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Caught Between Iraq and a Hard Place: The Legacy of Governmental (Il)legitimacy and Contemporary Iraq

by
Daniele Durkin

**Submitted in partial fulfillment
of the requirements for
Honors in the Department of Political Science**

UNION COLLEGE June, 2020

Abstract

Ever since the U.S.' 2003 invasion, Iraq's legal system has been mired by corruption, sectarianism, and deceit. In an effort to allay the negative effects of these things, each iteration of the Iraqi government since 2003 has doubled down on efforts to appear legitimate within the eyes of the public. Government-funded propaganda, secret police, intense censorship, and even campaigns of torture and kidnapping by security forces are just some of the ways in which the government has sought to gain legitimacy. Perhaps understandably, these same efforts have often wound up alienating and upsetting the citizenry further. This thesis analyzes the myriad of ways in which the government's quest for acceptance by its citizens has shaped the country into what it is today—and has informed the ongoing public protests.

In order to accurately assess the present state of the government, a close examination of quantitative and qualitative data available is needed. Using data sets provided by the REACH Initiative (2018) and the UN (2016), it becomes clear that a very pressing disparity exists between what Iraqi citizens believe will rectify their country and what the government believes it must do. A significant proportion of the Iraqis who have survived the ongoing violence feel strongly about the lack of public services. Rebuilding the country should involve allocating significant funding towards reconstructing basic public infrastructure and working to end the IDP crisis. Nevertheless, the government in post-Daesh Iraq rarely operates this way. Informed by previous iterations of quasi-authoritarian regimes, the government has instead focused its efforts on performative security measures. Trials for suspected Daesh members rarely last longer than a matter of minutes, often with little to no evidence presented (i.e. an anonymous allegation made by someone with ulterior motives, or a forced confession beaten out of a suspect by the Iraqi Security Forces), and all who come before a judge are sentenced to death. Many of those who are on death row must appear on "In the Grip of the Law," a state-sponsored television program which further dehumanizes them. This disparity in funding—and the abusive treatment of both detainees and anti-corruption protestors alike—has become one of the most prominent causes which citizens today have taken to rallying against. In my thesis, I bring forward questions of corruption and sectarianism in relation to the rule of law and sovereignty.

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Introduction

Dilapidated infrastructure, corrupt government officials, and over 500,000 internally displaced persons¹ are just some of the issues facing modern-day Iraq. After the Islamic State of Iraq and Syria (*Daesh*) was successfully beaten back by Iraqi forces – and its self-declared caliphate all but lost – the nation has been in a state of disarray as it seeks to compensate for all it has lost. One of the most insidious problems plaguing contemporary Iraqi society, however, largely remains unaddressed; its effects are not as outwardly visible as some of the aforesaid problems are, so it has received relatively little attention or care. The issue at hand is that of the Iraqi criminal justice system. The criminal justice system in Iraq has a longstanding history riddled with abuses of power at every level², and yet there is an argument to be made that its operation in the contemporary era is far worse than its previous iterations. Countless people have been arrested under suspicion of collaborating with *Daesh*, yet the evidence against the individuals in question is oftentimes nebulous at best. All it takes to be arrested for a crime, citizens allege, is for two people to accuse an individual of serving as a collaborator under *Daesh*'s regime.³ This process is unfair, they claim, because it enables a process wherein people report those they dislike – or those with whom they share a fraught history have a history of fighting with – for no reason other than spite. Detainees then wait, imprisoned for indeterminate

¹ “Humanitarian Community Appeals for US\$701 Million to Reach 1.75 Million Iraqis with Assistance [EN/AR] - Iraq.” ReliefWeb. *UN Office for the Coordination of Humanitarian Affairs*, April 29, 2019. <https://reliefweb.int/report/iraq/humanitarian-community-appeals-us701-million-reach-175-million-iraqis-assistance-enar>.

² Makiya, Kanan. *Republic of Fear: The Politics of Modern Iraq, Updated Edition*. University of California Press, 1998.

³ Taub, Ben. “Iraq's Post-ISIS Campaign of Revenge.” *The New Yorker*. *The New Yorker*, July 9, 2019. <https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>.

amounts of time (and oftentimes tortured by members of Iraqi security forces), until their day in court.⁴ Upon entering the courtroom, the treatment of the accused is not much better.

In order to accurately assess the state of the criminal justice system in post-Daesh Iraq, a multi-tiered investigation utilizing both qualitative and quantitative methods must be conducted. Chapter Two of this thesis will be a review of the nation's legal and political history, as well as that of its criminal justice system, from 2003 to the present. After the United States' 2003 invasion of Iraq, the Coalition Provisional Authority (led by U.S. officials) took control and appointed an Interim Governing Council.⁵ It was under the leadership of this council, however, that political hardliners became more prominent than before.⁶ The conservative right, for instance, passed Resolution 137 in late 2003, an act that repealed women's protections in family law and modeled the new legal system based on a stringent interpretation of Sharia.⁷ Iraqi women protested for over a year until it was repealed in December 2004⁸ – and thus, the longstanding protest culture was established within the “rebirth” of the nation in the de-Baathification era.

While the existing scholarly literature often covers public opinion of criminal justice practices,⁹ and whether or not certain laws regarding criminal procedure are actually put into

⁴ *ibid*

⁵ “Q&A: Whos Who on Iraqs Governing Council.” Council on Foreign Relations. *The New York Times*, July 17, 2003.

https://archive.nytimes.com/www.nytimes.com/cfr/international/slot2_071703.html?_r=1.

⁶ “Iraq: Women's Rights in Family Law.” *Women Living Under Muslim Laws*. <http://www.wluml.org/action/iraq-protect-iraqi-womens-rights-family-laws>.

⁷ *ibid*.

⁸ “إلغاء قانون الأحوال الشخصية في العراق.” *Al Jazeera*, October 3, 2004.

<https://www.aljazeera.net/programs/forwomenalone/2004/10/3/العراق-الشخصية-في-إلغاء-قانون-الأحوال>.

⁹ Kao, Kristen, and Mara Revkin. “To Punish or to Pardon? Reintegrating Rebel Collaborators After Conflict in Iraq.” *SSRN*, June 24, 2018.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3201354.

practice¹⁰, it neglects other important dimensions of the criminal justice system. Some such dimensions include why and how the Criminal Procedure Code was established, the problems that have come with ensuring criminal procedure is stringently followed, and what happens to the overall population when it feels betrayed by its own government. The first of these speaks to the sense of idealism that has persisted in Iraq in spite of the odds. A free and fair system in which accountability and justice are equally prized has always been at the heart of the nation's codified law. The issue, however, has come in the actualization of those noble goals. As previously stated, prior regimes have "gotten away with murder," so to speak, and the leftover vestiges of governmental corruption remain to this day. This has led to an oft-antagonistic relationship (or, at best, an indifferent coexistence) between the government and the very citizens it was chosen to represent. As a result, the population has developed a complex relationship with its political leaders: one riddled in mutual mistrust and doubt.

Chapter Three will detail the post-Daesh criminal justice system, and all of the complexities that exist therein. The vast majority of trials within the nation, for instance, last less than ten minutes.¹¹ Detainees will often plead with the judge; explain that they had nothing to do with the crimes they have been accused of; tell stories of how Daesh ruined their lives long ago, and insist upon their innocence; and point out that the state has no direct evidence linking them to any sort of criminal offense or association.¹² Judges simply point to forced confessions the accused signed while in prison – documents that, all too frequently, were blank pieces of paper

¹⁰ "Iraq Post-Daesh: Improved Social Cohesion, but Iraqis Remain Dissatisfied with Government." National Survey Findings. *National Democratic Institute*, July 2019. https://www.ndi.org/sites/default/files/NDI_Iraq_Survey_2019_EN_0.pdf.

¹¹ "How It Ends: Judgment." NPR. *NPR*, April 11, 2019. <https://www.npr.org/templates/transcript/transcript.php?storyId=712409472>

¹² *ibid*

during the window of time that the accused were violently coerced by security forces into putting their thumbprints on it¹³ – and all of the defense’s arguments fall upon deaf ears. The accused also do not often get to feel the support of loved ones on their day in court, because family and friends are too worried that they might be arrested and accused of committing heinous acts simply by their association with the accused. Some, on the night before they are supposed to die, are selected to go on the reality television show *In the Grip of the Law*.¹⁴ The program, which parades death row inmates in front of the camera to confess their guilt and agree that they deserve capital punishment, has over ten million viewers each week.¹⁵ The performative nature of this television show, in addition to the nation’s substandard practices with regards to the criminal justice system, deserves to be the subject of heavy scrutiny. I will also explore the ramifications regarding national security, hyper-sectarianism, the legal system, and semi-autonomous regions that these facets of the current criminal justice system engender in this chapter.

Chapter Four will explore the current protests taking place in Iraq. With the crises caused by Daesh finally coming to a close, and citizens looking instead to what they want out of the future of their nation, efforts and attention have since been refocused on rebuilding and reforming the nation. Civilians have taken to the streets to call for an end to chronic unemployment, governmental corruption, and lacking public services¹⁶, impassioned to change their quality of life for the better. I will first explore how these protests came to be, analyzing

¹³ Taub, Ben. “Iraq’s Post-ISIS Campaign.”

¹⁴ في قبضه القانون. Al-Iraqiya. *Al-Iraqiya*, 2019.

¹⁵ France-Presse, Agence. “Iraq TV Show Broadcasts 'Confessions' of Death-Row Extremists.” The National. *The National*, February 6, 2018. <https://www.thenational.ae/world/mena/iraq-tv-show-broadcasts-confessions-of-death-row-extremists-1.702183>.

¹⁶ *ibid*

several published, data-driven surveys on how the Iraqi public has felt it relates to its government over the years. By utilizing the nation's political and legal history as the background through which current events can best be understood, I seek to derive statistical trends from data gathered in contemporary times. Once I have explored the escalation of protests by the Iraqi public, I will then turn to the state's reaction. Instead of an ongoing dialogue between protestors and security officials, protestors' pleas have been met by a brutal state crackdown. At the time of writing, hundreds of peaceful protestors have died at the hands of security forces in the last month alone.¹⁷ Although state crackdowns are far from abnormal within the nation (as will be explored in Chapter Two), the current violence may very well engender future radicalization as well. That would, in turn, perpetuate the ongoing injustices of the criminal justice system – and threaten the very foundation of the nation once more.

Chapter Five will summarize and conclude my findings. Healing from mass atrocities such as those committed by Daesh, and besieged at present by mass protests from a discontented public, Iraq needs to build itself up again. If the population of a nation that has already endured mass trauma continues to have an antagonistic relationship with its government and security forces, it is clear reform must occur. In order for successful reform to take place, however, the factors most influencing the system in question must be addressed and considered. Nothing can develop in a vacuum. Plenty of possible solutions for the crisis may exist, but one thing is certain: because the government of Iraq has always lacked legitimacy in the eyes of its citizens, the path forward will likely favor a more decentralized approach to governing than ever before.

¹⁷ Iraq Protests: Security Forces Open Fire on Protesters.” BBC News. *British Broadcasting Corporation*, November 24, 2019. <https://www.bbc.com/news/world-middle-east-50536334>.

Chapter Two

The Beginning of the Timeline: 2003-2005

In deciding to “fix” Iraq in 2003, the United States has instead perpetuated the delegitimization of Iraqi governments and opened the nation up to decades of instability. After the 2003 invasion of Iraq, the U.S. instilled and supported the Coalitional Provisional Authority.

¹ The CPA appointed an Interim Governing Council (“the Council”) not long thereafter. While the Council did succeed in signing a very liberal constitution into law – indeed, dubbed by some as “one of the most liberal constitutions ever to have been drafted”² – the Council still faced significant opposition. While the document did grant universal suffrage, and established the framework for a path towards semi-autonomy for Kurdistan, hypersectarianism stilled ruled the day. The U.S.’ decision to appoint Iraqi National Accord’s Iyad Allawi, a man formerly in exile with close connections to the White House, as the nation’s prime minister raised eyebrows.³ It was easy for citizens to pick up on the common thread between most of the Council’s appointees of choice: close connections to, and/or implicit support of, the United States government and the CIA. Thus, despite the apparent liberalness of the nation’s newly minted constitution, citizens were left with no choice but to submit to the rule of the U.S.-backed appointees. The Council dissolved on June 28, 2004⁴, and Allawi began his reign as prime

¹ “Q&A: Whos Who on Iraqs Governing Council.” Council on Foreign Relations. *The New York Times*, July 17, 2003. www.nytimes.com/cfr/international/slot2_071703.html?_r=1.

² “Grand sentiments, and an uncomfortable compromise: governing council signs interim constitution for Iraq.” *MEED Middle East Economic Digest*, March 12, 2004. https://link-gale-com.libproxy.union.edu/apps/doc/A114924753/AONE?u=nysl_ca_unionc&sid=AONE&xid=a999814a

³ “Controversy greets new government: fresh violence greets cabinet announcement.” *MEED Middle East Economic Digest*, June 4, 2004. https://link-gale-com.libproxy.union.edu/apps/doc/A118495594/AONE?u=nysl_ca_unionc&sid=AONE&xid=b2194ea9.

⁴ Ibid.

minister on that day. Within one month, any hope the citizens might have felt for a liberal, non-violent governing force was eradicated. Allawi's July 2004 decision to create the General Security Directorate not only concerned and frightened Iraqis, but also inspired the ire of rebel militants throughout the nation.⁵ Using the General Security Directorate as an iron fist, Allawi instated a mandatory curfew for Iraqi citizens. He encouraged members of the General Security Directorate – some of whom, in fact, were members of the security forces of Saddam Hussein⁶ – to engage in surprise searches of citizens' homes. The ever-present threat of martial law hung in the air, and citizens lived in fear of random detainment on suspicion of sympathizing with militia groups. Troubling allegations also began to surface about Allawi's personal conduct. In a piece that would go on to win several awards, the Sydney Morning Herald released information about a visit Allawi had conducted to a police station in Baghdad. Speaking on the condition of anonymity, several witnesses alleged that Allawi's primary purpose of visiting was to show his security forces how he wanted them to "handle" those accused of collaborating with militant Islamist organizations.⁷ Allawi reportedly shot each member of a group of six suspected militants in the head, in front of a crowd of Iraqi and American personnel. Those that were there claim he offered a solemn message upon the slaughter's conclusion: "...we must destroy anyone who wants to destroy Iraq and kill our people."⁸

⁵ "Allawi pledges crackdown on insurgency." *MEED Middle East Economic Digest*, July 16, 2004. https://link-gale-com.libproxy.union.edu/apps/doc/A120102970/AONE?u=nysl_ca_unionc&sid=AONE&xid=dd434bf

⁶ Ibid.

⁷ "Allawi Shot Prisoners in Cold Blood: Witnesses." The Sydney Morning Herald. *The Sydney Morning Herald*, July 17, 2004. <https://www.smh.com.au/world/middle-east/allawi-shot-prisoners-in-cold-blood-witnesses-20040717-gdjd6k.html>

⁸ Ibid.

In August 2004, just one month after the creation of Allawi's General Security Directorate, Allawi's administration created another regulatory commission designed to restrict civilians' access to the media.⁹ Overseen by former Baathist Ibrahim Janabi, the Higher Media Council was designed to serve as an arm of the government through which media containing harmful or sensitive information could be censored from reaching the masses. Allawi condemned, for instance, depictions of Americans celebrating the deaths of Iraqis on international news channels. In a public speech of Allawi's, he argued passionately against airing stories on the news that would further traumatize and upset the already-aggrieved population.¹⁰ The Higher Media Council's mission soon morphed, however, from the prevention of widespread re-traumatization into the government's unofficial propaganda arm.¹¹ The government sought to censor anything it deemed subversive content, including any and all criticisms of the administration's leaders. Citizens were particularly vocal in their disgust after the Higher Media Council ordered Al Jazeera offices in Iraq to close down.¹² Instead of engaging in a dialogue with citizens about the matter, however, the government only doubled down on its

⁹ Berkowitz, Bill. "Iraq's Prime Minister Suppresses Media." Working for Change. *Working Assets*, August 12, 2004.

<https://web.archive.org/web/20061110034931/http://www.workingforchange.com/article.cfm?ItemID=17458>.

¹⁰ Price, Monroe. "Allawi's Higher Media Council : Reimposing Controls on the Iraqi Press." The New York Times. *The New York Times*, October 9, 2004.

<https://www.nytimes.com/2004/10/09/opinion/allawis-higher-media-council-reimposing-controls-on-the-iraqi-press.html>.

¹¹ Ibid.

¹² Harding, Luke. "Iraq Extends al-Jazeera Ban and Raids Offices." *The Guardian*, September 6, 2004. <https://www.theguardian.com/media/2004/sep/06/iraq.broadcasting>.

stance. Television stations were often warned that they too would be at risk of receiving the same treatment if they aired material criticizing Allawi.¹³

With the regulatory committee keeping such a close eye on news media sources, the nation's sociopolitical climate grew more and more polarized. From 2003 to 2005, factions of the conservative right fought to have their demands on society legally codified. Indeed, some of those factions were propelled into prominence on a national scale for their creation and support of Resolution 137 in 2003.¹⁴ The aforesaid resolution called for the complete and total repeal of the legal rights and protections afforded to women in family law, replacing them instead with a stringent interpretation of Sharia.¹⁵ Male clerics would appoint themselves to decide cases in family law, and all decisions reached would be final. Although Resolution 137 was never formally signed into law due to widespread protests by Iraqi women, the fact that it was reported to have been passed in a matter of minutes proved troubling for the governing authorities. Religious and political hardliners continued campaigning for a reversion back to tradition in the years that followed. They gained purchase as the Allawi administration continued its crackdowns; citizens, frustrated with the "liberal" government, often found solace within hardline ethnosectarian movements

Some of these groups utilized extralegal methods in their attempts to bring about dramatic sociopolitical change; Ansar al-Islam, for instance, was a militant Salafist organization that attracted predominantly Kurdish Sunnis who protested vehemently against American

¹³ Berkowitz, Bill. "Iraq's Prime Minister Suppresses Media." *Working Assets*, August 12, 2004. <https://web.archive.org/web/20061110034931/http://www.workingforchange.com/article.cfm?ItemID=17458>.

¹⁴ "Iraq: Women's Rights in Family Law." النساء اللواتي يعشن في ظل قوانين اسلاميه. *Women Living Under Muslim Laws*. <http://www.wluml.org/action/iraq-protect-iraqi-womens-rights-family-laws>.

¹⁵ Ibid.

occupation and the federalist system of government.¹⁶ Ansar al-Islam assured Kurds that what was “wrong” with the government was its decision to break from tradition – the federal government served as a puppet for U.S. interests, they insisted, and the fledgling Kurdish Regional Government was far too secular.¹⁷ Ansar al-Islam encouraged its members to fight coalition forces in order to actualize the changes they wished to see. Members were subsequently responsible for a series of bombings in the nation – from the Erbil bombings of 2004, which killed over 100 Iraqis¹⁸, to the 2005 bombing of a bank in Kirkuk where government officials were waiting to pick up their paychecks.¹⁹ Other civilians gravitated towards groups like Al Qaeda of Iraq (“AQI”), which propagated a vision of a theocratic nation governed by Sunni nationalists.²⁰ Under the leadership of Abu Musab al-Zarqawi, AQI launched a series of attacks on secular Iraqis and Shi’a Muslims from 2003 on. They were, for instance, responsible for the February 2004 bombing of the Kadhimiya Shrine in Baghdad, which killed around 200 Muslims and injured at least 500 more.²¹ The violence perpetrated by these and other militant groups – as well as the violence perpetrated by Allawi’s government – inspired some members the citizenry of Iraq to act similarly. In March 2004, citizens unaffiliated with militant Salafist organizations

¹⁶ “Mapping Militants: Ansar Al-Islam.” *Stanford Center for International Security and Cooperation*. Stanford University Press.

https://cisac.fsi.stanford.edu/mappingmilitants/profiles/ansar-al-islam#text_block_12174.

