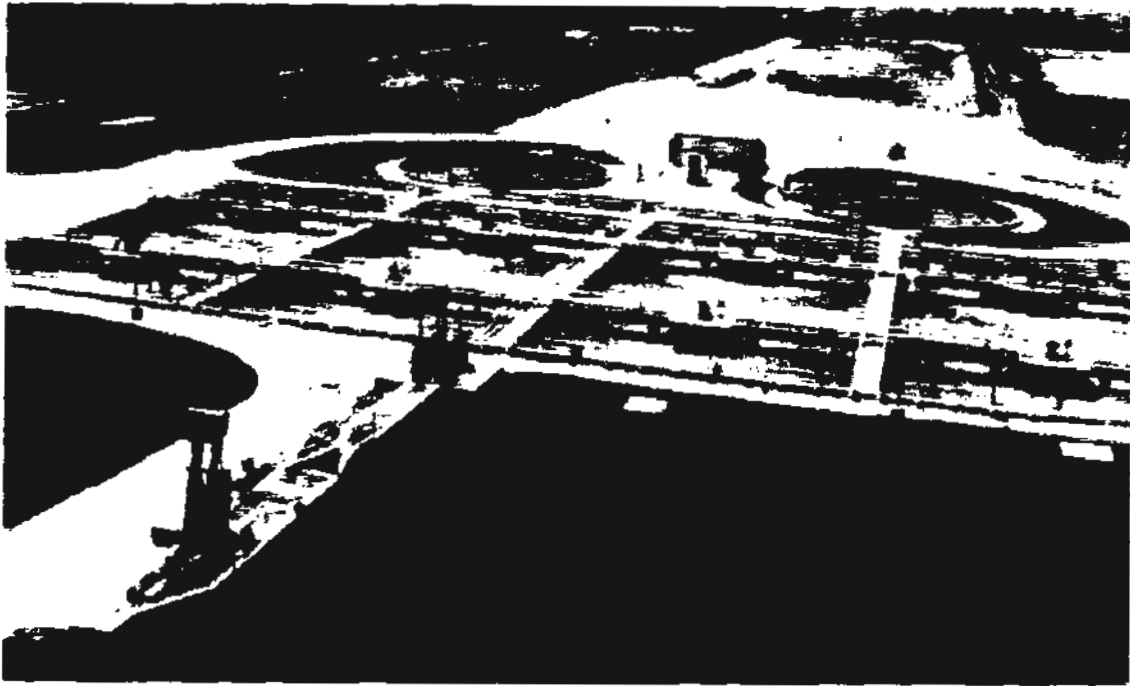
**Ahmet Yesevi University Dining Facility, Turkistan – Kazakstan**



**Ahmet Yesevi University Dining Facility, Turkistan – Kazakstan**



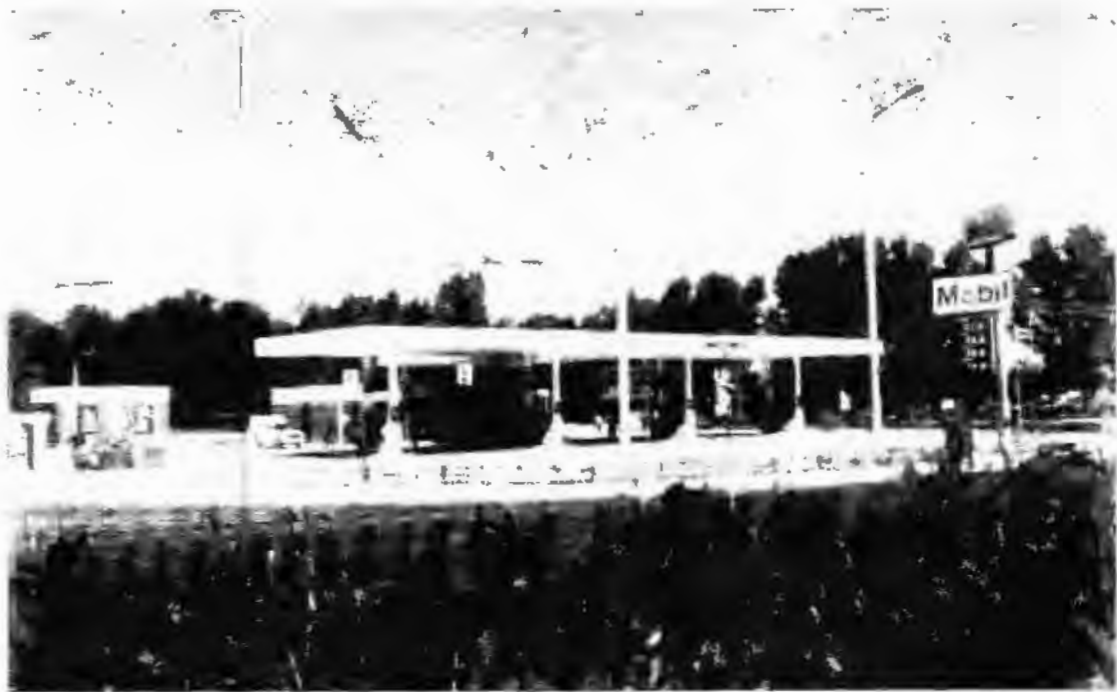
**Child Development Center, Incirlik AB, Adana – Turkey**



