



De-radicalisation and Integration: Legal and Policy Framework

Iraq/Country Report

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D.Rad Research Teams



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List of Abbreviations

ALQ: Al- Qaeda Organization.

CPA: The Coalition Provisional Authority

CTA: Counter Terrorism Apparatus in Kurdistan Region of Iraq.

GDP: Gross Domestic Product.

HHRO: Hammurabi Human Rights Organization.

IIDD: The Iraqi Institute for Development and Democracy.

IILHR: Institute of International Law and Human Rights

IJS: Iraqi Journalists Syndicate.

ISI: Islamic State in Iraq.

ISIL: Islamic State of Iraq and Levant.

ISIS: Islamic State of Iraq and al-Sham

KRI: Kurdistan Region of Iraq.

NINA: National Iraqi News Agency.

TAL: The Law of Transitional Administration.

USIP: United State Institute of Peace.

About the Project

D.Rad is a comparative study of radicalisation and polarisation in Europe and beyond. It aims to identify the actors, networks and wider social contexts driving radicalisation, particularly among young people in urban and peri-urban areas. D.Rad conceptualises this through the I-GAP spectrum (injustice-grievance-alienation-polarisation) with the goal of moving towards the measurable evaluation of de-radicalisation programmes. Our intention is to identify the building blocks of radicalisation, which include the person's sense of being victimised, of being thwarted or lacking agency in established legal and political structures and coming under the influence of "us vs them" identity formulations.

D.Rad benefits from an exceptional breadth of backgrounds. The project spans national contexts including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs and digital galleries. As such, D.Rad establishes a rigorous foundation in order to test practical interventions geared to prevention, inclusion and de-radicalisation.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project will provide a unique evidence base for the comparative analysis of law and policy as nation states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering the strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalisation often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice. The participation of AI professionals in modelling, analysing and devising solutions to online radicalisation will be central to the project's aims.

Executive summary

In its introduction, the report reviewed the main features of Iraq, especially its geographical nature, its diverse demographics and its modern political system, which played a role in extremist violence. It also dealt with the historical, economic, political and cultural background of radicalization in Iraq. It reviewed the most important historical events that bear manifestations of extremist violence. Then the report dealt with the constitutional organization of the state and the most important constitutional principles and clarified their positives and negatives impact on violent extremism.

The report also examined the legislative framework of Iraq after 2003, starting with the decisions of the civil governor of Iraq (Paul Bremer) in 2003-2004 and passing through the Constitution of the Republic of Iraq for the year 2005 and then the legislation of the Anti-Terrorism Law No. 13 of 2005.

The institutional framework at the federal level and the Kurdistan Region of Iraq, and attempts within this framework to combat terrorism were also discussed. The report did not neglect to address two case studies related to the national security strategy to combat terrorism. The report was reinforced with interviews expressing the views of a number of experts in the field of law, security and issues related to de-radicalization and terrorism.

The report prepared a bibliographical summary that includes tables containing an overview of the legal framework for extremism and its removal, the institutions that deal with this issue, a number of courts decisions and other issues related to extremism regarding some rights and the best practices followed for de-radicalization on the national, regional and local levels.

The report ends with a conclusion that includes some recommendations confirming that eliminating extremism requires action at the three levels (micro, meso, and macro), according to systematic strategies and plans.

1. Introduction

One of the main features of Iraq is that its geography is diverse and is divided into four main regions: the western and southwestern region of the desert, the highlands between the upper Tigris and Euphrates (two rivers), the mountainous highlands in the north and northeast and the alluvial plain on the Tigris and Euphrates rivers. Iraq has only one small sea port on the Arabian Gulf. The Iraqi sea coast is about 85 km, and Umm Qasr port is one of the most important Iraqi ports overlooking the Gulf. The total area of Iraq is 437,072 km², of which the land area is 432,162 km², and the water is 4,910 km². Iraq has a civilized heritage, and it is an extension of the civilization of Mesopotamia, in which great civilizations flourished, including the Sumerian, Akkadian, Babylonian, Assyrian and others where their influence spread to neighbouring countries starting from the fifth millennium BC. Iraq is rich in its natural resources; foremost of them is oil, where its rent forms the basis of the state's national income and the backbone of its budget. Without this oil, Iraq would have been one of the poorest countries in the world. Iraq is a country of diverse races, religions and sects and this feature is not new but it has been his feature since a long time. In the latest report of the Iraqi Ministry of Planning, the population of Iraq in the year 2021 reached 40 million and 150 thousand people.

Referring to the geographical and climatic nature of Iraq, as well as addressing the ethnic and religious diversity and its cultural and historical depth, concerns us greatly in the issue of extremism in Iraq.

Ethnically, Iraq has an Arab majority, and religiously with an Islamic majority, it is divided into two sects (Shiites and Sunnis). Ethnically Arabs, Kurds rank second and then Turkmens, Assyrians, etc. Religiously, there are Christians, Yazidis, Sabeans and others.

These features and this description of Iraq with the instability of the political system of the modern Iraqi state since its establishment until now, in addition to the wars that Iraq has witnessed in the last forty years and the negative and catastrophic consequences that followed on the people and the country, were among the most important causes of violence, extremism and terrorism.

Therefore, we will find in this report many and varied forms of violence and extremism, ranging from violence against children to violence perpetrated by the state.

Iraq has fought since 1980 fierce and grinding wars: the Iran-Iraq war 1980-1988, the Iraqi invasion of Kuwait on August 2, in 1990, then the second Gulf War launched by the international coalition against Iraq on January 17, in 1991, to force Iraq to withdraw its forces from Kuwait. Then came the economic blockade imposed on it from 1991 until the third Gulf War in 2003, which led to the fall of the previous regime, and the sectarian strife that followed between the Iraqi people during the years 2006-2008 and the emergence of terrorist groups in Iraq such as Al-Qaeda and others, all the way to the terrorist organization ISIS, which occupied a third of the area of Iraq and the fall of Nineveh Governorate, the second largest Iraqi governorate under its control in 2014. This was accompanied by the control of these terrorists over the areas of non-Muslim minorities, such as the areas of Christians, Yazidis and other minorities, who in turn suffered from violent extremism. All these events and facts made violence and extremism a prominent and "sustainable" phenomenon in Iraqi society, which means an existing and continuous phenomenon.

We will also present in this report strange types and forms of extremism that we possibly do not find in other countries or societies.

The most dangerous type of violence and extremism is the one that the state practices against its citizens, and also tries to enact laws for it. This is what we will highlight in this report as well as the attempts of some political forces to impose their will or point of view by means of persuasion or intimidation on people or society.

It is fanaticism, ignorance and backwardness that create a suitable environment for violence, extremism and terrorism, as well as political fanaticism inspired by religious beliefs with their various names. Therefore, after reviewing the background of extremism and violence and its types in Iraq, with identifying the side or the party that practices it, as well as the statement of laws, legislation and the constitutional organizing of the state, this report will attempt to set directions and mechanisms to limit and eliminate this phenomenon, realizing in advance the difficulty of achieving this.

The report used the historical descriptive method, by presenting the most important extremist historical events in Iraq, the analytical method was also used by analyzing the inputs and outputs and going to the reasons that led to these extreme results. The legal approach was also resorted to by researching the Iraqi constitutional and legislative framework in addition to presenting and analyzing the relevant laws.

The research team also used the opinions of some experts from law and security men to find out their opinions regarding extremist Radicalization and violence (terrorism) as well as the opportunities to De- radicalization and the existing challenges.

The structure of the report will be as follows: an introduction, an overview of the historical, social, economic, political and cultural background of extremism in Iraq, the constitutional organizing of the state and constitutional principles. Afterwards, the legislative framework to eliminate extremism and terrorism will be analysed as well as the institutional and policies framework in the field of combating radicalization and terrorism. One case study will be mentioned in order to understand the Iraqi counteractions against extremism and radicalization. In the end, some conclusive remarks will be provided, in addition to a list of bibliographic references and four thematic annexes.

2. Socio-economic, political and cultural context

Iraq is an ancient country where civilizations extend back to seven thousand years (five thousand years BC). Violence and extremism have been features of Iraqis since ancient times. The best embodiment of this is Sumerian words documenting Iraqi grief: "Has it been written on not to hear from this land, only lamentations and sorrows". These are the words of a Sumerian poet about four thousand years ago (Al Sabah newspaper, 2013, p. 6).

Therefore, violence and extremism have a historical depth, for the conflicts that Iraq went through in its ancient and Islamic history – all of which took place on its land or at its borders. In short, the Assyrians, Akkadians and Babylonians with the Jews and the Persians (Achaemenid, Parthians, Sassanids, Elamites and others), are examples of these wars. However, the worst of them are intra-Muslims wars in which they fought with each other, including the war of the Jamal¹ and the Siffin (35-38 AH), the Battle of Karbala (61 AH) in which Imam Hussein (peace be upon him) was martyred, the wars with the Kharijites, and then the Ottoman-Persian wars throughout the Ottoman-Persian time (the late

¹ The Battle of the Camel, a war that took place between the fourth Caliph of the Muslims, Ali bin Abi Talib and his aides in the year 36 AH, which ended with the victory of the Caliph's army over his rebel supporters.

sixteenth/seventh centuries eighteenth/ nineteenth century AD).² And if we want to go further than that, it is the laws contained in the Code of Hammurabi, which is one of the first codified laws. They are a set of Babylonian laws numbering (282) legal articles recorded by King Hammurabi, the sixth king of Babylon (ruling from 1792 BC to 1750 BC) and wrote it down on a very well-known large cylindrical obelisk.³ Although it includes some harsh laws that are not compatible with the current time in terms of respect for human rights, it led at the time to reduce acts of aggression and extremism outside the framework of the law.

Since it is not possible to mention all incidents of violence and extremism through the ages in this report, then we will mention some examples in addition to those aforementioned. There is the massacre (the battle) of Karbala⁴ in (61 AH) (680 AD), in which Imam Hussein (peace be upon him) and many of his family members were slaughtered and he was beheaded and his body was mutilated, who is the grandson of the Muslim prophet Muhammad (peace be upon him) as well as some children who were with him were killed. This massacre was carried out by the army of the ruler of the Muslims at the time, Yazid bin Muawiyah, and Shiites in the world remember this incident annually in ceremonies of sadness and crying for forty days.

Also, this incident has great effects on violence and extremism phenomena, and there are extremist preachers to this day who are calling for revenge against the heirs of the killers of Imam Hussein (peace be upon him). This generates counter-reactions, perpetuating the cycle of violence and extremism.

Another example of violence and extremism, especially in our contemporary history and in light of the modern state of Iraq that was established in 1921, is the Simele massacre, which is the first of the massacres carried out by the Iraqi government on August 7, in 1933 during the reign of King Faisal I, against the Assyrian Christians in the town of Simele, in addition to 63 Assyrian villages in the Mosul district at that time (the governorates of Dohuk and Nineveh currently), and more than (3000) Assyrians lost their lives. The Iraqi forces used excessive force and extreme violence in killing the Assyrian civilians, and even they were massacred, including women, men and children. This violence is based on ethnic and religious basis (Safi, M., 2018).

