



Iraqis striving for change: »We want a homeland«

Bitte Hammargren
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EDITORIAL NOTES

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27 November 2021: A march in Nasiriyah to honour the memory of protesters killed in demonstrations in 2019

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ABBREVIATIONS

AANES	Autonomous Administration of North and East Syria
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ECFR	European Council on Foreign Relations
CRC	Convention on Rights of the Child
FGM	Female genital mutilation
ICCPR	International Convention on Civil and Political Rights
ICTS	Iraqi Counter-terrorism Service
IDP	Internally displaced person
IHEC	Independent High Electoral Commission
INIS	Iraq's National Intelligence Service
IRGC	Iran's Revolutionary Guard Corps
IRFAD	Iraqi Research Foundation for Analysis and Development
IS	Islamic State; previously called ISI and ISIS/ISIL, sometimes called Daesh, an Arabic variant of the acronym ISIS
KDP	Kurdistan Democratic Party
KH	Kata'ib Hezbollah
PMF	Popular Mobilization Forces (also called PMU, where U stands for Units); Hashd al-Shaabi, in Arabic
PKK	Kurdistan Workers' Party
PTSD	Post-traumatic stress syndrome
PUK	Patriotic Union of Kurdistan
QF	Quds Force, extraterritorial branch of IRGC
SALAR	Swedish Association of Local Authorities and Regions
SIDA	Swedish International Development Agency
SNTV	Single non-transferable vote
UNICEF	United Nations Children's Fund
UNAMI	United Nations Assistance Mission for Iraq
UNSC	United Nations Security Council

INTRODUCTION

AS PART OF the Swedish Government's five-year development cooperation strategy for Iraq, 2017–2021, the Swedish Association of Local Authorities and Regions (SALAR) and SALAR International are implementing the SIDA-funded Local Governance Development in Iraq (LOGDEVI) Project. The project partner in Iraq is the Iraqi Research Foundation for Analysis and Development (IRFAD), with which SALAR has a long experience of collaboration.

LOGDEVI is built around two distinct components. One is being implemented in the Kurdistan Region, with a thematic focus on inclusive education and child protection, while the other is being implemented in the south of Iraq, where decentralisation reform is in focus. The project's main geographical target areas are the governorates of Diwaniyah, Duhok and Muthanna. Selected work is also underway in Baghdad and Erbil.

With the project due to end and the Swedish Government preparing for another cooperation strategy with Iraq, SALAR and IRFAD are in the process of taking stock of and evaluating what has been achieved within LOGDEVI to date. As a basis for any forthcoming cooperation, the need to thoroughly analyse the broader context of Iraq has been identified.

With this background, SALAR assigned Bitte Hammargren, independent Middle East and North Africa & Turkey analyst, journalist and writer, and Senior Associate Fellow at the Swedish Institute for Foreign Affairs (UI), to research and write a number of analytical reports on the current state of affairs in Iraq and possible scenarios for the future. This report is the second to stem from this cooperation.

RESEARCHER'S NOTE

THIS REPORT IS TO A LARGE EXTENT based on a week-long visit to south and central Iraq, in late November 2021. During the visit, the researcher conducted interviews with Tishreenis (involving both men and women), lawyers, academics, civil servants, retired Iraqis, a tribal sheikh engaged in business, unemployed youth, the political leader, Sayyed Ammar al-Hakim, of the Hikma National Movement, and others. Several interviews, namely with Grand Ayatollah Bashir al-Najafi and Grand Ayatollah Mohammed Ishaq Fayyadh, were conducted in Iraq's centre for Shiism, the hawza in Najaf, as well as with Sheikh Hassan al-Jawahiri, and Sayyids Dr Jafar al-Hakim and Dr Mohammad Ali Bahr al-Ulum, at the Almain Institute for Graduate Studies in Iraq.

Most interviews were face to face, sometimes in one-on-one meetings, otherwise often in the company of the researcher's travel companions, Mr Gunnar Andersson, of SALAR, and Mr Sar-mad Mohamad Abdulameer, from IRFAD. Some quotes and views stem from spontaneous talks with Iraqis of different ages, genders, and social positions, in places visited throughout the study: Najaf, Diwaniyah, the Mesopotamian Marshes, Babil (Babylon), Iskandariah and Baghdad. A few additional interviews were held online.

