COALITION PROVISIONAL AUTHORITY ORDER NUMBER 7

PENAL CODE

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming the provisions of General Franks' Freedom Message to the Iraqi People of April 16, 2003,

Recognizing that the former regime used certain provisions of the penal code as a tool of repression in violation of internationally recognized human rights standards,

Acting on behalf, and for the benefit, of the Iraqi people,

I hereby promulgate the following:

Section 1
Judges, police and prosecutors

All judges, police and prosecutors shall perform their duties in accordance with CPA Regulation No. 1 (CPA/REG/23 May 2003/01) and in accordance with any other Regulations, Orders, Memoranda or instructions issued by the CPA.

Section 2
Suspension of Certain Provisions of Penal Code

1) Without prejudice to the continuing review of Iraqi laws, the Third Edition of the 1969 Iraqi Penal Code with amendments, registered in Baghdad on the fifth day of Jumada I 1389 or the nineteenth day of July 1969, shall apply, with the exception that i) Part Two, Chapter Two, Paragraph 200, and ii) Part Two, Chapter Three, Section One, Paragraph 225 are hereby suspended.

2) Legal proceedings may be brought with respect to the following offenses only with the written permission of the Administrator of the CPA:

   a) Part One, Chapter Four, Paragraphs 81-84, publication offenses.

   b) Part Two, Chapter One, Paragraphs 156-189, offenses against the external security of the state.

c) Part Two, Chapter Two, Paragraphs 190-195; 198-199; 201-219, offenses against the internal security of the state.

d) Part Two, Chapter Three, Section One, Paragraphs 223-224; 226-228, offenses against public authorities.

e) Part Two, Chapter Three, Section Two, Paragraph 229, offense of insulting a public official.

Section 3
Penalties

1) Capital punishment is suspended. In each case where the death penalty is the only available penalty prescribed for an offense, the court may substitute the lesser penalty of life imprisonment, or such other lesser penalty as provided for in the Penal Code.

2) Torture and cruel, degrading or inhuman treatment or punishment is prohibited.

3) No person will be prosecuted for aiding, assisting, associating with, or working for Coalition Forces or the CPA.

Section 4
Nondiscrimination

In exercising their official functions, all persons undertaking public duties or holding public office, including all police, prosecutors, and judges, must apply the law impartially. No person will be discriminated against on the basis of sex, race, color, language, religion, political opinion, national, ethnic or social origin, or birth.

Section 5
Delegation of Authority

The Administrator of the CPA may delegate his authority under this Order.

Section 6
Entry into Force

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

L. Paul Bremer, Administrator
Coalition Provisional Authority