The Iraqi experience in combating terrorism according to human rights standards A case study of the performance machine of the ICTS

Iman Alaa Kadhim[1]
Researcher at Windsor
University / Center for
Middle Eastern Studies

It is known that terrorism violates human rights and restricts freedoms, as it does not hesitate to kill and destroy in the first place, let alone other human rights. Therefore, this research does not examine the impact of terrorism on human rights only because it is an end to it, but rather the importance of the research appears in its interest in studying the protection of human rights when countries carry out counter-terrorism operations, as human rights are vulnerable to violation during the state's attempt to limit and confront terrorism, which is It claims to protect people and their rights from terrorism.

The research aims to show the relationship between the violation of human rights and anti-terrorism operations in Iraq, so that when the state carries out anti-terrorism operations, it is forced (and sometimes exploited these circumstances) as a result of the state's passage through unusual circumstances of unrest, the spread of terrorism, and the lawlessness of security in order to restore things To be fair, to sacrifice some human rights, and we cannot succeed in revealing that relationship without knowing what terrorism is? And without knowing what human rights are? All of this ultimately leads to achieving the desired goal of this research.

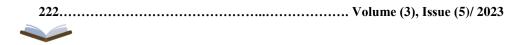**Keywords: Combating Terrorism, Human Rights, Iraqi Counter-Terrorism Service.**

Introduction

The research problem seems to be that terrorism has become a phenomenon that affects the freedoms and rights of individuals, which requires effective measures to be confronted. However, applying laws and regulations related to combating terrorism in a strict manner that ensures the elimination of terrorism and the imposition of harsh penalties and taking exceptional measures against them is not easy. Rather, it raises some difficulties due to the lack of observance of basic human rights and freedoms, and combating terrorism may be linked to the intervention of some major countries. It is considered an internal affairs of some other countries, which affects their sovereignty and independence.

Therefore, the main problem that the research is trying to address is that taking measures to combat terrorism in accordance with what is decided by internal laws and international agreements can raise some difficulties related to the violation of basic human rights and freedoms, which raises the question of how to establish a kind of balance between considerations of combating terrorism on the one hand and protecting Human rights and freedoms on the other hand.

This research assumes that although the state may (in some very limited cases) intervene to restrict human rights while confronting terrorism under the pretext of confronting or combating it, the state is not entirely free and free-handed, but there are some restrictions that it must take into account while carrying out its duties in anti-terrorism. Therefore, the main hypothesis that the research is trying to verify is that the Iraqi Counter-Terrorism Service maintains a high level of protection of human rights and freedoms in its operations to combat terrorism.

First: Supporting counter-terrorism operations by local communities

Terrorism represents a common regional and international challenge at the regional and international levels, as it represents one of the main issues that the countries of the region share in confronting it. The areas controlled by the organization (ISIS) in both Syria and Iraq, and Iraq's desire to eliminate any remnants of the organization in Iraq, and all these repercussions need to confront terrorist organizations according to international human rights standards[2].

The local community has an effective role and serious, honest and loyal actions for the homeland, starting with the methods of education within the family and education and the accompanying radical change with humanitarian and educational goals to build the new person through which the country is built and according to an intellectual and educational strategy that all institutions of society participate in implementing and seek reasons in it, search for motives and develop solutions The remedies are to root out and eradicate terrorism and violence from its roots and constitute a deterrent to its spread and to stand by the state security services spiritually and physically in preserving the homeland from any danger and spreading a culture of tolerance and acceptance of the other and coexistence with all cultures and religions. And loving. There are many roles that the local community in the liberated areas can play in building a society that combats terrorism and supports the state, and these roles include:

1. **The Educational-Family role**: The family, represented by the mother, father, brothers, and sisters, is the first place in the life of the individual in which the personality crystallizes, through which the conscience is formed, and values, morals, order, and commitment are established. He grows up into the community, passing through the

school, which constitutes the second station in the life of the individual. Moving away from authoritarianism and tyranny, laying the foundations for dialogue and discussion, strengthening the child's independent personality structures within the family, opening channels of communication between society on the basis of understanding and frankness, instilling the concepts of loving the country, defending it and respecting its components, all of this builds a human being. A strong independent who is difficult to be led and change his ideas and drift in extremist and terrorist currents[3].

