

Staff Notice



Embassy Baghdad

NUMBER: 009-336	SUBJECT: Reminder to Contractors Regarding Iraqi Jurisdiction	DATE: 07-09-09
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TO: USG Contractors and Contracting Officers Representatives under
COM Authority

This is a reminder that since January 1, 2009, many of the rules and procedures governing the activities of the Coalition, the Embassy, and our partner contractors and grantees (collectively referred to below as “contractors” for simplicity) have changed. USG contractors operating in Iraq are now subject to Iraqi civil and criminal law. Contractors’ residences and vehicles may be searched by Iraqi officials, pursuant to a court order, or under exigent circumstances. Contractors who violate Iraqi law may also be subject to the Iraqi criminal justice system, as the Government of Iraq has primary jurisdiction over offenses committed by USG contractors, even on bases and diplomatic properties. The U.S. Embassy thus urges contractors to respect and abide by Iraqi law.

Contractors should be aware that possession of illegal drugs (including cannabis, cannabis resin, and cocaine), possession of pornography, and solicitation of prostitution are punishable by imprisonment and may carry longer sentences under Iraqi law than under U.S. law. Distribution of illegal drugs may be punishable by life imprisonment or execution. Additionally, contractors may be arrested and prosecuted for carrying weapons without permits or in prohibited areas, such as the commercial side of Baghdad International Airport.

If a contractor is arrested by Iraqi law enforcement, we recommend that the company and the individual in question take several steps immediately.

- (1) If arrested in the IZ and the arresting authority is not the IZ Police, call the IZ Police at 0770-444-1757 and inform them of the matter.
- (2) Insist on speaking with a consular officer from the individual contractor’s home country. Iraq has an obligation under international law to notify your consulate upon request, and the consular officer is

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entitled to access to you and to provide consular assistance. The American Citizen Services Office in our Consular Section is ready to assist American citizen contractors in distress, as they are any other American in Iraq. They can be contacted at:

- a. During regular business hours (0800 - 1200 and 1300 - 1700, Sunday through Thursday): Email: BaghdadACS@state.gov; telephone: 1-240-553-0581 x2413 (this is a U.S. number that rings in Baghdad) or Iraqi mobile phone: +964 (0)770-443-0287.
 - b. For the after-hours **emergency** American Citizen Services Consular Duty Officer, please call Iraqi mobile number +964 (0) 770-443-2594.
- (3) You, or your company, should immediately notify your contracting officer. As with other issues regarding your work in Iraq, your contracting officer should be your primary point of contact with the United States Government. This is especially true in the case of an arrested Third Country National contractor whose home government does not have a diplomatic/consular presence in Iraq. Your contracting officer will be able to contact appropriate U.S. Embassy personnel, so that we can track your case and provide appropriate assistance.
- (4) Obtain Iraqi legal counsel. We strongly recommend that contracting companies identify and retain competent local counsel before an incident occurs, so that they will be available when needed. The Consular Office has a list of Iraqi attorneys who have expressed a willingness to represent Americans, but the best source of advice on local counsel is your fellow contractors. Iraqi law guarantees the right not to be questioned except in the presence of a judge, the prosecutor, and your attorney. Iraqi law also guarantees the right to be brought before a judge within 24 hours of being detained. These rights are translated in Arabic below.

US Embassy Baghdad is committed to protecting the rights of our citizens and third country nationals who contribute to our diplomatic, military, and reconstruction efforts in Iraq. We will continue to engage with the Government of Iraq to ensure that any USG contractor accused of a crime is treated fairly.

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The following is a statement (in Arabic and English) of your rights upon arrest by Iraqi authorities.

1. انني مواطن من الولايات المتحدة الاميركية. طبقا للمادة 36 من اتفاقية فيينا حول العلاقات القنصلية التي تم توقيعها من قبل العراق والولايات المتحدة الأمريكية، أطلب بحقوقى وأطلب الاتصال فورا بسفارة الولايات المتحدة الاميركية لتبليغها بقضية أعتقالي. يرجى الاتصال بالرقم الاتي:
2594-443-0770
2. أنني أطلب بحقوقى في ظل القانون العراقي بأن أمثل فورا أمام قاضي خلال مدة لا تتجاوز 24 ساعة من وقت اعتقالي.
3. أنني أطلب بحقوقى في ظل القانون العراقي بأن لا يتم استجوابي الا بحضور القاضي والمدعي العام والدفاع.

1. You have a right under the Vienna Convention on Consular Relations to have the Embassy notified immediately. Request notification by the Iraqi officials. Call 0770-443-2594 (duty consular officer).
2. You have the right to be brought before a judge within 24 hours.
3. You have the right not to be questioned except in the presence of a judge, the prosecutor, and your attorney.