The state that ruled Iraq for nearly five centuries (1543-1920) was the Ottoman Empire, which is a Muslim state whose official doctrine is the Sunni sect⁵. Therefore, it was close to the Iraqis, who are the adherents of this sect and occupied high positions, whether in the army or other institutions, after they received a higher education, unlike the Shiites, most of whom lived in southern Iraq and who were not close to the Ottoman Empire. They were expelled because they adhered to the majority sect in Iran, (Ottoman) enemy and competitor. So, after the fall of the Ottoman Empire and the establishment of the Iraqi state in 1921, the supreme position in this country belonged to the Sunnis, whether in the military institution or the supreme political authority in the state. This does not mean that the people of other religions, doctrines, sects and races did not at all assumed some positions in the Iraqi state. Rather, this happened and some of them took positions, but they are less than those held by the Sunnis. For example,

² These are wars that took place between the Ottoman Empire and the Persian Empire for power and expansion. Al Maref.: Al Khawarij, available at: <https://www.m.marefa>, [Accessed June 15,2021]. Also, Al Marefa, Wars of Ottoman-Persian, [online], available at: <https://www.m.marefa> [Accessed June 15,2021].

³ The obelisk is in the Louvre Museum in Paris, in the Department of Mesopotamian Civilization. This obelisk includes laws, which appear to be very harsh and violent according to our current standards, but at the time they helped in deterring and limiting extremism outside the law.

⁴ Karbala is one of the cities of Iraq and the symbol of Shiites, Imam Hussein is buried there.

⁵ The main sects of Islam are the Sunni and Shi'ite sects.

there was the first finance minister of modern Iraq from the Jewish religion (Sasson Heskell 1860 - 1932) as well as the Christian Dr. Hanna Khayat (1884-1959) the first Iraqi Minister of Health, and the Turkmen had a share in the Iraqi army, and the Kurds and Shiites also held some institutional roles. Moreover, nine Kurdish officers held the position of Minister of Defence during the Royal Era (1921-1958), (Al Khattab F., 2020).

Contemporary Iraq has suffered from many crises at the level of integration or national unity since its founding in 1921, and still going on. The first head of the state, the King Faisal I (1921-1933), admitted this when he described the state of Iraqi society, at that early time of the emergence of the Iraqi state, with harsh descriptions.

Accordingly, the modern Iraqi state has inherited a multi-ethnic, religions, doctrines, and sects' composition of its population. Despite the long historical coexistence of these cleavages, this heterogeneity acted like time bombs undermining the unity of society, especially if they are exploited by politicians, special interests and abhorrent fanatics.

With the exception of the majority of the Arab Muslim population (Shiites and Sunnis), other religious and ethnic components are distributed over almost the entire area of Iraq. The geographical distribution of minorities, according to the Iraqi Ministry of Planning, appears in an estimated census conducted in 2017. In this regard, the components and minorities in Iraq can be distributed as follows:

Kurds: The Kurds constitute the second ethnic group in terms of population, about 15-19 percent of the population of Iraq that is within the same census is 37 million and 139 thousand and 519 people. 13.2 percent of the Kurdish population of Iraq is concentrated in the Northern governorates (Erbil, Sulaymaniyah, Dohuk and Halabja), while they constitute 25 percent of the population of Kirkuk province and about 6 percent of the population of Nineveh province. There are also Kurds in small numbers living in the provinces of Diyala, Wasit and Baghdad. In terms of religion doctrine, 97 percent of the Kurds are Muslims, of whom 80 percent is Sunni, 17 percent Shiites, in addition to 3 percent of different religions (Al-Khattab F., 2020), such as Kakai, Zoroaster and Circassian, *inter alios*.

Turkmens: They are the third minority in Iraq, and there is no official and accurate number for them, but government estimates indicate that they are among 5 percent of the population, which includes all ethnic minorities other than Arabs and Kurds. However, they constituted 2.3 percent of the population according to the census of 1957. The Turkmens are Muslims, distributed between Sunnis and Shiites in close proportions, and their presence is concentrated in the Kirkuk, which is a buffer governorate in northern Iraq between the Arab majority and the Kurds, the second nationality in the country (Al Khattab F., 2020).

Christians: Christians are the most important religious minority in Iraq, and a large part of them are the original inhabitants of Iraq and descendants of its ancient civilization. They are also among the oldest converters to Christianity in the world, as Christianity entered Mesopotamia in the first century AD.

The number of Christians in Iraq has greatly decreased during the years that followed the US invasion in 2003, and this decrease is estimated at 83 percent (Al-Khattab F., 2020). Most estimates indicate that their number has decreased to approximately 250-400 thousand people, down from a million and a half before 2003 (France24, 2020) and due to the lack of accurate official statistics specifying their numbers. One of the most important reasons for the decrease in the number of Christians in Iraq is the acts of violence they were subjected to after 2003, and the spread of manifestations of Islamic extremism, both Sunni and Shiite because of the dominance of political Islam after the invasion, which led to their displacement. Then the ISIS came to control Mosul in 2014 to expel tens of thousands of Christians from their homes, especially since its control included Christian-majority cities in Nineveh. The

Christians in Iraq are divided ethnically into three groups: the Assyrian Syriac Chaldeans, who speak the Syriac language; the second group are the Armenians and speak the Armenian language, and the third is a small group of Arab Christians, as they are divided to several churches (Warda W., 2013. p. 203).

Yazidis: They are a religious minority, and they divide themselves in terms of their national and ethnic affiliation, as some of them consider themselves Kurds, but a large portion of them considers themselves to be only of Yazidi nationality and others consider themselves as extension of the Assyrians and Babylonians. They are distributed throughout northern Iraq, specifically in the Sinjar district of the Nineveh Governorate, as well as in the neighbouring governorate of Dohuk, in addition to the Nineveh Plain area in the district of Sheikhan and the town of Bashiqa, as they neighbour Christians in most areas of the Nineveh Plain. Their numbers range between 500-700 thousand, and the Yezidis appeared in Mesopotamia more than four thousand years ago, and its followers say that it is the oldest religion in the world and its roots extend to Zoroastrianism. They differ in their religious and ideological origins. The Yazidis were subjected to the worst forms of violence, extremism and terrorism by the terrorist organization ISIS after occupying Nineveh Governorate in 2014.

The Sabaeen Mandaean: They are one of the important religious components in Iraqi society, and despite being a small religious group, they played a remarkable role in the development of spiritual and intellectual life in Mesopotamia. They were subjected to persecution in different areas throughout history during the Mongol invasion and the Ottoman conquest. As a result of these persecutions “they isolated themselves in the villages scattered at the areas extending from the south of the Euphrates to the Karun River in southwestern Iran, and this region, due to its special geographical conditions, was to a certain extent immune from the power and oppression of the rulers, and because they were a peaceful group, that had nothing to do but cultivate the lands and its issues. Its members master necessary crafts such as farming and fishing, and they do not covet anything more than to give them the opportunity to practice their own religious rituals without interference” (Sebahi A.,1996. p.9). The Sabaeans are still distributed today in the southern Iraqi regions in Basra, Maysan and Nasiriyah, and a number of them moved to Baghdad not a short time ago, where they are famous for practicing the profession of goldsmithing. It is believed that the Sabaeans-Mandaeans and their religion are linked to the Sumerian religion, a religion that did not retreat easily after the demise of the political influence of the Sumerians and the migration of more of them to different parts of the world and the transfer of power to the Semitic peoples. Some elements of this religion moved to the Babylonian religion, but its followers were practicing it in difficult areas out of sight like the marshes and mountains. Their number before 2003 was about 50,000, but the violence that prevailed in Iraq after 2003 decreased to nearly 5,000 people.

The Shabak: The Shabak is one of the minorities that has been living in northern Iraq for nearly five centuries. They live alongside other minorities, such as Christians, Yazidis, and Kakai's in the Nineveh Plain area east and north of Mosul. Their real number in Iraq is unknown because the official Iraqi statistics did not mention anything about them, and apparently, they were calculated with the Arabs or the Kurds. In the 1977 and 1987 statistics, it was imposed on the non-Arab and non-Kurdish minorities, such as the Chaldean Assyrian Christians, the Syriac and the same for the Shabak to choose either the Arab or the Kurdish to fill the nationality field. The resident in the north has to choose Kurdish nationalism and whoever lives in the centre and the south has to register himself as an Arab and prevent them from showing their ethnic identity.

Therefore, the estimates available for their numbers are from media sources, as at one hundred and fifty thousand, living in separate villages belonging to the Hamdaniya district, Tal Kaif district, Bartella, Bashiqa and Nimrud districts, and a large number of them live in different neighborhoods of the eastern side of Mosul.

As for their origin, historians differed about whether they were of Kurdish, Persian or Turkish origin.

The Kaka'i: It is a Kurdish religious group that emerged as a Sufi⁶ ethnic group in the seventh century AH, then it was marred by major transformations to become a special major creed, and the largest part of them resides in Iran. Their number in Iraq is about 200 thousand people (Al-Khattab F., 2020, p.93).

In addition to these components, there are minorities that are limited in number, and do not have a social and political presence, such as the Jews, who live under the care of the property of the Jews in Iraq, and the Bahais that are followers of a religion that believes in the unity of the human race, active for a limited period in Iraq during the nineteenth century before its centre moved abroad. The number of Baha'is in Iraq is about 1000 people.

Iraqis have coexisted harmoniously and integrated for hundreds of years according to this societal structure, and there was no thought of emigrating from Iraq, except for very few, but the parties and political forces were behind the fuelling of social, economic, cultural and political disparities and differences.

Modern Iraq did not witness political stability, and this instability was one of the main reasons for all the manifestations of violence and extremism. Political stability improves the state's economy, develops education and thus eliminates backwardness and ignorance. So, we see class differences and the inferior view of women, because tribal customs still dominate the majority of Iraqi society today, and on this basis women are deprived of inheritance and family money after marriage, leaving the house or leaving the head of the family, and in the event of the presence of children, the inheritance is divided among them, while the uncle has the right to dispose of the brother's property in the absence of sons. That is, the wife and daughters are not entitled to dispose of the property of the husband or the father (Al Muthanna I., 2019). Note that the Iraqi law in force (concerning personal status, Law no. 188 of 1959), gives women the right to inherit, but not the same as men, as women have half the share. In addition to the continuation of tribal values and norms – among which many have become incompatible with the spirit of the age and the civil state – and customary law that is applied between people and the various clan and tribal groups. Rather, the values, customs and norms of the countryside moved to the city despite the latter being more civilized and advanced. In the past,

⁶Ibrahim Hilal says about Sufism, (Despite the many definitions by which Islamic mysticism is known, that it is walking the path of asceticism, detachment from the adornment and formalities of life and taking oneself in a manner of austerity and types of worship, rituals, hunger, and staying up late in prayer or recitation of roses, until the physical aspect weakens and the psychological or spiritual aspect becomes stronger in him, he is the subjection of the body to the soul in this advanced way in order to achieve psychological perfection, and as they say to know the Divine Essence and its perfections, which is what they express by knowing the truth). A group of Muslims, especially Sunnis, believe that the Sufi method is contrary to what was brought by the Prophet Muhammad, because man is human and will remain human with the human characteristics with which he was born. Encyclopaedia of Differences - Al-Durar Al-Sunni, Chapter Ten: Sufism, Chapter Two: Defining Sufism, language and terminology, available at: <https://dorar.net>, [Accessed on August 14, 2021]. Likewise: It was mentioned in a report by the British Intelligence, that the Kaka'i is originally a Sufi method (Darwsha); Both in terms of organization or historical origin, and its founder, according to the report, is Sultan Ishaq bin Issa Al-Barzanji (14th century AD), and his shrine is still a shrine for the Kaka'is in the Sheikhan District/ Nineveh, available at: <https://www.sites.google.com>, [Accessed on August 10, 2021].

people of the city believed in the laws of the civil state, and then most of them adhered to the customary laws of the rural clans because of the influence of the countryside on the city.

