

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 69

DELEGATION OF AUTHORITY TO ESTABLISH THE IRAQI NATIONAL INTELLIGENCE SERVICE

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),

Recalling that U.N. Security Council Resolution 1483 (2003) calls upon the CPA to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability,

Noting that CPA Order Number 2, Dissolution of Entities, May 23, 2003, as amended, dissolved the Iraqi Intelligence Service,

Further noting the adoption of the Law of Administration for the State of Iraq for the Transitional Period on March 8, 2004,

Acknowledging that timely and accurate information about terrorism, domestic insurgency, espionage, narcotics production and trafficking, weapons of mass destruction, serious organized crime and other issues related to the national defense or threats to Iraqi democracy is essential to the security of Iraq,

Recognizing the need to establish a new national intelligence service to collect, analyze, and disseminate accurate and timely information related to the national defense and other threats to the security of Iraq,

I hereby promulgate the following:

Section 1 Delegation of Authority

- 1) The Governing Council is hereby authorized to establish a new Iraqi National Intelligence Service (INIS) by promulgating a statute on or before April 3, 2004, adopting the Charter for the INIS, the substance of which has been discussed between the Governing Council and the CPA and the proposed provisions of which are set forth in Appendix A. The INIS will be a wholly distinct and separate entity from any intelligence services that have previously existed in Iraq, to include the Iraqi Intelligence Service that was dissolved by CPA Order Number 2.

- 2) All references in the Charter to actions, authorities, and responsibilities to be exercised or performed by any organ of the Iraqi Government under the Law of Administration for the State of Iraq for the Transitional Period shall be deemed to refer to the Administrator of the CPA, pending transfer of full governance authority to the Iraqi Interim Government.
- 3) Upon promulgation of a statute adopting the Charter, the Administrator of the CPA, in consultation with the Governing Council, shall appoint an interim Director General of the INIS. The interim Director General shall report directly to the Administrator until such time as full governance authority is transferred to the Iraqi Interim Government, after which time the Director General shall report directly to the head of government.
 - a) Upon formation of the elected Iraqi Transitional Government, the Prime Minister may choose either to retain the interim Director General or to name a new one.
 - b) The Director General appointed or retained by the Prime Minister of the Iraqi Transitional Government, and each of such Director General's successors, shall be appointed for a set term of five years in accordance with the Charter.

Section 2

Terms and Conditions

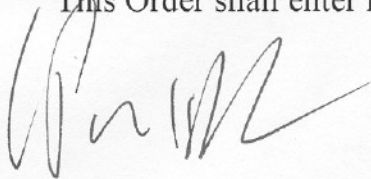
The authority delegated under Section 1.1 of this Order shall be subject to the following terms and conditions:

- 1) In the event of a conflict between any promulgation by the Governing Council and any promulgation of the CPA, the promulgation of the CPA shall prevail.
- 2) The INIS shall work with the Ministry of Finance to develop its budget and, notwithstanding any existing salary scales applicable to Iraqi government employees, to establish a salary scale for INIS employees.
- 3) The INIS shall be considered a "Public Security Sector Organization" for purposes of CPA Order Number 63. Unless otherwise specified in the Charter, an INIS employee who meets the definition of "Eligible Employee," as defined in CPA Order Number 63, shall be entitled to death and disability benefits equivalent to those afforded to members of the Iraqi Armed Forces in accordance with Section 2.2 of that Order.

- 4) The Administrator reserves the authority to alter the statute establishing the INIS and adopting the INIS Charter or any rules or regulations promulgated by the INIS, if required to provide for the safety and security of Coalition Forces or the Iraqi people.
- 5) The Charter for the INIS shall provide that the Administrator shall appoint an Inspector General to the INIS, who shall possess the authorities and perform the responsibilities of Inspectors General as set forth in CPA Order No. 57, Iraqi Inspectors General, 10 February 2004, consistent with significant national security interests.

