

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 57

IRAQI INSPECTORS GENERAL

Pursuant to my authority as Administrator of the Coalition Provisional Authority, and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511,

Noting that the former regime fostered inefficiency and corruption in Iraqi governmental institutions, and that a concerted effort is needed to restore public trust and confidence in these institutions,

Acknowledging that ministers need a corps of qualified, objective professionals dedicated to improving ministry performance and eliminating fraud, waste and abuse of authority,

Emphasizing that to be effective, the corps of professionals referred to above requires strong leadership, significant independence, adequate resources, and specified authorities and powers,

Determined to improve the efficiency, effectiveness and integrity of the Iraqi ministries, and to restore public trust and confidence in government,

I hereby promulgate the following:

Section 1 Purpose

This Order establishes an effective program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the ministries and to prevent, deter and identify waste, fraud, abuse of authority and illegal acts. It establishes independent Offices of Inspectors General to conduct investigations, audits, evaluations, inspections and other reviews in accordance with generally accepted professional standards.

Section 2 Establishment

- 1) There is hereby established within each Iraqi ministry an Office of Inspector General to be headed by an Inspector General.

- 2) The initial Inspector General in each ministry shall be appointed to a 5-year term by the Administrator. Any Inspector General vacancy that occurs before the sovereign transitional Iraqi administration's assumption of full governance authority shall be filled pursuant to the same procedure.
- 3) After the assumption of full governance authority by the sovereign transitional Iraqi administration, Inspectors General shall be appointed to vacant positions by the chief executive of the transitional Iraqi administration, subject to confirmation by majority vote of the body vested with national legislative powers.
- 4) Inspectors General shall be selected without regard to political affiliation (consistent with applicable de-Baathification policy) and on the basis of integrity, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields. In addition, the Inspector General should possess demonstrated knowledge, skills, abilities and experience in conducting audits and investigations.
- 5) Inspectors General shall be appointed for a term of five years, which term may be renewed for additional 5-year period(s) at the discretion of the chief executive of the transitional Iraqi administration, subject to confirmation by majority vote of the body vested with national legislative powers.

Section 3

Reporting and Independence

- 1) Inspectors General shall report directly to the relevant minister and shall respond to requests or inquiries submitted by the Coalition Provisional Authority (or the body of the Iraqi administration vested with national legislative powers). In cases involving allegations of misconduct by the relevant minister, an Inspector General shall report to the Administrator (or to the Commissioner on Public Integrity, upon the transitional Iraqi administration's assumption of full governance authority in Iraq).
- 2) No individual or organization shall attempt to prevent, impair, or deter an Inspector General from taking authorized actions necessary to initiate, carry out, or complete any audit, investigation or review or from obtaining documents relevant to any pending audit or investigation. Individuals who violate this subsection shall be subject to investigation and prosecution by the Commission on Public Integrity, in accordance with applicable law.

Section 4

Removal from Office

- 1) An Inspector General may be removed by the relevant minister only for cause. "Cause" shall include, but shall not be limited to, malfeasance, abuse of office, and bribery.
- 2) In the case of a removal, the relevant minister shall report the removal and the grounds for removal to the Administrator, until the transitional Iraqi administration assumes full governance authority in Iraq. Thereafter, such reports, including the basis for the removal, shall be submitted to the body of the transitional Iraqi administration vested with national legislative powers. The Administrator or national legislative body may request additional information from the relevant minister regarding the removal, which may be overturned by the Administrator or by majority vote of the national legislative body.

Section 5

Functions

Each Office of Inspector General shall:

- 1) Audit all records and activities of the ministry, for purposes of ensuring the integrity, transparency and efficiency of ministry operations, and provide information for decision-making and recommend improvements to ministry programs, policies and procedures as appropriate;
- 2) Conduct administrative investigations consistent with the powers defined in Section 6, below;
- 3) Audit the economy, efficiency, and effectiveness of the ministry's operations and functions and review any ministry systems for measuring performance;
- 4) Receive, assess, and process complaints of fraud, waste, abuse of authority and mismanagement affecting ministry interests; forward complaints to appropriate investigative authority; and provide quality control, to include timeliness, independence, and thoroughness, for responses.
- 5) Conduct follow-up to ensure adequacy of corrective actions in response to Inspector General findings and recommendations.