The life of modern Iraq can be divided into two periods, which is the period of the monarchy from 1921 to 1958, and this period is more stable compared to the period of Republican Rule. Royal Iraq witnessed acts of violence and extremism whose motives were primarily political and military, and the most prominent stations of which were the Twentieth Revolution against the British occupation, which paved the way for the establishment of the monarchy, the Simil massacre against the Assyrians, as we mentioned, the Mays coup movement in 1941, whose officers were executed, as well as the November uprising in 1952 and the declaration of martial law, which was interspersed with the practices of political violence, terrorism and cruelty (Al-Shammari N., 2009, p.95). Among the most prominent of these practices and manifestations, the government at the time issued the death sentence on two detainees and the sentence was carried out publicly in the street as a directed message intended to incite terror and political violence (Al-Shammari N., 2009, p.93-94).

As for the second period, which is more violent and extreme than the first, it is the period of the Republican Rule that began with the coup of July 14, 1958, led by a group of officers that overthrew the monarchy and killed the young king Faisal II, the royal family and some statesmen.

After the aforementioned coup and the establishment of the republican regime, the situation was not better. The manifestations of violence and extremism increased and became collective, as happened in the two bloody massacres in Kirkuk and Mosul in 1959, where dozens of victims were killed, and the nationalists and Baathists accused the communists for it (Al-Shammari N., 2009, p.96). Then the Baathists came with a coup on February 8, 1963⁷, they executed the Iraqi Prime Minister Abdul Karim Qassem and his colleagues in the radio and television building without trial, by firing squad and shown on television screens and various types of sadistic torture were used for their opponents (Al-Shammari N., 2009, p.97). Here we want to be brief because the series of coups, violence and extremism continued for a long time until the Baathists took power again in 1968, then Iraq entered a war with Iran on 9 April 1980, which lasted for eight years. It left hundreds of thousands of Iraqi victims and thousands of disabled and prisoners. It also exhausted the Iraqi economy and societal values have deteriorated due to the spread of manifestations of backwardness, ignorance, low level of education, and the phenomenon of children not going to schools. All of this had negative effects on society, where unemployment, crime and material destitution and the accompanying manifestations of violence and extremism spread. Then came the Iraqi invasion of Kuwait on August 2, 1990, to increase the tragedy of the Iraqis in light of the catastrophic results of this invasion, the international community condemned this Iraqi act and took its legitimate decision to expel the Iraqi forces from Kuwait, and this is what actually happened, as its military forces were destroyed, in addition to the killing of tens of thousands of its soldiers. After that, a harsh embargo was imposed on Iraq, especially the economic embargo, which had catastrophic effects on society as well, leading to the destruction of the infrastructures in the field of health, education and services and to the weakness of the Iraqi economy, so that the purchasing value of the Iraqi dinar became very weak, in addition to the death of half a million Iraqi children due to the lack of medicines, equipment, medical and other

⁷This coup was carried out by the Arab Socialist Ba'ath Party (later Saddam's party) and they installed General Abd al-Salam Aref, an opponent of the former regime, as president of the republic, while appointing one of the party's leaders (General Ahmed Hassan al-Bakr) as prime minister.

supplies (Hmood A., 2009). Then came the American invasion of Iraq on 9 April 2003, and instead of the Iraqis breathing a sigh of relief, Iraq witnessed the most violent, extremist, terrorist and bloody chapter in its contemporary history, where all ethnic, religious and sectarian hatreds and legacies exploded. The truth must be said, that the political forces and parties of various affiliations, which the way was paved for them to take power in Iraq, were behind that. In addition, the US occupation has caused the emergence of extremist terrorist organizations such as Al-Qaeda in Iraq (Al Zaiat M., 2016). Because these organizations justified their existence to resist the American occupation of a Muslim country, in addition to that, the Americans dissolved the Iraqi army and all the previous security services and left Iraq's borders wide open to terrorists. Additionally, sectarian strife (Shiite-Sunni) emerged in the years 2006-2008 because of the behaviour of these political forces and parties, their lack of wisdom, and foreign, regional and international agendas, which claimed the lives of tens of thousands of Iraqis, both Shiites and Sunnis. The means of kidnapping, torture and material extortion were among the manifestations of this violence, extremism and terrorism. The manifestations of violence and extremism did not stop there, since the terrorist organization ISIS entered Iraq and occupied the Nineveh governorate, which has a population of more than 3 million people. Rather, this organization occupied one-third of the area of Iraq and captured, killed and slaughtered by sword its Muslim opponents. The same applied to followers of other religions, such as Christians and Yazidis through captivating and raping their women and daughters, even the youngest ones. Iraq's geography and population distribution have somehow helped extremism and terrorism.

Indeed, the population distribution did not help the Iraqis in full integration, since each component remained locked in the same place. Therefore, when ISIS entered, it singled out these components, and what was helpful is that these components were confined to certain specific areas.

3. Constitutional organisation of the state and fundamental rights

There is no consensus for the whole Iraqi people, with its various religious, sectarian and ethnic components on the basic principles of the Iraqi Constitution, which was issued in 2005, even though it was voted by the Iraqi themselves, as there is still a lack of acceptance by the people of non-Muslim religions on some of the basic articles contained in the Constitution. And they believe that it is aligned with the religion of the majority, which is Islam. Article 2 came from the basic principles in Part I of the Constitution, which states:

“First: Islam is the official religion of the state, and it is a basic source of legislation.

A. It is not permissible to enact a law that contradicts the constants of the provisions of Islam.

B. It is not permissible to enact a law that contradicts the principles of democracy.

C. It is not permissible to enact a law that contradicts the basic rights stipulated in this Constitution”.

This article causes unease among other religions, since it contradicts their religious constants as well. Also, they see that what is stated in paragraph (B) is fundamentally inconsistent with what is stated in paragraph (A) of the same article. The same is the case in the text of

paragraph (C) because people of other religions see many legislations contradict their basic rights and freedoms granted to them by the Constitution. Article 2 also comes to confirm this confrontational contradiction between Islam and other religions through what is stated in it, which is the following:

“This constitution guarantees the preservation of the Islamic identity of the majority of the Iraqi people. It also guarantees full religious rights of all individuals to freedom of religious belief and practice, such as Christians, Yazidis and Mandaean Sabeans”.⁸

It is noted that the Iraqi Constitution in its external form appears to be a *civil* Constitution *par excellence*, but when entering into the essence, it is a Constitution aligned with the Islamic religion, and even the aforementioned freedom of belief never equates with religious freedom, because the concept of religious freedom means that a person is free to choose his own belief. This does not exist in Iraq, especially among Muslims, because it is not permissible for a Muslim to change his religion, while non-Muslims are allowed to convert to Islam. Although many articles of the Iraqi Constitution that emphasize freedom of belief,⁹ and the provisions of Article 372 of the Iraqi Penal Code No. 111 of 1969 (providing guarantees for the protection of sectarian beliefs) recognize the sanctity of buildings, books and religious symbols of different religions and sects, criminalizing acts that desecrate the sanctity religious minorities and their practices and traditions¹⁰, this article is suspended. More than ten years ago, no one was held accountable for contempt of religions, knowing that every year Christians and Yazidis are subjected to severe abuse because of their religion from well-known personalities, the last of which was from the Mufti of the Republic, Abdul Mahdi Al-Sumaida'i who asked Muslims not to shake hands with Christians and congratulate them on Christmas. There are also laws that contradict those constitutional articles that refer to freedom of belief and religious practice. Rather, they contradict the concepts of Islamic Sharia itself, which affirms the principle of “there is no compulsion in religion”.¹¹

Baha'is, for example, are not allowed to practice their rituals and beliefs, according to unjust laws and instructions against them, especially Law No. 105, which was issued in the eighties during the era of Saddam Hussein's regime, in which Bahai activity was prohibited. There is Law No. 3 of 2016, the so called “Unified National Card Law” – especially article 26, first and second paragraphs – which affect non-Muslim Iraqis, and violate the Constitution in freedom of belief and the principles of equality guaranteed by the Constitution in many of its articles. Indeed, the abovementioned article 26, paragraph 1 states that a non-Muslim may change his religion in accordance with the provisions of the law. The concept of violation means that it is not permissible for a Muslim to change religion because the matter is considered apostasy according to Sharia principles. Paragraph 2 of the same article, additionally states that children who are minors shall follow religiously whoever of the parents has embraced the Islamic

⁸ The Constitution of the Republic of Iraq 2005.

⁹ Article Two: Second, stresses “to guarantee the full religious rights of all individuals to freedom of religious belief and practice, such as Christians, Yazidis, and Sabaeen-Mandaeans. Article 14 states that Iraqis are equal before the law without discrimination on grounds of sex, race, nationality, origin, colour, religion or doctrine, belief or opinion and Article 37 that the state guarantees the protection of the individual from intellectual, political and religious coercion. Article 41 declares that: “Iraqis are free to abide by their personal status, according to their religions, sects, beliefs, or choices”, and Article 42: “Every individual has freedom thought conscience and belief”. Article 13 stipulates that the constitution is “the supreme and highest law in Iraq”.

¹⁰ See: Article 372 of the Iraqi Penal Code, L. No. 111 of 1969.

¹¹ The Noble Qur'an, Surah Al- Baqarah, Verse 256.

religion. For years, non-Muslim Iraqis have been trying to amend in order to ensure “children remain in their original religion, provided that they are given the right to choose their own after they reach the age of majority,” especially since this article had negative social effects and consequences on Christians, Sabaeans, Mandaeans and Yazidis, since minor children are registered in their civil records as Muslims according to the Islamic religion of one of the parents, without their knowledge and consent. This constituted – and still represents – a problem for thousands of Christian, Sabaeans, Yazidi and non-Muslim families in general. As non-Muslim minorities confirm, considering a minor as a Muslim contradicts the provisions of the laws in force as he/she is not legally competent to perform legal actions. Actually, the Iraqi Civil Code, in article 46, considers that whoever has not reached the age of majority (18 years) is deficient in eligibility. Considering a minor as a Muslim contradicts the (qur’anic) legal principle that states “there is no compulsion in religion”.

Although the Personal Matters Law has given the judges in the Civil Status Court the right to be guided or consult the opinion of the spiritual leaders of each sect or religion (such as Christians, Yazidis, Jews and others) regarding their personal status, judges rarely resort to exercise this right except in rare cases (as divorce cases, for example). The justiciability of this right stems from the implementation of the provisions of Article 16 of Courts Statement No. 6 of 1917, relating to the right of referral to one of the spiritual scholars, to consult their opinions and the provisions of their faith regarding certain issues. In most cases, judges make their decisions without referring to the spiritual scholars (Matti M., 2012, p.27). Therefore, a number of legal texts require reconsideration, especially those that are inconsistent with the rights of civil citizenship, equality, freedom of belief and personal rights which affect Christians, Yazidis and Mandaeans, such as Article 17 of the Personal Status Law in force, which states that “it is permissible for a Muslim to marry a Christian woman or a Jew or a Sabaeans woman, and it is not valid for a Muslim woman to marry a non-Muslim”, as well as Article 18 of the aforementioned law, which stipulates:

“the Islam of one spouse before the other is subject to the provisions of Sharia in the maintenance of marriage, or the separation of spouses”.

Thus, when the husband converts to Islam, a woman is allowed to remain on her religion, if it is from the aforementioned sects, and here the Yazidis are not included, so the Yazidi women must convert to Islam before marrying a Muslim. Whereas, if the wife converted to Islam, the husband had the choice between separation or Islam.

