

## **COALITION PROVISIONAL AUTHORITY ORDER NUMBER 82**

### **IRAQI NATIONAL FOUNDATION FOR REMEMBRANCE**

*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 Resolutions 1483 and 1511 (2003),

*Recognizing* that the Iraqi people have long suffered from terrible abuses of their fundamental freedoms and human rights,

*Acknowledging* that the Iraqi people are still uncovering long-hidden evidence of the brutality inflicted on them by the previous regime,

*Noting* that accounting publicly for the past atrocities and educating the Iraqi people about them will serve as a crucial safeguard against future abuses of fundamental freedoms and human rights,

*Desiring* that the establishment of monuments, memorials and other historical and artistic exhibitions will create a lasting record of the crimes committed against the Iraqi people, a tribute to Iraqi resilience and a caution to future generations,

I hereby promulgate the following:

#### **Section 1 Purpose**

The Iraqi National Foundation for Remembrance (the “Foundation”) will take steps to ensure that the atrocities of the previous regime are memorialized so that current and future generations of Iraqis will understand and remember this dark period of Iraqi history and take those steps necessary to preserve an open and democratic government which protects human rights, fundamental freedoms and dignity.

#### **Section 2 Establishment**

- 1) The Iraqi National Foundation for Remembrance is hereby established.
- 2) The Foundation will consider proposals from across the nation on how best to memorialize the victims of these brutal atrocities and the sacrifices made by Iraqi individuals and the communities of Iraq. The Foundation will seek proposals to memorialize and commemorate, among others, those who suffered or lost their lives during the 1991 Intifada, the 1988 Anfal campaign and other massacres, the

1986-1988 chemical attacks, the “Arabization” and other forced relocation campaigns, the draining of the Marshlands, the 1999 Student Uprising in Najaf, as well as the many other atrocities committed by the previous regime against members of the political opposition in all ethnic and religious groups. The Foundation may obligate funds for selected proposals by grant or direct contracting.

- 3) The Foundation will publish and distribute widely requests for proposals for monuments, memorials, historical and artistic exhibitions (both permanent and traveling) and other programs to educate and inform the public. The selection criteria will be transparent and non-discriminatory and be included in all requests for proposals. The Foundation, by a majority vote of its Board of Directors, will choose the proposals to be funded from its budget after fairly and objectively evaluating each proposal submitted.
- 4) The Foundation will seek to raise private funds for establishing a national memorial museum in Baghdad. This museum will document, study and present publicly the history of atrocities suffered under the previous regime. The Foundation, by a majority vote of its Board of Directors, will decide on the acceptance of each private donation for the museum. The Foundation will adopt procedures providing for any solicitation and acceptance of funds for the museum, including procedures to ensure that no funds are accepted from donors who are seeking special benefits from or access to the Governments of Iraq through such donations, to ensure that no person or entity is advantaged or disadvantaged because of a donation or a failure to donate, and to ensure that any solicitation and acceptance of funds will be separate from any of the funding decisions authorized in Section 2(3) of this Order. The Foundation will ensure that funding for the establishment of this museum will not affect or influence in any way decisions made pursuant to Section 2(3) of this Order.
- 5) The Foundation will develop policies and implement programs as may be necessary to give effect to this Order.
- 6) The Foundation will seek the enactment of such legislation as necessary to protect and preserve memorials, monuments, other historical and artistic exhibitions and the museum.

### **Section 3 Organization**

- 1) A Board of Directors, comprised of seven Directors, will guide the Foundation. The Administrator will appoint the Board of Directors after consultations with the

Iraqi Governing Council, other public figures, civil society and, as appropriate, relevant international experts.

- 2) Each Director will serve two-year terms. The terms of the Directors will be staggered, so that initially three directors will be appointed to one-year terms and four directors will be appointed to two-year terms.
- 3) The Board of Directors will select a Chairman and Vice Chairman from among its members. The Chairman will manage the activities and discussions of the Foundation and schedule, convene and chair all meetings of the Foundation. When the Chairman is unavailable, the Vice Chairman will assume these duties.
- 4) The Administrator will appoint an Executive Director after consultations with the Iraqi Governing Council. The Executive Director will report directly to the Board of Directors. The Executive Director will lead the daily operation of the Foundation. The Executive Director will serve a five-year term, which may be renewed once.
- 5) In the event of a vacancy on the Board of Directors or in the Executive Director position prior to June 30, 2004, by reason of death, resignation, or removal, then the Administrator will appoint a new director or Executive Director, as appropriate, in accordance with Section 3(1) or Section 3(4) of this Order. In the event of a vacancy after June 30, 2004 on the Board of Directors or in the Executive Director position by reason of the expiration of a term in office, death, resignation, or removal, a new director or Executive Director, as appropriate, will be appointed by the Iraqi head of government with the ratification of the body vested with national legislative authority. The Board, by a vote of six directors, may remove a director or the Executive Director for malfeasance, misuse of public funds, failure to fulfill Foundation duties or because of permanent incapacitation.
- 6) The Executive Director will organize the Foundation's personnel into such departments as is deemed necessary and appropriate.
- 7) The Executive Director may set up such regional offices as is deemed necessary, appropriate and cost-efficient to facilitate, implement, and coordinate the work of the Foundation at the local level.
- 8) The Foundation will have an Inspector General who will be appointed and will serve consistent with CPA Order No. 57 (CPA/ORD/5 February 2004/57). The Inspector General will report directly to the Executive Director except as provided for in Section 3(1) of the CPA Order No. 57 (CPA/ORD/5 February 2004/57).

- 9) The Board of Directors and the Executive Director may establish an advisory committee which could include, for example, the Minister of Culture, the Minister of Human Rights, the Director of the National Museum, and other experts who could provide expertise to the Foundation.
- 10) The Foundation should consult with relevant Iraqi governmental institutions, including the Ministry of Human Rights, the Ministry of Displacement and Migration, and the Ministry of Culture, to ensure that proposed programs are not duplicative and instead complement their efforts.

#### **Section 4 Personnel and Administration**

- 1) The Executive Director, in the name of the Foundation, may hire and employ personnel in accordance with Iraqi law, as amended by CPA Orders and Memoranda, and subject to established budget constraints. Such hiring will be consistent with CPA Order Number 1 (CPA/ORD/16 May 2003/01) and any authorized implementation thereof.
- 2) The salaries of Foundation personnel will conform to the salary structure applicable to Iraqi government employees.
- 3) All contracting by the Foundation, including project selection, will be conducted to the maximum extent practicable consistent with CPA Memorandum No. 4 (CPA/MEM/19 August 2003/04), including applicable conflict-of-interest rules, and any successor law on government procurement.

#### **Section 5 Budget**

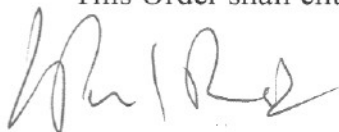
The Executive Director will be responsible for developing and implementing the budget of the Foundation, while the Board of Directors will be responsible for approving the budget. The Foundation will coordinate with the Ministry of Finance regarding its budget.

#### **Section 6 Durability and Precedence**

This order will remain in force unless repealed by the Administrator or superseded by legislation duly enacted and having the force of law. This order will take precedence over all other laws and publications to the extent such other laws and publications are inconsistent.

**Section 7**  
**Entry into Force**

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

 4/28/04

L. Paul Bremer, Administrator  
Coalition Provisional Authority