

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 99

JOINT DETAINEE COMMITTEE

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 (2003), 1511 (2003) and 1546 (2004),

Noting that prison facilities across Iraq were largely destroyed as a result of the acts of the former regime and are not currently capable of providing a safe and secure environment for the pre-trial confinement of many detainees,

Noting further that, as an interim measure, the Multinational Force maintains safe and secure facilities for the custody of certain numbers of security internees and criminal detainees,

Affirming the importance of properly implementing the authority of the Multinational Force under U.N. Security Council Resolution 1546 (2004) to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to that resolution,

Acting in accordance with the consultations between the Coalition Provisional Authority and the Iraqi Interim Government,

I hereby promulgate the following:

Section 1 Purpose

This Order provides a mechanism for facilitating the partnership between the Multinational Force-Iraq (MNF-I) and the Iraqi Interim Government (IIG) on all matters relating to the management of, and the formulation of policy regarding, security internees and criminal detainees in the custody of the MNF-I. It is designed to ensure that detention operations comport with applicable law and human rights standards.

Section 2 Joint Detainee Committee

- 1) There shall hereby be established a Joint Detainee Committee (“Committee”), which shall be composed of representatives of the MNF, the IIG and the States exercising custody over detainees. The Committee shall be co-chaired by the Prime Minister and the MNF-I Commander or their authorized delegates.

- 2) There shall be up to twenty-one official members of the Committee, representing the following entities in the manner indicated:
 - a) The IIG shall be represented by the Prime Minister, the Ministers of Defence, Interior, Justice, Finance, and the Director General of the Iraqi National Intelligence Service.
 - b) The MNF shall be represented by the Commander MNF-I, his Chief of Staff, the Deputy Chiefs of Staff for Operations, Intelligence and Logistics, the Staff Judge Advocate and the senior Theatre Commanders for the Military Police and the United States Corps of Engineers.
 - c) The United States as a detaining State shall be represented by the Chief of Mission.
 - d) The United Kingdom as a detaining State shall be represented by its Ambassador to Iraq.
- 3) Other official members of the Committee may be agreed by the co-chairs.
- 4) From time to time, and at the discretion of the co-chairs, other persons may be permitted to attend as observers, to present reports to the Committee, or for other purposes determined by the co-chairs. Such persons may include representatives of the Iraqi Ombudsman on Detention and Penal Matters and delegates of the International Committee of the Red Cross (ICRC).

Section 3 Functions

The Committee shall be responsible for:

- 1) Establishing criteria for the detention of individuals, including the basis for release or transfer to Iraqi jurisdiction or custody.
- 2) Monitoring and if necessary proposing standards and safeguards for the conditions and rights of detainees, including processes for determining initial detention decisions and reviewing such decisions.
- 3) Considering issues relating to the prosecution of criminal detainees and proposing investigative, evidentiary or other measures that will enhance successful prosecution.

- 4) Evaluating infrastructure imperatives, deficiencies or maintenance requirements and proposing project or budgetary action to address these.
- 5) Making recommendations concerning improvements to the command, control and liaison aspects of detainee management; the effective recording of information for individual detainees; the tracking of the location, movement or transfer of detainees and the proper communication of detainee information to their families; and any other matter related to detention operations and policies.
- 6) Advise on legal issues associated with the status and management of persons held in detention or otherwise constrained by the MNF, and propose remedial legislation as appropriate.

Section 4 Evaluation Standards

In making its deliberations and recommendations, the Committee shall have due regard to the provisions of Iraqi law as supplemented by CPA Memoranda Nos. 2 and 3, the Memorandum of Understanding between the MNF and the IIG concerning the handling of High Value Detainees, reports of the Iraqi Ombudsman on Detention and Penal Matters and reports of the ICRC.

Section 5 Reporting Requirements

- 1) The Committee shall issue reports of its deliberations and recommendations not later than two months after its initial meeting, and thereafter on a bi-monthly basis. The reports shall be delivered to the Prime Minister of the IIG, the Commander, MNF-I, and the U.S. and UK Ambassadors to Iraq.
- 2) With the agreement of the report recipients identified in subsection 5(1) above, reports of the Committee may be made public, with the exception of:
 - a) Confidential reports of the ICRC.
 - b) Material that is related to or part of criminal proceedings before an Iraqi Court or MNF tribunal, until the conclusion of those proceedings.
 - c) Material that is protected by confidentiality or privacy provisions of the law governing the Iraqi Ombudsman on Detention and Penal Matters.

- d) Material that is the property of or has been generated by one of the Committee members, and that is not available for release to the public under law or policy.

Section 6
Entry into Force

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

 6/27/04

L. Paul Bremer, Administrator
Coalition Provisional Authority