

**COALITION PROVISIONAL AUTHORITY
MEMORANDUM NUMBER 12**

ADMINISTRATION OF INDEPENDENT JUDICIARY

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 an independent judiciary as provided for in CPA Order No. 35 and the Law of Administration for the State of Iraq for the Transitional Period requires an independent judicial administration,

Recognizing further that Iraqi law still reflects the lack of an independent judiciary which was one fundamentally malign feature of the former regime that undermined the rule of law,

I hereby promulgate the following:

**Section 1
Purpose**

This Memorandum implements CPA Order No. 35 and Chapter six of the Law of Administration for the State of Iraq for the Transitional period.

**Section 2
Definition**

For purposes of this regulation, “Council of Judges” means the Council of Judges re-established by CPA Order 35, or its successor organization as provided by the Law of Administration for the State of Iraq for the Transitional Period.

**Section 3
Budget**

The Council of Judges and the Court of Cassation shall each have its own, separate budget by no later than June 1, 2004. The Ministry of finance shall cooperate fully to create, fund, and support each such budget, including reallocating money from the budget of the Ministry of Justice as appropriate. For the year 2004, the Ministry of Finance shall determine, in consultation with the Ministry of Justice, the Council of Judges, and the Court of Cassation, the amount of the budget of the Ministry of Justice for 2004 that shall be reallocated to the latter two entities, and shall attempt to minimize any additional 2004 budget expenditures concerning these two entities.

Section 4 Personnel

All employees who work for or are primarily associated with the courts, including but not limited to all judges, prosecutors, court investigators, court clerks, personnel on the Committee of Judicial Supervision, security personnel, and support and administrative staff, and are currently employed by the Ministry of Justice, shall, no later than June 1, 2004, become employees of the Council of Judges or of the Court of Cassation, as appropriate.

Section 5 Property

All interests in property, real, tangible, or otherwise, including but not limited to furniture, motor vehicles, office equipment, libraries, and housing for judges and prosecutors, that is primarily used for or associated with courts and the judiciary and that is assigned to the Ministry of Justice, shall, no later than June 1, 2004, be assigned to the Council of Judges or to the Court of Cassation, as appropriate.

Section 6 State Consultative Council

The State Consultative Council shall remain a part of the Ministry of Justice.

Section 7 References in Law

References in Iraqi law to the Ministry of Justice or the Minister of Justice shall, where necessary and proper in light of CPA Order 35 or the Law of Administration for the State of Iraq for the Transitional Period, or where otherwise necessary and proper to maintain the independence of the judiciary, be construed to refer to the Council of Judges or its President, or to the Court of Cassation or its Chief Judge, or to the Supreme Federal Court or its Presiding Judge, as appropriate. The courts shall have sole jurisdiction to adjudicated disputes in this connection.

**Section 8
Cooperation**

The Ministry of Justice, the Council of Judges, the Court of Cassation, the Ministry of Finance, and all other concerned government institutions shall cooperate to the greatest possible extent in effectuating this regulation and CPA Order 35.

**Section 9
Entry into Force**

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

A handwritten signature in black ink, appearing to read "L. Paul Bremer", with a date "5/8/04" written below it.

L. Paul Bremer, Administrator
Coalition Provisional Authority