**Upgrade Sewage Treatment Plant, Incirlik AB, Adana – Turkey**



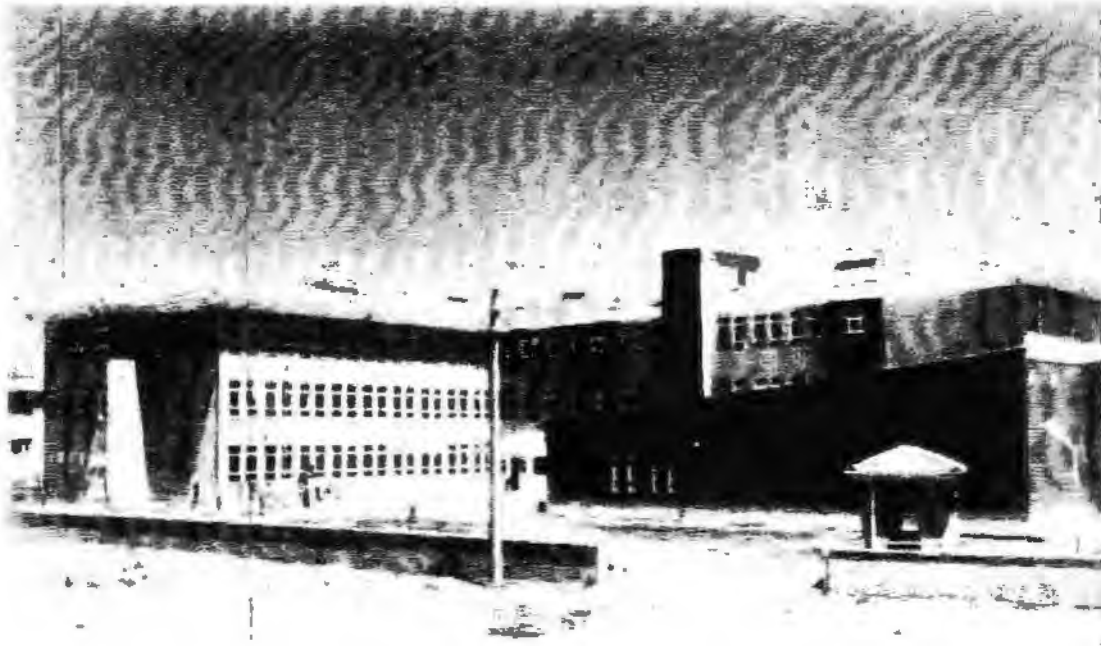
**Comprehensive Repair on Building No. 3702, Landstuhl - Germany**