We believe that the existence of separate provisions legislation for minorities will create a complex legal system at the expense of appropriate judicial orders and equal treatment of all citizens. In our opinion, the lack of protection for non-Muslim minorities in the field of civil status stems from the absence of any relevant and effective laws governing their personal status. The Iraqi Civil Status Law includes other articles related to marriage (validity and dissolution of marriage, waiting period, etc.), the provisions of which violate the rights stipulated in Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Iraq is a party. They also contradict Article 14 of the Iraqi Constitution, which states equality before the law for all Iraqis without discrimination on the basis of sex, religion, sect, belief or opinion. Article 12 of the Personal Status Law states that it is a condition for the validity of marriage that the woman is not legally forbidden to the one who wants to marry her. Article 13 declares that the reasons for prohibition is the belonging to a non-heavenly religion.

Article 17 states that it is permissible for a Muslim to marry a non-Muslim (Christian woman or a Jew or a Sabaeen woman) and it is not valid for a Muslim woman to marry a non-Muslim.

We note that both Articles 12 and 13 render any marriage of a man and a woman of a "non-heavenly" religion void, and Article 17 also makes any marriage between a Muslim woman and a non-Muslim man void. These provisions affect the right to establish marital relations for Muslims as well as for non-Muslim minorities and lead to discrimination against Muslim women and women of other religions. Therefore, it is necessary to reconsider Articles 12, 13, and 17 in order to make interfaith marriages possible. There are other articles of the Iraqi Civil Status Law in force and referred to divorce, annulment and waiting period, such as Article 34, which imposes divorce according to a certain belief, and Article 37 allows the husband to terminate the marriage by mere pronouncement, while Islamic methods such as Baha'is, for example, do not grant the husband this authority. The Kakai's, who are a Muslim minority in Iraq, do not recognize divorce. In the same way, Muslim sects and groups differ on the 'waiting period', which is recommended by Article 47 and that the wife must fulfil before she can marry again.

Articles 34, 37, and 47 of the Personal Status Law violate Article 27 of the International Covenant on Civil and Political Rights because they deny the right of religious minorities to "declare their religion" (IILHR,2011. P.45-46).

Because of the growing sense of injustice and discrimination against non-Muslims in Iraq, calls for a review of the Civil and Personal Status Laws increased, based on the right of civil citizenship and the principles of justice, equality and freedom of belief guaranteed by the Iraqi Constitution. Their emphasis on the need to expedite the treatment of the problem of Islamization of minors outside their will after the conversion of one of the parents to Islam, calling for the abolition of Paragraph 2 of Article Twenty-six of the Unified National Card Law or its amendment. Minorities also demand that amendments be made in The Amended Personal Status Law in force n. 188 of 1959, especially those articles that non-Muslim components suffer from, by adding a special chapter for non-Muslims to the law in force, including provisions pertaining to their personal status in matters related to family, marriage, divorce, child custody, inheritance, the succession, adoption, as approved by scholars, religious scholars and jurists from among the non-Muslim components themselves.

In the context of constitutional guarantees vis-à-vis minorities' rights, Article 125 of the Constitution,¹² providing for their administrative, political, cultural and educational rights, has never been implemented at the legislative level, still representing a mere "principle" on its own. However, on the one hand, neglecting attention to the rights of religious and national minorities may increase their sense of injustice and deepens the alienation in their mother country. On the other hand, some Iraqi Arabs believe that the Iraqi Constitution neglected that Iraq is part of the Arab nation too. Rather, the Constitution sufficed only with the Article 3 formula: "Iraq is a country of many nationalities, religions and sects, and it is a founding and effective member of the League of Arab States, committed to its charter, and part of the Islamic world".¹³ Thus, from this group's point of view, this text is an attempt to separate Iraq from the Arab nation to which it belongs.

¹² Article 125 of the constitution states "This constitution guarantees the administrative, political, cultural and educational rights of the different nationalities, such as the Turkmen, Chaldeans, Assyrians and all other components, and this is regulated by law".

¹³ The Iraqi constitution of 2005, Article 3.

Likewise, with regard to housing, ethnic nationalism and separatism played a role in not giving the right to the Iraqis to own any area they choose to live in. Until recently, it was not allowed for Arabs to buy and own real estate in the Kurdistan region, and this was contrary to the Iraqi Constitution, especially article 1 of the basic principles, Chapter I.¹⁴ This choice also violated Article 23 of the same Chapter.¹⁵

As for the political aspect, and despite what the Constitution stipulates that “the Republic of Iraq is a single, independent and complete federal state”, however, on the land of Iraq and through the practices of the Kurdistan region, we see that Iraq is closer to a confederal state than to a federal one. The Kurdistan Regional Government is not under the control of the federal government, and the federal government does not control the border crossings in the region. A citizen from outside the Kurdistan region does not enter the region, except with the approval of the region’s authorities according to a process that is similar to obtaining an entry visa and does not have the right to stay more than a month on the territory of the region. Moreover, the region’s authorities also have offices and representation in consulates and representations inside Iraqi embassies abroad, which are supposed to be exclusively for the federal government.

In addition to many of the basic political issues that constitute a situation of almost permanent dispute between the federal government and the Kurdistan Regional Government of Iraq, such as control of border crossings, and disputed areas, meaning that there are areas that the Kurdistan Regional Government considers to be within the territory of the region, the repercussions accompanying this issue negatively affect the political relationship between the regional level and the centre. Indeed, there is a state of distrust, since each party doubts the intentions of the other, in detriment of Iraqi citizens as a whole. This is one of the main reasons for political and economic instability, affecting the factors triggering violence and extremism as well.

The aforementioned Iraqi Constitution dealt with and prohibited the issue of violence and extremism through what was stated in Article 7, with its first and second paragraphs.¹⁶

¹⁴ “The Republic of Iraq is a single, independent, and complete federal state, its system of government is republican, representative (parliamentary) and democratic, and this Constitution is a guarantor of Iraq’s unity”.

¹⁵ First: “Private property is safeguarded, and the owner has the right to benefit from, exploit and dispose of it within the limits of the law”. Second: “It is not permissible to expropriate property except for the purposes of public interest in return for fair compensation, and this is regulated by law”. Third (A): “An Iraqi has the right to own property anywhere in Iraq, and no one else may own immovable property except as exempted by law”; (B): “It is prohibited to own property for the purpose of demographic change”. The policies of demographic change and the transfer of population from one region to another played a major role in the growth of extremism in Iraq, and this is why the Iraqi legislator was keen to include them in the constitution, because the ownership was used for future political goals to change the identity of the land, and the former regime (Saddam's regime) used this issue in changing the demographic structure of the city of Kirkuk, by housing Arabs from other regions and governorates in it and distributing lands to them at subsidized prices to change and increase the population ratio of Arabs in it in order to disenfranchise the Kurds’ claim for it to be annexed to the Kurdistan region. Thus, the Kurds used the same policy after 2003, they pushed groups of residents of Kurdish origin to live in Kirkuk, and pushed women from other provinces to give birth to their children there, to favour the Kurds in the population, to prove the Kurdishness of Kirkuk. Such policies also took place in the Nineveh Plain between the two sides in anticipation of separatist policies and ambitions.

¹⁶ “First: It is prohibited to any entity or approach that adopts racism, terrorism, infidels or sectarian cleansing or incites, paves, lists or justifies it, especially the Saddamist Baath in Iraq and its symbols and under any name. This is not permissible within the political pluralism in Iraq, and this is regulated

Undoubtedly, it stipulates the fight against terrorism and its affiliates, by banning the involved entities, but article 7 paradoxically paved the way for the emergence of phenomena of violence and extremism, up to terrorism, since it especially referred to “the Saddamist Baath in Iraq and its symbols and under any name”. Instead of turning the page on the past, adopting a policy of tolerance and achieving transitional justice, this provision helped extremist groups to take revenge, which generated a feeling among a large and wide segment of those who were affiliated, most of whom were compelled to the previous regime. They felt injustice stemming from the new ruling political class policies by being targeted by political, economic and social harm, which prompted them to take positions and adverse reactions against the new Iraqi regime. Moreover, it made some of them sympathized with terrorist groups, and most of them had ended up affiliating with them. The Constitution also establishes a national body through the Article 135 provisions about The Supreme National Commission for De-Baathification.¹⁷

Eighteen years after since the fall of the previous regime, the commission is still working, and there has been no change in it except to change its name from the De-Baathification Commission to the Accountability and Justice Commission. In some cases, this body has even become a monitoring and punishment body for anyone who expresses their opposition to the new system.

Regarding to guarantees of freedom of expression and freedom of assembly and peaceful demonstration and despite the issuance of the Journalists' Rights Law of 2011, the second article of which came to indicate consistent with the aforementioned Article 38 of the Iraqi Constitution, journalists have been arrested and banned under the pretext of protecting national security, defamation, slander and others, especially after the series of demonstrations that the country witnessed on the twenty-fifth of February 2011 (NINA, 2011). Also, taking into account the youth demonstrations that started in October 2019, where more than 570 young men and women were killed and more than 11982 persons were wounded in various governorates of Iraq (HHRO, 2020, p.24), especially in the capital, Baghdad, and the southern governorates such as Basra, Nasiriyah, Najaf, Diwaniyah and others. Dozens of journalists and activists who were reporting the events were prosecuted, and a number of satellite news

by law. Second: The state is obligated to fight terrorism in all its forms and works to protect its lands from being a headquarters, corridor or arena for its activities”.

¹⁷ “First: The Supreme National Commission for De-Baathification continues its work as an independent body in coordination with the judiciary authority and executive bodies within the framework of the laws regulating its work and is linked to the Council of Representatives; Second: The Council of Representatives may dissolve this body after the end of its mission by an absolute majority; Third: A candidate for the position of the President of the Republic, the Prime Minister and members of the Council of Ministers, the Speaker and members of the Council of Representatives, the President and members of the Union Council, corresponding positions in the regions, members of judicial bodies and other positions included in de-Ba'athification in accordance with the law, is required to be not included in the provisions of de-Ba'athification; Fourth: The condition mentioned in Third Clause of this Article shall continue to be applied unless the Commission stipulated in First Clause of this Article is dissolved; Fifth: Mere membership in the dissolved Ba'ath Party is not considered a sufficient basis for referral to the courts, and the member enjoys equality before the law and protection unless he is covered by the provisions of de-Ba'athification and the instructions issued thereunder; Sixth: The House of Representatives will form a representative committee from its members to monitor and review the executive procedures of the High Commission for De-Baathification and state agencies, to ensure justice, objectivity and transparency, and to consider their approval of laws. The decisions of the committee are subject to the approval of the Council of Representatives”.

channels were attacked and destroyed without the perpetrators being held accountable, the most important of which is the Dijla satellite channel.

Also, despite the issuance of the amended Press and Publication Law No. 32 of 2012, which is read with Law No. 206 of 1968¹⁸ on which the Iraqi judiciary relies in dealing with publishing issues and the issues of journalists and their trial, this law and amendment are not consistent with the media expansion and the atmosphere of openness and democratic transformations prevailing in the country. It has many kinds of shortcomings and articles that are compatible with the practices of the totalitarian regimes and there are red lines that a journalist or media person cannot cross, especially in criticizing or exposing violations or practices of influential groups, currents or parties for fear of being attacked, up to the point of death. The latter occurred to both the journalists Soran Mam Hama, assassinated in his home in Kirkuk because of his critical writings directed at politicians and security officials, as well as Sardasht Othman who was working in Erbil. His body was found dumped in one of the streets of Mosul, outside the area administered by the Kurdistan Regional Government of Iraq. Most accusations in the case of his assassination are directed at the Kurdistan Regional Government of Iraq for his harsh criticism of the senior officials of the regional government (Amnesty International, 2010).