2. **The religious role**: The human being, as stated in the teachings of the true Islamic religion, is the preferred being that God decreed for him to occupy the forefront and the lofty position among all creation and all beings. And security in human society, and he did not lose sight of human security issues, of which terrorism is a part. Therefore, working to create appropriate, correct and attractive areas to absorb the surplus energies of young people has become a necessity and a basis for building a healthy society [4]. Religious instructions must be directed towards renouncing terrorism and forms of violence in society and respecting the rights and orientations of others with the multiplicity and diversity of their religious, sectarian, national and other affiliations.

3. **The security-military role**: The civilized and effective role played by the security institution in society is not limited to force, monitoring, follow-up, investigation, and other pure security duties, but rather goes beyond that to guidance, counseling, investigation, awareness, and prevention of crime before it occurs, in coordination with research and study centers. And parties related to civil society and its effective organizations in society in order

to achieve the ultimate goal of the role of these institutions, which is to maintain security in society, consolidate the foundations of stability, and consolidate the good and decent relationship that is tinged with respect between the security man and the citizen [5].

Sometimes the role of the local community goes beyond those behavioral activities in supporting the state to practical field activities by entering the battlefields in order to combat terrorism to maintain the integrity of state security, as happened in 2014 when the terrorist organization ISIS occupied large areas and areas of the land of Iraq, as it quickly The terrorist organization was able to take control of the city of Mosul on June 10, 2014, after that it acquired vast lands, in addition to obtaining advanced weapons and equipment, and possessing huge financial resources that include oil wells and money from Mosul banks, followed by control over several Iraqi provinces, namely Salah al-Din and part of Diyala and Anbar[6].

As a result, the trend was towards finding a supportive army made up of volunteers, forming a military force in each province, and then directly joining the regular army, and pushing it into battle to confront the security threat. Here, the comprehensive population awareness of the size of the danger threatening the country emerged, and this realization was translated by the issuance of the fatwa of the Supreme Reference, Syed Ali. Al-Sistani, known as (competent jihad), and the formation of the popular crowd, and from this fatwa the popular crowd was born as the nucleus of an integrated institution that had the responsibility to confront the great terrorist attack that threatened the entity of the state. It can be said that the sufficient jihad fatwa established a new reality

represented in the mobilization of society against one common enemy based on awareness of one destiny, one challenge and one future[7].

4. **The socio-economic role**: The social and economic environment can play an important role in preserving the community entity from violence and disintegration, as this role can be played by civil society organizations and cultural, religious and clan gatherings in addressing the risks that threaten the local community economically and socially by standing by the needy from the poor in order to prevent their exploitation by terrorist organizations.

There is no doubt that the departure of the socialization process from the correct objective frameworks to perform its roles as a social and educational system to enhance the collective awareness of societies and in a way that strengthens social bonds between the people of the country must result in deviant behaviors, and the transformation of some of these channels, whether at the level of the family or places of worship or the media And others to voices feeding extremist ideas helped push a number of young people to join the terrorist organization ISIS[8], which may lead to the violation of human rights.

The responsibility for combating and confronting and preventing terrorism does not lie with specific individuals or specific departments in the state, but rather it is the responsibility of everyone, including society, community, educational and religious institutions and organizations alongside the state, regardless of political, national, religious or sect allegiance, because the security, stability and development of the state Its progress must be everyone's goal and everyone seeks it for their present and future. Therefore, the state should enable all the tools through which the local community can be employed towards it in a way that serves its existence and

survival by solving all obstacles that create crises between the state and society.

Second: The Iraqi measures in support of human rights in terrorist violations

Preserving human rights is important in times of peace, but its importance grows in times of conflicts and wars, because the moral standards used collapse in such times and are replaced by new ones. In such crises, the civilian population is stripped of the ability to control what is happening and their rights may be violated. In an arbitrary and exaggerated breach of this, there are attempts to define a framework of rules aimed at reducing the suffering of civilians who did not participate in the fighting and did not have blood on their hands, but who were an arm of terrorism.

