

## **COALITION PROVISIONAL AUTHORITY ORDER NUMBER 88**

### **RIGHTS OF JUDICIAL OFFICIALS TO RETURN TO THE JUDICIARY AFTER CERAIN GOVERNMENT SERVICE**

*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 Resolutions 1483 and 1511 (2003),

*Noting* that the Law of Administration for the State of Iraq for the Transitional Period (TAL) carefully guards against persons serving simultaneously in several governmental roles in order to prevent conflicts of interest,

*Recognizing* that the Iraqi judiciary, having been vetted by the Judicial Review Committee, offers a number of talented and fair individuals who could assume important and meaningful senior roles within the Iraqi government,

*Acknowledging* the importance of the safeguard in the TAL against conflicts of interest and the value of having all persons, including judges, leave their employment before assuming a senior governmental position,

*Recognizing* that the return of Iraqi judges after serving in another governmental capacity to service in the judiciary is vital to the long-term interests of Iraq's judicial system,

*Understanding* that current Iraqi practice would require each such judge to seek and receive approval for reappointment,

*Concluding* that establishing a means for members of the Iraqi judiciary to be reinstated immediately after their service in other governmental capacities would honor and preserve the safeguards of the TAL,

I hereby promulgate the following:

#### **Section 1 Right to Return to Judicial Service**

- 1) Any federal judge or prosecutor ("Judicial Official") who leaves the Iraqi judiciary to serve on a Commission established by the federal government (a "Commission"), consistent with Article 51 of the TAL, or to serve as a member of the National Assembly, the Presidency Council, or the Council of Ministers, consistent with Article 28 of the TAL, shall have the right to be reinstated as a member of the Iraqi judiciary after leaving such Commission or such service as a

member of the National Assembly, the Presidency Council, or the Council of Ministers.

- 2) A Judicial Official must exercise this right to return to the Iraqi judiciary within 90 days after leaving a Commission or service in the National Assembly, the Presidency Council, or the Council of Ministers. If a Judicial Official exercises this right to return to the Iraqi judiciary, that Judicial Official shall be reinstated immediately at the same level as he or she held before joining a Commission or serving as a member of the National Assembly, the Presidency Council, or the Council of Ministers.

## **Section 2**

### **Disqualification for Matters Arising out of Prior Service**

No Judicial Official who served on a Commission or as a member of the National Assembly, the Presidency Council, or the Council of Ministers, and subsequently returns to the Iraqi judiciary, shall participate in any case arising out of such service.

## **Section 3**

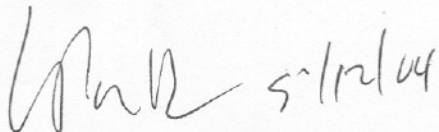
### **Use of Judicial Title While Serving Outside the Judiciary**

In recognition of a Judicial Official's right to return to the Iraqi judiciary, a Judicial Official shall have the right to use the relevant honorary title of "Judge" or "Prosecutor" while serving on a Commission or in the National Assembly, the Presidency Council, or the Council of Ministers.

## **Section 4**

### **Entry into Force**

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



L. Paul Bremer III, Administrator  
Coalition Provisional Authority