Presenting the challenges of freedom of expression for journalists in Iraq is at the same time an expression of freedom of opinion for all citizens. Therefore, one of the dilemmas of the Iraqi media is under the control of a particular party, sect or race, and this has contributed to the escalation of political tension and led to the continuation of the security concern and confusion of the nascent political process, which was essentially based on sectarian and national quotas, and distributed positions and ministries in light of it.

It remains to point out here that, despite the remarks mentioned about these articles and paragraphs contained in the Constitution of the Republic of Iraq, this does not mean that this Constitution is devoid of civilized constitutional texts that are in line with human rights and the preservation of his dignity, but the reality is different from that, as we mentioned. Although some people in the inside look at them as normal and not of a great importance in their transgressions, but in the eyes of Western countries, they are crimes and a severe violation.

It must be mentioned that the Iraqi authorities have enacted the anti-terrorism law, which aims to eliminate and curtail terrorist operations and limit the forms of support and assistance to those who carry them out (Iraqi Waqae Newspaper, 2005) moreover, some believe that this law is selective in the application (Al Shammari B., 2020). This will be explained in more detail later in the legislative framework.

4. Legal and policy framework in the field of radicalisation and counterterrorism

If we take the most important constitutional document in Iraq, which is the Iraqi Constitution of 2005, we find in it many contradictions and ambiguity, as it is in Paragraph 3 which was mentioned in this report, especially with regard to Islam being the official religion of the state,

¹⁸ Amended Press and Publication Law no. 32 of 2012. Available at: <https://www.wipolex-reswipo.net>, [Accessed June 26, 2021].

as well as the ambiguity and lack of clarity about the identity of Iraq, in addition to the multiplicity of interpretations of the fact that Iraq is a single federal state. The lack of clarity and accuracy in the aforementioned constitution made the issue of integration and coexistence a difficult task among the components of the Iraqi people.

One of the important criticisms directed against the Iraqi constitution is that it was issued in the presence of the American occupation of Iraq. From the critics' point of view, it is unfair +to acquiesce to a constitution set by the occupier, despite their knowledge that the experience of Iraq is not the first case. The existence of such opposition and criticism highlighted the presence of severe discrepancies and sharp differences among the components of the Iraqi people. There were those who accepted the American occupation, and others who opposed and considered it a desecration of its sanctities, so they had to resist and expel it.

The writing of the Constitution in these terms had contributed in one way or another to the manufacture of hatred, and then it became one of the factors or reasons that led to the spread of the phenomenon of extremism and terrorism. Because the constitution gave a large space and prominent attention to the rights of groups, the concept of citizenship has been somehow weakened. The constitution also gave the right to ban the Baath Party, to which most Iraqis belonged, at the same time affirming this ban should be regulated in accordance with the law.¹⁹ Going back a little, when the United States of America nominated Paul Bremer as a civilian ruler over Iraq during the first year of the occupation, he issued a set of orders that have the force of law, contributed greatly to the emergence of the phenomenon of extremism and terrorism.²⁰

He issued a set of decisions in 2003 that dissolved the Iraqi army and security services on the pretext of their loyalty to the former regime. These security services and the Iraqi army are able to maintain security and order, so it was possible to maintain them to achieve this goal. But the dissolution of these services created a security vacuum, which encouraged the search for local alternatives based on different sectarian, religious, ethnic, tribal or even personal bases, that match (resemble?) the entity and power of the state, and even the state has become a hostage to these (armed) groups, jeopardizing the idea of a basic and "central" institution (Al-Hariri J., et al, 2004, p.60-61).

When the Iraqi National Assembly issued the Anti-Terrorism Law No. 13 of 2005, jurists noticed flaws and loopholes. For example, law professor Dr. Amer Ibrahim Al-Shammari mentions that the Iraqi National Assembly legislated this law consisting of six articles under complex circumstances and American pressure on the Presidency Council at that time, and prepared the draft law hastily in accordance with Article 33, paragraphs (A, B) of The Law of Administration of the State for the Transitional Period (TAL). This law was cancelled based on the provisions of Article 37 of the aforementioned law after the promulgation of the Constitution of the Republic of Iraq for the year 2005. It was issued by the Presidency Council on

¹⁹ Article 7, First. Iraqi Constitution, 2005. According to the Supreme National Commission for Accountability and Justice Law No. 10 of 2008, Article 2, the Supreme Commission for Accountability and Justice, as a financially and administratively independent body, has replaced the National De-Baathification Commission, and it enjoys all its constitutional powers and the same legal personality. It is linked to the House of Representatives and continues its work in coordination with the judiciary and other executive agencies. See the (Al-Waqai Al-Iraqiya Newspaper), No. 4061 on February 14, 2008. Available at <https://www.iraqlid.hjc.iq>, [Accessed August 17, 2021].

²⁰ The coalition provisional authority orders (CPA orders), which the Iraqis call it (Bremer's orders), had the force of law, and some of them are still in force today.

11/7/2005. Al-Shammari also mentions that the severity of the damage resulting from terrorist operations have reached that the point to threaten national unity and the stability of security and order per se, thus rendering ad hoc legislation against terrorism urgent, in order to limit them and whatsoever form of support and assistance. Despite the importance of this law and its necessity in combating terrorism, criminalizing it and punishing terrorists, it raised hundreds of thousands protests in Anbar, Nineveh, Kirkuk, Salah al-Din and Diyala, especially about procedural shortcomings, and the misuse of the expression “terrorist acts” inconsistent with the constants of the international legal rule. Despite this, Al-Shammari believes that this law has positive aspects, as it came in response to a need represented in combating terrorist crime that requires a legislative confrontation to eliminate it or reduce its impact by legal methods that the legal legislation may not be able to deal with in the same way the ordinary crimes are handled.²¹

According to a preliminary assessment of this law, there are broad provisions, especially in Article 4, which allow for broad interpretations or threaten public freedoms, since the law was drafted in a way that allows the prosecution of anyone who violates the system.

Article 4 of the law is considered the most widely used in the Iraqi judiciary, and it contains two criminal clauses:

The First item: “Anyone who commits, as a principal offender or co-offender, any of the terrorist acts mentioned in Articles Two and Three of this Law shall be punished with the death penalty. The instigator, the planner, the financier, and anyone who enables the terrorists to commit the crimes stipulated in this law shall be punished with the same penalty as the original perpetrator”.

As for the second item: “Whoever wilfully conceals any terrorist act or harbours a terrorist person with the aim of concealment shall be punished with life imprisonment” (Al Shammari A., 2021).

Article 4 of this anti-terrorism law (Law No. 13 of 2005) is the most controversial article in Iraq, and because of this, Iraqis call this law “Law 4 Terrorism”. After more than 15 years of its issuance, it seems that thousands of innocent people have fallen victim to this fourth article, according to observers. Iraqi sources say that the armed militia, in cooperation with some Iraqi security forces, took advantage of this law to blame journalists and activists of being opposers, as well as taking advantage of overcrowded prisons to conclude illegal contracts and deals (corruption operations). Therefore, Iraqi Prime Minister Mustafa Al-Kadhimi, who took over the government after the October 2019 demonstrations, visited prisons in May 2020, in addition to establishing a committee (also investigating the truth about the existence of secret prisons), but a serious investigation has not yet been issued. Regarding the same issue, the spokesman for the “Afad” Observatory, Iraqi journalist Ziad Sanjari, confirmed in an interview with “Al-Hurra” website that militias and parties dominate the prison file, and the laws in place have proven their failure, from the terrorism law to the general amnesty law, as citizens are arrested

²¹ The Chairman of the Security Council Anti-Terrorism Committee concerned with following up on counter-terrorism measures in all countries of the world referred to doubts about the seriousness of Iraq's implementation of Resolution No. 1373/2001 regarding the prosecution of terrorist crimes, freezing their financial assets and preventing terrorist financing. In his recommendation to the Council, he affirmed: “Iraq should review the Anti-Terrorism Law of 2005, and establish a mechanism to seriously combat terrorism in the local law by reconsidering the law to rid it of ambiguity, and proposing precise provisions and precise definitions of terrorist acts so that they do not slip in the future in political trials”.

based on news without evidence. He revealed that the number of detainees exceeds the capacity of prisons, without taking into account health and humanitarian conditions, and depriving most of them of adequate ventilation and food. Al-Sanjari asserts that the observatory has documents that reveal corruption cases inside prisons, where bribes range between 50,000 and 300,000 US dollars to release the prisoner. It is noteworthy that 82,000 arrest warrants were recently issued in Nineveh Governorate, bringing the number of detainees to more than 70,000, stressing that prison administrations follow a policy of humiliation and systematic torture to extract confessions that serve the fabricated charges. In turn, the civil activist and blogger Seif El-Din Ali, in an interview with the Al-Hurra TV channel, considered that Article 4 of the Anti-Terrorism Law, which was established in 2005, is the largest criminal tool against the people, pointing out that "the problem is not only with the article, but also in its unjust application and punishment of innocent people based on it, while the militias are on the loose". Ali added that "when the October Revolution began in 2019, the government deployed military forces in Tahrir Square and the streets of the capital, Baghdad, and the protesting provinces, and they had an order to fire at the protesters under the legal cover (Law 4 Terrorism)". He pointed out that the government at the time "classified the angry protesters as terrorists according to Article Two in its second clause, and Article III in its second clause, which resulted in hundreds of young people being tortured and more than 20,000 injured," and stressed that "those who were caught by the government, are now sentenced with this unjust article, and the death sentence may await them just because they blocked a street or burned down the headquarters of a militia". The human rights activist in the prison file, Marwa Al-Faraj, further explained that "Law 13/2005 was enacted because of the severe damage caused by terrorist operations at the time, and in order to protect national unity, stability and security, but in recent years, the authorities have started to exploit the law not only in order to arrest all whoever disagrees with them, but rather to evade international conventions on human rights". She pointed out that the law is being applied arbitrarily, as the security forces exceed their powers and detain freedoms in an attempt to silence mouths. The best evidence for this is the ruling issued by the Federal Court of Cassation on November 24, 2019 as the criminal committee in the court issued a ruling that considers the actions attributed to the demonstrators to be ordinary crimes because there is no criminal intent (terrorist aims) against those who protested in the squares because of corruption and living conditions, which means that there is a real problem in implementing the law (Al Shammari A., 2021).

On the international level, specifically in 2014 (the year in which the terrorist organization ISIS-occupied a third of the area of Iraq), the Iraqi government stimulated the international community by sending messages to establish an international coalition to fight terrorism and increase security coordination and cooperation by supporting and arming Iraqi, considering Iraq at the forefront of countries that faced terrorism. Thus, the Iraqi government went to include a fixed clause for international bilateral cooperation in combating terrorism (Al Mokotour A., 2021).