¹⁷ “Ansar Al-Islam.” *Global Terrorism Database*, April 21, 2014.

<https://www.start.umd.edu/gtd/search/Results.aspx?perpetrator=20055>.

¹⁸ Gregory, Kathryn. “Ansar al-Islam (Iraq, Islamists/Kurdish Separatists), Ansar al-Sunnah.” *The Council on Foreign Relations*, November 5, 2008.

¹⁹ “Ansar Al-Islam.” *Global Terrorism Database*, April 21, 2014.

<https://www.start.umd.edu/gtd/search/Results.aspx?perpetrator=20055>.

²⁰ Whitaker, Brian. “Revealed: Al-Qaida Plan to Seize Control of Iraq.” *The Guardian*. *The Guardian*, October 12, 2005. <https://www.theguardian.com/world/2005/oct/13/alqaida.iraq>.

²¹ Burns, John F., and Jeffrey Gettleman. “Blasts at Shiite Ceremonies in Iraq Kill More Than 140.” *The New York Times*. *The New York Times*, March 2, 2004. https://www.nytimes.com/2004/03/02/international/middleeast/blasts-at-shiite-ceremonies-in-iraq-kill-more-than.html?_r=0.

murdered and desecrated the bodies of four American contractors in Falluja.²² Locals who did not directly carry out the attack were nevertheless in support of it taking place, tired of U.S. interventionism and the government Americans had created.²³ The bloodbath on all sides – from the government cracking down on civilians, to the rise of militant Salafist organizations, to the anger and violence of Iraqi civilians – essentially epitomize Allawi's rule. The interim government primarily relied on force to establish its legitimacy, and the nation's population responded back in kind to establish that it felt neither loyalty nor love for its new government.

Redefining a Nation: Challenges, Triumphs, and Loose Ends

When the January 2005 elections finally took place, a new order was ushered in. These elections were not only responsible for instilling a National Assembly, but also for governorates throughout Iraq, as well as the Kurdish parliament.²⁴ Each voter was to cast a ballot, voting for only 1 of 111 possible electoral slates. Each slate would then gain seats in the National Assembly based on the number of votes they received – a directly proportional system of governance. The main coalitions vying for power were the Watani List, a Shi'a Islamist coalition backed by prominent religious figure Ayatollah Ali al-Sistani²⁵; the Democratic Patriotic Alliance of Kurdistan, an Kurdish nationalist coalition comprised of the Kurdish Democratic Party and the

²² Gettleman, Jeffrey. "Enraged Mob in Falluja Kills 4 American Contractors." The New York Times. *The New York Times*, March 31, 2004. <https://www.nytimes.com/2004/03/31/international/worldspecial/enraged-mob-in-falluja-kills-4-american.html>.

²³ *ibid*

²⁴ Perry, Cal. "Milestone Elections Begin in Iraq." CNN. *Cable News Network*, January 30, 2005. <https://www.cnn.com/2005/WORLD/meast/01/29/iraq.main/>.

²⁵ Hamida, Iyad. "السيستاني الرقم الصعب في المعادلة العراقية." DW.COM. January 21, 2005. <https://www.dw.com/ar/السيستاني-الرقم-الصعب-في-المعادلة-العراقية/a-1465722>.

Patriotic Union of Kurdistan²⁶; and the Iraqi List, a small coalition of secular Shi'a Muslims led by Allawi.²⁷ Many Sunni Arabs felt as though their interests were not being represented by any of these groups, and the threats of violence against Sunni voters by militant Shi'a groups made matters worse.²⁸ As such, a great number of Sunnis boycotted the elections altogether. The Watani List wound up garnering 48% of the overall vote, winning them 140 seats in the National Assembly.²⁹ The Democratic Patriotic Alliance of Kurdistan followed suit with 25% of the vote, winning them 75 seats in the National Assembly.³⁰ The Iraqi List won just 13% of the vote, and was awarded 40 seats.³¹ All other parties running each received less than 2% of the vote, many of which didn't win any seats in the Assembly. Thus, Shi'a Muslims and Kurds were set to dominate the government on a national scale. The National Assembly henceforth appointed Jalal Talabani, a Kurdish leader, President; Adel Abdul Mehdi, a Shi'a Arab, Vice President; Ghazi al-Yawar, a Sunni Arab, Vice President; and Ibrahim al-Jaafari, a Shi'a Arab, Prime Minister³².

This control proved invaluable when it came time to draft the nation's constitution in October – the first constitution in which U.S. interventionism would not heavily influence its contents. Because the majority of elected officials were political Islamists, they sought to

²⁶ Abbas, Mushreq. "Iraqi Provincial Law Renews Debate Over Centralization." *Al Monitor*, July 8, 2013. <https://www.al-monitor.com/pulse/originals/2013/07/iraq-province-law-state-decentralization.html>

²⁷ "Political Parties in Iraq." Iraq Foundation for Development Research, 2005. <http://www.irfad.org/political-parties-of-iraq/>

²⁸ Wong, Edward. "Sunnis Reject Really Election Results, Calling for Inquiry." *The New York Times*. *The New York Times*, December 21, 2005. <https://www.nytimes.com/2005/12/21/world/middleeast/sunnis-reject-early-iraq-election-results-calling-for.html>

²⁹ "Elections in 2005." Independent Electoral Commission of Iraq, 2005. http://archive.ipu.org/parline-e/reports/arc/2151bis_05.htm

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

combine the values of their religion with the principles of democracy. As stated in the Constitution, “Islam is the official religion of the state and is a foundation source of legislation: no law may be enacted that contradicts the established provisions of Islam; no law may be enacted that contradicts the principles of democracy; [and] no law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.”³³ The Constitution also enshrines rights for women, religious and ethnic minorities, the elderly, and children. While the document is unabashedly progressive in its entirety, Sunni opponents took offense to the Constitution’s proposition of a weak federal government.³⁴ While their opposition did not change the system of government, an amendment process was added to the constitution so that the matter could be revisited later if the demand was strong enough.³⁵ With the Constitution established as the basis for government – and its contents describing in detail what the federal government and its branches would look like – Iraqi politicians turned their attention towards implementing the rule of law they had established.

Stabilizing the country would prove more to be difficult than originally thought; insurgency groups planned frequent attacks in the hopes of destabilizing the country’s fledgling government. Insurgents threatened violence against civilians and the government alike almost every day.³⁶ In fact, the “calmest” month of 2005 was August, which only saw four high-impact

³³ “Iraq’s Constitution of 2005.” Constitute Project.

https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

³⁴ Beehner, Lionel. “Why Sunnis Don’t Support Iraq’s Constitution.” *Council on Foreign Relations*, October 12, 2005. <https://www.cfr.org/backgrounder/why-sunnis-dont-support-iraqs-constitution>

³⁵ Ibid.

³⁶ De Albuquerque, Adriana, & Michael O’Hanlon. “Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq.” Brookings Institution, March 18, 2005. <https://www.brookings.edu/wp-content/uploads/2017/11/index20050318.pdf>

terrorist attacks and one large-scale stampede that killed almost one thousand Iraqis.³⁷ Car bombs and IEDs scattered throughout the capital killed security personnel every month.³⁸ The conflict only grew worse and worse as the months wore on, growing especially heated around times of major political change. On October 13, the government announced a four-day curfew for the express purpose of limiting attacks from insurgency groups.³⁹ The government also doubled down on security during the elections. Police forces lined the streets, and security was especially vigilant around polling centers. A tragedy still occurred that evening – an IED took the lives of five Iraqis and two Americans⁴⁰ – but it was the only one of its kind. Violence ramped up once more after the curfew ended, only quelling once more around the December 2005 elections for a permanent, four-year government.⁴¹

The results of the December 2005 elections are similar to those of its predecessor, with one key difference: the rise of Sunni opposition. Sunnis, galvanized by the lack of participation and representation they'd felt with the interim National Assembly, showed up to the polls in record numbers.⁴² Several insurgency groups had even put a moratorium on attacks during the elections, sending out their own soldiers to serve as security against other groups trying to intimidate voters (like the foreign insurgents of Al Qaeda of Iraq).⁴³ Their efforts proved

³⁷ Ibid.

³⁸ “Hundreds Killed in Baghdad Stampede.” Al Jazeera News. *Al Jazeera Media Network*, August 31, 2005. <https://www.aljazeera.com/archive/2005/09/2008410142959148903.html>.

³⁹ De Albuquerque, Adriana, & Michael O’Hanlon. “Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq.” Brookings Institution, March 18, 2005. <https://www.brookings.edu/wp-content/uploads/2017/11/index20050318.pdf>

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Knickmeyer, Ellen, and Jonathan Finer. “Iraqi Vote Draws Big Turnout Of Sunnis.” *The Washington Post*. *The Washington Post*, December 16, 2005. <https://www.washingtonpost.com/wp-dyn/content/article/2005/12/15/AR2005121500228.html>

⁴³ Ibid.

successful. The Watani List and the Democratic Patriotic Alliance of Kurdistan still held 41.2% and 21.7% of the vote, respectively⁴⁴, but the third-most powerful party in all of Iraq was the newly-formed Tawafuq party – a Sunni coalition comprised of the Iraqi National Dialogue Council, the General Council for the People of Iraq, and the Iraqi Islamic Party – with 15% of the vote.⁴⁵ These results would mean that the Shiite Watani List no longer had the two-thirds majority that they needed to form a government. Instead, they would have to reach a consensus with their Sunni and secular counterparts in order to rule effectively. The first assertion the Watani List had to adhere to was the replacement of Ibrahim al-Jaafari as Prime Minister.⁴⁶ Al-Jaafari was seen by these groups as incompetent, unable to handle the steady stream of violence that insurgency groups meted out under his rule. Many felt he and his administration were complicit in the bouts of sectarian violence. Al-Jaafari was officially removed from his position in April 2006.⁴⁷ The Sunnis, Kurds, and secularists accepted Nouri al-Maliki as Prime Minister, and al-Maliki came into power shortly thereafter.⁴⁸

⁴⁴ “Country Profile: Iraq.” The Federal Research Division of the United States Library of Congress, August 2006.
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=2ahUKEwiz1eySm5PnAhXoYt8KHSdBDR0QFjAFegQIBhAB&url=https%3A%2F%2Fwww.loc.gov%2Frr%2Ffrd%2Fcs%2Fprofiles%2FWord%2FIraq-new.doc&usg=AOvVaw3tRAJPSI08QWQKC4wFGsCn>

⁴⁵ “Council of Representatives of Iraq.” The Inter-Parliamentary Union & the Independent Electoral Commission of Iraq, December 2005.
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=2ahUKEwiz1eySm5PnAhXoYt8KHSdBDR0QFjAFegQIBhAB&url=https%3A%2F%2Fwww.loc.gov%2Frr%2Ffrd%2Fcs%2Fprofiles%2FWord%2FIraq-new.doc&usg=AOvVaw3tRAJPSI08QWQKC4wFGsCn>

⁴⁶ “Fact Sheet: Ibrahim al-Jaafari.” *The Institute for the Study of War*, May 12, 2010.
<http://www.understandingwar.org/reference/fact-sheet-ibrahim-al-jaafari>

⁴⁷ Ibid.

⁴⁸ Ignatius, David. “In Iraq’s Choice, a Chance for Unity.” *The Washington Post*, *The Washington Post*, April 26, 2006. <https://www.washingtonpost.com/wp-dyn/content/article/2006/04/25/AR2006042501650.html>

Al-Maliki presented his first choices for cabinet on May 20, 2006 and won approval the same day.⁴⁹ Once in office, al-Maliki asserted that it was one of the utmost priorities of his office to impede and eradicate insurgency groups from the nation. He often spoke out against the prominence of insurgencies in Iraq, making it known that, “those who disrupt the course of life... will have a tragic end.”⁵⁰ Al-Maliki proved his rhetoric wasn’t simply ideological just one month later, when he partnered with the U.S. government to bring about the death of Abu Musab al-Zarqawi.⁵¹ Al-Zarqawi, leader of Al Qaeda of Iraq (“AQI”), had been responsible for several large-scale bombings and countless other attacks throughout the nation.⁵² He was regarded as a fearsome leader through whom militant Salafist jihadists could actualize their dreams of a territorial caliphate. Al-Zarqawi was often considered more ambitious than Al Qaeda’s Osama bin Laden in his goals.⁵³ His drive for immediate change led to deviations in ideology and strategy from the rest of Al Qaeda that resulted in AQI’s eventual split from its parent organization (and its subsequent transformation into the organization known as Daesh). Al-Zarqawi died in a raid at the hands of al-Maliki and the U.S. government – as did his immediate successor, Abu Hamza al-Muhajir⁵⁴ – but the radical, urgent form of militant Salafi jihadism which he pioneered lived on. Al-Maliki accordingly spent a great deal of his two terms in office

⁴⁹ Chilcote, Ryan, Barbara Starr, and Mohammed Taqfeeq. “Iraq’s New Unity Government Sworn In.” Cable News Network, *CNN* online, May 20, 2006.

<http://www.cnn.com/2006/WORLD/meast/05/20/iraq.main/index.html>

⁵⁰ “Abu Musab al-Zarqawi, Leader of Al Qaeda in Iraq, Has Been Killed.” The Associated Press & The New York Times. *The New York Times*, June 8, 2006.

<https://www.nytimes.com/2006/06/08/world/middleeast/08wire-Zarqawi.html>

⁵¹ Ibid.

⁵² Weaver, Mary Anne. “The Short, Violent Life of Abu Musab al-Zarqaqi.” *The Atlantic*, June 8, 2006. <https://www.theatlantic.com/magazine/archive/2006/07/the-short-violent-life-of-abu-musab-al-zarqawi/304983/>

⁵³ Ibid.

⁵⁴ Arango, Tim. “Top al-Qaeda Leaders in Iraq Reported Killed in Raid.” *The New York Times*, April 19, 2010. <https://www.nytimes.com/2010/04/20/world/middleeast/20baghdad.html>

combatting against AQI soldiers. Most of the raids conducted throughout al-Maliki's first term were victories attributed primarily to the U.S.⁵⁵, but as al-Maliki's government gained more power, the administration started taking the lead on attacks against insurgencies.

Radical insurgency groups weren't the only thing al-Maliki spent a great deal of his terms in office fighting against, however. Al-Maliki was also frequently accused of targeting the press in Iraq through the use of censorship and imprisonment. The International Committee to Protect Journalists had written to him in June 2006, asking him to reverse the pattern of restricted press and journalist intimidation that leaders before him had started.⁵⁶ Rather than heed their pleas, al-Maliki almost immediately began censoring Iraqi press. In the first few years of his governance, al-Maliki started by censoring content that he felt would be demoralizing to Iraqi citizens (i.e. bloodshed between Iraqis, as well as sectarian conflict).⁵⁷ The government took pains to limit all media showcasing – or even hinting – at violent or sexual content.⁵⁸ Al-Maliki then censored all media discussing ““drugs, terrorism, gambling, negative remarks about Islam, and pornography.””⁵⁹ The al-Maliki administration proceeded to force Internet cafes to register with the government, lest they close their doors permanently.⁶⁰ A significant proportion of the airtime on Iraqi television was dedicated towards praising (or reporting strictly positive stories on) the

⁵⁵ Serwer, Daniel, and Sam Parker. “Maliki's Iraq Between Two Elections.” United States Institute of Peace, May 2009. <https://www.usip.org/sites/default/files/resources/Maliki%27s%20Iraq%20between%20Two%20Elections.pdf>

⁵⁶ “CPJ Sends New Iraqi Prime Minister Press Freedom Recommendations.” Committee to Protect Journalists, June 6, 2006. <https://cpj.org/2006/06/cpj-sends-new-iraqi-prime-minister-press-freedom-r.php>

⁵⁷ Williams, Timothy. “Iraq's Censorship Laws Move Ahead.” *The New York Times*, August 3, 2009. <https://www.nytimes.com/2009/08/04/world/middleeast/04censor.html>

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ “Iraq to Impose Controls on Internet.” The Associated Press. *MIT Technology Review*, August 1, 2009. <https://www.technologyreview.com/s/414580/iraq-to-impose-controls-on-internet/>

al-Maliki regime. Critics of the administration asserted that al-Maliki's government was beginning to resemble Saddam Hussein's with regards to its systematic targeting of members of the press.

Allegations of quasi-authoritarianism were only further exacerbated by the administration's other policies. Al-Maliki's decision, for instance, to fire officials whose positions were explicitly created to fight corruption in the government raised the public's suspicions.⁶¹ His creation of two military forces that reported to him directly⁶², (as well as the re-politicization of the Iraqi Security Forces⁶³), also inspired concerns amongst critics of the government. His decision to create his own chain of command that superseded the already-existing non-hypersectarian chain of command suggested that he was not afraid to weaponize the military against citizens if need be. When the 2010 elections started looming closer, the administration decided to ban nine political parties and over four hundred and fifty candidates from running for office under the guise of de-Baathification.⁶⁴ Most of those banned from running were secular, liberal, and/or Sunni candidates. No officials in al-Maliki's party – and indeed, none of the theocratically-inclined Shi'a parties – suffered as a result of the ban.⁶⁵ Because of al-Maliki's restrictions on the election, a new coalition was created: the al-Iraqiya List, comprised of secular Shi'as and

⁶¹ Glanz, James, and Riyadh Mohammed. "Premier of Iraq is Quietly Firing Fraud Monitors." The New York Times. *The New York Times*, November 17, 2008. <https://web.archive.org/web/20150225103832/http://www.nytimes.com/2008/11/18/world/middleeast/18maliki.html?=&r=0>

⁶² Yaphe, Judith. "Maliki's Maneuvering in Iraq." *Foreign Policy Magazine*, June 6, 2012. <https://foreignpolicy.com/2012/06/06/malikis-manuevering-in-iraq/>

⁶³ Pollack, Kenneth. "Iraq Military Situation Report." The Brookings Institution, June 14, 2014. <https://www.brookings.edu/blog/up-front/2014/06/14/iraq-military-situation-report/>

⁶⁴ Ottaway, Marina, and Danial Kaysi. "De-Baathification as a Political Tool: Commission Ruling Bans Political Parties and Leaders." The Carnegie Endowment for International Peace, January 26, 2010. <https://carnegieendowment.org/2010/01/26/de-baathification-as-political-tool-commission-ruling-bans-political-parties-and-leaders-pub-24778>

⁶⁵ Ibid.