This report focuses mainly on southern Iraq. Due to time constraints, the researcher was neither able to visit Iraqi Kurdistan, nor Sunni-dominated areas, such as Anbar Province. Therefore, this report does not comprise an in-depth view from these parts of Iraq, nor a deeper analysis of the disputes and interactions between Erbil and Baghdad. Requests from all sources who asked for anonymity were honoured and will remain so, for their own safety. In some cases, the researcher judged it wise to anonymise sources, out of concern for their security, despite their readiness to be named.

This report was facilitated by the help of SALAR's partners in Iraq and within IRFAD and its network; as well as of other contacts and acquaintances, of various backgrounds, in Iraq, Sweden and elsewhere, among them Mr Haider Ibrahim, chairman of the Islamic Shia Community in Sweden. For interpretation during several of the meetings, the researcher is indebted to Mr Mohammed Abbas, of IRFAD. A few of the observations in this report are edited excerpts from the author's earlier report for SALAR, *Iraq at a crossroads – Between sectarianism and a functional state* (November 2021)¹. For the conclusions herein, as well as for possible errors, the researcher bears full responsibility.

CHAPTER 1 describes the structural weaknesses at state level in Iraq; it also discusses foreign interference there and the emergence of the Tishreen movement.

CHAPTER 2 discusses the 2021 parliamentary elections and their aftermath, including interviews with Tishreenis as well as with the leader of the Hikma National Movement, Ammar al-Hakim, and sheikhs and sayyids in the Shiite religious centre in Najaf.

CHAPTER 3 sheds light on the legal flaws that affect both individuals and society. The chapter includes one in-depth interview with a newly released captive.

CHAPTER 4 highlights gender issues, including the changing attitudes and barriers that young female professionals in traditional areas of southern Iraq face. To facilitate for those readers with limited time, Chapters 1–4 end with summaries.

CHAPTER 5 looks at where Iraq might be heading and draws conclusions.

¹ Hammargren (2021).

1.

A BROKEN COUNTRY

1.1 Structural shortcomings

Emblematic of what many Iraqis think about the U.S. invasion in 2003, which was a watershed moment for the nation, a Shiite working with security in Baghdad shared his thoughts in this way:

»Frankly speaking, I was very sad when the Americans invaded. They stole my country. They destroyed our ministries and opened it up for looters. We will never be able to rebuild the Iraq we used to have.«

Given his background and profession, one could assume that after the demise of Saddam Hussein over two decades ago, he would consider himself a winner. But this is not the case. Moreover, it is extremely rare, in the central and southern parts of the country, at least, to meet Iraqis who condone the way the Bush administration, together with the United Kingdom under Tony Blair's premiership, conducted the invasion and occupation.

»Take myself, I am an electrical engineer, but I work full time in a security firm, but I need to have an extra job as a taxi driver in evenings and weekends to provide for my family,« said the disheartened Shiite Baghdadi. Instead of finding a job that matches his education, he has seen himself sidestepped by others with fewer merits but better contacts, which is often the case in today's Iraq. From a multitude of individual experiences, in a wretched and war-torn country, the background to many of Iraq's current woes can be found.

The military victory over the terrorist group Daesh/Islamic State, in 2017 did not heal Iraq's wounds or bring prosperity to its citizens. Instead, Iraqis have been witnessing the increasing money-spinning activities of political parties, violence by militias, foreign meddling and uninhibited corruption within the ruling elites, while nearly three-fifths of the population is poor, living on

less than six U.S. dollars a day.² The prevailing distress led Iraq's youth-dominated population to associate the disasters of the country with the ethno-sectarian power-sharing system, called *muhasasa*, which was introduced in the post-Saddam era, after 2003. Deep mistrust of the government, the dominant political parties and the ruling elites led to the outburst expressed as the popular Tishreen protest, in October 2019.³ The sentiments from Tishreen also continue to prevail after the latest parliamentary elections, two years later, in October 2021.