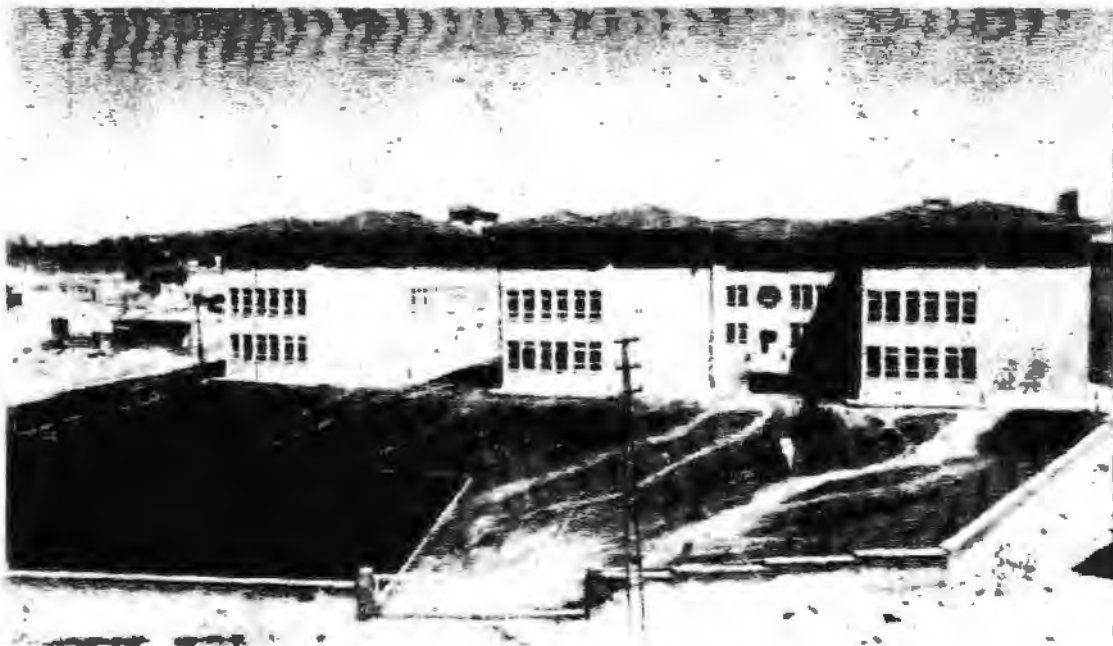
**Mobil Service Stations, Almaty – Kazakhstan**



**Mobil Service Stations, Almaty – Kazakhstan**



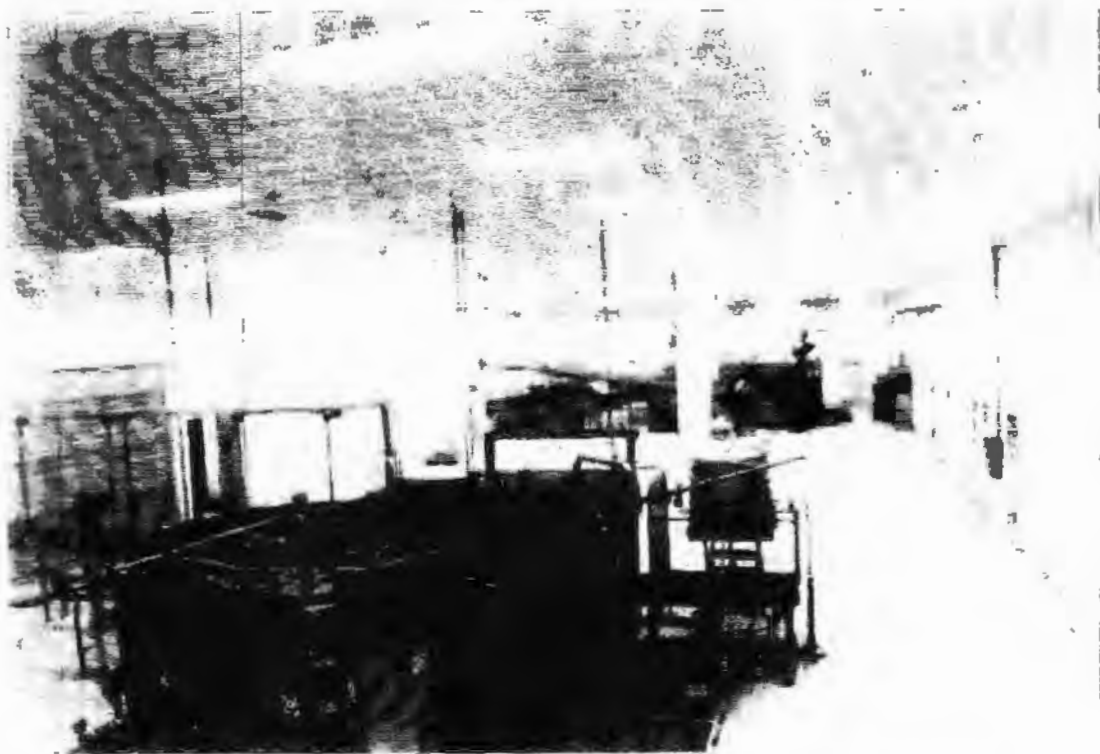
**Turkish Ministry of Education Primary School Complex; Mardin,Urfa - Turkey**



