COALITION PROVISIONAL AUTHORITY ORDER No 4

MANAGEMENT OF PROPERTY AND ASSETS OF THE IRAQI BAATH PARTY

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

Acting in accordance with the Administrator's Order Number 1 of May, 16 2003 on the De-Baathification of Iraqi Society (CPA/ORD 16 May 2003/01),

Furthering CPA Order Number 2 on the Dissolution of Entities, (CPA/ORD/ 23 May 2003/02),

Recognising that the assets and property of the Iraqi Baath Party constitute State assets, the Iraqi government having been a one party State under the rule of the Baathists from the years 1968 to 2003,

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

I hereby promulgate the following:

Section 1
Definition

"property and assets" includes all movable and immovable property, records and data, cash, funds, realizable assets and liquid capital, in whatever form maintained and wherever located, used, possessed, or controlled by the Baath Party, its officials and members, and all residences occupied by Baath officials or members assigned to them by the Party, a member of the Baath Party or other State instrumentality and that were not purchased for full value by those officials or members.

Section 2
Register of Property and Assets

1) All persons shall, on request by the CPA, provide all information within their possession, control or knowledge concerning property and assets of the Iraqi Baath Party, for the compilation of a Register of all such property and assets.

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2) The Register will be maintained by the CPA.

Section 3
Securing of Property and Assets

1) All property and assets of the Iraqi Baath Party wherever existing and in whatever form, including property and assets that have been transferred or acquired by successor parties or institutions, are subject to seizure by the CPA on behalf, and for the benefit of the people of Iraq.

2) All financial obligations of the Iraqi Baath Party are suspended. The Administrator of the CPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.

3) Persons in possession or control of property and assets of the Iraqi Baath Party shall preserve those assets, promptly inform local Coalition authorities, and immediately turn them over, as directed by those authorities. Continued possession, transfer, sale, use, conversion, or concealment of such assets following the date of this Order is prohibited and may be punished.

4) The CPA will hold in trust and for the use and benefit of the people of Iraq all the said property and assets of the Baath Party that have been seized in accordance with this Order.

5) Any expenditure or use of the seized property and assets by the CPA will be recorded and open to audit by outside auditors.

Section 4
Right of Appeal

1) A Confiscation Appeal Tribunal will be established to make determinations on disputes arising in relation to seizure action taken pursuant to this Order.

2) Any person adversely affected by actions taken pursuant to this order may appeal to the Confiscation Appeal Tribunal. The only grounds on which such an appeal may be based will be that the property or assets were purchased by the person for full value or that the property is not Baath Party property or assets.

Section 5
Relationship to the Iraqi De-Baathification Council

The CPA may accept information provided to it by the Iraqi De-Baathification Council concerning the existence, location and possession of the property and assets of the Iraqi Baath Party including information obtained from the tracing of property and assets to successor parties or institutions within Iraq.

Section 6
Penalty

The penalty for failing to provide information, or failing to hand over property and assets, to the Coalition Provisional Authority as required by this Order, will be imprisonment for up to 1 year or a fine of up to USD1,000, to be determined by an appropriate authority.

Section 7
Entry into Force

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

L. Paul Bremer 5/23/03

L. Paul Bremer, Administrator
Coalition Provisional Authority