Section 3
Entry into Force

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



L. Paul Bremer, Administrator
Coalition Provisional Authority

CHARTER FOR THE IRAQI NATIONAL INTELLIGENCE SERVICE

CHAPTER ONE -- PREAMBLE

ARTICLE 1. This charter establishes the Iraqi National Intelligence Service (INIS or the Service).

ARTICLE 2. All activities of the Iraqi National Intelligence Service will be conducted in accordance with the Law of Administration for the State of Iraq for the Transitional Period, signed March 8, 2004, and other laws of Iraq. At such time as the permanent Constitution of Iraq is adopted, the activities of the Service will be conducted in accordance with that constitution.

ARTICLE 3. Timely and accurate information about terrorism, domestic insurgency, espionage, narcotics production and trafficking, weapons of mass destruction, serious organized crime and other issues related to the national defense or threats to Iraqi democracy is essential to the security of Iraq. All reasonable and lawful means must be used to ensure that Iraq will receive the best intelligence available. For that purpose, the INIS will collect, analyze and disseminate this intelligence in a vigorous and responsible manner. The principles set forth in this Charter are designed to achieve the proper balance between the work of the INIS and protection of individual rights and liberties.

CHAPTER TWO -- AUTHORITIES AND RESPONSIBILITIES

ARTICLE 4. The Iraqi National Intelligence Service has the authority to collect intelligence and conduct related intelligence activities regarding:

- Threats to the national security of Iraq.
- Terrorism and insurgency.
- Proliferation of weapons of mass destruction, narcotics production and trafficking, and serious organized crime.
- Espionage and other acts threatening to Iraqi democracy.

Intelligence collected under this article may be disseminated to appropriate government entities both within and outside of Iraq. Any other dissemination of intelligence will be strictly limited to what is essential to the national security of Iraq. All intelligence activities will be strictly required to further national security, and will be subject to the oversight provisions of this Charter.

ARTICLE 5. The INIS will take no action to further or undermine the interests of any legal Iraqi political party or of any official within the Iraqi government.

ARTICLE 6. The INIS will take no action to further or undermine the interests of any Iraqi citizen or group based on race, religion, sect, gender, language, origin or tribal affiliation.

ARTICLE 7. The Service will conduct its activities in accordance with the fundamental freedoms and human rights contained in and protected by the Law of Administration for the State of Iraq for the Transitional Period, and in the permanent Constitution when adopted.

ARTICLE 8 The Service will provide objective, accurate and timely information to relevant government entities and policy makers.

ARTICLE 9. The Service will protect the security of its activities, information, members and property by appropriate means, including investigations of applicants, employees and contractors as necessary.

ARTICLE 10. The Service may conduct administrative support activities needed to perform its functions.

ARTICLE 11. The Service shall provide intelligence support and coordination to Iraqi military forces in furtherance of national security.

CHAPTER THREE -- RELATIONS WITH LAW ENFORCEMENT

ARTICLE 12. The INIS shall have no power to arrest or detain persons. The Service may provide intelligence support and coordination to Iraqi law enforcement authorities not precluded by other law.

ARTICLE. 13. When a member of the Service becomes aware of a possible serious violation of Iraqi criminal law, it will be reported by the Service to the appropriately authorized government authority. The report shall be made in a manner consistent with the protection of classified information. The handling of this information by a law enforcement authority will also be done in a manner, approved by the Director General of the Service, which protects classified information. Upon receipt of this report, the Governorate authority will refer the matter, as appropriate, for prosecution in the court having jurisdiction over the offense. Prior to the passage of legislation governing the protection of classified information in any court, this information will be protected pursuant to procedures adopted by the Higher Juridical Council and approved by the Director General of the INIS.

CHAPTER FOUR -- DIRECTOR GENERAL OF THE INIS

ARTICLE 14. The head of government shall appoint the Director General of the INIS, subject to confirmation by the body vested with national legislative authority. This appointment shall be made on the basis of integrity, compliance with the security standards of the Service, and demonstrated ability in government administration and national security issues. The Director General will serve for a period of five years.