Sunnis.⁶⁶ The al-Iraqiya List wound up taking 24.72% of the vote after the election, with al-Maliki's Dawlat al-Qānūn taking 24.22%.⁶⁷ Despite the al-Maliki government's attempts to stop political opposition in its tracks, the al-Iraqiya List secured two more seats in parliament than the Prime Minister's own party. This decision, undoubtedly a blow to al-Maliki's confidence, showcased just how critical of the administration the public had become. Citizens had taken to the polls in droves – often enduring barrages of violent attacks by militant Sunni insurgency groups in the process⁶⁸ – all to make their disapproval known. Al-Maliki himself remained in power despite all of this, however, because the National Assembly could not agree upon a suitable replacement for Prime Minister.⁶⁹

From 2010 to 2014, al-Maliki continued ruling over Iraq. He made concessions and resisted Arabization with regards to disputed territories like Khanaqin, doing what he could to ensure the Kurdish bloc in government remained supportive of him.⁷⁰ He became more of a despot as the years went on, continuing all of the aforesaid policies and inventing new ones frequently. He accused Vice President Tariq al-Hashemi of being the architect behind highly-covered terrorist attacks – a move that cast extreme public scrutiny on al-Hashemi.⁷¹ The government quickly

⁶⁶ "Iraq's Secular Opposition: The Rise and Decline of Al-Iraqiya." The International Crisis Group, July 31, 2012. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/iraq-s-secular-opposition-rise-and-decline-al-iraqiya>

⁶⁷ "Timeline: Iraqi Elections." *Al Jazeera News*, March 3, 2010. <https://www.aljazeera.com/focus/iraqelection2010/2009/01/200912981139534809.html>

⁶⁸ "Wave of Bombings Hit Iraq." *Al Jazeera News*, April 24, 2010. <https://www.aljazeera.com/news/middleeast/2010/04/201042441518873601.html>

⁶⁹ Yaphie, Judith. "Maliki's Maneuvering in Iraq." *Foreign Policy Magazine*, June 6, 2012. <https://foreignpolicy.com/2012/06/06/malikis-maneuvering-in-iraq/>

⁷⁰ Al-Tamimi, Aymenn Jawad. "Will Nouri al-Maliki Survive His Second Term in Office?" *The Kurdish Globe & The Middle East Forum*, October 22, 2011. <https://www.meforum.org/3075/nouri-al-maliki-second-term>

⁷¹ "Iraq Vice President Rejects Death Sentence." *Al Jazeera News*, September 10, 2012. <https://www.aljazeera.com/news/middleeast/2012/09/201291085639667993.html>

backed al-Maliki on all counts, and al-Maliki ordered al-Hashemi's death not long after his original allegations were made.⁷² Al-Hashemi fled to Turkey at once. After fleeing the country, al-Hashemi has since been quoted as saying that al-Maliki's allegations were simply another political move meant to secure and consolidate power for himself. One cannot poke many holes in the seemingly incontrovertible evidence marking al-Hashemi as guilty, including damning testimonies provided by his personal bodyguards and his son-in-law.⁷³ Nevertheless, al-Maliki's motivations were likely not purely altruistic. Objective observers cannot deny that al-Maliki had a great deal to gain upon al-Hashemi's removal from power. Al-Hashemi was the Sunni leader of the al-Iraqiya List, al-Maliki's primary political opposition. Once al-Hashemi left the country, his party effectively collapsed. With his Sunni counterparts so thoroughly fragmented, and Shi'a Muslims rallying throughout the nation in shock and horror at the Sunni leader's trial, al-Maliki was indeed able to increase hypersectarianism in the nation and consolidate even more power for himself.

The years of al-Maliki's reign were ended by the 2014 electoral process. President Talabani officially endorsed Haider al-Abadi for the position of prime minister instead of the incumbent al-Maliki.⁷⁴ Al-Maliki immediately took to the country's news stations to "remind... them of his position as head of the armed forces and assure soldiers that the 'error' will be rectified."⁷⁵ al-Maliki ultimately stepped down after facing widespread pressure from international world

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Morris, Loveday. "Iraqi President Names Haider al-Abadi New Prime Minister, Defying Maliki." *The Washington Post*, August 11, 2014. https://www.washingtonpost.com/world/iraqs-political-situation-dire-as-maliki-digs-in/2014/08/11/1c70942a-213a-11e4-958c-268a320a60ce_story.html

⁷⁵ Ibid.

leaders about his attempt to remain in office⁷⁶, leaving al-Abadi with just thirty days to create an entirely new government. Al-Abadi had little precedent to proceed on if he didn't want his government to derive its legitimacy solely from forcible consolidation of power. Cracking down on citizens' human rights; and instilling fear in the hearts of citizens, journalists, and political opponents. Al-Haider also had to face this challenge while attempting to address the rise of Daesh. In 2014, Daesh launched an offensive attack against the Yazidi community in Mount Sinjar. It was an act of genocide. Thousands died, and hundreds more women and children were sold into sexual slavery. This was only the beginning of Daesh's hold on Iraq – the devastation would only intensify in the years to come.

“Sent with a Sword as a Mercy”: Law Under Daesh

The physical establishment of the caliphate, as some have suggested, has turned Daesh into what is known as a “hybrid terrorist organization,⁷⁷” or an organization that combines the methodology of a terrorist organization with the state-building enterprises and service provision of more legitimate states. Abu Bakr al-Baghdadi, leader of Daesh and self-proclaimed caliph, created the quasi-governmental structure that would go on to dominate much of western Iraq and Syria.⁷⁸ Daesh declared its sovereign statehood shortly after conquering territory. Al-Baghdadi created a highly centralized form of governance that he populated with former Baathists and Iraqi military leaders.⁷⁹ He gave complete control over policymaking to himself and the rest of

⁷⁶ Casey-Baker, Mary. “U.S. Pushes for New Iraqi Government as Maliki Refuses to Step Down.” *Foreign Policy Magazine*, August 12, 2014. <https://foreignpolicy.com/2014/08/12/u-s-pushes-for-new-iraqi-government-as-maliki-refuses-to-step-down/>

⁷⁷ Ganor, Boaz. “A ‘Trend’ Analysis of the Islamic State.” *Perspectives on Terrorism Journal*, Terrorism Research Initiative & The Center for Terrorism and Security Studies, June 2015. <https://www.hurstpublishers.com/book/blood-year/>

⁷⁸ Hashim, Ahmed. “State: From al-Qaeda Affiliates to Caliphate.” *Middle East Policy Council*, Winter 2014. <https://mep.org/islamic-state-al-qaeda-affiliate-caliphate>

⁷⁹ Ibid.

the Shura Council – his top advisors and his likely successor.⁸⁰ He created a Military Council to station commanders and enforce order in each of the caliphate’s provinces.⁸¹ Finally, he created the Security and Intelligence Council, spearheaded primarily by former Baathist agents.⁸² Al-Baghdadi also managed a successful psychological operations campaign against Iraqi security forces at the time, striking fear into the hearts of soldiers and convincing many of them to abandon their posts without fighting Daesh forces.⁸³ By capitalizing on the weakness of Iraqi statehood, especially in the midst of national elections, al-Baghdadi had run several successful military campaigns and captured more and more land.

From 2014 to 2017, Daesh usurped control of a significant amount of territory in both Iraq and neighboring Syria. Included in this territorial expansion were several of Iraq’s most prominent oil fields, including Ajil.⁸⁴ Control over these fields provided the group with millions of dollars’ worth of oil each year, although the actual amount of revenue generated was lessened by the fact that Daesh could only smuggle and resell the oil into other nations at a heavy discount.⁸⁵ Daesh also made a significant amount of money in the excavation and sale of artifacts from sites they demolished. “In one region of Syria alone,” reports on the group’s financial transactions declared, “the group reportedly netted up to \$36 million from activities that included

⁸⁰ Thompson, Nicholas and Atika Shubert. “The anatomy of ISIS: How the ‘Islamic State’ is run, from oil to beheadings.” Cable News Network. *CNN* online, January 14, 2015.

<http://www.cnn.com/2014/09/18/world/meast/isis-syria-iraq-hierarchy/>

⁸¹ Ibid.

⁸² Ibid.

⁸³ Al-Shishani, Murad Batal. “The Islamic State’s Strategic and Tactical Plan for Iraq.” Jamestown Foundation, August 8, 2014. <https://www.refworld.org/docid/53e8a0174.html>

⁸⁴ Abdelaziz, Salma. “Group: ISIS Takes Major Syrian Oil Field.” Cable News Network, July 3, 2014. <https://www.cnn.com/2014/07/03/world/meast/syria-isis-oil-field/index.html>

⁸⁵ Hansen-Lewis, Jamie, and Jacob Shapiro. “Understanding the Daesh Economy.” Terrorism Research Initiative, August 2015. <https://www.cnn.com/2014/07/03/world/meast/syria-isis-oil-field/index.html>

the smuggling of plundered artifacts.⁸⁶ In an attempt to put a moratorium on the illicit sale of artifacts, the International Council of Museums published a document in 2015 for law enforcement officers and cultural ministers that detailed which cultural objects were most likely at risk of being poached by Daesh.⁸⁷ Daesh was nonetheless able to smuggle and sell the aforesaid objects. Another significant source of revenue for the organization was kidnappings for ransom. In exchange for freeing just one group of Assyrian Christian hostages, Daesh was able to make millions of dollars.⁸⁸ As Daesh gained power and amassed land, authorities would also be able to make money via taxation, extortion, human trafficking, and forced labor.⁸⁹ All of these funds weren't simply added to al-Baghdadi's personal wealth, however. He would utilize the revenue gained to continue territorial expansion and to provide civil services for inhabitants of the caliphate. Baghdadi had developed an elaborate system of municipal services that pre-Daesh lands had lacked, including motor vehicle departments, offices that issued legal certificates, garbage collecting services, and electricity and clean water.⁹⁰ Some Iraqis surveyed have even been quoted as saying that, even amidst the cruelty and often unbearable

⁸⁶ Pringle, Heather. "ISIS Cashing in on Looted Antiquities to Fuel Iraq Insurgency." *National Geographic*, June 27, 2014. <https://www.nationalgeographic.com/news/2014/6/140626-isis-insurgents-syria-iraq-looting-antiquities-archaeology/>

⁸⁷ Ibid.

⁸⁸ "ISIS collects millions in ransom for abducted Christians." Central Broadcasting Station News. *The Associated Press*, February 22, 2016. <https://www.cbsnews.com/news/isis-collects-millions-in-ransom-for-abducted-christians/>

⁸⁹ Perper, Rosie. "ISIS made millions from taxes that it then used to run garbage collections and even a DMV." *Business Insider & The Associated Press. Business Insider*, April 6, 2018. <https://www.businessinsider.com/islamic-state-used-taxes-to-grow-power-and-offer-services-2018-4>

⁹⁰ Callimachi, Rukmini. "The ISIS Files: When City Hall is Run by Terrorists." *The New York Times. The New York Times*, April 4, 2018. <https://www.nytimes.com/interactive/2018/04/04/world/middleeast/isis-documents-mosul-iraq.html>

authoritarianism of the regime, they were satisfied with the quality and availability of the public services offered to them under the caliphate.⁹¹

With its territory firmly established, Daesh decided to target international audiences to amass even more followers. In its promotional magazine, Daesh informed followers that it “is at war against Kafir states and anyone performing Hijrah [defined as a migration to Islamic lands, in this case inferred to be the caliphate] should expect to perform Jihad [fighting in the name of God].⁹²” Through websites such as dawla-is.appspot.com, Daesh reached viewers in countries all around the world. Dawla.IS in particular was “considered a documentary platform that provides an archive of... speeches of the leaders, publications of Daesh media institutions, heroes (martyrs) stories and profiles, episodes of videos, messages of the land of battles, and general publications.⁹³” Many active fighters were also available online to answer any questions, comments or concerns that potential sympathizers might have. ⁹⁴ In this manner, they were able to establish personal rapports with viewers. Individual members of Daesh ran private accounts on social media through which they interacted with thousands of followers, gave advice on encrypting communications, and ‘live-tweeted’ accomplishments of Daesh.⁹⁵ That Daesh seemed to promote one single, unifying doctrine was a significant draw for people who have grown up in

⁹¹ Perper, Rosie. “ISIS made millions from taxes that it then used to run garbage collections and even a DMV.” Business Insider & The Associated Press. *Business Insider*, April 6, 2018. <https://www.businessinsider.com/islamic-state-used-taxes-to-grow-power-and-offer-services-2018-4>

⁹² A Call to Hijrah.” Dabiq, 2014a, 36. <http://media.clarionproject.org/files/09-2014/isis-isil-islam-ic-state-magazine-Issue-3-the-call-to-hijrah.pdf>

⁹³ Shamieh, Luna, and Zoltan Szenes. “The Propaganda of ISIS/DAESH through the Virtual Space.” Defense Against Terrorism Review, *Center of Excellence Defense Against Terrorism*, 2015. <https://www.tmmm.tsk.tr/publication/datr/volumes/datr10.pdf#page=8>

⁹⁴ Ibid.

⁹⁵ Ibid.

disordered lives and nations.⁹⁶ Others performed Hijrah specifically with the intention of marrying members of Daesh, enticed by the interactions they'd had with insurgents via encrypted messaging platforms.⁹⁷ More than anything else, most of the people travelling there desired a sense of belonging and empowerment – of being understood and accepted by people who seemed deeply religious, like themselves – that they often lacked in their countries of origin.⁹⁸ Lured in by promises of community and happiness in an Islamic utopia, thousands of people crossed over the Turkish border into the caliphate.

Once there, many individuals took up a variety of positions working for Daesh. Some were fighters, others were mechanics, and still others helped with the bureaucracy of state-building and revenue collecting. Iraqis living in the territory Daesh took over, meanwhile, were forcibly coerced into accepting Daesh's message and performing Bay'ah [pledging their allegiance] at the hands of al-Baghdadi.⁹⁹ Life under the caliphate had some of the same underpinnings for all, however: it was brutal, violent, and often painfully short. Citizens were extorted for taxes and often threatened by gun-carrying combatants to offer goods and services they had previous experience in providing. Those who did not immediately accept and welcome Daesh were tortured or killed outright. The rest were forced to comply with the group's demands and live in fear. Women living under Daesh had to adhere to an increasingly strict moral code, enforced by the al-Khansaa brigade – an all-female “moral police force” headquartered in

⁹⁶ Jaffer, Nabeelah. “The Secret World of ISIS Brides.” *The Guardian*, June 24, 2015. <https://www.theguardian.com/world/2015/jun/24/isis-brides-secret-world-jihad-western-women-syria>

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ “The Return of Khilafah.” *Dabiq*, 2014c, 12 – 15.

Mosul.¹⁰⁰ Additionally, women in the al-Khansaa brigade would often act as spies within Daesh, sent into places throughout the caliphate to ensure everyone was acting as was morally permissible. If women in Daesh territory were caught violating any of the established societal rules, including simply leaving the house without a male chaperone, they would be subjected to vicious (and often public) corporeal punishment. If men were caught talking to foreign parties, they would be executed.¹⁰¹

Ultimately, Daesh derived its legitimacy not from the goods and services it offered to those under the caliphate, nor from the social media accounts that its members regularly utilized, but from constant threat of violence. Al-Baghdadi knew that, in order for a “caliphate” to be successful, it needed to take root in an already-weakened state. Iraq’s discontent and disarray made it the perfect starting point for territorial expansion. Al-Baghdadi took advantage of the sentiments of angry former Baathists and military officials, knowing that those individuals would be the most likely to support a change away from the national government. He also knew they were the only people who would have the skills and expertise needed to forcefully implement that change. Al-Baghdadi dutifully filled them into the ranks of his quasi-government, paying them both with money and with enslaved women captured from ethnic and religious minority groups along the way. Al-Baghdadi engendered the idea of a religious utopia amongst foreign populations through the utilization of propaganda, even encouraging unmarried Western women to play a certain role in the “caliphate” as moral police. He governed through stringent and

¹⁰⁰ Kafanov, Lucy. “How All-Female ISIS Morality Police ‘Khansaa Brigade’ Terrorized Mosul.” *The National Broadcasting Company*, November 20, 2016. <https://www.nbcnews.com/storyline/isis-uncovered/how-all-female-isis-morality-police-khansaa-brigade-terrorized-mosul-n685926>

¹⁰¹ Thompson, Michael. “The Raqqa Diaries: life under ISIS rule.” *The Observer*, February 26, 2017. <https://www.theguardian.com/books/2017/feb/26/the-raqqa-diaries-life-under-isis-rule-samer-mike-thomson-syria>

radical interpretations of religious texts, and the punishments meted out by his officers were as frequent as they were violent. The legitimacy of Daesh's "caliphate" was even more forced and unnatural than the legitimacy of the federal governments of al-Maliki and Allawi.

Chapter Three

The Fallout Post-Daesh

United States and Iraqi forces worked in tandem to eliminate Daesh's territorial control over Iraqi soil and citizens, but the struggle itself brought about a significant amount of damage. Recognizing that they were likely fighting a losing battle, Daesh insurgents poisoned water wells, damaged water-purification systems, and flooded large swaths of land as they retreated.

¹ Daesh also deployed chemical weapons in heavily civilian-populated swathes of land while fighting against anti-Daesh forces.² Coalition forces seeking to push Daesh fighters out of the cities they had claimed for themselves commenced large-scale bombings. The fact that much of the fighting took place in densely populated cities, however, proved catastrophic. As was explored in a 2017 report by the RAND Corporation, bombings often “highlight the limits of precision firepower,”³ leaving innocent civilians caught in the crossfires. It appears this lesson is still being learned. After a strategic bombing was carried out in 2019 by coalition forces on what was assumed to be a Daesh stronghold (a Qanus Island, the Iraqi Counterterrorism Service and its allies did not report a single casualty.⁴

This led many to speculate that perhaps, in fact, coalition forces were acting on old intelligence – that the island had been evacuated long before the bombing occurred, or that it was

¹ Von Lossow, Tobias. “The Rebirth of Water as a Weapon: IS in Syria and Iraq.” *The International Spectator*, 51:3, 2016. 82-99. DOI: 10.1080/03932729.2016.1213063

² “ISIS Accused of Unleashing Chemical Weapons in Mosul.” *Human Rights Watch News*, March 6, 2017. <https://www.hrw.org/news/2017/03/06/isis-accused-unleashing-chemical-weapons-mosul>

³ Cohen, Raphael, David Johnson, David Thaler, Brenna Allen, Elizabeth Bartels, James Cahill, and Shira Ephron. “From Cast Lead to Protective Edge.” *RAND Corporation*, 2017. https://www.rand.org/pubs/research_reports/RR1888.html

⁴ Wilgenburg, Wladimir. “US-led Coalition Drops 36,000 KG of Bombs on ‘ISIS-infested island’ in Iraq.” *Kurdistan 24 News*, September 10, 2019. <https://www.kurdistan24.net/en/news/bce330a9-81eb-4a48-b967-ab74c607b322>

never the Daesh stronghold it was suspected to be in the first place.⁵ All of these proved to be ongoing conflicts that coalition forces struggled with when defeating Daesh, their efforts towards securing a nation free of influence from radical extremists hindered by the damage those same efforts caused. Members of the Yazidi community – an ethnic and religious minority group located primarily in the Nineveh Governorate – were arguably one of the populations affected the most. After Daesh’s 2014 genocidal attack on the Yazidis culminated in a siege on Mount Sinjar, in which 2,000 Yazidis were brutally murdered and another 6,417 were captured and enslaved.⁶ The siege ensured that many survivors of the violence could no longer live in the region they once knew to be home. Thousands remained enslaved despite the coalition’s best attempts at liberation. Those still in captivity throughout liberation efforts were, on average, around 18 years old,⁷ and they were sold into an elaborate system of sexual enslavement and forced marriages that Daesh leadership organized. The few who have since managed to escape the aforesaid system have shared stories of horrific trauma and tragedy with international authorities.⁸ The survivors’ tales were haunting, yet had one common thread through all of them: each faced extreme physical and sexual violence on a daily basis, and each was repeatedly told that the

⁵ Ibid.

⁶ “A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL.” *UNHCR*, August 2016.

http://uniraq.org/index.php?option=com_k2&view=item&task=download&id=1910_ca5ff308fd2154b-b547334082b35290d&Itemid=650&lang=en

⁷ Binetti, Ashley. “A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West.” *Georgetown Institute for Women, Peace, and Security*. 2015.

<https://giwps.georgetown.edu/wp-content/uploads/2017/10/Human-Trafficking-and-ISISs-Recruitment-of-Women-from-the-West.pdf>

⁸ “Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014.” The Human Rights Office of the High Commissioner for Human Rights & the United Nations Assistance Mission for Iraq Human Rights Office. 2014.

https://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC_Report_FINAL_6July_10September2014.pdf

abuse they suffered post-siege and occupation was justified because they violated Daesh's laws simply by existing.⁹

The trauma the Yazidi community has endured since is devastating. Most of those who escaped death, enslavement, and/or forced conscription were forcefully removed from their homes as a result of Daesh's 2014 siege.¹⁰ To this day, the vast majority are still displaced.¹¹ Moreover, the Yazidis' trauma is only further exacerbated by the rigidity of the community's religious and cultural beliefs. While community leaders broke decades-long tradition by welcoming women who had been kidnapped by Daesh back into their community,¹² that acceptance came with a strong caveat. The women who had been sexually abused and forced to give birth in captivity were not allowed to bring their children back home with them.¹³ These mothers had to make a choice: leave those children behind completely, or never return home again. Those who tried to bring their children back were shunned by their families and the community at large – and those who made the tough decision to abandon their children were forced to leave them in the care of strangers for the rest of their lives.¹⁴

⁹ Ibid.

