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COALITION PROVISIONAL AUTHORITY

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14 December 2003

FOR: THE GOVERNING COUNCIL DE-BA'ATHIFICATION COMMITTEE

FROM: THE ADMINISTRATOR, Ambassador L. Paul Bremer

SUBJECT: De-Ba'athification

with reconciliation

Many thanks for the briefing you provided me with on Wednesday December 11 during your most recent de-Ba'athification committee meeting. I was pleased to hear of your plans to move forward in formulating and implementing de-Ba'athification policy. The Coalition recognizes the importance of de-Ba'athification in enabling Iraq to untangle itself from its past and in paving the way for a stable and prosperous future.

The CPA is committed to de-Ba'athification as a policy and is supportive of the Governing Council's efforts to implement it. However, as mentioned in my letter of December 7, the GC must consult with me when de-Ba'athification is likely to have financial or security implications. De-Ba'athification should also proceed subject to the transparent and non-political procedures the GC has committed itself to formulating. CPA remains willing to help the GC, the committee, and the Higher De-Ba'athification Council achieve what many members have identified to me and my staff as the stated goal: bringing to justice Ba'ath Party members who have committed criminal acts and intimidation and finding a way to reconcile more nominal party members with plans for Iraq's future.

Several recent developments will help ensure that Ba'athists who committed crimes will be held accountable. The establishment of the Iraqi Special Tribunal will be an important vehicle for punishing the worst violators of the human rights of Iraqis. Moreover, the Ministry of Justice and CPA are in the midst of an ambitious review of the records and conduct of Iraqi judges; those found to be corrupt or having close affiliation with the previous regime will be relieved of their duties. Already, more than 100 judges have been dismissed. Such efforts will restore faith in Iraq's judicial system and give the people confidence that Ba'athists guilty of lesser crimes will also be held responsible for their actions.

as a neutral body,

In contrast to these steps forward, there have not yet been any efforts to promote reconciliation. Some GC members and ordinary Iraqis have acknowledged to me that

comparable

many Iraqis who joined the Ba'ath Party – and even rose to quite high levels – were guilty of no crimes, except to gain favor with the party in order to maintain their jobs, gain entrance to universities, or protect family members from intimidation. Your exemption of those firqah-level Ba'athists who were POWs in Iran from the overall de-Ba'athification implicitly acknowledges this distinction. I encourage the GC De-Ba'athification Committee and the Higher Council on De-Ba'athification to consider additional ways ^{to} make these distinctions both in word and deed. While we all agree that those guilty of serious crimes must be held to account, the interests of Iraq are not served by alienating large numbers of nominal Ba'athists from Iraq's political and economic future. As Iraq moves away from its dark past and becomes a democratic and free nation, it must find away of reintegrating people who are willing and eager to contribute to the new Iraq.

As I mentioned to the committee on Wednesday, I am ^{prepared} ~~eager~~ to transfer the de-Ba'athification files that CPA has compiled, both on individuals to whom we granted temporary exceptions and on broader investigations conducted on those accused of being high-level Ba'athists. At the recommendation of CPA's Legal Counsel, I will pass these files to the Governing Council as soon as the implementation ^{procedures} ~~procedures~~ for de-Ba'athification are finalized and publicized. These procedures ^{must} ~~will~~ specify how the GC wishes de-Ba'athification to proceed in each ministry, the mechanisms created to govern any exception process, and the systems developed to ensure due process. CPA stands ready to assist or advise in the formulation of these procedures if the GC Committee desires.

Again, thank you for your time on Wednesday and good luck in your efforts.

and thereby provide the needed process of reintegration.