

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 52

PAYMENT OF PENSIONS FOR JUDGES AND PROSECUTORS WHO DIE WHILE HOLDING OFFICE

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 the administration of justice depends upon an independent and impartial judiciary and prosecution composed of persons of the highest quality and integrity, free of all outside influence,

Noting that according to the decision of the Revolutionary Command Council of 13 September 1983 issued pursuant to Article 42 of the Interim Iraqi Constitution of 1970, no provision is made for a pension for the family of Judges and Prosecutors who die or are killed in office, until the date when such Judge or Prosecutor would have reached the age of retirement,

Determined to make special provision for the families of Judges and Prosecutors who are killed while holding office.

I hereby promulgate the following:

Section 1

Payment of Pensions for Judges and Prosecutors who Die in Office

In the event of the death of a Judge or Prosecutor who was holding office at the time of death, the surviving relatives of the Judge or Prosecutor shall be paid a pension in accordance with this Order.

Section 2

Rate of Pension for Judges or Prosecutors who Die Other than as a Result of Homicide While Serving in Office

- 1) The amount of the pension to be paid to the surviving relatives of a Judge or Prosecutor who dies other than as a result of homicide while serving in office shall be the equivalent of 80% of the salary paid to a Judge or Prosecutor of the same grade as the deceased Judge or Prosecutor.
- 2) The pension paid under paragraph 1 above shall be paid from the date of the deceased person's death until the date when the Judge or Prosecutor would have reached retirement age, after which the pension to be paid to the surviving relatives shall be at the same rate as the normal retirement pension for Judges and Prosecutors.

Section 3

Rate of Pension for Judges or Prosecutors who are Killed while Serving in Office

- 1) The amount of the pension to be paid to the surviving relatives of a Judge or Prosecutor who is killed while serving in office shall be the equivalent to the full salary paid to a Judge or Prosecutor of the same grade as the deceased Judge or Prosecutor.
- 2) The pension paid under paragraph 1 above shall be paid from the date of the deceased person's death until the date when the Judge or Prosecutor would have reached retirement age, after which the pension to be paid to the surviving relatives shall be at the same rate as the normal retirement pension for Judges and Prosecutors.

Section 3

Administration and Payment of Pensions

- 1) The pensions authorized under this Order shall be administered and paid by the Ministry of Justice.
- 2) Such pensions shall be paid to those surviving relatives of the deceased Judge or Prosecutor whom the Judge or Prosecutor was supporting at the time of his or her death and whom the Minister of Justice determines to be qualified for such pensions under regulations to be promulgated by the Ministry of Justice. Pensions shall be paid to qualified surviving relatives in such proportions as the Minister of Justice determines to be equitable.

Section 4

Entry into Force

This Order shall enter into force on the date of signature, but shall apply retroactively to all deceased judges or prosecutors who died after 1 June 2003 while serving in office.



L. Paul Bremer, Administrator
Coalition Provisional Authority