**Turkish Ministry of Education Primary School Complex; Mardin,Urfa - Turkey**



**Pepsi Cola Production and Bottling Facilities, Samara – Russian Federation**



**Pepsi Cola Production and Bottling Facilities, Samara – Russian Federation**

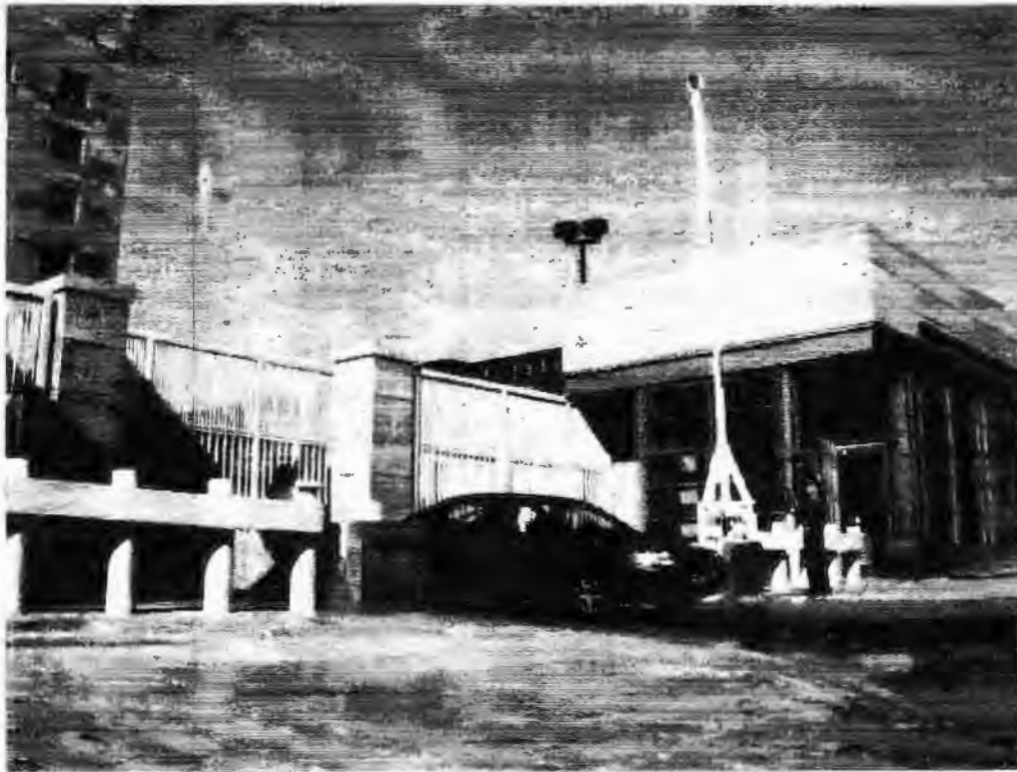


**SAIPEM Blue Stream Project, Welding Plant, Samsun - Turkey**



**SAIPEM Blue Stream Project, Welding Plant, Samsun - Turkey**

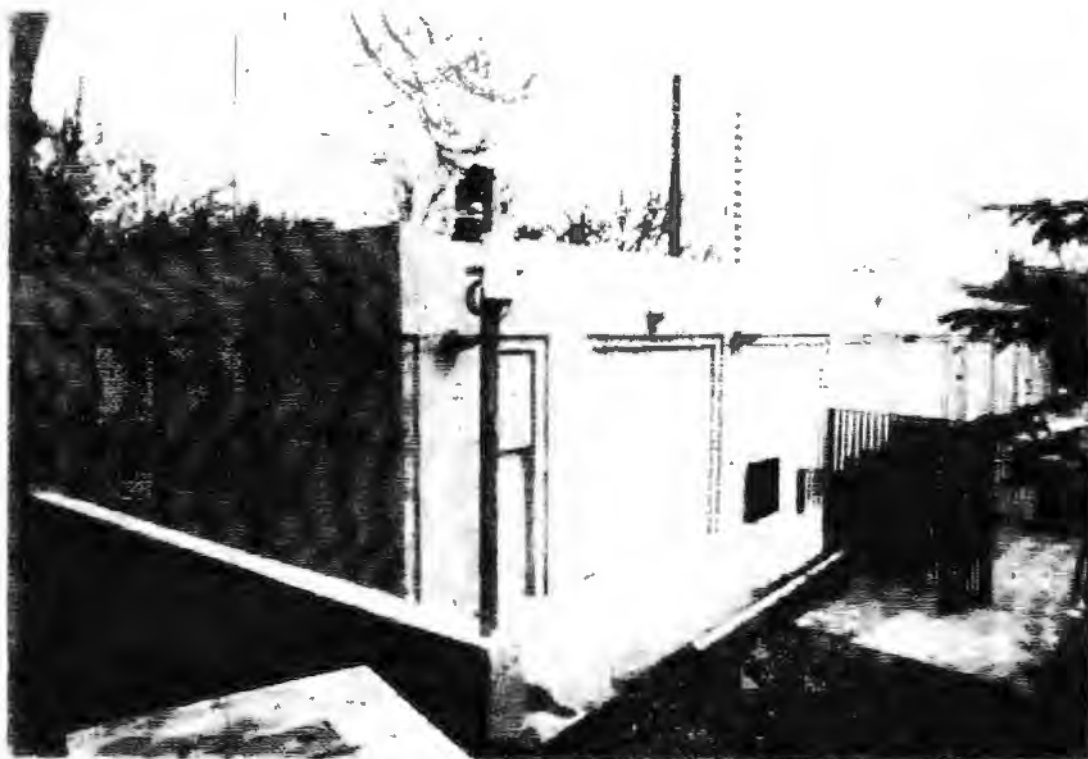




**US Embassy Perimeter Walls and Gates Replacement Project, South Gate, Moscow – Russia**



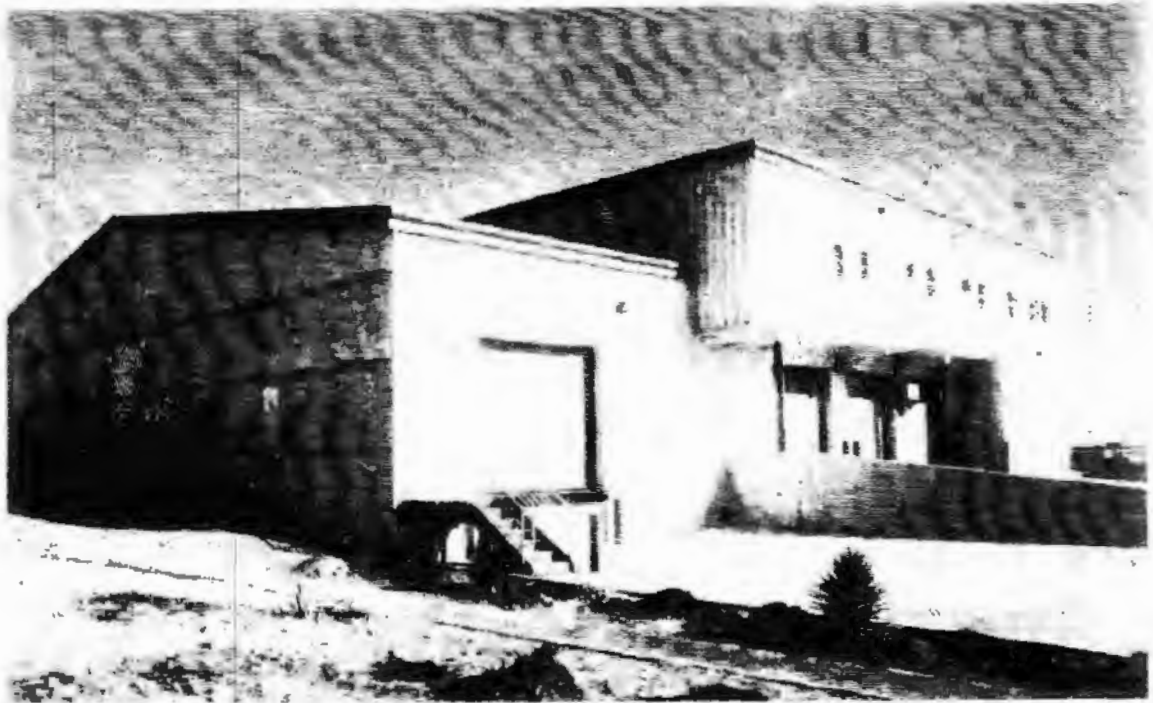
**US Embassy Perimeter Walls and Gates Replacement Project, North Gate, Moscow – Russia**