ARTICLE 15. The Director General of the Service shall:

- Act as the principal adviser to the head of government and the Council of Ministers for intelligence matters related to the national security. This will include serving in an advisory role on all ministerial level executive branch structures relating to national security policy, intelligence policy, and other issues as might be deemed relevant by the Government of Iraq.
- Have responsibility for the collection, analysis, production and dissemination of intelligence, which should be objective and independent of political, racial, religious, gender, language or origin or tribal considerations, and is otherwise subject to Articles 5, 6 and 7 above.
- Coordinate all intelligence activities of the Iraqi Government institutions.
- Ensure that no information is obtained by the Service except so far as necessary for the proper discharge of its responsibilities as set out in Article 4 above, and that no information is disclosed by it except for the purposes set out in Articles 4, 8, 11, and 12 above.
- Protect intelligence sources and methods and other classified information from disclosure without lawful authority.
- Make an annual report on the work of the Service to the Council of Ministers and may at any time report to the head of government on any matter relating to its work.
- Promulgate such rules and regulations, consistent with the Charter, as are necessary to carry out the functions of the INIS. The application of such rules and regulations to specific citizens is subject to judicial review by courts of competent jurisdiction.

ARTICLE 16. The Director General will have:

- Authority to appoint members to the Service.
- Authority, notwithstanding the provision of any other law, in his discretion to terminate the employment of any member of the Service whenever he deems it necessary or advisable in the interest of national security. This authority may not be exercised in violation of the Law of Administration for the State of Iraq for the Transitional Period or the permanent Constitution, when adopted.

-- Authority to enter into relationships and intelligence activities with intelligence and security agencies of foreign governments in furtherance of the authorities specified in Article 4 of this charter.

ARTICLE 17. To assist the Director General in carrying out the Director General's responsibilities under this charter, there shall be a Deputy Director General of the INIS, who shall be appointed in the same manner and who shall act for, and exercise the powers of, the Director General during his absence or disability.

CHAPTER FIVE -- PROTECTION FOR INIS INFORMATION

ARTICLE 18. In the interests of the national security of Iraq and in furtherance of the Director General's responsibility to protect classified information from disclosure without lawful authority, the INIS will be exempt from any Iraqi laws requiring public disclosure of the organization, functions, names, titles, salaries or numbers of personnel employed by the Service. Service members (for purposes of this charter, service members include employees and contractors) must protect official secrets, and will sign a secrecy agreement as a condition of employment. This secrecy agreement will include the requirement for pre-approval by the Service of any writing or electronic dissemination outside officially sanctioned channels that may contain classified information. This obligation does not cease when the member is no longer employed by or under contract with the Service.

ARTICLE 19. A person who is or has been a member of the INIS, or who otherwise has been given access to classified information, and who communicates any such information to a person to whom he knows that the information ought not to be communicated, shall be punished in accordance with the Iraqi penal code. In addition, a member of INIS who commits such an offense will be subject to appropriate disciplinary action by the Service, including dismissal from INIS.

CHAPTER SIX -- INSPECTOR GENERAL

ARTICLE 20. The head of government shall appoint an Inspector General for the INIS whose responsibility it is to conduct inspections of Service activities. The appointment of the Inspector General shall be made without regard to political affiliation (consistent with applicable de-Ba'athification policy) and on the basis of integrity, capability for strong leadership, compliance with the security standards of the Service, expertise in national security issues, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields. In addition, the Inspector General should possess

demonstrated knowledge, skills, abilities and experience in conducting audits and investigations.

ARTICLE 21. It is the responsibility of the Inspector General to:

--Establish an effective program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the INIS and to prevent, deter and identify waste, fraud, abuse of authority and illegal acts.