Another controversial legislation that was supposed to be relied upon to eliminate extremism is Law No. 36 of 2015 regulating the work of political parties in Iraq to ensure political pluralism and achieve broader participation in public affairs.²² Despite the basic principles included in

²² Political Parties Law No. 36 of 2015, available at [:https://arb.parliament.iq/archive/2015/08/27/20218/](https://arb.parliament.iq/archive/2015/08/27/20218/), [Accessed June 20, 2021].

a number of its articles, especially articles 5 and 6²³, most of the Iraqi political parties working and participating in the political process do not adopt the principle of cross-sectarian, ethnic and national citizens. We find that most of the parties are either Kurdish nationalist or Arab nationalist or completely Shiite Muslims or completely specific for Sunni, and there are nationalist Turkmen parties and Assyrian Christian parties which do not contain a person of another religion and so on. Indeed, some parties adopt purely sectarian or chauvinistic nationalist ideas. Also, the leaders of some of these parties do not abide by the text of Article Six, which calls for the adoption of democratic mechanisms to choose their party leaders. They are personal parties, i.e. loyalty is to the person of the party's Secretary-General who remains at the head of the party from the establishment *sine die*. In other words, they are more like totalitarian parties ruled by authoritarian, dictatorial leaders.

5. Institutional framework in the field of counterterrorism and de-radicalization

The authority in Iraq in all its forms, whether legislative, executive or judicial, is unable to manage diversity and pluralism, thus generating frustration among minorities. For example, important and sensitive positions are still held by the political entities that hold power who represent majority, whether it was in the previous regime period before 2003 or after 2003. Whereas, minorities' stances are not taken in due consideration and they do not hold influence in the political decision-making process. There is a spread feeling among minorities that laws and legislation in Iraq uniquely encounter the interests of the majority, massively affecting their beliefs.

Certainly, this may well foster a suitable environment for violence, terrorism and extremism in a society in which poverty prevails. The demonstrations that took place in October 2019 are one of the reasons for that. We document this from information issued by government agencies, which is very recent information. The Iraqi Ministry of Planning revealed, through the official spokesman, Abdul-Zahra Al-Hindawi, that poverty exists throughout Iraq and its governorates, but the poorest governorates are the governorates of the south (Al Ain News Network, 2021). This is due to the rampant financial or administrative corruption of the ruling political class, as well as the lack of long-term policies to face poverty.

The Corona pandemic also made matters worse in Iraq, as it has limited job opportunities, in addition to the crisis of the displaced from inside Iraq – whose number reached nearly 5 million, as well as refugees such as the Syrians, Iranians, Palestinians and others – which also contributed to the spread of violence and extremism along with the terrorist threat. Actually, there are still fears about the existence of sleeper cells belonging to ISIS, which sows terror, fear and panic in the hearts of Iraqis, especially minorities whose children have suffered from severe violent acts. And not only from the criminals of this terrorist organization, but also from extremist armed groups, time to time arranging attacks, such as explosive devices in liquor stores whose owners and managers are from the Christian and Yazidi minorities. The last

²³ The party is established on the basis of citizenship in a way that does not contradict the provisions of the constitution. Second: The party may not be established on the basis of racism, terrorism, infidelity, sectarian, ethnic or national fanaticism. Third: It is forbidden to establish a party that adopts or promotes the thought or method of the dissolved Baath Party. Article 6 of the law states: "The political party adopts democratic mechanisms for selecting party leaders".

explosion occurred on 2nd February 2021 in a liquor store in one of Baghdad's main streets (Al-Nedal Street), and this is a decisive indication that minorities are vulnerable and suffer as targets of violence and extremism.

It is worth mentioning that political leaders, whether in the federal government or the Kurdistan region, as well as in local governments at the district and sub-district level, bear responsibility for violence and extremism. Especially with regard to the policies of changing the identity of the land and its ownership by changing the demographic structure in it, by pumping numbers and groups of the population belonging to a particular religion or nationalism with the aim of achieving future political interests, and this is what happened in Kirkuk and the Nineveh Plain, to “arabize”²⁴ or to “kurdificate”²⁵ these areas. For example, there is an insistence by the federal government or the Kurdistan Regional Government not to stop the demographic change policies in the minority areas. The federal government did not nullify the decisions of the previous dictatorial regime of the demographic change in the Nineveh Plain regions with Christian and Yazidi majority, but rather ignored the abuses taking place on their lands by illegal ways through fraud or forgery, especially the lands of the people who fled from it because of the wars, conflicts and acts of violence that have prevailed during the last two decades (HHRO, 2011, pp. 9-10). Also, the Kurdistan Regional Government did not act on the encroachments on the Christian villages in the Kurdistan region, where there are approximately more than 50 villages that are infringed on agricultural land and water by influential Kurds, and the regional government remains silent about them (HHRO, 2011, p. 24). It also did not pay enough attention to the complaints submitted by the Christian citizens to solve this problem. In fact, the regional government participated in the encroachment on Christian lands, which it exploited for the international airport in Erbil - Ankawa, without due compensation (HHRO, 2011, p. 24). Moreover, after 2003, the regional government made demographic changes in the Sheikhan district (60 km north of Mosul), which was mostly Yezidis, to turn the majority into a Kurdish Muslim (Dawood S., 2017). In Baghdad, there are thousands of Christian homes whose owners fled during the sectarian fighting in Baghdad in the years 2006-2008; they were seized by gangs, mafias and influential people (HHRO, 2013, pp. 12-15). The government is intentionally or unintentionally unable to restore them (Al Jaffal O., 2016), in addition to the inability of the government in Baghdad in protecting the Christians and Yazidis interests, as their shops and stores are exposed from time to time to armed attacks and bombings by extremist groups (Al- Hurra, 2021).

Likewise, what the leaders and government of the Kurdistan region have done is that the Kurdish language should be the dominant language in the region, with the abolition of the Arabic language which was previously spoken by the Kurds in addition to their language; this in itself weakened the integration of the region (Kurdistan) into the motherland (Iraq). As we know that integration would help in countering violence and extremism. Political dissonance based on ethnicity and sectarianism has negative effects on the public life of citizens. The

²⁴ “Arabization” means to change the ethnic identity of the non-Arab population through coercion or intimidation and consider them Arabs, and to pump a population of Arab nationalism into an area to increase the proportion of Arabs in it to prove its belonging to the Arabs. See Oguz S. (2016) ‘Turkmens: Victims of Arabization and Kurdification policies in Kirkuk’ [online] Available at: www.researchgate.net [Accessed August 31,2021].

²⁵ “Kurdification” means to make the non-Kurdish population Kurdish by means of coercion and intimidation, as well as acts of assimilation and national and ethnic assimilation by arbitrary ways, as well as pumping Kurdish groups into an area to achieve a majority population in it for the benefit of the Kurds. This operations are aimed at including them it in the Kurdistan Region in order to foster the separatist conflict of the Kurds between Baghdad and Erbil. Please see: Oguz S., 2016.

political forces in Iraq today are ideologized according to their ethnic, religious or sectarian beliefs, meaning that race, religion or sect determines the goals and principles of these political forces and parties, even if these forces and parties are not revealing expressly about this, but they are being worked in an implicit or latent way. Additionally, there is a regional or international agenda that many of these forces or parties conduct in the light of their own directives to serve the interests of those external forces.

6. Case studies

Case study 1

A strategy to combat violent extremism leading to terrorism. (Al-Nahrain Centre for Strategic Studies, 2019)

After eliminating the terrorist organization ISIS in 2017 and expelling it from the areas it occupied in 2014, the Iraqi National Security Council prepared a strategy to combat violent extremism leading to terrorism. This study was issued in 2019, and it shows national vocation, meaning that it includes the whole of Iraq and does not exclude a district or a region from it. Further, it was a multi-dimensional strategy, indicating that it is not limited to security means and law enforcement procedures only, but depends on other means such as economic, social, cultural, youth engagement and other. This strategy was based on the 2015 National Security Strategy, which had identified the risks and threats that constitute an environment conducive to extremism and violence facing Iraq, requiring short and medium-term action plans, namely against financial and administrative corruption, political instability and poor education, in addition to weak social cohesion. It also stressed the United Nations General Assembly's efforts to combat terrorism, and the need to take unified measures to combat violent extremism too.

This strategy to combat violent extremism also showed the Iraqi government's realization that the battle with terrorism is still ongoing, and that the final victory can only be achieved by eliminating extremism and hatred, leading to a society that believes in coexistence and moderation. Starting from this realization, the Government of Iraq sets this strategy, to offer guidance for state institutions and civil society organizations, in order to achieve this goal, strengthening a national environment committed to the progress of society, the growth and integration of its forces and the preservation of its civilization and its basic values. The above shall lead to the erosion of extremism and hatred, as well as to the prosperity of Moderate free thought and coexistence.²⁶

²⁶ 24 experts and specialists from the Ministries of Interior, Higher Education, Education, Justice, Labour and Social Affairs, Youth and Culture, the Anti-Terrorism Service, the Intelligence Service, the National Security Service, the Endowment Offices and specialists from different universities participated in preparing this strategy, alongside the Al-Nahrain Centre for Strategic Studies, in addition to researchers and specialists from other sectors, and the participation of specialized civil society organizations, under the supervision and coordination of the National Security Advisory. This strategy was based on the 2015 National Security Strategy, General Assembly Resolution (68/127) entitled "Towards a World that Rejects Violence and Violent Extremism", Security Council Resolution 2178 in

This strategy envisages two parts. The first part deals with the social environment and the danger of extremism therein, as well as the danger of the growth of violent extremism in Iraqi society. The factors that contribute to the formation of an environment conducive to violent extremism and the tendency to violence and hatred of others were also identified. These factors were classified into ten axes: social, economic, security, political, legal, regional, extremist takfiri ideology and globalization, the repercussions of ISIS control over Iraqi cities and the repercussions of the war on ISIS. In the second section from the first part, threats and opportunities to successfully implement the strategy are addressed.

Addressing the drivers of extremism in Iraq is a difficult achievement, due to the presence of two main challenges: weak capabilities of state institutions concerned with the safety of the societal environment on the one hand, and the fact that there are influential factors in Iraqi society itself which contribute to the creation of a fertile ground for extremism, as well as Iraq's external environment, on the other hand. Nonetheless, there is the possibility and an opportunity for success in combating extremism by means of the strength of religious and moral values inherent in the hearts of Iraqis, the authenticity of Iraqi society and its history of coexistence and tolerance, in addition to the opportunities created by the brilliant victories that Iraq achieved over the terrorist groups of ISIS. The latter ended its military presence on the Iraqi lands, and optimism and popular welcome came with the policy of openness, moderation and reform adopted by the government.

As for the second part of this document, four strategic goals were identified: developing an environment that encourages fairness, moderation and coexistence, rejecting extremist thought and behaviour, accommodating youth energies, rehabilitation and social integration for groups that have been exposed to conditions conducive to violent extremism, preparing a citizen who believes in justice and moderation, and consolidating the national spirit.

As for the second section of the second part, the means of achieving this strategy were identified, by coordinating the use of the state's various means and directing it by including specific goals in the plans of seven sectors in the state, namely:

1. The means of educational, pedagogical and cultural institutions.
2. The means of youth and social institutions.
3. Media institutions.
4. Means of presidential institutions and the Ministry of Foreign Affairs.
5. The means of security, justice and judicial institutions.
6. Means of economic, financial and civil institutions.
7. The means of religious institutions.

This strategy also identified the implementing and supporting agencies for these means, as well as the duration of their implementation and of their impact.

2014 and the plan of the United Nations Secretary-General entitled "Plan of Action to Prevent Violent Extremism", which was submitted on January 15, 2016, and adopted by the United Nations General Assembly as references for this strategy.

Case study 2.