¹⁰ “Statement by Mr. Gyorgy Busztin, Deputy Special Representative of the Secretary-General at the Commemoration of Attacks against Yazidi Baghdad, UN Assistance Mission for Iraq. August 3, 2017. <http://reliefweb.int/report/iraq/statement-mr-gyrgy-busztin-deputy-special-representative-secretary-general>

¹¹ Ibid.

¹² Arraf, Jane. “Freed from ISIS, Few Yazidis Return to Suffering Families, Many Remain Missing.” *National Public Radio*, March 14, 2019. <https://www.npr.org/2019/03/14/702650912/freed-from-isis-few-yazidis-return-to-suffering-families-many-remain-missing>

¹³ Arraf, Jane. “Free from ISIS, Yazidi Mothers Face Wrenching Choice: Abandon Kids or Never Go Home.” *National Public Radio*, May 9, 2019. <https://www.npr.org/2019/05/09/721210631/freed-by-isis-yazidi-mothers-face-wrenching-choice-abandon-kids-or-never-go-home>

¹⁴ Ibid.

The lasting effects that the war against Daesh had on the nation's youths were not simply limited to those cast out from their parents' homes. In attempts to save young girls from being married off to Daesh fighters – both during Daesh's reign and during fighters' subsequent retreat – parents throughout Iraq instead arranged for marriages between their children and local older men.¹⁵ These marriages were often violent, abusive, and psychologically scarring as well.¹⁶ Children of displaced families throughout the nation also struggled greatly, and were found to face high rates of sexual exploitation at the hands of the very aid workers, military personnel, and IDP camp administrators stationed to help them.¹⁷ Indeed, after the fighting between Daesh and anti-Daesh forces displaced an additional one million Iraqi civilians, and forced countless others to flee the country altogether to escape the violence¹⁸, conditions only grew worse for Iraqis trapped with nowhere else to go.

In her 2017 testimony at the U.S. Senate Committee on Foreign Relations' hearing entitled "The Future of Iraq's Minorities: What's Next After ISIS," Dr. Denise Natali, the former Director and Distinguished Research Fellow of the Center for Strategic Research at the Institute for National Strategic Studies, declared that future prospects for Iraq's ethnic and religious minorities are all inextricably tied to the framework of Iraqi politics and group

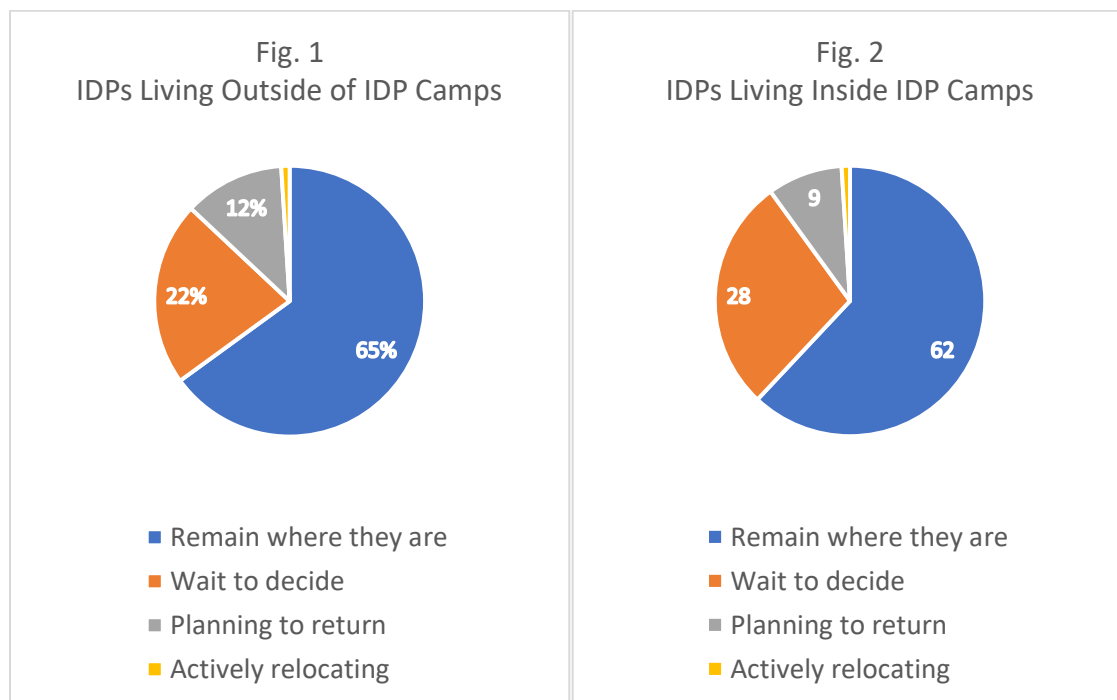
¹⁵ Sathyanarayanan, Sunethra. "Iraq Country Overview: A report on the Scale, Scope, and Context of the Sexual Exploitation of Children." *End Child Prostitution and Trafficking*, March, 2019. <https://www.ecpat.org/wp-content/uploads/2019/04/Iraq-ECPAT-International-Country-Overview-Report-2019.pdf>

¹⁶ Ibid.

¹⁷ "The Condemned – Women and Children Isolated, Trapped and Exploited in Iraq." *Amnesty International*, 2018. <http://www.refworld.org/pdfid/5ad84a274.pdf>

¹⁸ Smith-Spark, Laura, and Chelsea Carter. "More than 1 Million Iraqis Have Fled their Homes as ISIS Continues Armed Siege." *Cable News Network*, June 20, 2014. <http://www.cnn.com/2014/06/20/world/meast/iraq-crisis-index.html>

dynamics.¹⁹ Natali pointed to the worsening conditions in Iraq’s internally displaced persons (henceforth “IDPs”) camps as evidence of her claim. As of late 2018, one full year after the territorial “caliphate” had effectively been eradicated, a survey of 68,918 Iraqi IDPs spread throughout seventy-two districts in sixteen governorates was conducted.²⁰ Those surveyed were asked about their intentions of movement within the next twelve months. Responses were split into two central categories: those living outside of IDP camps, and those living inside IDP camps. The disparities between the two groups became apparent upon analysis of the results. Figs. 1 and 2 visually depict these results.

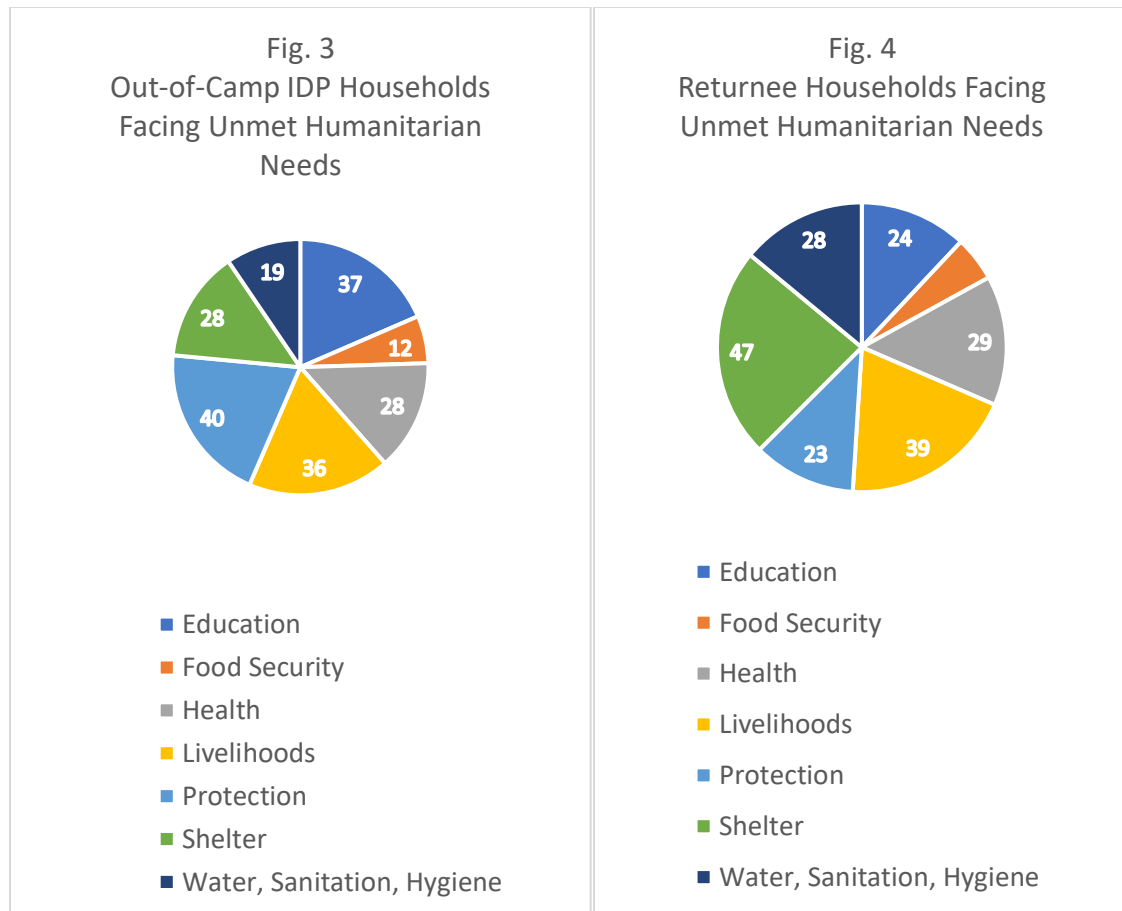


¹⁹ Natali, Denise. “The Future of Iraq’s Minorities: What’s Next After ISIS?” 115th United States Congress, *U.S. Senate Committee on Foreign Relations*, 2017.

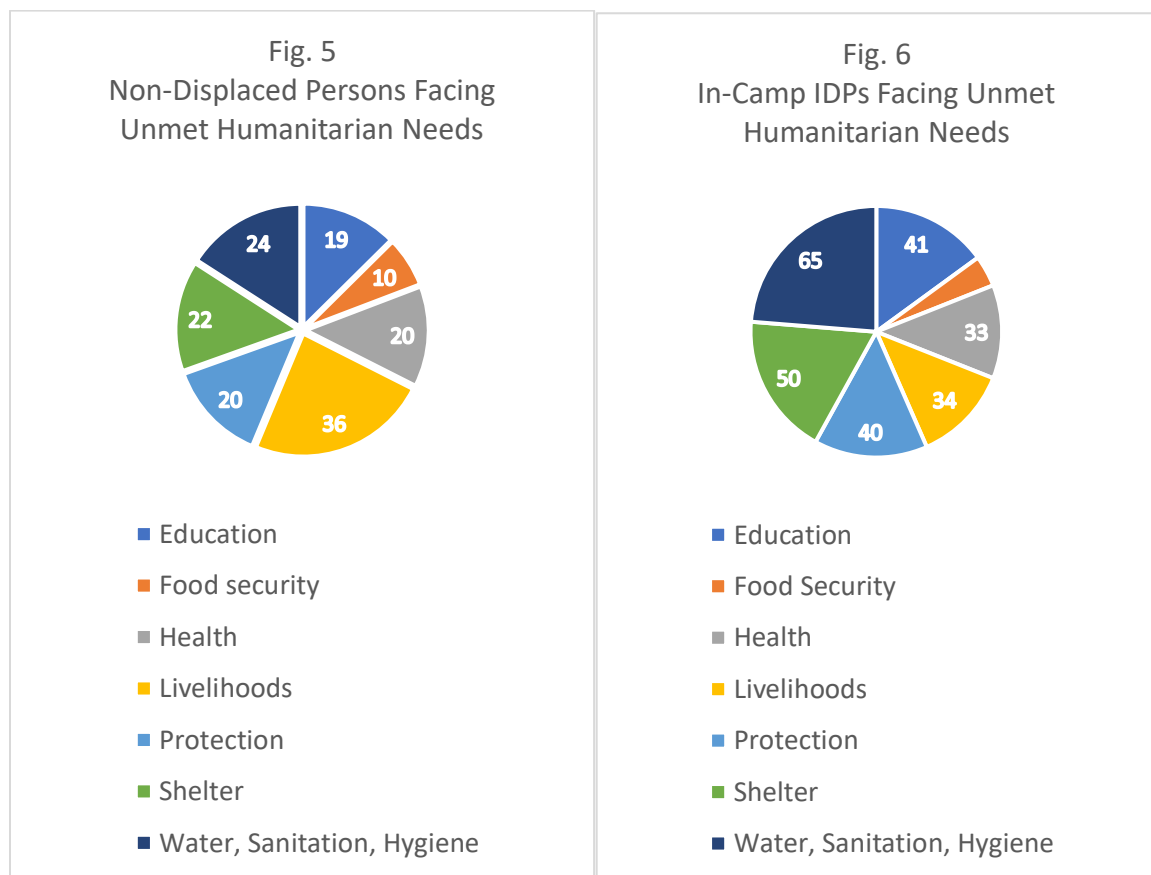
<https://www.foreign.senate.gov/hearings/the-future-of-iraqs-minorities-whats-next-after-isis-100417p>

²⁰ “Iraq Multi-Cluster Needs Assessment, Round VI.” REACH Initiative, the Inter-Cluster Coordination Group, & the OCHA. *U.S. Senate Committee on Foreign Relations*, September 2018. <https://www.foreign.senate.gov/hearings/the-future-of-iraqs-minorities-whats-next-after-isis-100417p> <https://reliefweb.int/report/iraq/iraq-multi-cluster-needs-assessment-round-vi-september-2018>

The same survey also asked respondents to evaluate unmet humanitarian needs according to their population group.²¹ These responses were divided into four different categories: IDPs living outside of camps, returnees, non-displaced persons, and IDPs living inside of IDP camps. The results illustrated not only how badly the nation was damaged by the ongoing crisis, but how conditions inside IDP camps were the worst of all. Figs. 3, 4, 5 & 6 showcase the survey's data.



²¹ REACH, MCNA VI.



The ongoing crises experienced by IDPs in Iraq span multiple sectors. Their continued displacement is further exacerbated, as 44% of IDPs in camps and 10% of IDPs out of camps have never owned property documentation.²² This lack of documentation means that these IDPs may never be able to return to the houses they once lived in – and, for the IDPs living in camps, that they are prohibited from leaving camp grounds in the foreseeable future.²³ An additional 45,000 internally displaced children also lack birth certificates (or equivalent civil

²² “A Preliminary Assessment of Housing, Land and Property Right Issues Caused by the Current Displacement Crisis in Iraq.” *Geneva International Organization for Migration & the United Nations*, 2016.
http://iraqdtm.iom.int/LastDTMRound/IOM%20RWG%20SI%20Categorizing%20Protracted%20Displacement%20in%20Iraq_November%202018.pdf

²³ REACH, MCNA VI.

documentation), meaning that they effectively ‘do not exist’ to the state.²⁴ Even more children only possess birth certificates issued by Daesh, which Iraqi Security Forces may have confiscated on suspicion of familial association with Daesh.²⁵ Without proper documentation, all of these youths cannot receive healthcare, education, and freedom of movement throughout Iraq (should they or their families so choose).²⁶ They are also at higher risk for detention at governmental checkpoints throughout the nation.²⁷ The UNCHR has sought to rectify this growing humanitarian issue, and has indeed provided assistance to about 23,000 Iraqi IDPs to date²⁸, but many still go without legal assistance.

A major contributing factor that has prevented IDPs from resettling effectively is the rise of non-governmental militias throughout Iraq. Armed militias ran – and still, to this day, continue to control²⁹ – pockets within governorates. The militias in question often clash with one another based on territorial disputes. Those disputes are taking on an insurgent-like quality in and of themselves, protecting and promoting the interests of those aligned with respective militias over the reunification of a war-wracked nation. Two particular hotbeds of violent militia

²⁴ “Barriers from Birth: Undocumented Children In Iraq Sentenced To A Life On The Margins.” *Norwegian Refugee Council*, April 30, 2019. <https://www.nrc.no/resources/reports/barriers-from-birth>

²⁵ Fox, Tessa. “Iraq’s undocumented children: 45,000 IDPs denied basic rights.” *Al Jazeera*, April 30, 2019. <https://www.aljazeera.com/news/2019/04/iraq-undocumented-children-45000-idps-denied-basic-rights-190429052428117.html>

²⁶ Ibid.

²⁷ St. Thomas King, Julia, and Dennis Ardis. “Identity Crisis? Documentation for the Displaced in Iraq.” *Humanitarian Policy Group*, October 2015. <https://odihpn.org/magazine/identity-crisis-documentation-for-the-displaced-in-iraq/>

²⁸ “Thousands of Displaced Iraqis Obtain Vital Legal Documents with UNCHR’s Help.” *UN High Commissioner for Refugees*, January 22, 2018. <https://reliefweb.int/report/iraq/thousands-displaced-iraqis-obtain-vital-legal-documents-unhcr-s-help-enar>

²⁹ Gaston, Erica, and Mario Schulz. “At the Tip of the Spear: Armed Groups’ Impact on Displacement and Return in Post-ISIL Iraq.” *The Global Public Policy Institute & the Institute of Regional and International Studies at American University of Iraq*, February 18, 2019. <https://www.gppi.net/2019/02/18/at-the-tip-of-the-spear>

activity are the territories of Kifri and Khurmatu.³⁰ Conflict in Kifri has raged as recently as late 2019.³¹ Heated disputes between the Kurdish Peshmerga, Shia militias, and remaining Daesh insurgents have led to Iraqis' deaths. Further disputes stemming from the Kifri conflicts have led to mobilization and attacks in Khurmatu, including the ambush of Shi'a paramilitary forces by Daesh insurgents.³² Indeed, when surveyed by the United Nations' IOM Migration Iraq Mission's Tracking Matrix, Iraqis addressed the infighting amongst and between militias as a central reason as to why they remained displaced. 29% of the IDPs surveyed reported that, whilst they very well may have been physically able to return to their homes, they and their family units would nevertheless remain displaced due to the ongoing violence.³³

Criminal Justice in the Post-Daesh Era

Amidst all of this, the federal government has sought to rectify the wrongs perpetuated by Daesh forces on a public stage. The criminal justice system is the most apparent – and, simultaneously, the most insidious – venue through which the government has elected to do so. In 2016, watchdog organizations around the world started sounding the metaphorical alarm about the federal government's activities.³⁴ During a 2016 anti-Daesh raid in Fallujah, Iraqi forces

³⁰ Szuba, Jared. "Iraqi Army and Peshmerga Survey Disputed Territories Ahead of Joint Operations." *The Defense Post*, February 21, 2019. <https://thedefensepost.com/2019/02/21/iraqi-army-peshmerga-survey-disputed-territories-joint-operations/>

³¹ Ali, Sangar. "Four Killed in Clashes Between ISIS, Kurdish Security Near Southern Kifri Town." *Kurdistan 24 News*, August 1, 2019. <https://www.kurdistan24.net/en/news/820ee4d2-ee82-4a2f-9d32-c1bac8f24bec>

³² "Militants Kill Seven Iraqi Shi'ite Paramilitaries in Northern Iraq." *Reuters News*, March 7, 2019. <https://www.reuters.com/article/us-mideast-crisis-iraq-attack/militants-kill-seven-iraqi-shiite-paramilitaries-in-northern-iraq-idUSKCN1QO0U9>

³³ "Integrated Location Assessment III." *The United Nations Migration Agency Iraq Mission*, January 2019. <https://iraq.iom.int/publications/integrated-location-assessment-ila-iii>

³⁴ "Flawed Justice: Accountability for ISIS Crimes in Iraq." *Human Rights Watch*, December 5, 2017. <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>

utilized torture and extrajudicial killings in order to regain territorial control.³⁵ The government made use of the same tactics in its raid on Mosul one year later, and some members of the anti-Daesh coalition even posted seemingly-celebratory photos of dismembered corpses on their social media accounts.³⁶ At least one of these individuals was prosecuted by a foreign government after the aforesaid individual sought in Sweden, with the Swedish courts ruling the posts constituted a war crime.³⁷ Coalition members that have remained in Iraq, however, have not faced prosecution or similar punishment. This is not to say, however, that the Iraqi government has not prosecuted citizens in connection to the ongoing conflict; in fact, analyses conducted by international human rights organizations suggest otherwise. Those receiving the brunt of the punishment are those suspected of affiliation with Daesh.