- 6) Provide information and evidence regarding potentially criminal acts to appropriate law enforcement officials;
- 7) Receive and investigate complaints from any source or upon its own initiative concerning alleged fraud, waste and abuse and inefficiencies, including deficiencies in the operation and maintenance of facilities;
- 8) Engage in activities designed to prevent fraud, waste and abuse and inefficiencies, including but not limited to review of legislation, rules, regulations, policies, procedures, and transactions; and presentation of training and education programs;
- 9) Refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies;
- 10) Recommend non-binding remedial actions to be taken by the ministry to overcome or correct operating or maintenance deficiencies and inefficiencies that were identified by the Office;
- 11) Issue public reports as set forth in section 9, below;
- 12) Monitor implementation of recommendations made by the Office and other audit agencies;
- 13) Promulgate written policies and procedures to guide functions and processes conducted by the Office;
- 14) Train employees of the ministry in the prevention and identification of waste, fraud and abuse, and establish programs for fostering a culture of accountability and integrity;
- 15) Maintain information regarding the cost of investigations and cooperate with appropriate administrative and prosecutorial agencies in recouping such costs from nongovernmental entities that are determined to have engaged in willful misconduct;
- 16) Cooperate fully in assisting the work of law enforcement agencies, investigators and courts, including the Iraq Commission on Public Integrity;
- 17) Take such actions as may be necessary to ensure the efficient performance of Inspector General functions at every level of the Ministry's operations; and

- 18) Perform such other duties within the scope of their powers, as defined in Section 6, below as may be necessary to carry out their responsibilities under this Order.

Section 6 Powers

- 1) To accomplish the functions set forth in Section 6 of this Order, each Office of Inspector General is hereby granted:
 - a) Full and unrestricted access to all offices, limited access or restricted areas, employees, records, information data, reports, plans, projections, matters, contracts, memoranda, correspondence and any other materials, including electronic data of the ministry;
 - b) Authority to subpoena witnesses, administer oaths or affirmations, to take testimony and to compel the production of such books, papers, records and documents, including electronic data as is deemed to be relevant to any inquiry or investigation undertaken;
 - c) Reasonable access to the head of any governmental entity (including without limitation ministries, departments, agencies, and state owned entities), when necessary for purposes related to the work of the Office; and
 - d) Authority to require employees of the ministry to report to the Office of Inspector General information regarding fraud, waste, abuse, corruption, and illegal acts.
- 2) Each Office of the Inspector General shall adhere to Section 9 with respect to any information derived from exercising the powers set forth in Section 6(1).

Section 7 Resources

- 1) Each ministry shall fund its Office of Inspector General from its annual budget received from the national budget. Each ministry must allocate and deliver funds that are adequate to meet the mission of its Office of Inspector General.
- 2) The Inspectors General shall establish the organizational structure appropriate to carrying out the responsibilities and functions of his or her office, and may appoint, employ, promote, and remove such assistants, employees, and

personnel as deemed necessary for the efficient and effective administration of the office.

- 3) Within budget limitations, the Inspector General may obtain the services of Chartered Accountants, qualified management consultants, or other professional experts necessary to perform independently the functions of the office.

Section 8 Record Keeping

- 1) During the course of audit and investigation activities, records produced by an Office of Inspector General shall not be made public.
- 2) Each Office of Inspector General shall take all steps necessary to prevent unauthorized public disclosure of audit and investigative reports, including any such disclosure that would jeopardize the national security of Iraq.
- 3) Names and identities of complainants will not be disclosed to the public without the complainant's written consent, unless required by Iraqi law or judicial processes.
- 4) Each Office of Inspector General shall maintain the confidentiality of any classified information obtained by the Office, and shall be subject to the same penalties as the custodian of those records for violating statutes governing the handling of classified information.
- 5) Each Office of Inspector General shall take all steps appropriate to protect the privacy of individuals to the extent possible in the context of the judicial or administrative processes initiated to protect the public.

Section 9 Reporting

- 1) Each Inspector General will report the findings and recommendations of the Office's work to the respective minister, to appropriate elected and appointed leadership, and, except for law enforcement sensitive or confidential information, to the public.
 - a) Each Inspector General shall report potentially criminal investigative matters to the appropriate law enforcement and prosecutorial agencies.

- b) Each Inspector General shall immediately report to the head of the relevant ministry significant problems, abuses, or deficiencies relating to the administration of programs and operations of the ministry or interference with Inspector General operations.
- 2) Within 60 days of the end of each fiscal year, each Inspector General shall issue an annual report that separately lists audit and review reports and other investigative or assistance efforts completed during the fiscal year.
- a) The report shall describe the activities of the Office of Inspector General. Copies of the report shall be provided to the minister as well as any legislative bodies with oversight authority with respect to the ministry or the Office of Inspector General.
 - b) Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. Such reports will be provided to their representatives upon request.

Section 10 Professional Standards

Audits, investigations, inspections, and reviews conducted by the Office of Inspector General will conform to generally accepted professional standards promulgated by independent professional auditing, evaluation and investigative organizations that promote and improve the functions of audit, inspection/evaluation and investigative activities within government.

Section 11 Quality Review

Audits, investigations, inspections and reviews shall be subject to quality assurance reviews by the Board of Supreme Audit of Iraq at least every three years. A copy of the written report resulting from this review shall be furnished to the minister and any legislative bodies with oversight authority with respect to the Office of Inspector General. This report shall also be made available to the public, when requested.

Section 12
Entry into Force

This Order shall enter into force on the date of signature, and shall remain in force unless the transitional Iraqi administration enacts superseding legislation.

A handwritten signature in black ink, appearing to read "L. Paul Bremer", followed by a date "2/10/04".

L. Paul Bremer, Administrator
Coalition Provisional Authority