Extremism against Yazidi women

Before addressing the extremism to which the Yezidis, especially women, have been subjected, a brief overview of the nature of the Yezidis and their places of residence in Iraq must be given. As we mentioned previously they are a religious group and they divide themselves in terms of their national and ethnic affiliation, as some of them consider themselves Kurds, but a large portion of them considers themselves to be only of Yazidi nationalism and others as extension of the Assyrians and Babylonians. They are distributed throughout northern Iraq, specifically in the Sinjar district of the Nineveh Governorate, as well as in the neighboring governorate of Dohuk and the Nineveh Plain region, and their numbers range between 500-700 thousand. The Yezidis appeared more than four thousand years ago.²⁷ Its followers say that it is the oldest religion in the world and its roots extend to Zoroastrianism. Historically this religious philosophy and rituals are linked to nature, to the discovery of agriculture and the beginning of urbanization, with clear imprints of the ancient Mesopotamian religions such as Sumerian, Babylonian, Assyrian and Mitanni. The Yezidis sanctify the natural phenomena of the sun, moon, fire, earth, water and others (Baban S., 2020).

The Yezidis do not have a prophet or apostles like other religions, and the man is directly related to his Lord in his relationship with him; there is not a collective prayer in the rituals of Yezidis, but they pray alone in a secluded place directed to the movement of the sun in its rising and setting. The Yezidis sanctify the sun until now. The Yezidis have a supreme reference called 'Baba Sheikh', and he is their spiritual leader.

The Yezidis have been subjected in various ages to forms of extremism against them, but the harshest thing they have been exposed to throughout history is what happened to them by the terrorist organization ISIS. The latter occupied their lands in 2014, eradicated them, captivated their women and sold them to Daeshis (ISIS people). Some of them even became pregnant from ISIS persons, facing another kind of discrimination in addition to violence, since children would have not been accepted. Here came the wisdom of the religious leader of the Yezidis (Baba Sheikh), to remove this ban against children not born from both Yazidi parents, deciding to bring changes to former Yazidi beliefs and rituals.

Indeed, contrary to the accepted traditions, and in consultation with the Yezidi Spiritual Council, he announced that the women who were captured and enslaved by the Islamic State were welcomed again as a Yazidi. When some of the Yezidi sheikhs rejected and resisted this change, the support provided by Baba Sheikh to these women settled the dispute. During the following months, the Yazidi religious leaders modified the rites of baptism for newborns. According to the new baptismal rites, the baptized are considered to have been reborn into the Yazidi religion, and some of these women have repeatedly performed baptismal rites in the hope of recovering from the trauma caused by what they have been exposed to (Wainscott A., 2019).

²⁷ The Yazidi religion differs from other religions since it is not missionary and does not accept the admission of new people except those born of a Yazidi father and mother, with the internal caste marriage system, specific among the Yezidis.

Baba Sheikh's behavior is an example of the unique contributions that actors in the religious arena can make during post-conflict and reconciliation phases.

Religious actors can take advantage of the existing organizational frameworks and ritual and rite, each in their sect or religion, to help traumatized victims recover from the impact of those traumas. They can use their leadership position to encourage their communities to support those who have experienced extreme violence. Also, religious actors can adopt bold positions even if they do not enjoy broad popular acceptance and soften the positions of those who oppose reconciliation in their societies. They can create new behavioral models that they wish the members of their communities would abide by. Additionally, their influence and their support for reconciliation will encourage other parties to participate in it. In short, religious actors can be important partners in rebuilding Iraq during the post-conflict phase. This is because they have influence on people, and they are able to contribute to shaping the behavior of their communities, depending on the impact of religious discourses and worship on the souls.

The conclusion from this case study is that it is worth engaging religious actors in Iraq as part of peace and reconciliation efforts, based on the uniqueness and importance of their role, and based on the huge resources they own. Although the involvement of religious actors in the reconciliation efforts is not in itself a guarantee of the success of these efforts, it is certain that their exclusion from reconciliation will lead to its failure (Wainscott A., 2019).

7. Conclusion

The report reviewed the historical, social, economic, political and cultural background, which paved the way for the phenomenon of violence, extremism and terrorism that we see today in Iraq. The mismanagement of the state, especially after the US occupation of Iraq in 2003, helped in this. The most controversial institutions were those that were formed after 2003, which are the De-Baathification Commission, which changed its name to the Accountability and Justice Commission, and its work to punish the former regime's loyalists, depriving them of employment opportunities in the civil and military institutions as well as of their rights. These strategies generated a harsh reaction among the people affected by them, leading some of them to work with extremist groups, including those who supported and sympathized with extremist organizations, increasingly fostering the phenomenon of extremism in Iraq. Further, Article 4 of the Anti-Terrorism Law No. 13 of 2005 was misused, as we explained in detail, since it was (ab)used against anyone opposing and criticizing the post-2003 regime.

Therefore, we recommend the fragile states, in which the situation is liable to explode, to avoid such policies, and to take Iraq as a "bad model" not worthy of circulation. It is important to follow other opposite models of countries and people that have suffered from injustice, persecution and extremism, but have tolerated when the oppressed majority took power in their country and resorted to reconciliation instead of revenge and retribution.

We also recommend not to adopt a scorched-earth policy when there is a danger of terrorism, as happened in the liberation of Nineveh Governorate and its cities that were occupied by the terrorist organization ISIS, as this policy touched the individual liberties of the citizens while their cities and homes were being destroyed, which affected the economic, environmental and "civilization" levels as a result.

The de-radicalization approach requires action at the three levels (micro, meso, and macro). For the micro, individuals must get rid of the religious, sectarian and ethnic group fanaticism, embracing the values of tolerance and coexistence instead, also correctly understanding the concept and meaning of freedom and its limits. The institutions and organizations at the level of meso should support this commitment, through independent educational institutions, both lower and higher, schools, universities, research centres and civil society organizations, especially human rights organizations. The latter should improve their role in spreading the spirit of tolerance and coexistence. As for the third level the macro, the state, with its main powers – the Federal government and the Kurdistan Regional Government – must also prove accountable in promoting national unity through actions, because they may have severe repercussions not only at the regional and national level, but at the international one as well.

As for the future plans for the legal and political framework on fighting extremism in Iraq, it is crucial to reconsider the decisions and laws that helped the phenomenon of extremism and terrorism growth, and to consider the abolishment of bodies and institutions that led to its rooting.

Nevertheless, some studies and strategies formulated by security institutions and research centres are available, though affiliated with institutions, such as the Al-Nahrain Center for Strategic Studies, which works within the Iraqi National Security Advisory. It arranged the national security strategy and the strategy for combating terrorism, but these studies are of no

value if they remain ink on paper, and did not see the light at the level of application and practical implementation.

Iraq has become a rare case in the phenomenon of extremism framework in its various forms, and this situation is not in line with the spirit of the age, civilization and civility. Though being aware that it is not the unique case, Iraq is one of the countries that occupy the first ranks in the spread of this phenomenon, requiring local, regional and international cooperation to combat and eliminate violence and extremism. Like cancer, it may spread to other parts of the region and the rest of the world. There must be effective and serious work to eradicate this danger that threatens societal as well as international peace and security.


Annexes

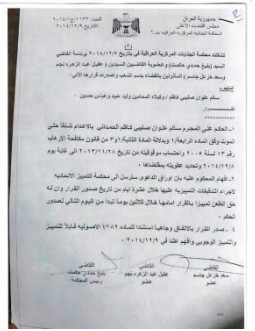
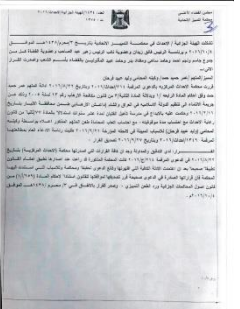

Annex I: Overview of the legal framework on radicalisation and deradicalisation

No.	Legislation title and No.	Date	Type of Legislation	Object	Link	Note
1.	Article Seven of the Iraqi Constitution, paragraphs A and B, Article 38 and Article 46.	2005	Constitutional provision	Banning incitement to radicalization and combating terrorism	https://iraqld.hjc.ig	
2.	Anti-Terrorism Law No. 13	2005	Statute	Eliminate terrorism and limit interaction with terrorists in any form of support and assistance	https://www.law.nahrainuniv.edu.ig	
3.	Law No. 31 Establishing the Anti-Terrorism Service	2016	Statute	To combat terrorism in all its forms and eliminate it	https://iraqld.hjc.ig	
4.	Law of Prohibiting the Baath Party, entities and parties, as well as racist, terrorist and infidel activities, No. 26 of 2016,	2016	Statute	Article Four: The Baath Party is prohibited from engaging in any political, cultural, intellectual or social activity, as well as the formation of any political entity or party that pursues or adopts racism, terrorism, infidels, or sectarian cleansing or incites against it.	https://arb.parliament.iq/archive/2016/07/30	
5.	The Iraqi Penal Code 111 of 1969, amended	1969	Statute	Articles 200, 201, 372: penalties for anyone who belongs to	http://wiki.dorar-aliraq.net/iraqilaws/law/20706.html	

				the Baath party, penalties for anyone who favors or promotes Zionist or Freemasonry principles and penalties for anyone who attacks religious landmarks and symbols of Iraqi religions and sects .	
6.	Parties Law No. 36 of 2015	2015	Statute	Article Five: The party is founded on the basis of patriotism, and it is not permissible to establish a party on the basis of racism, terrorism, infidels, or sectarian, ethnic or national fanaticism. It also prevents the establishment of a party that adopts or promotes the ideology or method of the dissolved Baath Party.	https://arb.parliament.iq/archive/2015/08/27/20218/
7.	Law No. 105 of 1970 Criminalizing Baha'i Activity	1970	Statute	Restricting freedom of belief and religion in Iraq	http://wiki.dorar-aliraq.net/iraqilaws/law/5080.html
8.	List of broadcasting rules	2014	regulation	Part Two Article 1 Prohibition of incitement to violence and hatred	https://www.cmc.

National Status Law (Court Decisions)

No.	Case number	Date	Name of the court	subject/summary of legal issues related to radicalization	Link/pdf
-1	2063/c1/2018	27/3/2019	Baghdad Appeals Presidency - Al-Karkh Federal - Karkh Criminal Court / First Commission.	The accused (A.M.) attributed the crime of belonging to an armed terrorist organization aimed at destabilizing security and stability in the country and participating in the bombing of a house in the Al-Rasheed - Al-Khatimiya district of the Baghdad governorate, killing a woman and wounding her husband on February 29, 2016 to achieve terrorist goals and objectives. The criminal was convicted according to Article 4/A and in terms of Article 2/1 and 3 of the Anti-Terrorism Law No. 13 of 2005 and determining his punishment accordingly and based on Article 132/1 penalties, and because the convict is a young man in the prime of his life and given the same opportunity for reform and that these reasons call for clemency and the decision was issued to life imprisonment by agreement based on Article 182/a of fundamentalism, in person, subject to discrimination, and subject to mandatory discrimination, and publicly understood on March 27, 2019	The researcher has a copy of the decision (unpublished) 