While it is understandable that the government wants those “in league” with Daesh to face atonement, reports suggest that the government may well be prosecuting innocent civilians in the name of justice as well. In the contemporary criminal justice system, citizens can be formally accused of aiding Daesh’s cause if two or more individuals accuse them.³⁸ Evidence is not inherently necessary – rather, the signatures of the accusers seem evidence enough for security forces. International organizations have found that oftentimes, neighbors had proposed adding individuals’ names to the lists of the accused based solely on personal grudges or land

³⁵ “Iraq: Fallujah Abuses Inquiry Mired in Secrecy.” *Human Rights Watch*, July 7, 2016.

<https://www.hrw.org/news/2016/07/07/iraq-fallujah-abuses-inquiry-mired-secrecy>

³⁶ McKernan, Bethan. “Mosul: Amnesty International calls for Investigation Into Civilian Deaths after ISIS Defeat.” *The Independent*, July 11, 2017.

<http://www.independent.co.uk/news/world/middle-east/mosul-latest-news-amnesty-international-civilian-deaths-isis-defeat-iraq-coalition-forces-us-air-a7835831.html>

³⁷ “Iraqi Man Convicted in Sweden of War Crimes.” *ABC News*, February 19, 2019.

<https://abcnews.go.com/International/wireStory/iraqi-man-convicted-sweden-war-crimes-61161483>

³⁸ Taub, Ben. “Iraq’s Post-ISIS Campaign of Revenge.” *The New Yorker*, December 24, 2018.

<https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>

disputes.³⁹ In the KRG, the process is similar. According to an email to a watchdog organization from Dr. Dindar Zebari, chairman of the KRG's High Committee to Evaluate International Organizations' Reports, accusers are simply required "to take an oath on the Quran to tell the truth."⁴⁰ The Iraqi federal government, meanwhile, requested that Iraqi security personnel compile all of the names of the accused into one organized list for the centralized government to maintain⁴¹ – so, even though the names on the aforesaid lists may simply be the result of personal feuds, authorities have nevertheless detained individuals based on the accusations alone.

What about those for whom the accusations ring true? Many of those detained are involved in cases a great deal more complicated than might be apparent upon first blush. Thousands of civilians were conscripted and worked under Daesh. Many of those individuals were nonviolent, never having harmed or killed another person. One judge, speaking to reporters from Human Rights Watch, argued, "I had a case yesterday of an ISIS cook and I have recommended giving him the death penalty. How could the ISIS fighter have executed someone if he had not been fed a good meal the night before?"⁴² Researchers from the United Nations University also observed several trials in Tel Kayf and reported on what they had heard. One case entailed an accountant who "worked for an office that distributed salaries to [Daesh]

³⁹ Cambanis, Thanassis. "The Coming Emergency in Iraq: Neglected Prison Camps are Incubating a New Extremist Threat." *Foreign Affairs Magazine*, November 1, 2019.

⁴⁰ Zebari, Dindar. "Re: Request for Government Comment." Email to Human Rights Watch, September 6, 2017. <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>

⁴¹ "العبادي يوافق على مقترحات الداخلية بشأن "تشابه الأسماء" *Al Sumaria News*, August 6, 2018. <https://www.alsumaria.tv/news/212056/>

⁴² "Iraq: Flawed Prosecution of ISIS Suspects Undermines Justice for Victims." *Human Rights Watch*, December 5, 2017. <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects>

fighters [...]” and was sentenced to life in prison.⁴³ Another involved an intellectually disabled individual who had served as a warehouse guard for Daesh. Even after the man plead that his brain tumor inhibited his cognition, he was both sentenced to death and told by the judge, “Of course you are mentally ill. Daesh loves to recruit mentally ill people.”⁴⁴ The wives of late Daesh fighters have also been imprisoned under criminal law, despite the fact that they themselves did not commit any crimes. They stood accused, and were ultimately convicted, of harboring terrorist fugitives.⁴⁵

The Iraqi Security Forces have long been accused of being responsible for thousands of disappearances of Sunni men and boys throughout Daesh’s reign.⁴⁶ Extrajudicial disappearances and “enhanced interrogation tactics” have not stopped since, instead setting the stage for further human rights abuses. Detention centers have held thousands of accused citizens for years at a time, and the conditions in the aforesaid centers are often deplorable – detainees are subjected to malnutrition, torture, and unsanitary and inhumane conditions, and are oftentimes forced to sign confessions for crimes they vehemently argue that they did not commit.⁴⁷ Many of these detainees are in desperate need of legal representation, as trials cannot occur or advance without

⁴³ Revkin, Mara. “Interview with an Iraqi Prosecutor in Tel Kayf, Iraq,” in “The Limits of Punishment: Iraq Case Study.” *United Nations University & the Institute for Integrated Transitions*, December 13, 2017. 16. <https://i.unu.edu/media/cpr.unu.edu/attachment/2768/2-LoP-Iraq-Case-Study.pdf>

⁴⁴ Revkin, Mara. “The Limits of Punishment.” *Ibid.*

⁴⁵ Willie, Belkis. “Why Children are Stuck in Prison in Erbil Without Trial.” *Rudaw*, March 27, 2017. <http://rudaw.net/sorani/kurdistan/300320173>

⁴⁶ “Concluding Observations on the Report Submitted by Iraq Under Article 29 (1) of the Convention (CED/C/IRQ/CO/1).” *U.N. Committee on Enforced Disappearances*, September 18, 2015. http://www.tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fIRQ%2fCO%2f1&Lang=en

⁴⁷ “Iraq: More than 1,000 Detained in Shocking Conditions at Counter-Terrorism Centres in Anbar.” *Amnesty International*, May 3, 2016. www.amnesty.org/en/latest/news/2016/05/iraq-more-than-1000-detained-in-shocking-conditions-at-counter-terrorism-centres-in-anbar/

an attorney present. It is often incredibly difficult to obtain such representation. The accused often lack the funds necessary to hire a private attorney, so they must rely on state-appointed lawyers. Even if detainees are able to scrounge up the money to afford private representation, private lawyers have been incredibly selective about which cases they felt comfortable arguing. Making matters even worse was the decision by Iraqi authorities to issue arrest warrants for private lawyers representing the accused.⁴⁸ The charges on the warrants in question were of suspected affiliation with Daesh, due to the attorneys' work in court.⁴⁹ The resulting insecurity and concern amongst private attorneys only worsened their selectivity – few would dare to take a criminal case, lest they find themselves in need of legal representation later. Public defense attorneys rose to the occasion after being appointed by the state. Nevertheless, public attorneys were (and are to this day) often paid just twenty dollars per case, so they ultimately lack financial incentivization and/or in-depth knowledge of each case that is necessary to craft a compelling argument.⁵⁰

Further complicating sentencing is the nation's disorganized and obfuscated judicial process. The governing body of law on counterterrorism and criminal justice has changed in response to Daesh's crimes. In November of 2005, the Council of Ministers issued Law Number (13) for the Year 2005, an Anti-Terrorism Law.⁵¹ According to Law Number (13), "any person who incites, plans, finances, or assists terrorists to commit [...] crimes [...] shall face the same penalty as the

⁴⁸ "Iraqi Lawyers Arrested for Work in ISIS Courts." *Human Rights Watch*, August 10, 2017. <https://www.hrw.org/news/2017/08/10/iraqi-lawyers-arrested-work-isis-courts#>

⁴⁹ "اعتقال موظفين بمحكمة الموصل لترافعهم عن متهمي داعش." *Kitabat News*, August 2, 2017. https://kitabat.com/news/-الموصل-بمحكمة-الموصل-لترافعهم/?__cf_chl_jschl_tk__=223fd6914abcbb141492a0e20a6bec0135bc6

⁵⁰ Revkin, Mara. "The Limits of Punishment." 17.

⁵¹ "Number (13) for the Year 2005: Anti-Terrorism Law." *Iraqi National Assembly & Council of Ministers*, November 7, 2005. <http://gjpi.org/wp-content/uploads/anti-terrorism-law-iraqi-no-13-2005.doc>

main perpetrator. Anyone who intentionally covers up any terrorist act or harbors a terrorist with the purpose of concealment shall be sentenced to life imprisonment.⁵²” It was under this law that private defense attorneys were later arrested, and a climate of fear surrounded the task of representing detainees. In 2016, Nouri al-Maliki’s government passed a series of amendments to Iraqi criminal law that had offered amnesty for individuals who were civilian members of Daesh.⁵³ Those amendments were repealed just one year later, due to an outcry from certain members of the National Assembly that too many loopholes existed within the amendments that could enable perpetrators of violence to walk free.⁵⁴ The abolishment also ensured that different offenses were not treated and/or sentenced differently.⁵⁵ Thus, those who were forced to serve as guardsmen or civil service officers under Daesh’s burgeoning bureaucracy, by law, would face the same punishments as those who directly engaged in kidnappings and decapitations. The law still enables detainees to ask for retrials in the event that they were forced to sign an untrue confession.⁵⁶ Nevertheless, few (if any) instances of this have been recorded to date.

Additionally, a significant proportion of the testimony against accused detainees comes from secret informants.⁵⁷ Although their accounts often constitute the only shred of evidence against the accused, these informants do not have to appear in court to testify and face the individual(s) they have accused. While an argument can certainly be made about protecting the privacy of

⁵² Ibid.

⁵³ Harb, Tarek. “Amendments to the Amnesty Law.” *Azzaman*, November 11, 2017. <http://azzaman.com/?p=221509>

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ “Iraq 2016 Human Rights Report.” *United States Department of State*, March 29, 2017. <https://www.state.gov/documents/organization/265710.pdf>

⁵⁷ Revkin, Mara. “Interview with Professor Khalid Obaide in Baghdad, Iraq.” *United Nations University & the Institute for Integrated Transitions*, December 7, 2017. <https://i.unu.edu/media/cpr.unu.edu/attachment/2768/2-LoP-Iraq-Case-Study.pdf>

witnesses testifying against verified insurgents, the testimonies provided by secret informants in many cases has the potential to do far more harm than good. The Central Criminal Court in Baghdad has had to convict nearly 500 secret informants for providing false testimony over the last few years alone.⁵⁸ The false testimony provided may have been fueled by personal vendettas, misgivings about a person's identity or associates, or even just the faulty recollection of an eyewitness to unspeakable atrocities.

These biases cloud the capacity for the courts to have a fair trial – but they are not the only likely instance of biases affecting criminal proceedings. Rather, many of the judges assigned to Daesh cases have hailed from territories that were formerly oppressed by Daesh.⁵⁹ This knowledge has sparked concerns from the international community about clear conflicts of interest, yet nothing has been done to resolve the issue. The judges in question are notorious for “fifteen-minute trials” in which the accused do not actually get have their defenses heard and taken into consideration.⁶⁰ All too often, the defendant pleads their case to an unaffected judge, the defendant is prevented from speaking further after an initial explanation, the prosecution promptly asks for a sentence, and the judge delivers the harshest possible sentence for whatever the accused's charges might be.⁶¹ There is very little variance from this formula in spite of the fact that thousands of these cases have gone before the courts over the last four years. One final

⁵⁸ Ibid.

⁵⁹ Bellingreri, Marta. “Ex-Islamic State Fighters Face Justice in Mosul.” *Al-Monitor*, May 31, 2017. <http://www.al-monitor.com/pulse/originals/2017/05/mosul-hamdaniyya-terrorism-court-ninawa-isis.html>.

⁶⁰ “World Report 2019: Iraq.” *Human Rights Watch*, 2019. <https://www.hrw.org/world-report/2019/country-chapters/iraq>

⁶¹ Taub, Ben. “Iraq's Post-ISIS Campaign of Revenge.” *The New Yorker*, December 31, 2018. <https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>. Revkin, Mara. “The Limits of Punishment: Transitional Justice and Violent Extremism. Iraq Case Study.” *United Nations University & the Institute for Integrated Transitions*, May 2018. <https://i.unu.edu/media/cpr.unu.edu/attachment/3127/2-LoP-Iraq-final.pdf>

part to the formula is reserved for those on death row: a reality television show called *In the Grip of the Law*.

In the Grip of the Law

The Iraqi government has sponsored a satellite television news network since 2003. It goes by the name of Al Iraqiya.⁶² The station regularly airs news pieces deemed important to the nation, be they government-sponsored messages or footage of raids against Daesh. One of the pieces that was aired, for instance, displayed footage of the U.S. raid in Syria that killed Daesh leader Abu Bakr al-Baghdadi – going so far as to show the explosion, as well as the aftermath of the aforesaid explosion, that claimed al-Baghdadi’s life.⁶³ Al-Iraqiya is not simply known for its coverage of events such as these, however. One of the station’s most popular shows – if not the premiere show in Iraqi television – is called, “In the Grip of the Law.” The program is meant to air confessions of inmates waiting on death row to the rest of the nation.⁶⁴ In the words of the show’s host, Ahmed Hassan, the program is meant to “spread awareness among citizens about the importance of a life of peace and integrity, away from corruption and terrorism, so that man can achieve major achievements through his faith in God, his loyalty to the country, and his dedication to work.”⁶⁵

The show’s mission and its methods of implementation, however, are arguably at odds with one another. Broadcasts often depict grisly photographs and/or videos of the criminals’

⁶² “Iraqi TV Show Broadcasts ‘Confessions’ Of Extremists.” *Agence France-Presse & The National*, February 6, 2018. <https://www.thenational.ae/world/mena/iraq-tv-show-broadcasts-confessions-of-death-row-extremists-1.702183>

⁶³ “Iraqi State TV Airs Footage of Raid on Baghdadi.” *Reuters*, October 27, 2019. <https://www.reuters.com/article/us-usa-trump-statement-iraq/iraqi-state-tv-air-footage-of-raid-on-baghdadi-idUSKBN1X6064>

⁶⁴ “{في قبضة القانون}.” *Al Sabaah News*, December 20, 2019. <http://alsabaah.iq/18464/-في-قبضة-القانون>

⁶⁵ Ibid.

offenses, followed shortly thereafter by interviews with the criminals in the spot where they committed their offense.⁶⁶ Ahmed Hassan conducts those interviews while the criminals are kneeling in front of masked members of the Iraqi Security Forces, with several rifles aimed directly at them.⁶⁷ Many episodes involve the victims' families appearing on screen, both to mourn the victims and to tearfully berate and demand explanations from their loved ones' killers.⁶⁸ Dramatic music plays in the background throughout each episode, coming to a crescendo whenever tears are shed. Cutscenes in sepia with security forces donning their uniforms, grabbing firearms, and marching out to interviews' locations are also a fairly common on the show.⁶⁹ For all intents and purposes, it seems as though *In the Grip of the Law* is far more about entertainment than it is an actual chance at redemption or explanation for those on death row.

This is not the first time Al Iraqiya has aired a television series designed to bring the public a sense of closure for atrocities committed, however. In December 2011, three of al-Hashimi's bodyguards were held at gunpoint and forced to confess their wrongdoings in front of the nation's watchful eye.⁷⁰ That series was entitled *Terrorism in the Hands of Justice*. In yet another interesting case of U.S. interventionism, *Terrorism in the Hands of Justice* was created,

⁶⁶ "Submission to the List of Issues to be Taken Up in Connection with the Consideration of Iraq's Fifth Periodic Report by the Human Rights Committee." *Al-Karama Foundation*, December 17, 2014.

http://www.alkarama.org/sites/default/files/documents/ALK_HRCtee_IRQ_ContributionToListOfIssues_17122014_EN_Final.pdf

⁶⁷ Taub. "Iraq's Post-ISIS Campaign of Revenge."

<https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>

⁶⁸ "في قبضة القانون" Broadcast by *Al Iraqiya*, February 15, 2019.

https://www.youtube.com/watch?time_continue=7&v=_DIqdnmla4Q

⁶⁹ Ibid.

⁷⁰ "Submission to the List of Issues." *Al-Karama Foundation*.

financed, and widely distributed to the Iraqi public by the United States in 2005.⁷¹ The first few episodes aired right before the 2005 elections took place. Al Iraqiya aired the series twice a day in the hopes that it would strengthen civilian support for the government, assuage concerns about insurgents, and provide a source of entertainment for citizens – all while rallying the citizenry around a common “enemy.” This legacy was continued with *In the Grip of the Law*.

With all of these positive goals being met, then, why have so many international organizations come out against the television show? One of the reasons is that its mantra of stabilization and security is predominantly performative in nature. “Performative security” may roughly be defined as a tactic that is utilized by governments around the world – one designed to make public spaces feel both open yet defensible from attacks.⁷² The consistent attacks from insurgent groups – and the sociopolitical unrest that has defined the nation over the last seventeen years and beyond – have contributed towards widespread feelings of insecurity in the nation’s security apparatuses. Thus, the government’s perspective shifts in response from ensuring public systems function properly to ensuring people feel safe to utilize and occupy public spaces.⁷³ Security is thereafter transformed into a different phenomenon altogether. Indeed, performative security apparatuses have “become a key mechanism of risk management, intended to colonize the future and reduce future insecurity.”⁷⁴ The government cannot guarantee its citizens lasting stability and peace – indeed, no government can – and so it must resort instead

⁷¹ McDonnell, Patrick. “Iraqi TV Targets Insurgents.” *Los Angeles Times*, March 2, 2005. <https://www.latimes.com/archives/la-xpm-2005-mar-02-fg-tapes2-story.html>

⁷² Chenoweth, Erica and Susan Clarke. “All Terrorism is Local: Resources, Nested Institutions, and Governance.” *Political Research Quarterly* 63, 2010. 495-507.

⁷³ Bialasiewicz, Luiza, David Campbell, Stuart Elden, Stephen Graham, Alex Jeffrey, and Allison Williams. “Performing Security: The Imaginative Geographies of Current U.S. Strategy.” *Political Geography* 26, 2007. 405-422.

⁷⁴ Coaffee, Jon. “Protecting the Urban: the Dangers of Planning for Terrorism.” *Theory Culture Society* 26, 2009. 343-356.

to performative measures to provide the illusion of safety. The Iraqi government spends roughly \$50 million annually on Al Iraqiya and the channels that fall under its umbrella alone.⁷⁵ Dedicating such significant funding to projects that do not actually aid the cause of obtaining stability may very well cause more harm than good, especially in a nation where the financial backing for vital needs and services is already lacking.

The substance of the programming must also be called into question. *In the Grip of the Law* epitomizes the hero/detective genre: it forces wrongs to be made right, as the authoritative Ahmed Hassan and the episodes' arcs frequently suggest. While the answer as to whether Daesh members deserve to be publicly shamed in such a manner is highly subjective, the show as it exists today may very well violate the exposed prisoners' human rights. *In the Grip of the Law* "blurs the distinction between informational and entertainment programming,"⁷⁶ and automatically vilifies the convicted individuals who come on the show. There is an argument to be made that being forced at gunpoint to recount one's crimes in graphic detail, in front of the vengeful gaze of an entire nation, is a punishment in and of itself. If such an argument is assumed to be true, the Iraqi government has violated international law. According to the Standard Minimum Rules for the Treatment of Prisoners, "No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offense."⁷⁷

⁷⁵ Pearson, Bryan. "Al-Iraqiya chief Unveils Channel's plans." *Variety News*, August 31, 2007. <https://variety.com/2007/tv/news/al-iraqiya-chief-unveils-channel-s-plans-1117971181/>

⁷⁶ Cavender, Gray and Mark Fishman. "Television Reality Crime Programs: Context and History." *Aldine Transaction*, December 31, 1998.