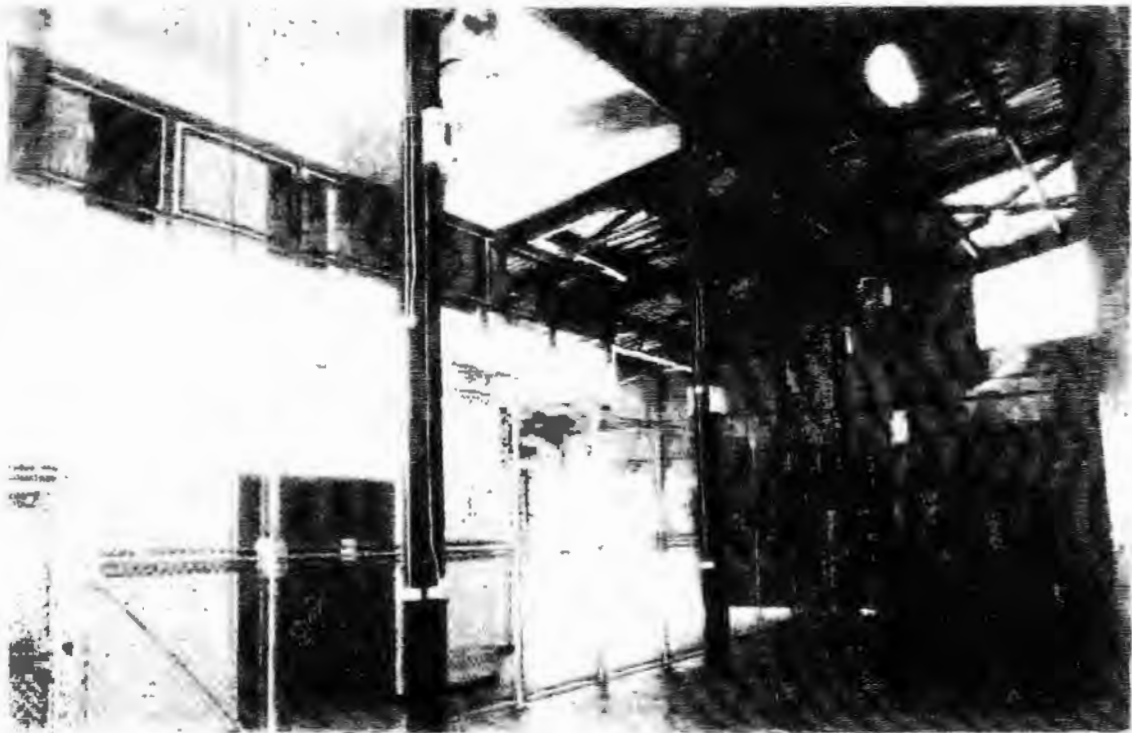
US Embassy, Ankara - Turkey



US Embassy, Ankara - Turkey



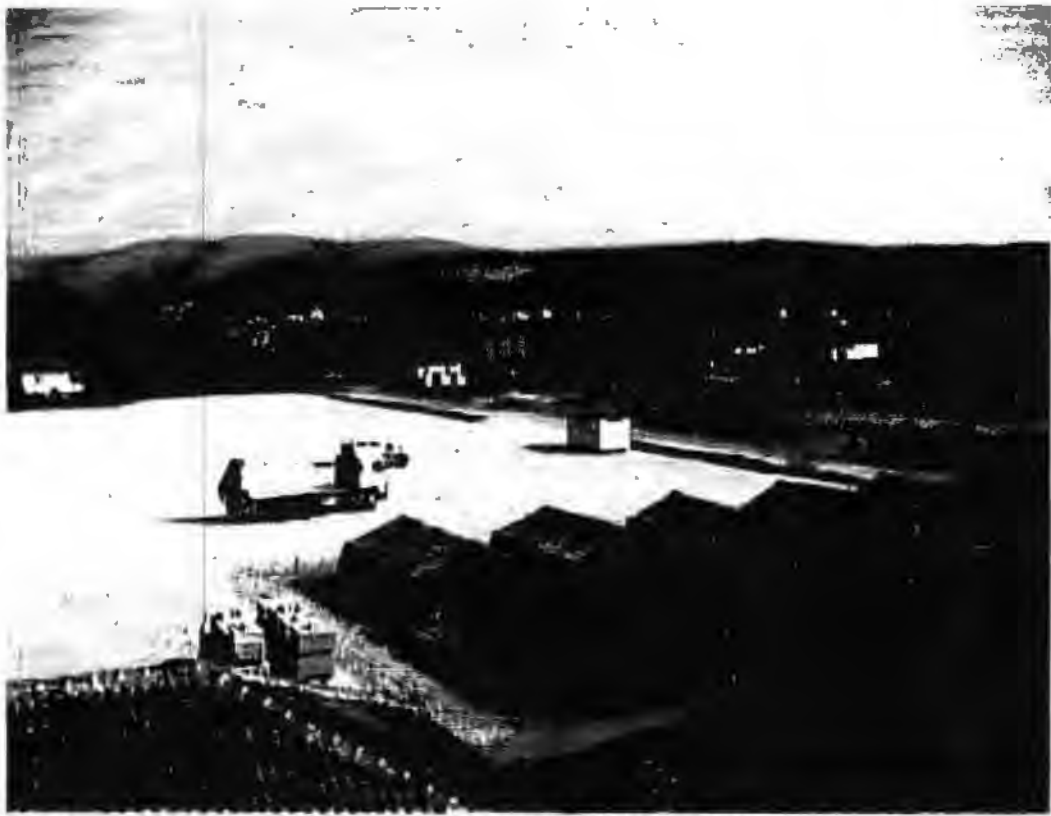
**US Embassy, General Services, Annex Building, Ashgabat - Turkmenistan**