The basic message is that civilians are not, and should not be, at any time, a legitimate military target, a target of a response operation, or a target of collective punishment, and the treaties state that the parties to the conflict are obligated to preserve the basic rights of civilians, including the right to life and the right to work And the right to receive medical treatment, the right to education, and the right to full return to life after the conflict. Since the end of World War II, the United Nations has played a prominent role in consolidating the principles and philosophy of human rights. The United Nations, which considered it a basis for maintaining international peace and security, as the state must respect human dignity and the international community must also intervene to protect these rights.

The role played by the Iraqi Counter-Terrorism Service in its war against terrorist groups is a very important role, especially in confronting dark ideas and how to reduce them, especially in containing all the matters that take place on the battlefield by collecting information, analyzing it, searching for its sources, and then implementing it. The ICTS aimed to consolidate the
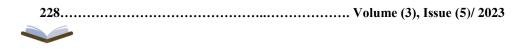
spirit of cooperation and humanitarian assistance to civilians at the time, as they were between two fires during the battles, the fire of war, confronting the enemy, saving civilians from that fire, and pulling them to safety in order to preserve their lives, protect them, and protect their property. The important thing in this case is to distinguish between civilians and terrorists Wearing civilian clothes, as well as working to reassure people by broadcasting messages that would affect the reduction of tension and joint cooperation between citizens and the ICTS.

Third: Building counter-terrorism capabilities in Iraq

After studying counter-terrorism operations in Iraq from 2004 until the liberation of Iraqi cities from the terrorist organization (ISIS), we come to develop a supreme national policy for the Iraqi state in building counter-terrorism capabilities[9]:
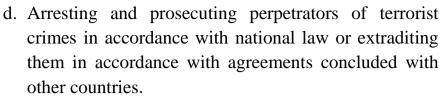
1. Combating terrorism and eliminating its causes.
2. Strengthening the preservation of security and stability in Iraq and protecting it from terrorism.
3. Strengthening the preservation of the foundations of legitimacy and the rule of law.
4. Strengthening the preservation of individual security in Iraq and promoting respect for human rights.
5. Strengthening the security and safety of public institutions and facilities in Iraq.
6. Strengthening and developing Iraqi cooperation and the regional and international environment in the field of combating terrorism.
7. Promoting social justice and fair distribution of wealth.

As for the fields and elements of building capabilities to combat terrorism, they require effective confrontation with terrorism, the development of an appropriate national policy, and joint cooperation at the internal and external levels, according to the following:

1. Measures to prevent terrorism: Prevention of terrorism is achieved through the following:[10]

   A. Increasing the support of the Iraqi state for the family to ensure sound education for the development of young people.

   B. Include in educational curricula the spiritual, moral and educational values stemming from true Islam.

   C. Religious institutions clarify the true image of Islam.

   D. The relevant state institutions should study the causes leading to terrorism, prevent their exacerbation, and work to eliminate them.

   E. Intensify the use of visual, audio and print media to develop national public awareness to confront terrorism.

2. Measures to prevent and combat terrorism: The Iraqi state should take effective and firm measures to prevent and combat terrorism, in all its forms and manifestations, through the following[11]:

   a. Preventing citizens from attempting or participating in any manner whatsoever in organizing, camouflaging, or inciting to organize or commit terrorist acts.

   b. Preventing the territory of Iraq from being used as a scene for planning, organizing, or executing terrorist acts, or initiating or participating in them in any way, including working to prevent the infiltration of terrorists, or their residence as individuals or groups, or their receiving, harboring, training, arming, or Financing them or providing them with any facilities.

   c. Tightening control measures and securing borders, airports, ports and ports, to prevent the infiltration of terrorists, or the smuggling of weapons, ammunition and explosives.
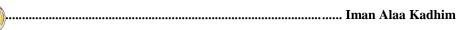
d. Arresting and prosecuting perpetrators of terrorist crimes in accordance with national law or extraditing them in accordance with agreements concluded with other countries.

e. Providing the necessary assistance to the victims of terrorism.

f. Providing effective protection for sources of information and witnesses of terrorist crimes.

g. Provide effective protection for workers in the field of criminal justice.

3. Amending anti-terrorism legislation: Amending criminal laws to combat terrorism and drying up its sources to achieve the following:[12]

a. Increasing penalties for perpetrators of terrorist crimes, freezing and confiscating all movable and immovable funds destined for these crimes, as well as all related tools.

b. Harmonizing national legislation with international conventions on combating terrorism.

c. Issuing a law on weapons, ammunition, explosives and other dangerous materials and including in it controls for their import, export, storage, transportation, trade, possession and use, and coordinating their control operations at customs and borders to prevent their transfer from one country to another except for legitimate purposes on a consistent basis.

d. Enhancing means of protection, security and safety for diplomatic and consular missions and personalities, and regional and international organizations accredited to Iraq.