⁷⁷ "Standard Minimum Rules for the Treatment of Prisoners." *The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, 1977. https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

Because the only prisoners that come on *In the Grip of the Law* are those already scheduled for execution, appearance on this television show would indeed qualify as a second punishment.

Opponents of the aforesaid argument may argue that the television show does not (or should not) qualify as a second punishment. However, the same code of conduct from the United Nations goes on to affirm that, “When the prisoners are being removed to or from an institution [death row, in this instance], they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity, and publicity in any form.”⁷⁸ This assertion is the anthesis of *In the Grip of the Law*. At its most base level, then, it is clear to see that these prisoners’ rights are being violated. While no psychological studies have been done on this population to see how being on the television show affects them, many episodes do feature convicted criminals breaking down in displays of intense emotion.⁷⁹ Several episodes have also featured the show’s host mocking prisoners after they state they had had no choice but to follow Daesh’s orders. In one particularly striking episode, a prisoner states that Daesh threatened to kill his family if he failed to follow through with a car bombing. Hassan cuts him off, reiterating, “All of you say that. You weren’t trapped. Why didn’t you just walk away?”⁸⁰

This treatment is troubling, particularly as evidence suggests that many of the prisoners paraded onto the television show might not even be those responsible for the atrocities committed. Not only does this relate to the effectiveness (or lack thereof) of the overarching criminal justice system, but also the editing and actions taken by the show. In one episode, a prisoner by the name of Muwafaq Ahmed Shehab confessed to assisting his son in the systematic

⁷⁸ Ibid, Sec. 45 (1).

⁷⁹ Taub. “Iraq’s Post-ISIS Campaign of Revenge.”

⁸⁰ “ISIS Captives Get Publicly Shamed on Iraqi Reality Show.” *Wall Street Journal*, December 12, 2014. Video. https://www.youtube.com/watch?v=w-UAxDw0_O0

killing of civilians.⁸¹ Ahmed Hassan states that Shehab can be seen in the background of a video of his son's executions. When the video aired, however, the body and face of "Shehab" had been completely blurred by the production team.⁸² This, of course, raises an important question: if such damning evidence of Shehab's guilt truly exists, why go to such lengths to obscure him from view? The question becomes especially pressing when one considers that his unobscured visage was already going to be broadcast on national television. Shehab's case is not the only example of this occurring. Many episodes that air lack any sort of photo or video evidence linking the prisoners to the crimes – a particularly harrowing fact in the episodes that feature convicted individuals denying they had any involvement with the crimes they then had to answer for.

In the Grip of the Law might at first blush seem to be a good thing. It seems to unite citizens regardless of sectarianism, class, and ethnicity. What's more, it legitimizes and heroizes the government and the ISF in a way that governance has always failed to do. Nevertheless, upon taking a closer look, the true motivations underlying the program become apparent. Its sizable financial backing has reallocated funds away from the myriad of real crises that could be solved instead. Its style is purposefully sensationalistic, shoving facts aside in favor of blurred videos and a calloused, dismissive interviewing style. Its very premise goes against codified international law. *In the Grip of the Law* is successful for what it is: an exercise in performative security and self-legitimization by the federal government. The good it actually does, though, is questionable at best.

⁸¹ "في قبضة القانون - الارهابي رضوان احمد شهاب" *Al Iraqiya*, September 15, 2018.

<https://www.youtube.com/watch?v=A8R-SmECeMY>

⁸² Ibid.

Chapter Four

The Government & Hyper-Sectarianism

The Iraqi federal government has had a longstanding history of taking symbolic actions to foster goodwill amongst the citizenry. Nevertheless, any semblance of tangible change has ultimately remained inaccessible for countless Iraqis in need of aid.

¹ One of the symbolic measures the government has taken in the post-Daesh era is the re-opening of the nation's Green Zone, a community in Baghdad to the west of Mansour. The Green Zone has served as a home to "foreign embassies and key government buildings after the U.S.-led invasion of 2003 and has since then been surrounded by blast walls and barbed wire, inaccessible to most Iraqis."² The opening of the Green Zone was meant by the government to seem as though it wants to close the gap between itself and its citizenry—bridging the distance between the wants of those in power and the needs of the people. Yet that effort, while nice in sentiment, did little to address the myriad of concrete issues plaguing Iraqi society.

Arguably, the closest that the government has come to bending to the will of the people ever since is the resignation of Prime Minister Adel Abdul al-Mahdi. As a direct response to ongoing protests by Iraqi civilians, Prime Minister al-Mahdi officially stepped down from his office in early February, 2020.³ Mohammed Tawfiq Allawi, another Shi'a politician (and cousin of former Prime Minister Ayad Allawi), has just taken over the office of the Prime Minister.⁴ While it certainly may seem like a positive sign to protestors that al-Maliki is no longer ruling,

¹ "Iraq Celebrates Victory Over IS While Grappling with Legacy." *Associated Press*, December 10, 2018. <https://apnews.com/d7fd778fc83a46548970599eea424837>

² Ibid.

³ Hannah, John. "Iraq Needs Regime Change Again." *Foreign Policy Magazine*, February 20, 2020. <https://foreignpolicy.com/2020/02/20/iraq-needs-regime-change-again-allawi-protests-iran/>

⁴ Ibid.

Allawi's allegiances and connections in the political sphere may not ultimately differentiate him much from his predecessor.⁵ Allawi will have a great deal of rebuilding to do, however, especially if he wishes to work towards overcoming the established quasi-tradition of hyper-sectarianism in Iraq—or make the lasting legacy of his time in office about more than simply appeasing protestors and serving as a fresher face to a decades-old problem.

Over the last few years, Sunnis, Shi'as, and Kurds have become more divided than ever before. Ever since Kurdistan was granted semi-autonomous status in the early 1970s—an agreement codified into law in 2017—Kurds' connections to Sunnis and Shi'as throughout the rest of Iraq have grown strained.⁶ Territorial disputes between Kurdistan and the Iraqi federal government over a multitude of cities still continue to rage on.⁷ Shi'as have held strong majority representation in the federal government since 2005, and effectively control the Popular Mobilization Forces that work in tandem with the Iraqi Security Forces to police the nation.⁸ Sunnis are those most disproportionately targeted by Iraqi Security Forces and the government as potential Daesh sympathizers and collaborators, and Sunni communities are regularly subjected

⁵ “The Latest: Iraq’s President Calls for New Election Law.” *Associated Press*, October 31, 2019. <https://apnews.com/fdc8bf80df2648b3bca8494bad368530> & Hannah, John. “Iraq Needs Regime Change Again.” *Foreign Policy Magazine*, February 20, 2020.

<https://foreignpolicy.com/2020/02/20/iraq-needs-regime-change-again-allawi-protests-iran/>
⁶ Guerin, Orla. “ISIS in Iraq: Militants ‘getting stronger again.’” *British Broadcasting Corporation News*, Northern Iraq, December 23, 2019. <https://www.bbc.com/news/world-middle-east-50850325>

⁷ “Reviving UN Mediation on Iraq’ Disputed Internal Boundaries.” *International Crisis Group*, December 14, 2018. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/194-reviving-un-mediation-iraqs-disputed-internal-boundaries>

⁸ Atallah, Philippe. “The Future of the Iraqi Popular Mobilization Forces.” *The Foreign Policy Research Institute*, August 19, 2019. <https://www.fpri.org/article/2019/08/the-future-of-the-iraqi-popular-mobilization-forces/>

to heavy monitoring and suspicion.⁹ These national and sectarian divides have led to a great deal of mistrust between Iraq's three main groups—not to mention its smaller religious and ethnic minorities—and has only been furthered by intense political competition between parties.

Sectarian conflict has led citizens to make drastic decisions. In an interview broadcasted on Al Hurra News, a former Daesh member stated that his involvement in the group started because Daesh had held a protest against al-Maliki's leadership.¹⁰ The defector, whose face was intentionally blurred so as to preserve anonymity, went by the pseudonym of Abu Hafsa. He went on to explain that the reason he had joined Daesh was because he was tired of the sectarianism that the al-Maliki government fostered. He had no idea of the group's true intentions until after he had joined, and even after learning about its objectives, had already been cemented into the group as a security guard through the promises of stability, money and marriage.¹¹ Abu Hafsa is not the only Iraqi who had joined Daesh out of frustration with the nation's hyper-sectarian conflict. He reported that many other citizens who had attended the rally against al-Maliki were lured in by the same promises. Indeed, Daesh is not the only foreign influence attempting to take advantage of the divides within Iraq's citizenry. Rather, "residents of Iraq [...] have been forced to choose between Sunnis and Shia in order to survive [...] which] prolonged the war, providing the time and space for belligerents in Iraq to weaponize sectarianism."¹² Sectarianism has not simply been weaponized by the federal government to

⁹ Sly, Liz. "ISIS: A Catastrophe for Sunnis." *The Washington Post*, November 23, 2016. https://www.washingtonpost.com/sf/world/2016/11/23/isis-a-catastrophe-for-sunnis/?utm_term=.54eab4e7b0c9

¹⁰ *Daesh: Escaping Hell*. "Abu Hafsa: What I Learned at ISIS University." Episode Seven. Directed by Ali Mula. Written by Ali Mula & Mike Tucker. Al Hurra Network, August 12, 2017.

¹¹ Ibid.

¹² Freidman, Brandon. "Weaponizing Sectarianism in Iraq and Syria." *The Foreign Policy Research Institute's Journal of World Affairs*. *Orbis*, Vol. 61(3), 2017. 423-438.

engender loyalty within citizens—it has been utilized as an effective weapon with which the entire populace is under threat of succumbing to foreign influence.

National Security & Iraq: The Next Daesh

The climate in Iraq has grown so overwhelmingly sectarian and hostile that experts are concerned extremism may rise again. The decentralization of Daesh means that offshoots of the organization might begin to promulgate in neighboring countries, similar to Al Qaeda's architecture.¹³ The group's loss of a territorial caliphate does not inherently mean their ideology has lost its credence—in fact, theorists have even posited that the organization has been aiming to “return to its roots as an insurgency and virtual caliphate with global ambitions and terrorist capabilities”¹⁴ for years. Kurdish intelligence reports that Daesh has reformed, and the group “no longer wants to control any territory to avoid being a target. Instead [...] the extremists have gone underground.”¹⁵ This first option may not necessarily pose an immediate threat to Iraq, but the continual radicalization of struggling populations throughout the MENA region will eventually pose a far-reaching, long-term sociopolitical crisis on a similar scale to that of 2014. Iraq's hyper-sectarian tensions will also sway insurgents' approach towards radicalizing new members, as well. Current protests are belying what may very well shape up to be a geopolitical crisis of its own, as Sunnis in Iraq have endured deprivation, disillusionment, and disenfranchisement at the hands of the Shi'a-led government for years. If Allawi does not reverse

¹³ Gerges, Fawaz. “ISIS: A History.” *Princeton University Press*, 2016.

¹⁴ Rabi, Uzi and Brandon Freidman. “Weaponizing Sectarianism in Iraq and Syria.” *The Foreign Policy Research Institute's Journal of World Affairs*. *Orbis*, Vol. 61(3), 2017. 423-438.

¹⁵ Guerin, Orla. “ISIS In Iraq: Militants ‘Getting Stronger Again.’” *British Broadcasting Corporation News*, December 23, 2019. <https://www.bbc.com/news/world-middle-east-50850325>

the course of precedent on these issues, the nation as a whole may be wracked apart by the ensuing struggles.

The loss of the territorial caliphate in Iraq may also mean that Daesh operatives who have evaded capture and are still allegiant to the cause might join forces with other insurgency groups. During the Syrian civil war, Daesh fought alongside the Free Syrian Army, another ideological extremist organization with which it had previously had highly public disagreements.¹⁶ Al-Baghdadi even claimed to have merged Daesh with the al-Nusra Front—a move which, three months later, incurred the anger of al-Nusra leadership, as they claimed they had not agreed to such a marriage between organizations.¹⁷ Nevertheless, during those three months, Daesh successfully procured weapons and intelligence from governments who automatically assumed Baghdadi's truthfulness. This was allegedly the case with Turkey and Daesh with regards to the Syrian civil war. The leader of Turkey's Republican People's Party publicly released a document from the Adana Office of the Prosecutor that claims Turkey regularly supplied insurgency groups fighting in Syria with weapons.¹⁸ Furthermore, a leaked order issued by the Turkish Minister of the Interior stressed that, "It is important to comply with the security and confidentiality of the issue by providing the necessary support to the intelligence officers in the

¹⁶ "EIP Explainer: Understanding Daesh/ISIS." *European Institute of Peace*, 2019.

<http://www.eip.org/en/news-events/eip-explainer-understanding-daeshisis>

¹⁷ Joscelyn, Thomas. "Al Qaeda in Iraq, Al Nusrah Front Emerge as Rebranded Single Entity." *Long War Journal of the Foundation for the Defense of Democracies*, April 9, 2013.

https://www.longwarjournal.org/archives/2013/04/the_emir_of_al_qaeda.php

¹⁸ "Kılıçdaroğlu: 'Davutoğlu belge istiyordun, al sana belge.'" *Cumhuriyet News*, October 14, 2014.

http://www.cumhuriyet.com.tr/video/video/130347/Kilicdaroglu___Davutoglu_belge_istiyordun___al_sana_belge_.html

passage of the mujahideen affiliated with al-Nusra [...] from our country borders to Syria.”¹⁹ The Turkish government provided assistance and aid to Daesh and its affiliates in the al-Nusra Front because it saw the Assad regime in Syria as the bigger threat. If another war breaks out, world powers might be tempted to do the same and arm the “lesser evil” in the struggle. Daesh would not have to return the artillery it has received, however—indeed, there is no evidence to suggest that they would consider returning the weaponry even if they were ordered to by a foreign government—and arming a highly-motivated insurgency could very well prove problematic in the future.

Daesh’s “successes” (and the subsequent martyrdom of its caliphate) may also inspire so-called lone wolves radicalized by continued abuse and mistreatment to carry out attacks of their own. Imperiled Iraqis may start considering the views of insurgents as valid for any number of reasons. Be it years of Sunni disenfranchisement,²⁰ the detainment and deaths of families at the hands of the Iraqi Security Forces,²¹ watching loved ones be humiliated and berated on national television for crimes they did not commit,²² anger at the injustices and corruption present within one’s own government,²³ the horrific conditions and instances of sexual abuse within IDP camps,²⁴ or another reason entirely, countless Iraqis have been deeply, personally affected by the

¹⁹“MIT Hosted ISIL Under the Orders of Muammer Guler.” *Radikal News*, June 13, 2014. <http://www.radikal.com.tr/politika/mit-isidi-muammer-gulerin-emriyle-agirladi-1196924/>

²⁰ Sly, Liz. “ISIS: A Catastrophe for Sunnis.” *The Washington Post*, November 23, 2016. https://www.washingtonpost.com/sf/world/2016/11/23/isis-a-catastrophe-for-sunnis/?utm_term=.54eab4e7b0c9

²¹ Taub. “Iraq’s Post-ISIS Campaign of Revenge.”

²² “ISIS Captives Get Publicly Shamed on Iraqi Reality Show.” *WSJ*, December 12, 2014. Video. https://www.youtube.com/watch?v=w-UAXDw0_O0

²³ *Daesh: Escaping Hell*. “Abu Hafsa: What I Learned at ISIS University.” Episode Seven. Directed by Ali Mula. Written by Ali Mula & Mike Tucker. Al Hurra Network, August 12, 2017.

²⁴ Sathyanarayanan, Sunethra. “Iraq Country Overview: A report on the Scale, Scope, and Context of the Sexual Exploitation of Children.” *End Child Prostitution and Trafficking*, March,

turmoil of the last few years. Those with internet access may very well come across Daesh propaganda specifically targeted to their struggle. They may wind up in a conversation with a member of an insurgency group who seems empathetic and understanding. They might simply recall the effectiveness that Daesh once had with utilizing violence to affect change in the nation. People do not need to swear allegiance to an insurgency organization to cause harm, and individuals looking to carry out an attack might find that little planning and expertise is needed to wreak havoc. Lone wolves do not have to worry about coordinating with larger entities or other individuals, making their plans dependent entirely on their willpower and physical capabilities. This means that oftentimes, lone wolf operators often go unnoticed and undetected until it is too late. Indeed, in 2016 alone, lone wolf operatives inspired by Daesh “carried out more than 1,100 attacks worldwide that claimed more than 9,000 lives, the bulk of them in Iraq.”²⁵ The government must seek to rectify the tragic wrongs of the last few years, putting its efforts into connecting with the public instead of relying on forced claims of legitimacy. If the government does not change tactics soon, the stability of the nation will undoubtedly be at risk.

Protests at the Time of Writing

Since September of 2019,²⁶ hundreds of thousands of men, women, and children have

2019. <https://www.ecpat.org/wp-content/uploads/2019/04/Iraq-ECPAT-International-Country-Overview-Report-2019.pdf>

²⁵ Warrick, Joby and Souad Mekhennet. “A Battered ISIS Grows Ever More Dependent on Lone Wolves, Simple Plans.” *The Washington Post*, July 20, 2017.

https://www.washingtonpost.com/world/national-security/a-battered-isis-grows-ever-more-dependent-on-lone-wolves-simple-plans/2017/07/19/3eeef9e8-6bfa-11e7-96ab-5f38140b38cc_story.html

²⁶ Rubin, Alissa. “Iraq in Worst Political Crisis in Years as Death Toll Mounts from Protests.” *New York Times*, December 21, 2019.

<https://www.nytimes.com/2019/12/21/world/middleeast/Iraq-protests-Iran.html>

gathered in the streets of Iraq to publicly protest years upon years' worth of grievances. Protestors have turned out in waves to express their discontent with government corruption, mistrust in the criminal justice system and the Iraqi Security Forces, frustration at the hyper-sectarian nature of the government (and Iraqi society as a whole), and desperation at the complete and total lack of public goods and services available.²⁷ As of December 3, 2019, more than 400 people died and over 19,000 people were injured as a direct result of the protests.²⁸ The government did begin to release reforms addressing much of the aforesaid concerns once the protests started, yet the government's sudden decision to tackle these issues is "often perceived as unrealistic or 'too little, too late.'"²⁹ The seemingly disingenuous nature of the government's newly rolled-out solutions has further alienated the populace from the government.

The first pressing issue that the government has sought to address is that of corruption within the government. The protests first commenced when Prime Minister al-Mahdi demoted Lieutenant General Abdul-Wahab al-Saadi, commander of Iraq's counter-terrorism forces, without offering any sort of clarification as to why.³⁰ Al-Saadi was particularly popular amongst Iraqis for his vehement defense against Daesh, both as a strategic leader and as an active fighter himself.³¹ Al-Saadi's demotion was answered by public outrage on social media

²⁷ Tawfeeq, Mohammed. "Iraq Protests Death Toll Rises to 319 with Nearly 15,000 Injured." *Cable News Network*, November 10, 2019. <https://www.cnn.com/2019/11/09/middleeast/iraq-protest-death-toll-intl/index.html>

²⁸ Hennis-Plasschaert, Jeanine. "Briefing to the Security Council by Jeanine Hennis-Plasschaert 3 December 2019." December 3, 2019. https://www.uniraq.org/index.php?option=com_k2&view=item&id=12114:briefing-to-the-security-council-by-jeanine-hennis-plasschaert-3-december-2019&Itemid=712&lang=en

²⁹ Ibid.