-2	1133/c1/2014	9/12/2014	9/12/2014 Central Criminal Court of Iraq / H1	The criminal (S.A.S.) was sentenced to death by hanging in accordance with Article 4 / and in the context of Articles 1 and 3 of the Anti-Terrorism Law No. 13 of 2005, and to prove the convict's affiliation with ISIS and his direct relationship with the so-called (Security Minister) of ISIS and his role in the transfer of weapons and the explosive devices from the outskirts of Baghdad, Fallujah and Saqlawiya to the city of Baghdad for use in terrorist operations	The researcher has a copy of the decision (unpublished) 
-3	214/Juveniles/2016	22/8/2016	Central Juvenile Court	Convicting the accused (A.H.H) in accordance with the provisions of Article 4/1 and in accordance with Article 2/3 of the Anti-Terrorism Law No. 13 of 2005 for the crime of belonging to the Islamic State in Iraq and the Levant (ISIS) within Anbar Governorate on 2/16/ 2016 and sentenced him to be placed in a school for the rehabilitation of boys for a period of ten years, citing Article 77/Second of the Juvenile Welfare Law, with considering the period of detention.	The researcher has a copy of the decision (unpublished) 
-4	1284/c/2018	9/9/2018	Karkh Criminal Court / First Commission	Criminalizing the accused (A.H.M) in accordance with the provisions of Article 4 in reference to Article 2/2 of the Anti-Terrorism Law No. 13 of 2005, due to the sufficiency of the evidence obtained against him for the crime of blowing up a public utility that is used for public benefit, which is electric power and high-pressure towers. He was sentenced to life imprisonment, citing Article 132 of Penal Code No. 111 of 1969.	The researcher has a copy of the decision (unpublished) 

**Other issues related to radicalization about some rights
OTHER RELEVANT ISSUES**

Subject	Constitutional provisions	Statutory law (statutes, rules, regulations etc.)	Important case law	Comments/issues relevant to radicalization
Freedom of religion	Articles 2, 10, 41,42, 43,	Below are the rules		
Minority rights	Preamble, Articles 2,3, 4, 9, 14, 41,42,43, 125	Official Languages Law No. 7 of 2014		Legislative lack of religious freedom, as well as the absence of a law protecting political, administrative, national and linguistic rights in accordance with Constitutional Article 125
Freedom of expression	Article 38	Coalition Authority Order No. 19 of 2003 and Penal Code 111 of 1969		Legislative deficiency and the absence of a law on freedom of expression and a law on freedom of access to information
Freedom of assembly	Article 38	Penal Code Order No. 19 of 2003		There are articles in the Penal Code 111 of 1969, articles 220 to 222, that unreasonably restrict the right of individuals to freedom of expression and their right to peaceful assembly
Freedom of association / political parties etc.	Article 39 Article 7	Parties Law No. 36 of 2015		Associations with unclear legislation
Hate speech/ crime	Articles 7, 38 and 46	Penal Code 111 of 1969, Anti-Terrorism Law No. 13 of 2005, Parties Law 36 of 2015 The list of the Media and Communications Authority in this regard, Law of banning the Baath Party 26 of 2016		

Church and state relations	Articles 2, 10, 41, 42, 43.	The system of patronage religious sects (religious sects officially recognized in Iraq No. 32 of 1981 And Supplement to the System of Sponsoring Religious Communities (Religious Communities Officially Recognized in Iraq No. 32 of 1981, And the law Divan of Endowments for Christian, Yazidi and Mandaean Religions No. (58) for the year 2012		
Surveillance laws				
Rights to privacy				

Annex II: List of Institutions Dealing With Radicalization & Counter-Radicalization

The original name in Arabic and English	Governmental tier (national, regional, local)	Type of organization	its area of specialization in the field of radicalization and DE radicalization	Link
<p>جهاز مكافحة الارهاب</p> <p>Anti-Terror Apparatus</p>	national	Military (security) national	To combat terrorist elements and combat terrorism	/http://isof-iq.com
<p>جهاز الامن الوطني</p> <p>National Security Apparatus</p>	national	security	Develop plans and strategies to combat terrorism	
<p>مستشارية الامن القومي</p> <p>National Security Advisory</p>	national	security	The body implementing plans and strategies to combat terrorism	/https://nsa.gov.iq
<p>امانة سر مجلس الامن الوطني</p> <p>The secretariat of the National Security Council</p>	national	security	Supervising the strategic plans for national security to ensure and achieve the effectiveness of addressing threats to	

			national .security	
مركز النهرين للدراسات الاستراتيجية Al- Nahrain Center for Strategic Studies	national		Preparing research, studies and programs to combat terrorism and extremism	/https://www.alnahrain.iq
جهاز المخابرات الخارجية external intelligence agency	national	security, external	Follow up on foreign terrorist elements	https://moi.gov.iq/Default/Ar
وكالة استخبارات الداخلية internal intelligence agency	national	Security, internal	Searching and investigating foreign terrorist elements	https://moi.gov.iq/Default/Ar
جهاز مكافحة الارهاب في اقليم كردستان CTA Kurdista n Counter- Terroris m Service CTA	regional	security	Fighting terrorist elements and fighting terrorism in KRI	
وزارة الخارجية العراقية - قسم مكافحة الارهاب Iraqi Ministry of	national	national, governme ntal	Coordinati on of internatio nal relations in the field of extremis	/ http://www.mofa.gov.iq

Foreign Affairs - Counter-Terrorism Section			m and terrorism	
وزارة العدل – مديرية الاصلاح (السجون) Ministry of Justice - Directorate of Reform (Prisons)	national	national, governmental	Rehabilitation of prisoners involved in terrorism	#/https://www.moj.gov.iq/reform
وزارة التربية والتعليم The Ministry of Education	national	national, governmental	Curriculum reform to achieve community peace and respect for human rights	http://epedu.gov.iq
وزارة الشباب والرياضة Ministry of Youth and Sports	national	national, governmental	Youth Rehabilitation	/https://www.moys.gov.iq
البنك المركزي central bank	national	national, governmental	Follow-up of currency smuggling to terrorist groups	/https://www.cbi.iq
وزارة المالية Ministry of Finance	national	national, governmental	Monitoring the movement of money and terrorist financing	http://www.mof.gov.iq/Pages/MainMof.aspx

الوقف السني Sunni Endowm ent	national	national, governme ntal	Spreading peace, rejecting hate speech, and building civil peace	/http://sunniaffairs.gov.iq/ar
الوقف الشيعي Shiite Endowm ent	national	national, governme ntal		/https://sed-iq.com
الوقف المسيحي والايزيدي والصابئي Christian , Yazidi and Sabian Endowm ent	national	national, governme ntal		http://www.cese.iq/index.html
مجلس القضاء الاعلى Supreme Judicial Council	national	national, governme ntal	Implemen tation of laws, decisions and rulings against those involved in extremis m and terrorism	https://www.hjc.iq/index-ar.php
المفوضية العليا لحقوق الانسان High Commis sion for Human Rights	national	A non- governme ntal organizati on linked to the Iraqi parliament	Monitorin g human rights violations	https://www.ihec.iq

Annex III: Best Practices of Deradicalization/Interventions/Programmes

National level

Practice to de-radicalize	Institution(s)	Aim	Source	Evidence of effectiveness / literature
1- National Security Strategy	National Security Service, 2015	Confronting the risks and threats that create an environment conducive to radicalization and violence in Iraq	Al-Nahrain Center for Strategic Studies 2019, the strategy to combat violent extremism leading to terrorism	The level of violence decreased as a result of assigning all ministries to implement the strategy activities of each relevant ministry
2- Survey of the general state of safety and security Six Iraqi provinces (Anbar, Baghdad, Diyala, Erbil, Karbala, Salah al-Din	Al-Nahrain Center for Strategic Studies, founded on June 17, 2012	Inducting researches and studies on radicalization and terrorism and ways to combat them. In addition to holding workshops, seminars, lectures and conferences to raise awareness , enhance community cohesion as well as to protect diversity in Iraq	Al-Nahrain Center for Strategic Studies 2019, the strategy to combat violent extremism leading to terrorism	Reducing the level of violence in the six mentioned governorates
3- A strategy to combat violent	The National Security	development plans and	Al-Nahrain Center for Strategic Studies 2019, the strategy to	Ministries and institutions

radicalization leading to terrorism 2019	Advisory and the ministries concerned with implementing the strategy	studies to combat terrorism	combat violent extremism leading to terrorism	carrying out their tasks and creating special programs in line with the strategy
4- Counter-terrorism strategy 2016	Counter-Terrorism Apparatus	Military strike force to combat terrorism, and to carry out the pursuit of terrorists	Interview with security experts	Decreased armed activity of terrorist groups
5- Welcoming the Yazidi women who were captured by ISIS in all parts of Iraq to return to their society and religion, which is contrary to the accepted traditions in the Yazidi society in the past.	The supreme spiritual institution of the Yezidis represented by the spiritual leader of the Yezidis, Baba Sheikh (Khurtu Haji Ismail)	Introducing changes in Yazidi beliefs and rituals to serve to eliminate religious extremism towards other religions	Wainscott A., 2019: Engaging Iraqi religious leaders in the peace and reconciliation process during the post-ISIS era. United State Institute of peacemaking peace possible. No.154.NOV.2019, [online] Available at: https://www.usip.org , [Accessed July, 7, 2021].	Hundreds of Yazidis have been returned to their families because of this initiative and practice, which belongs to an Iraqi minority, but it has taken on a patriotic character and an example of tolerance and national reconciliation far from retaliation and revenge
6- Various security Activates of De-Radicalization	Ministry of Interior - Intelligence Service	Fighting terrorism in all its forms	Interview with security experts	There are indications of the weakness of the cells of terrorist groups

7- Various coordination programs and information exchange	Ministry of Foreign Affairs - Department of Combating Terrorism	Coordination with states, institutions and international and regional organizations to combat terrorism	Ministry of Foreign Affairs / Department of Planning https://www.mofa.gov.iq ,	The development of international cooperation with Iraq on the issue of combating extremism and terrorism (the Baghdad Conference for Cooperation and Partnership), a regional conference
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Sub-national/Regional level

Practice to de-radicalize	Institution(s)	Aim	Source	Evidence of effectiveness / literature

Local level

Practice to de-radicalize	Institution(s)	Aim	Source	Evidence of effectiveness / literature
1-The programs of moderation and rehabilitation in color for juvenile (children) inmates in Nasiriya Correctional Facility and convicted of terrorist crimes 2019-2020	Ministry of Justice Department of Reforms in Nasiriya (prisons)	Rehabilitation of extremist juveniles in correctional institutions	Ali H., 2020. Rehabilitation of Juvenile Extremists in Correctional Institutions, Moderation and Color Therapy Programs, as an example, p. 11	Succeeding to moderate 500 inmates who have been recruited by ISIS (the Cubs of the Caliphate) and the color rehabilitation scheme targets extremist juveniles who

				accompany their ISIS mothers
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Annex IV: Policy Recommendations

1. The necessity of reconsidering Article 4 of the Anti-Terrorism Law No. 13 of 2005 and it should be interpreted in its proper place, without politicizing or using it to liquidate opponents or as a pretext for sectarian, racial or ethnic considerations. The acts covered by the punishment according to this article should be defined very precisely, in order to be carried out fairly
2. A comprehensive review of the Constitution and addressing the legislative deficiency of some constitutional articles that should be regulated by laws, especially with regard to guaranteeing the rights of Iraqi minorities, freedom of expression, the right of peaceful assembly, the right to access information, religious freedom and others. A review of all laws fostering disagreement and dissatisfaction among minorities, and rendering them consistent with the concepts of democracy and respect for human rights.
3. Activating the role of national and community reconciliation in a way that leads to warding off terrorism and violent extremism. The importance of international cooperation and coordination and exchange of information between countries to end terrorism and the activities of extremist organizations and groups.
4. Benefiting from the experiences of others that went through similar conditions, which nonetheless found tolerance as the best way to live together again.
5. Abolition of the Accountability and Justice Law (De-Baathification) previously. The abolition of the Accountability and Justice Commission, and giving everyone the opportunity to rebuild their country.

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