--Conduct investigations, audits, evaluations, inspections and other reviews in accordance with generally accepted professional standards.

--Report findings and recommend corrective actions directly to the Director General, except in cases involving allegations of misconduct by the Director General, in which case he shall report his findings and recommendations directly to the head of government.

--Monitor the progress of any corrective actions ordered by the Director General.

--Protect classified information in any report or recommendation that he makes.

--Subject to the policies of the Director General, select other employees of the Service to assist him in carrying out his functions.

ARTICLE 22. The Inspector General will have access to Service members and records which relate to the activities being inspected. The Director General may prohibit the Inspector General from initiating, carrying out or completing any inspection or financial audit, except in cases involving allegations of misconduct by the Director General, if the Director General believes it is necessary to protect significant national security interests. The Director General must report this action to the head of government within one week.

CHAPTER SEVEN -- LEGISLATIVE OVERSIGHT

ARTICLE 23. During the transitional period (which shall be defined to mean the period described in Article 2(A) of the Law of Administration for the State of Iraq for the Transitional Period), legislative oversight of the INIS will be carried out by a committee of the body vested with national legislative authority. Following the adoption of a permanent constitution, this oversight will be carried out by one committee of the body vested with national legislative authority.

ARTICLE 24. The Committee will consist of a suitable number of members appointed by the body vested with national legislative authority from among its members. Its function is to examine the expenditures, administration and policy of the Service. The Committee may request information regarding specific activities of the INIS. To the maximum extent practicable, and consistent with national security interests, the Director General of the INIS, with the approval of the head of government, shall provide information to the Committee on such activities.

ARTICLE 25. The Committee shall make an annual report on the discharge of its functions to the head of government and may at any time report to him on any matter relating to the discharge of those functions. The head of government will present to the body vested with national legislative authority a copy of each annual report made by the Committee. If it appears to the head of government, after consultation with the Committee, that the publication of any matter in a report would be prejudicial to the continued discharge of the functions of the Service, the head of government may exclude that matter from the copy of the report presented to the body vested with national legislative authority. The report will contain a statement as to whether any matter has been excluded from the report.

ARTICLE 26. The Committee will establish written procedures to protect all classified information that is furnished to the Committee from disclosure without lawful authority. These procedures shall be approved by the Director General of the INIS. No staff officer of the Committee may be given access to any classified information unless the officer has (1) agreed in writing and under oath to be bound by the security rules of the Committee both during and after his employment with the Committee, and (2) received a security clearance as determined by the Committee and approved by the Director General of the Service.

CHAPTER EIGHT -- COLLECTION OF INFORMATION

ARTICLE 27. The Service is authorized to collect, retain and disseminate to other government entities and for other lawful governmental purposes information concerning citizens of Iraq only in accordance with written regulations established by the Director General and approved by the Minister of Justice. These procedures shall permit collection, retention and dissemination of the following types of information:

- Information that is publicly available or collected with the consent of the person concerned.
- Information for the purposes of a lawful counter-terrorist, counterinsurgency, counter-proliferation, counter-narcotics, counterintelligence or other activity to protect against threats to Iraqi democracy.
- Information needed to protect intelligence sources and methods from disclosure without lawful authority.
- Information concerning persons who are reasonably believed to be potential sources or contacts of the Service for the purpose of determining their suitability or credibility.
- Information arising out of a lawful personnel, physical or communications security investigation.
- Information obtained that may indicate involvement in activities that may violate Iraqi or foreign laws.
- Information necessary for administrative purposes.

ARTICLE 28. Entry on or interference with property or interception of communications by the Service will be done only in accordance with minimization standards that are designed to minimize the unintentional acquisition, retention and dissemination of information about citizens of Iraq that is not of value in its work on national security, including serious organized crime issues. The INIS will use these techniques upon approval of the Director General or Acting Director General. In addition, for Service activities, the advance authorization of a judge, who is approved by the Higher Juridical Council, will be obtained in the form of a warrant to conduct the technique. This warrant will be valid for a period of no longer than ninety days, at which time it may be renewed by the judge, if sufficient cause continues to exist. If the action authorized is no longer necessary before the end of the period authorized by the warrant, the Service will end the use of the technique immediately. A warrant will be issued only where the judge finds that the warrant is likely to provide information relating to national security, including serious organized crime, and where the information cannot reasonably be obtained by other means.