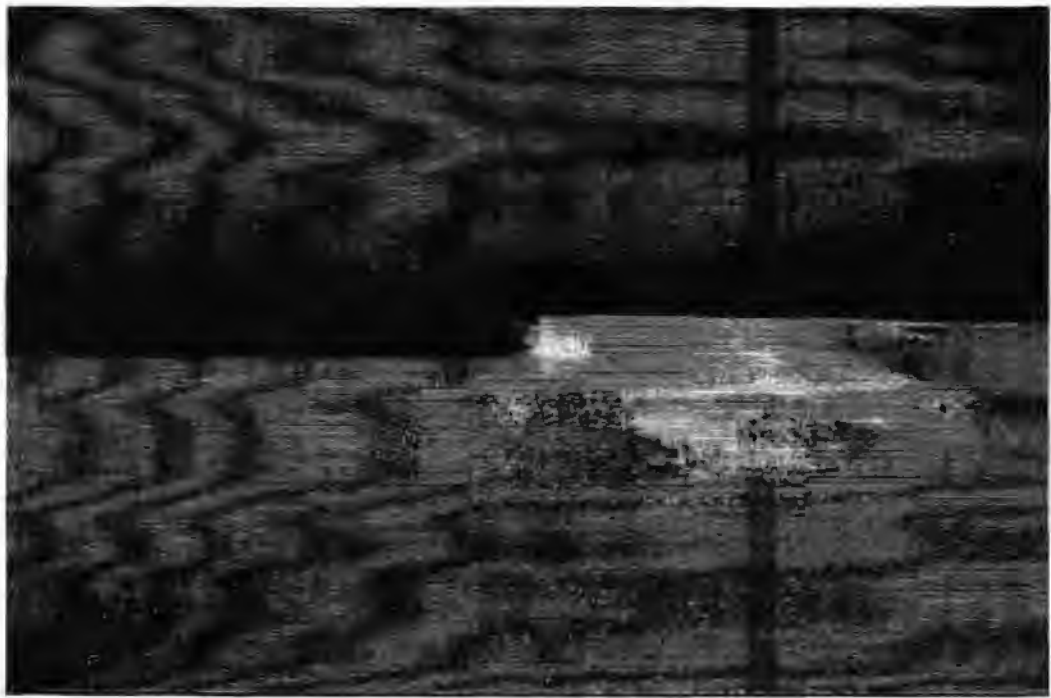
**US Embassy, General Services, Annex Building, Ashgabat - Turkmenistan**