³⁰ Mroue, Bassem. "Iraq's Removal of Counterterrorism Chief Sparks Controversy." *Military Times*. *Military Times & Associated Press*. September 29, 2019. <https://www.militarytimes.com/flashpoints/2019/09/29/iraqs-removal-of-counterterrorism-chief-sparks-controversy/>

³¹ Ibid.

and in the streets.³² This appeared to be yet another display in an ongoing pattern of governmental inefficacy: grossly negligent or sectarian actions were taken, and leading officials did not bother to issue any form of explanation as to why the aforesaid events transpired. Worse still, when Iraqi citizens began protesting al-Saadi's removal from office, the full might of the Iraqi Security Forces met them head-on. Protests throughout the country received similar treatment regardless of the demographic of those protesting. High school students in Basra, for instance, were met with "tear gas cannons [...] and live bullets."³³ A Baghdad man interviewed by international journalists encapsulated the public's disillusionment with the state of the government in his declaration that, "Burning [Iraqi] army trucks won't help us, it will only help the government accuse us of being hooligans."³⁴ This sentiment, while bleak, may not be far off from the truth. The Iraqi military itself recently admitted in a statement that, "Excessive force outside the rules of engagement was used and we have begun to hold accountable those commanding officers who carried out these wrong acts."³⁵

Al-Saadi's demotion marked the first alleged abuse of power by the Iraqi government in September, but it was not the last. The nation's Communications and Media Committee placed a three-month suspension on the regional headquarters of Al Hurra television.³⁶ Al Hurra, funded

³² Tawfeeq, Mohammed. "Iraq Protests Death Toll."

<https://www.cnn.com/2019/11/09/middleeast/iraq-protest-death-toll-intl/index.html>

³³ Ibid.

³⁴ Abdul-Ahad, Ghaith. "Iraq's Young Protestors Count Cost of a Month of Violence. *The Guardian*, October 29, 2019. <https://www.theguardian.com/world/2019/oct/29/iraqi-protesters-demonstrations-month-of-violence>

³⁵ "Iraq Protests: All The Latest Updates. *Al Jazeera News*, October 11, 2019. <https://www.aljazeera.com/news/2019/10/iraq-protests-latest-updates-191004085506824.html>

³⁶ Ebraheem, Mohammed. "Iraq Suspends US-Funded TV Channel Over Corruption Documentary at Religious Institutions." *Iraqi News*, September 2, 2019. <https://www.iraqinews.com/baghdad-politics/iraq-suspends-us-funded-tv-channel-over-corruption-documentary-at-religious-institutions/>

by the US Agency for Global Media, has been accused by the federal government “of bias and defamation [...] after it aired a documentary alleging corruption within the country’s religious institutions.”³⁷ The documentary in question also strongly implied that there was reason to suspect improper connections between members of leading Iraqi political parties, governmental agencies, and armed militia groups.³⁸ Al Hurra’s other programming was similarly contrarian to the state-funded television shows of Al Iraqiya, including offerings such as *Daesh: Exiting Hell*, a television show that conducted in-person interviews with Daesh defectors and fully humanized each former member. Some watchdog organizations have declared that the news of the government’s shutdown of Al Hurra is quasi-authoritarian in nature. The Press Freedom Advocacy Association in Iraq has issued an uncategorical condemnation of the government’s shutdown of Al Hurra, reporting that “the Media and Communications Committee [is] in violation of Law 65, which does not allow the government to close or revoke the license of any media outlet without a judicial order.”³⁹ A secondary violation of Law 65 is that periods of suspension must not extend for longer than thirty days at a time.⁴⁰

Protestors cited examples of government corruption with regards to matters of foreign policy, as well – the Iraqi government has long been caught between the influence of Iran and the influence of the United States. Citizens have expressed discomfort at how closely the Iraqi government has relied on its Iranian allies, particularly as Iran is proven to have financially and

³⁷ Ibid.

³⁸ “Iraq Suspends U.S.-Funded Broadcaster Al-Hurra Over Corruption Report.” *Committee to Protect Journalists*, September 3, 2019. <https://www.iraqinews.com/baghdad-politics/iraq-suspends-us-funded-tv-channel-over-corruption-documentary-at-religious-institutions/>

³⁹ “هيئة الاعلام والاتصالات تعلق عمل مكتب الحرة عراق 3 اشهر” *The Press Freedom Advocacy Association in Iraq*, September 2, 2019. <https://pfaa-iq.com/?p=3172>

⁴⁰ Ibid.

materially supported the Shi'a militias comprising the Popular Mobilization Forces.⁴¹ Others have professed their annoyance at the U.S.' continual interventionism, arguing that Iraqi governance would likely not have been the way it has for the last two decades were it not for the U.S.' authority.⁴² Anger against the undue influence from both of the aforementioned nations has, subsequently, led to the escalation of protests. Both the American and Iranian embassies in Baghdad's Green Zone were subjected to substantial violence over the course of just a few weeks. The American embassy was graffitied, imperiled by rocket fire, and desecrated by flaming battering rams utilized to break through windows and damage doors.⁴³ The Iranian consulate, meanwhile, was burned down in its entirety in the second arson attempt within a one-month timeframe.⁴⁴ As a direct response to these attacks, the government of Iraq subsequently imposed a curfew upon the citizenry.⁴⁵ Seven unnamed ministers also attempted to resign from their positions in order to assuage the rapidly-escalating public protests, but Prime Minister al-Mahdi rejected their resignations outright.⁴⁶ Al-Mahdi himself resigned in February 2020 in response to the ever-worsening political climate, ceding his position to Mohammed Tawfiq Allawi.⁴⁷

⁴¹ "The Iraq Protests Explained in 100 and 500 Words." *British Broadcasting Corporation*, December 2, 2019. <https://www.bbc.com/news/world-middle-east-50595212>

⁴² Hassan, Falih, Ben Hubbard and Alissa Rubin. "Protestors Attack U.S. Embassy in Iraq, Chanting 'Death to America.'" *The New York Times*, December 31, 2019. <https://www.nytimes.com/2019/12/31/world/middleeast/baghdad-protesters-us-embassy.html>

⁴³ Ibid.

⁴⁴ Rubin, Alissa & Falih Hassan. "Iraq Protestors Burn Down Iran consulate in Night of Anger." *The New York Times*, November 27, 2019. <https://www.nytimes.com/2019/11/27/world/middleeast/iraqi-protest-najaf-iran-burn.html>

⁴⁵ Ibid.

⁴⁶ Ebraheem, Mohammed. "Iraqi Premier Rejects Resignation of Seven Ministers Amid Violent Protests." *Iraqi News*, October 6, 2019. <https://www.iraqinews.com/baghdad-politics/iraqi-premier-rejects-resignation-of-seven-ministers-amid-violent-protests/>

⁴⁷ Cunningham, Erin and Mustafa Salim. "With Iraq on Edge, Prime Minister's Resignation Sets Up Political Crisis." *The Washington Post*, December 1, 2019.

Mohammed Tawfiq Allawi's ascendance to power is off to a somewhat shaky start already. Protestors have already made it clear that they see Allawi as a figurehead for a longstanding corrupt government, as many demonstrations now feature photos of Allawi with his face crossed out in red paint.⁴⁸ Allawi has taken note of the way that protestors perceive him, stating in his first public address that "he vowed to refuse his nomination for the prime minister post if any political blocs try to dictate the selection of ministers in his government... [and that] his criteria for a minister is to be qualified by the virtue of his or her integrity and competence, not [...] political party."⁴⁹ Yet Allawi still faces contention from some of the most powerful blocs in the National Assembly, and some skeptics remain worried that his promises for reform will not actually bear long-lasting positive changes.⁵⁰ The many failed iterations of the previous forms of the Iraqi "republic" have left a great many members of the citizenry overly skeptical of future governance.

The singular, major instance of Iraqis overcoming hyper-sectarianism in recent history is with the ongoing protests. Kurds, Shi'as and Sunnis have come together to fight against rampant corruption, a lack of direction on vital public services, and the state's relative inability to allocate oil revenue funds appropriately and successfully.⁵¹ While Iraq expected to receive "\$79 billion in

https://www.washingtonpost.com/world/middle_east/iraqs-prime-minister-steps-down-with-country-on-edge/2019/12/01/8c2d1480-137b-11ea-924c-b34d09bbc948_story.html

⁴⁸ Davison, John and Azis El Yaakoubi. "New Iraq PM Appeals to the Masses but is Rejected by Protesters." *Reuters News*, February 1, 2010. <https://www.reuters.com/article/us-iraq-protests/new-iraq-pm-appeals-to-the-masses-but-is-rejected-by-protesters-idUSKBN1ZV3SY>

⁴⁹ Kadhim, Abbas, Thomas Warrick and Anthony Pfaff. "Can Iraq's New prime Minister Nominee Navigate Baghdad's Political Chaos?" *Atlantic Council*, February 3, 2020. <https://atlanticcouncil.org/blogs/new-atlanticist/can-iraqs-new-prime-minister-nominee-navigate-baghdads-political-chaos/>

⁵⁰ Ibid.

⁵¹ Calamur, Krishnadev. "Oil Was Supposed to Rebuild Iraq." *The Atlantic*, March 19, 2018. <https://www.theatlantic.com/international/archive/2018/03/iraq-oil/555827/>

oil money based on projected reports of 3.88 million barrels per day at a price of \$56 a barrel,”⁵² the money in question does not often go to alleviating the ongoing crises countless Iraqis face in contemporary times. Instead, a significant proportion of the nation’s public sector spending is with its state-owned enterprises. These enterprises “are largely unprofitable and depend on soft loans from state-owned banks and special grants from the government budget in order to cover essential spending, including salaries.”⁵³ Worse still, previous efforts by the World Bank to reform public spending habits have failed. In a 2015 evaluation of the nation after years of work by the World Bank, an independent committee found Iraq’s financial landscape was still largely inadequate.⁵⁴ The report explained that this might be because “ownership of the reforms is the prerequisite of any progress in the execution and oversight of any public financial reform program. If you don’t have key reformers in the government and an identified constituency supporting the reform agenda [...] there is a risk that public financial reform programs will not be initiated and achieved.”⁵⁵ Unless major financial reforms are made within the bureaucracy of the government – and, indeed, it does not seem likely that this shall be happening any time soon – the needs of hundreds of thousands of people will continue to remain unaddressed, growing more and more dire by the second.

⁵² Kullab, Samya. “Iraq’s Protests Raise Question: Where Does the Oil Money Go?” *Associated Press News*, November 14, 2019. <https://apnews.com/96cafd891e41d9b3f0cc19db01fa5d>

⁵³ Al-Mawlawi, Ali. “Iraq’s State-Owned Enterprises: A Case Study for Public Spending Reform.” *The Bayan Center*, November 10, 2018. <http://www.bayancenter.org/en/2018/10/1723/>

⁵⁴ “ICR Review: Iraq Public Financial Management Review.” *Independent Evaluation Group*, February 2015.

<http://documents.worldbank.org/curated/en/830901475115948554/pdf/000012394-20150309080111.pdf>

⁵⁵ Ibid.

Regarding Semi-Autonomous Regions: Kurdistan

While unrest has plagued a great deal of Iraqi society, citizens in Kurdistan have, as a whole, had far fewer qualms with how the Kurdish Regional Government (henceforth “KRG”) has operated in recent years. The KRG has taken expansive measures to control law and order in its portion of Iraqi society, yet Kurds have generally responded well to their government’s needs and requests because of the close nationalistic and patriotic ties they feel to their government. As such, when Kurdistan is analyzed in relation to Iraq as a whole, the former is generally considered to be more stable.⁵⁶ Studies have also shown that, when compared to Iraq, Kurdistan has greater respect for civil rights, as well as individual and political rights.⁵⁷ These findings are far from groundbreaking; cross-cultural studies spanning decades have suggested as much. One of the primary factors that must be considered when considering decentralization is that of so-called “horizontal inequalities,” or inequalities amongst and between different groups of people. In a comprehensive study utilizing a “large-N statistical analysis of thirty countries around the world from 1985 to 2000,”⁵⁸ it was proven that political decentralization often decreases inter-ethnic conflict and sectarianism. Another study, specifically assessing the constitutional republic of Indonesia, found that the process of decentralizing the Indonesian government has “relieved center-periphery tensions around long-standing grievances towards nationalist agendas [...] and addressed long-standing inter-group tensions and horizontal inequalities at the local level.”⁵⁹ The

⁵⁶ “Benchmarking the Kurdistan Region.” *Economist Intelligence Unit*, 2014.
<https://en.calameo.com/read/0003488705c1e4c15ff08>

⁵⁷ Ibid.

⁵⁸ Brancati, Dawn. “Decentralization: Fueling the Fire or Dampening the Flames of Ethnic Conflict and Secessionism?” *International Organization* 60:3, 2006. 651-85.
www.jstor.org/stable/3877823.

⁵⁹ Diprose, Rachael. “Decentralization, Horizontal Inequalities and Conflict Management in Indonesia.” *Ethnopolitics*, 8:1, 2009. 110. DOI: [10.1080/17449050902738804](https://doi.org/10.1080/17449050902738804)

semi-autonomous region of Kurdistan, an example of decentralized governance in Iraq, has done similarly well for itself.

During the conflict with Daesh – as well as the Syrian civil war – internally displaced Iraqis and Syrian refugees alike often flocked to Kurdistan.⁶⁰ These conflicts led to the growth of the population of Kurdistan by 28% in just a few months.⁶¹ In order to properly accommodate the large influx of residents in the region, the KRG sought to provide equal opportunities to both Kurds and its new populaces starting at the most basic level possible. One of the ways in which they sought to accomplish this was through providing education to all. Studies have found that offering an education to traumatized populations can mitigate a variety of factors that would have otherwise likely endangered their lives.⁶² Education has been found to weaken ethno-communal violence, as well as reduce horizontal inequalities such as unemployment and child mortality, even when controlling for age, culture and nation of origin.⁶³ It was necessary, then, for Kurdistan to succeed in this endeavor. Several things helped them achieve their goal: the opening of IDP schools by the KRG,⁶⁴ an intersectional system of linguistics and sociocultural

⁶⁰ "New Findings from University of Ulster in Political Science Provides New Insights (The Politics of Idp Education Provision: Negotiating Identity and Schooling In the Kurdistan Region of Iraq)." NewsRXLLC. *Politics & Government Week*, May 9, 2019. 237. https://link-gale-com.libproxy.union.edu/apps/doc/A584434245/AONE?u=nysl_ca_unionc&sid=AONE&xid=a05ee2e2

⁶¹ "The Kurdistan Region of Iraq: Assessing the Economic and Social Impact of the Syrian Conflict and ISIS." World Bank Group. *World Bank Group Report*, 2015. <http://documents.worldbank.org/curated/en/5794514683943474/The-Kurdistan-region-of-Iraq-assessing-the-economic-and-social-impact-of-the-Syrian-conflict-and-ISIS>

⁶² Stewart, Frances. "Horizontal Inequalities as A Cause of Conflict: A Review of CRISE Findings." *World Development Report*, August 20, 2010. https://openknowledge.worldbank.org/bitstream/handle/10986/9126/WDR2011_0029.pdf?sequence=1

⁶³ Ibid.

⁶⁴ Shanks, Kelsey. *Education and ethno-politics: Defending Identity in Iraq*. Routledge, 2015. <https://content.taylorfrancis.com/books/download?dac=C2014-0-33188-2&isbn=9781317520436&format=googlePreviewPdf>

diversity that prioritizes peace,⁶⁵ and the assistance of international NGOs like UNESCO.⁶⁶ Of course, this is not to say that education in Kurdistan has been perfect – after all, individual instances of discrimination based on nationality, religion, and/or language spoken still occur in many IDP schools throughout the Kurdish region of Iraq.⁶⁷ Nevertheless, the KRG’s decision to implement a baseline educational curriculum for populations in crisis is, if nothing else, a strong start towards reducing ethnosectarian conflict as a whole.

Kurdistan has also proven its prowess within its interactions with the Iraqi federal government. The KRG still works closely with the Iraqi government on a variety of issues, including its decision to sell Kurdish oil through the Iraqi State Oil Marketing Company.⁶⁸ The KRG still maintains a great deal of internal autonomy, however. The KRG has successfully drafted a unique body of legislation,⁶⁹ created its own government (including a parliament, a prime minister, and a president),⁷⁰ and has successfully maintained its centuries-old distinct cultural traditions as well.⁷¹ Data aggregated by the Transparency International Corruption Perceptions Index, the World Bank Business Enterprise Survey, and the Global Corruption Barometer has also shown that “corruption is less widespread in the KRI than in Iraq as a whole

⁶⁵ Shanks, Kelsey. “Education’s Peace-Building Role in the Kurdistan Region of Iraq” in “The Kurdish Question, Revisited.” *Oxford University Press*, 2017. 431.

⁶⁶ Shanks, Kelsey. “The Politics of IDP Education Prevision.” 2019.

⁶⁷ Ibid.

⁶⁸ Natali, Denise. “The Kurdish Quasi-State: Leveraging Political Limbo.” *The Washington Quarterly*, 38:2, 2015. 145.

⁶⁹ “Comprehensive Review of Legislation: Transition Phase Report.” World Bank Governance Global Project Technical Team, Ch.-H Montin, & Dara Mansur Law Firm, June 12, 2018. <http://documents.worldbank.org/curated/en/760851537392719616/pdf/KRG-Comprehensive-Review-of-Legislation-Transition-Phase-FINAL-14-June-2018.pdf>

⁷⁰ Barwari, David. “The Evolution of the Modern Electoral Process in the Kurdistan Region.” *The Kurdish Herald* 1:3, July 2009. <http://www.kurdishherald.com/issue/003/article02.php>

⁷¹ Izady, Mehrdad. “The Kurds: A Concise Handbook.” *Routledge*, 1993.

[...and] reported rates of bribery are lower in the KRI compared to other regions of Iraq.”⁷² Though it still remains a part of Iraq, and indeed, operates within the framework of the Iraqi Constitution at all times,⁷³ Kurdistan as an autonomous entity has still procured a great deal of international recognition and respect. Although it certainly still has its problems, as well, the Kurds within the governorates of Duhok, Erbil, Sulaymaniyah and Halabja generally perceive the government as legitimate.⁷⁴ Because of this, the KRG exists in a cycle wherein 1) the Kurdish public recognizes the government as legitimate, 2) the government is better able to affect important change when necessary because of public support stemming from the aforesaid legitimacy, so 3) the perception of legitimacy is henceforth strengthened.

Regarding Semi-Autonomous Regions: Basra

Kurdistan achieved its semi-autonomous status largely by way of force. The KRG’s Peshmerga took control of most disputed territories when Daesh invaded in 2014.⁷⁵ Kurdistan’s more physically assertive roots prove to be dramatically different than those of another region that has been arguing for its own semi-autonomous status for over a decade: Basra. The bid for autonomy in Basra has gained traction since 2005, in no small part due to the Iraqi Constitution’s provisions allowing for semi-autonomous regions’ existence. Indeed, the Constitution has

⁷² “Kurdistan Region of Iraq: Overview of Corruption and Anti-Corruption.” Anti-Corruption Resource Centre, Transparency International, & the Chr. Michelsen Institute. *Transparency International*, March 24, 2015. <https://knowledgehub.transparency.org/helpdesk/kurdistan-region-of-iraq-overview-of-corruption-and-anti-corruption>

⁷³ “KRG Policies.” The Kurdistan Regional Government Department of Foreign Relations, <https://dfr.gov.krd/p/p.aspx?p=29&l=12&s=010000&r=336>

⁷⁴ Sulaivany, Kazan. “Legitimacy of Kurdistan Referendum Comes from Sacrifices of Kurds: Barzani.” *Kurdistan 24*, September 16, 2017. <https://www.kurdistan24.net/en/news/ce53e06c-95a6-4c54-a227-4bdc334d5955>

⁷⁵ “Iraq Kurds ‘Fully Control Kirkuk’ as Army Flees.” *BBC News*, June 12, 2014. <https://www.bbc.com/news/world-middle-east-27809051>

established “a Federation Council to include representatives from the regions and the governorates that are not organized in a region [...]” to serve as a regulatory body for semi-autonomous regions.⁷⁶ This Council, which would have also facilitated proceedings for granting semi-autonomous status to interested parties,⁷⁷ was ultimately never formed. A separate process to ratify and support semi-autonomous regions is, however, laid out in the nation’s Constitution.⁷⁸ According to officials, the government “a region would be formed by a referendum by [...] a request presented by [one] third of the members of each of the governorate councils, formed according to wishing to form a region, [or] a request presented by one tenth of the voters in each governorate of the governorates wishing to form a region.”⁷⁹ It is this process that underlies much of Basra’s contemporary efforts for semi-independence.

