COALITION PROVISIONAL AUTHORITY ORDER NUMBER 27

ESTABLISHMENT OF THE FACILITIES PROTECTION SERVICE

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

Noting that Resolution 1483 appeals to Member States to assist the people of Iraq in their efforts to reform their institutions and rebuild their country and to contribute to conditions of stability and security in Iraq,

Understanding the need to preserve the facilities of the government ministries of Iraq,

Recognizing the need for a body of trained and appropriately equipped personnel that can contribute to efforts to protect the governmental installations of Iraq,

I hereby promulgate the following:

Section 1
Establishment of the Facilities Protection Service

This order establishes the Facilities Protection Service (FPS). The FPS is an organization of trained, armed, uniformed entities charged with providing security for ministry and governorate offices, government infrastructure, and fixed sites under the direction and control of governmental ministries and governorate administrations.

Section 2
Organization of the FPS

1) Governmental employees employed by the ministries or governorates are eligible to serve in the FPS. The FPS may also consist of employees of private security firms who are engaged to perform services for the ministries or governorates through contracts, provided such private security firms and employees are licensed and authorized by the Ministry of Interior as provided in Section 7 herein. Persons who have participated in Ba'ath Party activity within the leadership tiers described in CPA Order Number 1, De-Baathification of Iraqi Society (CPA/ORD/16 May 2003/01) may not serve in the FPS in any capacity except by the express grant of an exception by the Coalition Provisional Authority.

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2) Ministers and heads of governorate administrations shall determine the need for FPS members at locations under their supervision. Each ministry or governorate administration is responsible for ensuring the FPS branch under its supervision is sufficient to protect key sites for which it is responsible, with the additional support of police or other forces in times of emergency.

3) Ministries and governorate administrations are responsible for the funding of FPS members assigned to their agency. Ministries and governorate administrations are responsible for the supervision and control of the FPS force assigned to their governmental agency, consistent with the standards and regulations established by the Ministry of Interior.

4) Governorates will establish Regional Operations Centers to coordinate the operations of FPS guards and to ensure their proper integration with police and other emergency services.

5) The Ministry of Interior will establish standards and training for the FPS including standards and training for private security firms performing FPS duties pursuant to contracts. Pursuant to this Order, the Ministry of Interior will issue FPS Administrative Instructions defining the standards for dress, training, certification, and deportment. All members of the FPS whether contracted or employed directly by the governmental agency are required to comply with the Administrative Instructions issued by the Ministry of Interior.

6) FPS organizations may be known by different names including, for example "Electricity Police," "Diplomatic Protective Services," or "Oil Police" but each will have only the specific powers and authorities granted in this Order.

7) Members of the FPS may not participate in any manner in organizations or activities that advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or regional origin; or use, or advocate the use of, force or violence or other unlawful means to achieve internal political goals. Violations may result in the removal of the member from employment in the FPS or the withdrawal of the authorization for the member to perform FPS responsibilities as a member of a private security firm.

Section 3
Authority of the FPS

1) Members of the FPS may, while performing their official duties, apprehend persons who (i) they witness committing or attempting to commit a criminal offense, (ii) have escaped after being lawfully arrested, or (iii) otherwise

interfere with their lawful activities. Persons apprehended by the FPS must be turned over to the Iraqi police or Coalition Forces within twelve hours of apprehension or be released.

2) Members of the FPS may, while performing their official duties, conduct reasonable searches for weapons or other dangerous or prohibited items of persons entering or within the governmental property or offices they are securing, criminal suspects in their custody, or vehicles entering or within the governmental property or offices they are securing.

3) Members of the FPS may, while performing official duties, use force against persons or things as is reasonable and necessary under the circumstances. However, the use of force that may be likely to cause death or serious bodily injury is not permitted unless the member reasonably believes that using such force is necessary to: (i) protect himself or others from the imminent use of deadly force or force likely to cause serious bodily injury, (ii) prevent the escape of a person suspected of committing murder or assault resulting in serious bodily injury, or (iii) defend ministry or governorate offices, government or state-owned infrastructure, and fixed sites under the direction and control of governmental ministries and governorate administrations, to prevent their destruction or incapacitation.

Section 4
Jurisdiction

1) Members of the FPS will be subject to Iraqi law at all times, and the courts of Iraq shall have jurisdiction over offenses alleged to have been committed by members of the FPS. The Administrator of the CPA may determine that offenses alleged to have been committed by members of the FPS while on duty may be submitted to the Central Criminal Court of Iraq in accordance with CPA Order Number 13 (Revised), The Central Criminal Court of Iraq (CPA/ORD/13 July 2003/13).

2) Members of the FPS shall enjoy immunity from civil liability for acts or omissions arising within the scope of their duties and in the conduct of authorized operations to the same degree as other governmental officials under the law of Iraq.

Section 5
Weapons

The possession of weapons by members of the FPS is regulated by CPA Order Number 3, Weapons Control Order (CPA/ORD/23 May 2003/03).

Section 6
Licensing Private Security Firms

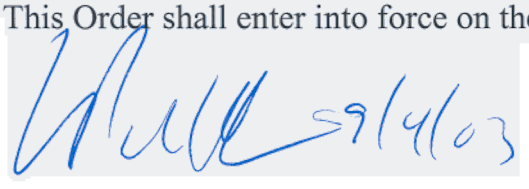
Private firms may provide contract FPS guards to ministries or governorates under license from the Ministry of Interior. Members of the FPS from private security firms will be integrated into Governorate coordination structures.

Section 7
Administrative Instructions

The Administrator of the CPA or the Minister of the Ministry of Interior, in consultation with the CPA Director of Interior Policy, may issue Administrative Instructions consistent with this Order, prescribing all matters that are necessary or appropriate for giving effect to or carrying out the purposes of this Order.

Section 8
Entry into force

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



L. Paul Bremer, Administrator
Coalition Provisional Authority