**TCER Renovation Project  
Almaty - Kazakhstan**

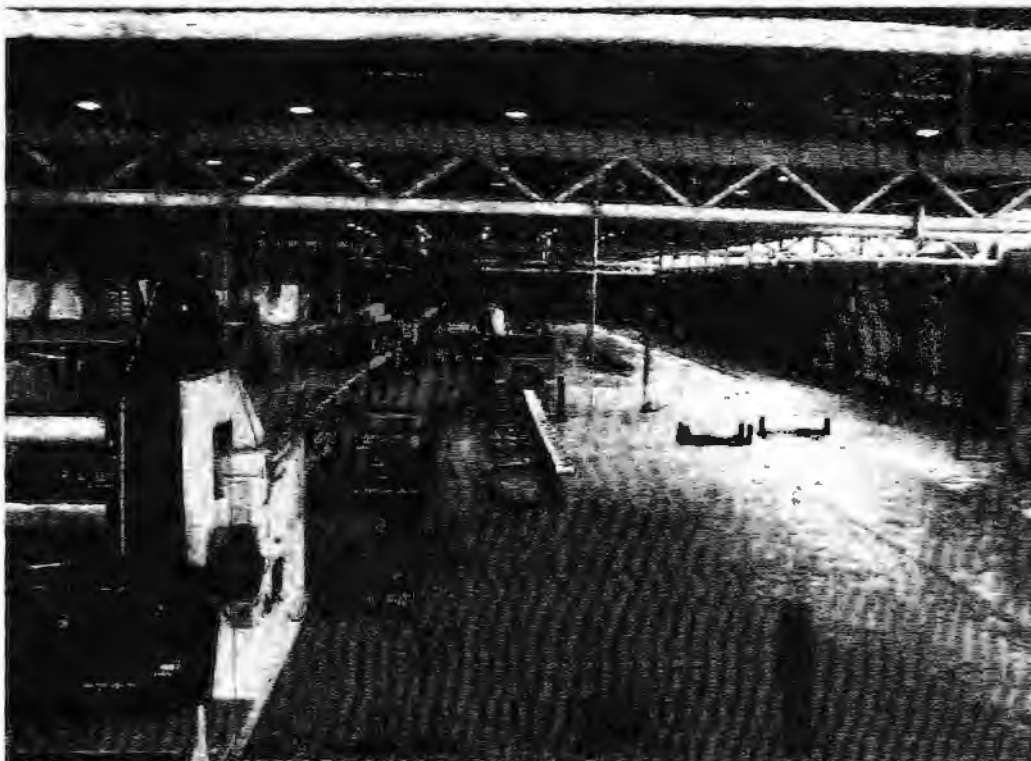


Podujevo Airport Repair, Pristina- Kosovo





Chevron-Munaigaz Polyethylene Pipe Plant, Atyrau- Kazakhstan







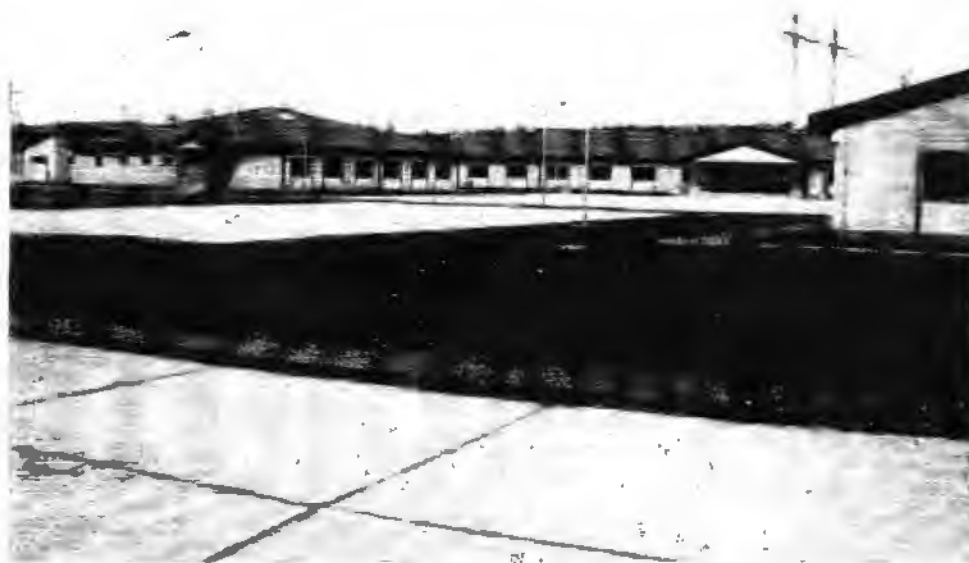
Poti Coast Guard HQ Building, Kitchen and Corridor, Poti, Georgia



Poti Coast Guard HQ Building Side View and Mechanical Room, Poti, Georgia







Red Bridge Border Crossing Station, Red Bridge, Georgia





**US Army COE Renovation of Coleman Barracks 11, Mannheim - Germany**



**Dining Facility, Task Order 0001, Trainer Compound, Pol-E-Charkhi, Afghanistan**



**Polstorage Maintains Area, Task Order 0001, Trainer Compound, Pol-E-Charkhi, Afghanistan**



**Barracks 411, 410, 409, Task Order 0001, Trainer Compound, Pol-E-Charkhi, Afghanistan**



**Communication Service Center Building, Lilo, Tbilisi, Republic of Georgia**



**Helicopter/ Plane Parking Area, Lilo, Tbilisi, Republic of Georgia**

***15. RESUME OF PROPOSED SUPERVISOR***



**ZAFER**  
İNŞAAT A.Ş.  
CONSTRUCTION CO.

**ZAFER Taahhüt  
İnşaat ve Ticaret A.Ş.**