To obtain a better understanding of Iraq's recurring, modern disasters, one must go back to the decisive moments of 2003, when the United States and its allies invaded the country without a UN mandate, overthrew Saddam Hussein, dissolved the Iraqi Army and banned the former ruling Baath Party. Institutions were laid in ruin; the security void was rampant and disillusioned Iraqis began to feel that their weakened country had become everybody else's battleground. The parties, militias and political forces that had existed in exile proceeded to fill the ensuing vacuums with their vested interests.

1.2 Constitution penned in haste

In 2005, two years after the fall of Saddam Hussein, Iraq's new constitution was penned. It was written under hasty and extremely tense circumstances, »... under the pressure of terrorist attacks, the presence of the American occupation, an electoral boycott of some components, and politicians' fear of the ghost of the previous dictatorial regime«, as the independent al-Bayan Center for Planning and Studies, in Baghdad, puts it.⁴

2 World Bank (April 2019).

3 Tishreen means October, the month the uprising started.

4 Al-Ali & Auf (2021).

The constitution laid the groundwork for a federal system, which resembles confederalism, by granting the three governorates in the northern Kurdistan Region of Iraq (KRI) – Erbil, Sulaymaniyah and Duhok – wide-ranging autonomy. However, for the 15 Arab-dominated governorates in Iraq's south and central parts, a highly centralised system was preserved. A few, unfulfilled attempts to mitigate centralism have been made since then. In 2008, a new decentralisation law was introduced, known as Law no. 21 of Governorates Not Incorporated into a Region. The law, amended three times, shall in theory provide more administrative and fiscal authority to the governorates.⁵ One shortcoming of the law is the lack of a legal system to settle disputes between different levels of government.⁶ Another shortcoming is the legitimacy deficit. For almost a decade, no provincial elections have been held. In KRI, the last election was in 2014, and in the rest of the country, 2013, except for in the disputed Kirkuk province, where the last provincial election was held in 2005.⁷ Furthermore, in October 2019, Iraq's parliament decided to dissolve all provincial councils, except those in Kurdistan, to appease anti-government protests. In June 2021, Iraq's Federal Supreme Court decided that the provincial councils shall be suspended, not dissolved.⁸ Until now, no new date for the next provincial elections has been set.

1.3 Rampant corruption

Iraq's new power-sharing system, *muhasasa*, was originally meant to reduce ethno-sectarian tensions. But ironically, the system became increasingly imbued with sectarianism and politically sanctioned corruption, which helped new ruling elites to position themselves and sustain their share of power, status and money, thus making Iraq 160 on a list of 180 countries on Transparency International's Corruption Perception Index.⁹ Ensuring an ethnic distribution of the Iraqi republic's three leadership positions is not defined in the constitution, but, according to praxis in the post-Saddam era, the executive powers of the

5 Arab Reform Initiative (2019) & El-Meeny (2017).

6 UN Habitat (2011), p. 23.

7 Kurdistan24.net, 17 June 2019.

8 Rudaw, 6 June 2021.

9 Transparency International (2020).

premiership have always been given to a Shia politician, and the presidency to a Kurd, whereas the speaker has been a Sunni Arab. Citizens blame the *muhasasa* system for cementing structural corruption within ministries and state institutions, creating a situation whereby big parties and blocs have used their pieces of the national budget for rewarding their own loyalists in the ministries and civil service.

