

# COALITION PROVISIONAL AUTHORITY ORDER NUMBER 53

## PUBLIC DEFENDER FEES

*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* the fundamental human right and indispensability to justice of representation at court by competent criminal defense counsel, as reflected in CPA Memorandum No. 3,

*Recognizing further* the necessity of adequate compensation to procure such counsel,

I hereby promulgate the following:

### Section 1

#### Determination of Public Defender Fees

Notwithstanding any other provision of law, the schedule of fees to be paid to attorneys appointed under Article 144 of the Criminal Procedure Code of Iraq of 1971, as modified by CPA Memorandum No. 3, shall be established by the Council of Judges. The prior schedule of fees established by Article 144 and Article 63(c) of the Law on Advocacy, No.173 of 1965, or any other law, is hereby suspended.

### Section 2

#### Scope of Right to Counsel

The right to court appointed counsel shall not extend to infractions as defined by Iraqi law, but shall apply only to misdemeanors and felonies.

### Section 3

#### Retroactive Payments

The Council of Judges may authorize retroactive payments for legal defense services rendered to indigent criminal defendants since March 18, 2003.

### Section 5

#### Entry into Force

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

CPA/ORD/16 January 2004/53\_

*Michael D. Jones, Acting Administrator*  
1/18/04

L. Paul Bremer, Administrator  
Coalition Provisional Authority