

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 73

TRANSFER OF THE IRAQI CIVIL DEFENSE CORPS TO THE MINISTRY OF DEFENCE

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), under the laws and usages of war, and consistent with relevant United Nations Security Council resolutions, including Resolutions 1483 and 1511 (2003),

Noting that CPA Order Number 22, Creation of a New Iraqi Army, August 7, 2003, established a military force for the national self-defense of a future free Iraq,

Noting that CPA Order Number 23, Creation of a Code of Military Discipline for the New Iraqi Army, August 7, 2003, established a system of discipline to maintain order in the New Iraqi Army,

Noting that CPA Order Number 28, Establishment of the Iraqi Civil Defense Corps, September 3, 2003, established a temporary security and emergency service agency for Iraq to complement operations conducted by Coalition military forces in Iraq,

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

Further noting that CPA Order Number 67, Ministry of Defence, promulgated on March 21, 2004, redesignated the New Iraqi Army as the Iraqi Armed Forces, established a new national ministry to provide civilian control of the Iraqi Armed Forces and supporting organizations, and provided for the eventual transfer of the Iraqi Civil Defense Corps to the Ministry of Defence as a component of the Iraqi Armed Forces,

Recognizing, in light of current circumstances within Iraq, the need to transfer the Iraqi Civil Defense Corps to the Ministry of Defence as a component of the Iraqi Armed Forces and to provide additional clarification with respect to the status and authority of the Iraqi Civil Defense Corps and its members,

I hereby promulgate the following:

Section 1 Transfer

- 1) The Iraqi Civil Defense Corps, to include all associated personnel, facilities, and equipment, established pursuant to CPA Order Number 28 is hereby transferred to the Ministry of Defence as a component of the Iraqi Armed Forces.

- 2) As a component of the Iraqi Armed Forces, the Iraqi Civil Defense Corps shall be subject to the terms of CPA Order Number 22, as amended; provided that in the event of a conflict between the terms of CPA Order Number 22, as amended, and CPA Order Number 28, as amended, the terms of CPA Order Number 28, as amended, shall govern.
- 3) The transfer of administrative functions for the Iraqi Civil Defense Corps shall be accomplished in a manner and on a timeline agreed to by the interim Minister of Defence and the senior military commander of Coalition Forces in Iraq consistent with the Ministry of Defence's capability to administer such responsibilities.

Section 2
Amendment to CPA Order Number 22

Coalition Provisional Authority Order Number 22, Section 3, is hereby amended by adding a new Section 3, Article 5, as follows:

“5) The Iraqi Civil Defense Corps shall operate as a component of the Iraqi Armed Forces in accordance with the terms of this Order, CPA Order Number 28, as amended, CPA Order Number 67, and CPA Order Number 73; provided that in the event of a conflict between the terms of this Order and CPA Order Number 28, as amended, the terms of CPA Order Number 28, as amended, shall govern.”

Section 3
Amendments to CPA Order Number 28

- 1) Coalition Provisional Authority Order Number 28, Section 1, Article 4, is hereby amended to read in its entirety as follows:

“4) The Iraqi Civil Defense Corps is a component of the Iraqi Armed Forces. The Iraqi Civil Defense Corps shall operate in accordance with the terms of this Order, as amended, CPA Order Number 22, as amended, CPA Order Number 67, and CPA Order Number 73; provided that in the event of a conflict between the terms of this Order, as amended, and CPA Order Number 22, as amended, the terms of this Order, as amended, shall govern.”
- 2) Coalition Provisional Authority Order Number 28, Section 2, Article 4, is hereby deleted in its entirety and the existing Section 2, Article 5, is hereby redesignated as Section 2, Article 4.
- 3) Coalition Provisional Authority Order Number 28, Section 2, Article 6, is hereby deleted in its entirety.

- 4) Coalition Provisional Authority Order Number 28, Section 3, is hereby amended by adding a new Section 3, Article 5, as follows:

“5) Notwithstanding Section 3, Article 4 above, members of the Iraqi Civil Defense Corps under the operational control of a Coalition Forces officer may use force consistent with rules of engagement or rules for the use of force applicable to Coalition Forces to execute their assigned missions and taskings.”

- 5) Coalition Provisional Authority Order Number 28, Section 4, Article 1, is hereby amended to read in its entirety as follows:

“1) The Iraqi Civil Defense Corps shall operate under the authority of the Administrator of the CPA. Subject to the authority of the Administrator of the CPA, the interim Minister of Defence shall be responsible for management and employment of the Iraqi Civil Defense Corps and shall exercise direction and control (including commissioning and appointments) over the Iraqi Civil Defense Corps and its organizational structure. During the period in which the Iraqi Civil Defense Corps is under the operational control of a commander of Coalition Forces for the purpose of conducting combined operations and providing other support, as provided for in CPA Order Number 67, the Administrator of the CPA may delegate to the senior military commander of Coalition Forces in Iraq responsibility and authority for the recruiting, training, organization, and control of the Iraqi Civil Defense Corps. This responsibility and authority may be re-delegated pursuant to Section 7 below.”

- 6) Coalition Provisional Authority Order Number 28, Section 4, is hereby amended by adding a new Section 4, Article 2, as follows:

“2) While the Iraqi Civil Defense Corps is under the operational control of Coalition Forces, the senior military commander of Coalition Forces in Iraq may set the standards for manning, training, and equipping Iraqi Civil Defense Corps forces, as well as establishing their mission essential task list (METL) and operational employment.”

- 7) Coalition Provisional Authority Order Number 28 existing Section 4, Articles 2 and 3 are hereby redesignated as Section 4, Articles 3 and 4, respectively.

- 8) Coalition Provisional Authority Order Number 28, Section 5, is hereby amended by adding a new Section 5, Article 3, as follows:

“3) Notwithstanding any other provision in this or any other CPA Order, Regulation, or Memorandum or any provision in Iraqi law, Iraqi Civil Defense Corps members acting within the scope of their mission or tasking and consistent with applicable Coalition rules of engagement or rules for the use of force are immune from Iraqi

criminal, civil, and administrative jurisdiction and from any form of arrest or detention. The Administrator of the CPA shall have the exclusive authority to determine when a particular act was performed in an official capacity and consistent with the rules of engagement or rules for the use of force applicable to Coalition Forces, and such determination is binding on all governmental, judicial and administrative entities within Iraq.”

Section 4
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", followed by the date "4/25/04". The signature is written in a cursive, somewhat stylized script.

L. Paul Bremer, Administrator
Coalition Provisional Authority