Basra is the southernmost governorate in Iraq – and is a center not only for trade, but oil reserves.⁸⁰ Basra is estimated by some to account for about 80% of Iraq’s total oil extracts.⁸¹ Basra’s bid for autonomy began in the 1920s, when the region was under British control.⁸² Their bid ultimately failed, yet those within the region never fully gave up their attempts towards securing a stable, semi-autonomous region of their own. The call for independence post-2003

⁷⁶“Iraq’s Constitution of 2005.” *Constitute Project*, February 13, 2020.

https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

⁷⁷ “Executive Procedures Regarding Formation of a Region.” *Iraqi Local Governance Law Library*, February 11, 2008. <https://web.archive.org/web/20130302001821/http://Iraq-ig-law.org/en/content/executive-procedures-regarding-formation-region>

⁷⁸ “Iraq’s Constitution of 2005.” *Constitute Project*.

⁷⁹ “Executive Procedures.” *Presidency Council of the Republic of Iraq*.

⁸⁰ Schwarzstein, Peter. “Welcome to Basra.” *Foreign Policy*, July 1, 2015.

www.foreignpolicy.com/2015/07/01/welcome-to-basra-iraq-basra-secession-oil-shiite-south/

⁸¹ Fadil, Basim Abd Awn. “The Basra Region and the Probability of its Emergence as a Fact on the Ground.” *Al-Furat Center for Development and Strategic Studies*, January 17, 2015.

www.fcds.com/polotics/211

⁸² Visser, Reider. *Basra, the Failed Gulf State: Separatism and Nationalism in Southern Iraq*. Lit Verlag, 2005.

was first taken up by Basra's governor, Wa'il 'Abd al-Latif.⁸³ Al-Latif and his successor pushed for a greater degree of independence for Basra from Baghdad, and to a certain extent, each was successful in small measures.⁸⁴ The movements for independence for Basra stemmed from the region's concerns regarding a fair distribution of revenue from the oil reserves – since Basra was responsible for a significant proportion of Iraq's oil extracts, many in Basra felt they were owed a better share of the profits than they had been receiving.⁸⁵ Not only did those in Basra not receive the share of the profits they had wanted, but they also failed to rally the votes necessary to successfully drum up a petition for autonomy.⁸⁶ Al-Latif argued that the end results of the vote were not simply because Basra citizens did not want independence, but instead because of illegal interventions to hamper the autonomy project [...] including bribery, pressure, and even the issuing of fatwas that said that anyone who supported Basra's bid was sacrilegious.”⁸⁷ In 2011, another attempt at autonomy was made: a referendum was signed by one third of the governorate's council members.⁸⁸ Nevertheless, this bid was subsequently ignored by the federal government.⁸⁹

While Basra's bid for autonomy might have fallen by the wayside, citizens of the governorate were nonetheless active in politics. When the Iraqi federal government made a deal

⁸³ Ibid.

⁸⁴ Visser, Reider. “The Two Regions of Southern Iraq,” in *An Iraq of its Regions*. Columbia University Press, December 25, 2007.

⁸⁵ Dagher, Sam. “In Iraqi South, Shiites Press for Autonomy.” *The Christian Science Monitor*, August 6, 2007. www.csmonitor.com/2007/0806/p01s03-woiq.html

⁸⁶ Mahdi, Usama. “The Official Announcement of the Failure of Converting Basra into a Region.” *Elaph UK*, January 21, 2009. <http://elaph.com/Web/Politics/2009/1/402058.htm>

⁸⁷ Ghanhim, Waheed. “Escape from Centralism: Basra Postpones Bid for Independence.” *Niqash*, February 1, 2012. <http://www.niqash.org/en/articles/politics/2984/basra-postpones-bid-for-independence.htm>

⁸⁸ Ottaway, Marina and Daniel Kaysi. “The State of Iraq.” *Carnegie Endowment for International Peace*, February 2012. http://carnegieendowment.org/files/state_of_iraq.pdf.

⁸⁹ Ibid.

with Shell for over \$17 billion in 2012, hundreds of protestors rallied in the streets, arguing that they had unjustly been excluded from the agreement.⁹⁰ These protests received national attention, and the leadership in Basra was eventually able to pressure the government into passing Law 21.⁹¹ This law enabled for individual governorates to have more of a say in their administrative and economic proceedings.⁹² Ever since those proceedings, support for an autonomous Basra skyrocketed. A survey conducted by the International Republican Institute in 2012 reported that, when asked “Would you prefer that the provincial councils or the federal government have more authority?”, 96% of respondents in Basra responded that they would prefer provincial authority.⁹³ What’s more – 0% of those in Basra preferred federal authority over provincial authority.⁹⁴

Interestingly enough, when the leader of the Iraqi government shifted from al-Maliki to al-Abadi, the federal government became much more open to considering petitions for autonomy.⁹⁵ In 2014, al-Abadi expressed that the government was “with Basra and its people,

⁹⁰ Wahid, Ahmad. “Basra Province Sues Iraqi State, Demanding Oil and Gas Rights.” *Al-Monitor*, October 11, 2012. <https://web.archive.org/web/20121118071521/https://www.al-monitor.com/pulse/politics/2012/10/basra-council-gas-company.html>

⁹¹ Abbas, Mushreq. “Iraqi Provincial Law Renews Debate over Centralization.” *Al-Monitor*, July 8, 2013. <http://www.al-monitor.com/pulse/originals/2013/07/iraq-province-law-state-decentralization.html>

⁹² Habib, Mustafa. “Giving Provinces More Power: Could Law 21 Save Iraq?” *Niqash*, July 24, 2014. <http://www.niqash.org/en/articles/politics/3501/>

⁹³ “National Survey of Public Opinion in Iraq: September 1–7, 2012.” The International Republican Institute. *The International Republican Institute*, November 27, 2012. https://www.iri.org/sites/default/files/2012_November_27_Survey_of_Iraq_Public_Opinion_September_1-7_2012.pdf

⁹⁴ Ibid.

⁹⁵ Gaist, Thomas, “Abadi Announces Reforms Aimed at ‘Decentralization’ of Iraq.” *WSWS & the International Committee of the Fourth International*, August 11, 2015. <https://www.wsws.org/en/articles/2015/08/11/iraq-a11.html>

and we want them to flourish [...] it is a resourceful and pioneering governorate in terms of decentralization while maintaining the unity of Iraq.”⁹⁶ One year after his visit, Abadi reaffirmed that he believed granting Basra semi-autonomous status (and enabling an easier process for regions’ decentralized autonomy) would “enhance Iraq’s national unity by giving people a greater say in running their day-to-day decisions.”⁹⁷ Yet another petition for semi-autonomous status was filed, but it still needed signatures from roughly 7% of voters before the federal government could hold a referendum on the matter.⁹⁸ The federal government would be responsible for gathering the signatures needed, and they still have not done so.⁹⁹ The government did grant one major victory for financial independence in 2015, however, when it split the South Oil Company into the Dhi Qar Company and the Basra Oil Company.¹⁰⁰ The Basra Oil Company was a way for Basra to gain a proportion of the funds from its oil revenue back into the governorate, and it has indeed achieved its goal in this matter. A significant amount of the revenue from Basra’s oil exports still goes directly to the federal government of Iraq, but Basra has gained some control over its finances and trade administration.

⁹⁶ “Prime Minister Dr. Haydar al-Abadi Heads the Periodic Meeting of the High Coordination Committee Among the Governorates Not Constituting a Region.” *Media Office of the Prime Minister of the Republic of Iraq*, December 29, 2014. www.pmo.iq/press/29-12-2014.htm.

⁹⁷ Morris, Loveday. “As War Rages in the North, Southern Iraqi Region Makes a Bid for Autonomy.” *The Washington Post*, February 17, 2015. https://www.washingtonpost.com/world/middle_east/as-war-rages-in-the-north-southern-iraq-makes-a-bid-for-autonomy/2015/02/15/b4367604-483d-4aaf-8e78-7856aa8c6670_story.html

⁹⁸ “Iraq’s Electoral Commission Rejects Basra Autonomy Bid.” *Middle East Monitor UK*, April 27, 2015. <http://www.middleeastmonitor.com/20150427-iraqs-electoral-commission-rejects-basra-autonomy-bid/>

⁹⁹ Ibid.

¹⁰⁰ “SOC Splits into Basra, Dhi Qar Oil Companies. *Iraq Oil Report*, January 6, 2016. <file:///R:/Publications/MEJ/Volume%2072/72.2/www.iraqoilreport.com/news/soc-splits-basra-dhi-qar-oil-companies-17602/>

The regional government in Basra is, indeed, perceived as legitimate by its citizenry – and, as such, it is able to secure economic benefits for its people. Despite the federal government’s insistence upon shutting down petitions for regional autonomy, both the government and its constituents alike have worked hard to ensure their voices are heard on the matter of semi-autonomy. If the federal government does choose to consider Basra’s decades-long pleas for a greater degree of financial and political freedom, such a move may also go a long way in improving past tensions between the people of Basra and the federal government. Indeed, it may even pave the way for a fruitful partnership between the governments, just as the KRG and the Iraqi federal government currently have.

In Conclusion

The consistent struggle for legitimacy that the Iraqi government has faced ever since 2003 has wound up impacting each iteration of the government's rule. The country has long suffered from government corruption, run-down infrastructure, and a critical shortage of public goods and services when Iraqis have needed them most.¹ The ongoing IDP crisis, which has left over 500,000 IDPs struggling to re-find a sense of normalcy amidst the chaos – worsened by the fact that the Iraqi government treats many women and children as criminals, because the women in question were forced to marry Daesh fighters – still has no viable solution in sight. Worse still, many of these women and children only possess documentation as distributed under Daesh rule.² The federal government refuses to recognize these papers as legitimate, and the Iraqi Security Forces have even confiscated many of these papers outright. This not only means that countless Iraqis will not be able to return to the homes they once had, but it also effectively leaves them stateless. They often cannot return to the homes or governorates that they once lived in – and, for the IDPs living in camps, that they are prohibited from leaving camp grounds in the foreseeable future.³ An additional 44% of IDPs in camps do not (and indeed, have never had to) own property documentation.⁴ All of these individuals struggle greatly in their daily lives, as the Iraqi government has failed to provide basic goods and services to sustain their lives. The nation as a whole lacks a critical structure for water, hygiene, food, shelter, and healthcare – and these conditions are only exacerbated further in the camps.⁵ People in IDP camps are also at higher

¹ “Humanitarian Community Appeals.” *UN OCHA*.

² Fox. “Iraq’s Undocumented Children.”

³ REACH, MCNA VI.

⁴ “A Preliminary Assessment.” *Geneva International Organization for Migration*.

⁵ Ibid.

risk for detention at governmental checkpoints throughout the nation,⁶ which means that they very well could be put through the newly-rigid and almost-authoritarian criminal justice system in the post-Daesh era.

The political system in Iraq has an established history perforated with abuses of power at every level.⁷ When specifically considering post-Baathist regimes, these abuses can even be seen in the first Interim Government in 2003. In Ayad Allawi's government, the General Security Directorate served as an effective iron fist.⁸ Allawi instituted a mandatory curfew for citizens, and encouraged members of his General Security Directorate to search citizens' homes unannounced as often as they wanted.⁹ Many of these officials were leaders in Saddam Hussein's government – former Baathists, and calculated military professionals – and would inspire fear in the hearts of citizens, many of whom were terrified that they would be detained at any time. Allawi himself was even alleged by many witnesses to have executed six suspected Daesh members in the back of the head, execution-style, at a police station.¹⁰ The goal was to show security forces "how to behave."¹¹ Allawi's decision to create the Higher Media Council, a propaganda arm of the regime that censored any and all critiques of the government,¹² further alienated the populace.

The government that followed was just as authoritarian, if not more so. Prime Minister Al-Maliki was also regularly accused of targeting and imprisoning journalists for speaking out

⁶ St. Thomas King and Ardis. "Identity Crisis?"

⁷ Makiya, Kanan. *Republic of Fear: The Politics of Modern Iraq, Updated Edition*. 1998.

⁸ "Allawi pledges crackdown on insurgency." *Middle East Economic Digest*, July 16, 2004. 3.

⁹ Ibid.

¹⁰ "Allawi Shot Prisoners." *The Sydney Morning Herald*.

¹¹ Ibid.

¹² Ibid.

against him.¹³ Rather than do anything to rectify the wrongs of Allawi's regime, Al-Maliki carried on Allawi's legacy. He started to censor sectarian violence and conflict in the media, which escalated into banning any and all violent or sexual content.¹⁴ He proceeded by censoring anything that might discuss negative remarks about Islam, acts of terrorism, and vices such as gambling.¹⁵ Most of the airtime on television was dedicated to supporting the al-Maliki regime. The public grew particularly mistrustful of the government, as the constant support in the media reminded many of the Baathist regime in 2002. These worries surrounding quasi-authoritarianism were only further exacerbated by the administration's decision to fire those whose positions were explicitly created to fight corruption,¹⁶ its choice to create two military forces that reported straight to al-Maliki,¹⁷ and his campaign on banning over four hundred and fifty people running for office that were planning on running against him.¹⁸ He even accused his Vice President of engaging in terrorist activities, and while that particular move proved effective at garnering him some public support, many (including the former Vice President himself) saw the move for what it was: a strategy to consolidate power.¹⁹

Haider al-Abadi's government came afterwards but was almost immediately undermined by Daesh's siege on Iraq. For three years, Daesh held control over a significant amount of territory in Iraq and Syria.²⁰ This territory included prominent oil fields.²¹ Daesh funded itself through a myriad of illegal activities, including reselling stolen cultural artifacts and human

¹³ "Press Freedom Recommendations." *Committee to Protect Journalists*.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Glanz and Mohammed. "Premier of Iraq is Quietly Firing Fraud Monitors."

¹⁷ Yaphe. "Maliki's Maneuvering in Iraq."

¹⁸ Ottaway and Kaysi. "De-Baathification as a Political Tool."

¹⁹ Ibid.

²⁰ Abdelaziz. "Group: ISIS Takes Major Syrian Oil Field."

²¹ Ibid.

trafficking.²² Daesh issued its own propaganda magazine, arguing that Muslims from around the world should join Daesh in supporting and defending its territorial “caliphate.” Their online outreach was effective, getting them thousands of sympathizers and future fighters.²³ Daesh knew how to prey on those who were lonely, lost, and seeking belonging and empowerment. When those people entered the territorial caliphate, however, many would soon find that life under Daesh was nothing short of miserable. Between extortion for taxes, constant threats of death from angering Daesh combatants, and the fear of being reported as subversive by spies from the al-Khansaa bridge,²⁴ those under Daesh’s rule either lived in fear of meeting a violent end, were tortured, or were brutally executed.²⁵

The contemporary criminal justice system, somehow, is arguably worse than its predecessors. An innumerable amount of people have been arrested under suspicion of collaborating with Daesh, yet the evidence against them is weak. A significant proportion of the testimony against accused detainees comes from secret informants, but over 500 were arrested in just the last few years for providing false information. ²⁶ Virtually all of those accused of working with Daesh are convicted after five-minute trials, ²⁷ conducted by judges whose families lived in Daesh-controlled territories. ²⁸ Even those who were forced to serve Daesh in a civilian capacity – as chefs, automobile mechanics, or warehouse guards – faced execution for their “unforgivable crimes.”²⁹ The Iraqi Security Forces also committed a series of extrajudicial

²² Perper. “ISIS Made Millions.”

²³ Ibid.

²⁴ Kafanov. “How the All-Female ISIS Morality Police Terrorized Mosul.”

²⁵ Thompson. “The Raqqa Diaries.”

²⁶ Revkin. “Iraq Case Study.”

²⁷ Ibid

²⁸ Bellingreri. “Ex-Islamic State Fighters Face Justice.”

²⁹ Revkin. “Iraq Case Study.”

kidnappings throughout Daesh's reign, as well as after its end.³⁰ Many of the men and boys kidnapped were held in dilapidated detention centers for years on end, surviving in spite of deplorable living conditions.³¹ Those who are able to secure legal representation for themselves can really only do so through court-appointed lawyers, as private attorneys have been imprisoned and jailed for trying to take on cases they believed in.³² Many of those convicted were forced onto the state-funded television program *In the Grip of the Law*, a dramatic and performative show in which those arrested were confronted by the families of their alleged victims,³⁴ berated in front of a firing squad,³⁵ and forced to agree that they deserved to die for the crimes they had committed.³⁶ Not only is the television show a blatant grab at legitimacy on the part of the Iraqi government, but it is also a significant waste of government funding. \$50 million annually goes to *In the Grip of the Law* and its fellow programs on Al Iraqiya, while basic public goods and services have yet to be offered to the public.³⁷

All of these iterations of government, politics, and criminal justice have ultimately contributed to an oft-antagonistic relationship (or, at best, an apathetic coexistence) between the government and its citizens. Ongoing anti-government protests have demonstrated as much; some protestors are even calling for the eradication of the current government and the instilment of a different political system altogether.³⁸ Iraq is seeking to rebuild itself, yet it continues to face the same pressing issues it has for over a decade now. This is because, perhaps, the government

³⁰ "Concluding Observations." *U.N. Committee on Enforced Disappearances*.

³¹ "Iraq: More than 1,000 Detained in Shocking Conditions." *Amnesty International*.

³² "Iraqi Lawyers Arrested for Work in ISIS Courts." *Human Rights Watch*.

³³ "اعتقال موظفين بمحكمة الموصل لترافعهم عن متهمي داعش." *Kitabat News*.

³⁴ "Submission to the List of Issues." *Al-Karama Foundation*.

³⁵ Taub. "Iraq's Post-ISIS Campaign of Revenge."

³⁶ *Ibid.*

³⁷ Pearson. "Al-Iraqiya chief Unveils Channel's Plans."

³⁸ Abdul-Ahad. "Iraq's Young Protestors Count."

has focused its strategies on forcing the public's love and respect through fear, authoritarian control, and corrupt policies. Rather than working on building a strong relationship with its citizenry, as have the governments in Kurdistan and Basra, the Iraqi federal government has instead alienated its populace by demonstrating, time and time again, that it does not trust them. It is clear that reform must occur, but before any such successes might happen, the government must first focus on providing its citizens with what they so crucially need rather than funding methods of performative security.

Plenty of possible solutions for the crisis may exist, but one thing is certain: because the government of Iraq has always lacked legitimacy in the eyes of its citizens, the path forward will likely favor a more decentralized approach to governing than ever before. Giving local governorates a greater degree of autonomy has not only improved citizens' relationships with their regional governments, but with the federal government as well. Such a decision can also negatively impact radicalization efforts by insurgency groups. In an interview with a former Daesh member, he explains that many of the people from al-Anbar who wound up joining Daesh did so only because Daesh promised them a peaceful, semi-autonomous, self-governed region "like Kurdistan."³⁹ This idea of semi-autonomy was so powerful that it was, quite literally, the reason that many people joined Daesh in the first place. It will also ensure that the federal government can reallocate its resources in a more appropriate fashion, doing whatever it can to aid its struggling citizenry rather than to oppress it further. The Iraqi people do not need "bread and circuses," so to speak, to find legitimacy in their government. They need a government that will listen to them, take their considerations and needs into account, move beyond the hyper-

³⁹ *Daesh: Escaping Hell*. "Abu Hafsa." Episode Seven. Directed by Ali Mula. Al Hurra Network, August 12, 2017.

sectarian wave that has taken control of the nation, and work for the good of all. In short, they need a system of government that they can trust has their best interests at heart. Until and unless they get that, the nation may very well continue to tear itself apart under the weight of its own history and past transgressions.

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