CHAPTER NINE -- ORGANIZATION AND ADMINISTRATION

ARTICLE 29. The Service will have the necessary number of offices within the Governorates, in addition to its central office in Baghdad. The number and structure of offices will be determined upon proposal by the Director General, and approved by the head of government. All offices will follow the directives of the Director General.

ARTICLE 30. The Director General will issue regulations for the administration of the Service. These will include security, training, disciplinary proceedings and other personnel matters, logistics, and other issues of importance within the Service.

ARTICLE 31. The Service shall enjoy a juridical personality legally represented by the Director General of the INIS, or the acting Director General, or other Service member authorized by the Director General.

ARTICLE 32. The Service may contract with other persons and institutions to perform tasks related to the authorized functions of the Service, in accordance with appropriate security standards established by the Director General.

CHAPTER TEN -- COORDINATION WITH GOVERNMENT ENTITIES

ARTICLE 33. Other ministries and government entities shall cooperate with and assist the Service in performing its duties regarding national security, including serious organized crime, unless otherwise prohibited by law.

ARTICLE 34. The Service will disseminate, as appropriate, to other ministries and government entities the results of its analysis. This will be done on a timely basis and consistent with the protection of classified information. The service may also provide expert assistance unless otherwise precluded by law.

CHAPTER ELEVEN -- DUTIES AND RIGHTS OF SERVICE MEMBERS

ARTICLE 35. Laws and other regulations regarding employment, medical care, pension, disability insurance and other issues involving civil servants shall apply to the INIS unless otherwise regulated by this charter.

ARTICLE 36. In addition to general conditions for employment that apply to civil servants, the Director General of the Service may establish conditions for service members regarding expertise, health, work assignments, and security requirements that are consistent with the interests of the national security of Iraq. The terms and conditions will be issued after consultation with the head of government.

ARTICLE 37. The Director General, or those to whom he has delegated this responsibility, may issue a disciplinary order against a member who is found to have violated service terms and conditions or orders. Disciplinary proceedings will be conducted in accordance with written terms and conditions issued by the Director General.

ARTICLE 38. The Director General will issue a code of conduct for Service members.

ARTICLE 39. A Service member cannot be a member of the body vested with national legislative authority or hold other political office, run for political office, or publicly campaign on behalf of political candidates.

ARTICLE 40. A Service member who is disabled due to illness or injury received in the line of duty and not due to misconduct will continue to receive his salary during the period of disability or until otherwise eligible for retirement, whichever occurs first.

ARTICLE 41. If a Service member is acting within the scope of his duties and does not misuse his governmental position, the Service member will not be subject to legal liability for the performance of his governmental actions. If brought before a court for actions performed in the line of duty, the Service member will be provided legal counsel by the Service, unless the member was acting outside the scope of his duties or otherwise misused his governmental position. This article applies during the member's employment by the Service and continues even after that employment has ended.

ARTICLE 42. Pursuant to written regulations issued by the Director General, in consultation with the Minister of Interior, and after appropriate training, the Director General may authorize service members to carry a weapon in the performance of their duties, and use reasonable force to protect the service member or others against death or serious physical injury.

CHAPTER TWELVE -- CHARTER APPROVAL

ARTICLE 43. This charter for the Iraqi National Intelligence Service will take effect upon adoption by the Iraqi Governing Council in accordance with the authority delegated to it by the Administrator of the Coalition Provisional Authority.

ARTICLE 44. This Charter can be amended by the majority vote of the body vested with national legislative authority.