

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 31

MODIFICATIONS OF PENAL CODE AND CRIMINAL PROCEEDINGS LAW

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

Recognizing that instances of kidnapping, rape, and forcible vehicle larceny represent a serious threat to the security and stability of the Iraqi population,

Understanding that attacks of looting or sabotage against critical electrical power and oil infrastructure facilities undermine efforts to improve the condition of the Iraqi people,

Noting that the denial of pretrial bail in certain cases and lengthy jail sentences represent deterrents to such conduct,

I hereby promulgate the following modifications of the Penal Code and Criminal Proceedings Law:

Section 1 Definitions

- 1) "Means of Transportation" are motorized vehicles used for the movement of persons or goods including, automobiles, trucks, motorcycles, tractors, aircraft, ships, boats, or barges,
- 2) "Penal Code" means the Penal Code Law No. (111) of 1969 as amended including Law (1) 2002 and CPA Order Number 7, Penal Code, CPA/ORD/9 June 2003/07,
- 3) "Criminal Proceedings Law" means Criminal Proceedings Law No. 23 of 1971 as amended including amendments contained in CPA Memorandum Number 3, Criminal Procedures, CPA/MEM/18 June 2003/03.

Section 2 Modifications of Sentences for Kidnapping

- 1) The penalties for kidnapping offenses set forth in the Penal Code Paragraphs 421, 422, and 423 are hereby modified to provide a maximum punishment of life imprisonment for each offense. Sentences for the commission of kidnapping offenses may not be reduced as a result of mitigating circumstances pursuant to Paragraph 130 of the Penal Code. The maximum sentence limitation of Paragraph 87 of the Penal

Code shall not apply to the specified kidnapping offenses. For the purposes of this modification, sentences of life imprisonment shall mean the remaining natural life of the person.

- 2) Penal Code Paragraphs 426 (1) and 426 (2) providing for the further mitigation of the sentence for kidnapping offenses is hereby suspended. Cooperation following the offense shall serve as a mitigating factor to be considered by the trial judge in determining the sentence.
- 3) Penal Code Paragraph 427 providing for the cessation of actions in the event the offender marries the victim is hereby suspended.

Section 3

Modifications of Sentences for Rape and Indecent Assault

- 1) The penalties for the offenses of rape and sexual assault set forth in Penal Code Paragraph 393 are hereby modified to provide a maximum punishment of life imprisonment. The maximum sentence limitation of Paragraph 87 of the Penal Code shall not apply to the offenses specified in Paragraph 393. For the purposes of this modification, sentences of life imprisonment shall mean the remaining natural life of the person.
- 2) The penalties for the offense of indecent assault set forth in Penal Code Paragraph 396 are hereby modified to provide a maximum punishment of fifteen years imprisonment.

Section 4

Modifications of Sentences for Offenses Involving Damage to Public Utilities or Oil Infrastructure

- 1) The penalties for wrecking, destroying or otherwise damaging water, electricity, or oil installations or other public utilities set forth in Penal Code Paragraph 353 (1), whether or not such damage could or does lead to the closure of an installation, are hereby modified to provide a maximum punishment of life imprisonment.
- 2) The maximum sentence limitation of Paragraph 87 of the Penal Code shall not apply to the offenses specified in Paragraph 353. For the purposes of this modification, life imprisonment shall mean the remaining natural life of the person. Persons convicted of committing these offenses shall not be eligible for Conditional Discharge as set forth in Paragraph 331 of the Criminal Proceedings Law.

Section 5

Modifications of Sentences for Theft Offenses Involving Means of Transportation

- 1) The penalties for theft under the aggravating factors specified in Paragraphs 440 through 443 of the Penal Code are hereby modified to provide a maximum punishment of life imprisonment if the offense involves the use of force to commit the theft of a Means of Transportation.
- 2) The maximum sentence limitation of Paragraph 87 of the Penal Code shall not apply to offenses involving the use of force to commit the theft of a Means of Transportation. For the purposes of this modification, sentences of life imprisonment shall mean the remaining natural life of the person.

Section 6

Modifications to Bail Arrangements

Notwithstanding the bail provisions contained in Paragraph 109 of the Criminal Proceedings Law No. 23 of 1971 the reviewing judge may order a person suspected of committing an offense punishable by life imprisonment to be held without bail until trial.

Section 7

Entry into Force

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

A handwritten signature in blue ink, appearing to read "L. Paul Bremer", followed by the date "9/10/03". The signature is written over a light grey rectangular background.

L. Paul Bremer, Administrator
Coalition Provisional Authority