4. Modernizing and developing the ICTS, extending security and enforcing the law through the following:[13]

a. Supporting the ICTS with qualified persons with specialization (criminal, military security).

b. Granting material and moral incentives to workers in the field of combating terrorism, commensurate with the nature of their work, its responsibilities and dangers.

c. Providing the local and federal needs of the ICTS in terms of equipment and modern technologies, to enable it to perform its tasks in an integrated manner, and to overcome the obstacles and difficulties it encounters.

d. Preparing advanced educational curricula and holding training courses in the field of combating terrorism to improve professional skills and qualifications.

e. Develop comprehensive and advanced security plans, each according to its sector, to confront any terrorist acts that may occur, and conduct practical experiments for them.

f. Strengthening systems for securing and protecting persons, vital installations, and public transportation from terrorist operations.

g. Continuously developing methods and plans of action to combat terrorism, in the light of lessons learned from terrorist acts.

h. Developing self-protection systems for private establishments, as they are able to protect themselves and secure their property.

i. Using modern technology to detect and deal with explosives.

Conclusion

Terrorism is a modern and old phenomenon, and it is a scourge that afflicts societies and states, and its impact has transcended the national level, to become an international issue that threatens

international peace and security, because its dangers are no longer confined to a specific society or group, just as terrorism is no longer practiced by simple means and tools, but rather terrorists use modern psychological warfare methods Through which human rights are violated and violated, and since terrorism violates all rights, it is forbidden, therefore academic research requires a study of the impact of terrorism on the protection of human rights by states when exercising their powers in counter-terrorism operations.

And that human rights are all prescribed for this creature in order to live in dignity, and it is important that all countries must be convinced of the right of every person in it to be left alone and to have his own space, so that neither the authorities nor any other individual, group or institution have the right to interfere in This is done only with his permission as long as he does not use this privacy to carry out illegal activities or actions or threaten the security of the homeland or some other things that are not permitted by the constitution.

The research showed the role of the ICTS in promoting human rights in Iraq, as well as the important humanitarian role that the ICTS played in its operations against extremism and terrorism in Iraq, and the extent of its commitment to international agreements and laws governing military operations from a humanitarian point of view.

The Iraqi Counter-Terrorism Service has fully complied with international agreements and laws on human rights during counter-terrorism operations, and there are accurate national human rights laws that have been applied by the ICTS in the safest way in liberation operations from terrorism.

(1) Iman.kadhim@outlook.com
(2) Financial action task force, financing of the terrorist organization Islamic state in Iraq and the Levant (ISIS), report, 2015, P.15.
(3) Jessica D. Lewis, Al- Qaeda in Iraq resurgent: the breaking the walls campaign, part 8, middle east security report, Institute for the study of war, 2013, P45.
(4) Ricks Thomas, Situation Called Dire in West Iraq, The Washington Post, 2014, P.69.
(5) Steven M. Chermak, Transnational Terrorism, Routledge Taylor & Francis group, New York, 2016, P.29.
(6) Zeena Karm & Qassim Abd Alzahra, Al Qaeda's Nusra Front Leader Stays in Syria Shadows, FBI, 2019, P.34.
(7) Ali Ziyad Al-Ali, Effective Tools to Combat Terrorism in Iraq, Al-Bayan Center for Studies and Planning, internet , https://www.bayancenter.org/2018/07/4662/ .
(8) Ibrahim Alloush, What does the war on terror mean, internet, http://www.freearabvoice.org/arabi
(9) Mackel Nietes, ISIL's Political-Military Power in Iraq, CTS, 2014, P.59.
(10) Ibid, p.60.
(11) Ronald Christine, Combating Terrorism, Emirates Center for Strategic Studies and Research, Emirates, 2018, p.57.
(12) Ibid, p.58.
(13) Ahmed Hussein Al-Rubaie, The Mental Image of the ICTS for the Iraqi Citizen, A Field Study, ICTS, Media Department, 2021, p.81.