An ever-increasing number of politicised civil servants promote their parties' interests rather than those of the Iraqi nation and population. For more insights on how the national budget has become a profit-making business for Iraq's big parties, Toby Dodge & Renad Mansour's *Politically Sanctioned Corruption and Barriers to Reform in Iraq* (Chatham House 2021), is recommended.¹⁰ Another insightful analysis, *Guide to Iraqi politics*, notes that in Iraq, »where nearly all money comes from federal oil revenues and local corruption is unchecked, successful federalism could not work.« Iraq may need an entirely different kind of state-society relationship for decentralisation to produce better results, the study concludes.¹¹

»Corruption is everywhere«, summarised a former civil servant who has joined an NGO that has a vision for change. He described how corrupt parties, who have enriched themselves from the national budget and other types of corruption, are buying people's loyalties. »The corruption of the political parties overshadows people's lives. Our most essential problems in Iraq are stemming from poor decision-making from corrupt parties and disputes between parties who want to dominate the whole scene.«

1.4 Sectarianism, terrorism and separatism

Although Shiite- and Kurd-dominated sectarianism was infused into the system after the overthrow of Saddam Hussein, many Sunni Arabs saw themselves as the underdog. This led scores of Sunni Islamists and outlawed, diehard Baathists to seek revenge against the U.S. occupation forces and Iraq's new leaders. In the beginning of the millennium, and fuelled by regional Sunni jihadism, al-Qaeda in Iraq began to target not only U.S. soldiers but also Iraqi Shiites, their

10 Dodge & Mansour (2021).

11 Guide to Iraqi politics, 3rd ed. (2021), p. 27.

clerics, places of worship and marketplaces. The insurgency became viciously sectarian, to the extent that 'core al-Qaeda' rejected it. Al-Qaeda in Iraq rebranded itself as the Islamic state of Iraq (ISI). After gaining a foothold in Syria's civil war, the name was changed to 'the Islamic State in Syria and the Levant' (ISIS, or the Arabic acronym, Daesh). Taking control of Iraq's second largest city, Mosul, in June 2014, and threatening to seize Baghdad, the terrorist organisation omitted all geographical denotations, calling itself the Islamic State, IS, and sought to build a new 'caliphate.' At its height, before the start of an Iraqi and U.S.-led international counteroffensive, the terror group controlled approximately one-third of Syria's territory and 40 per cent of Iraq's.

From its onset, flaws in Iraq's new constitution, such as the inability to solve the status of disputed territories (Article 140) and the management of oil and gas, came to the fore.

In 2017, the Kurdistan Regional Government, KRG, held a non-binding referendum for full independence, with more than 92 per cent voting in favour. Rejecting the legality of the referendum, the central government, in Baghdad, with the help of paramilitary forces, retook Kirkuk and other disputed territories from Kurdish peshmerga.

1.5 The post-Saddam generation has unfulfilled dreams

In October 2019, a new generation, who had come of age after the fall of Saddam Hussein, started a protest movement, Tishreen, named after the month it was born, and called for an overhaul of the system. Young Iraqis, many of them Shiites, protested both the ethno-sectarian politics and foreign meddling from Iran and the United States, respectively. Furthermore, the protesters demonstrated against a system where the rule of law was trumped by »the rule of the gun« and against a political class who could neither deliver jobs nor basic services.

Economic recovery in this oil-dependent country is impeded by a multitude of bottlenecks, stemming from corruption, poor governance, sectarianism and an ineptitude in diminishing Iraq's overdependence on oil for its national income. Oil accounts for 92 per cent of the state budget, which makes Iraq one of the least diver-

sified economies in the MENA region.¹² In Iraq's ever-growing public sector, many citizens have a negative perception of private sector jobs. However, reluctance against the private sector impairs a necessary diversification of the economy.

Reflecting these attitudes, a young Iraqi woman in the Diwaniyah province recalled the reaction from her father, a school director, when she told him that she would take on a position in an NGO. »Because it's in the private sector, he warned me that I would lose my job one day.« However, interestingly, this young female professional praised the choice she made. »Working with this NGO, I saw that my dreams may come true. Before I took on this position, I had never met men who respect me like they do here. In this position, women are treated as human beings, with equal rights. So, my life has changed, and I am more confident in my decisions now.«

The ruling elite has proven unable to tackle Iraq's severe water and electricity shortages, its weak healthcare and educational systems, and its fragile political conditions.¹³ These flaws anger citizens from different strata of the society and who vividly explain to a foreign visitor that Iraq, pre-2003, used to have rather well-functioning institutions, a better healthcare system and social services, and a more solid educational system, even during sanctions in the 1990s and the Iran-Iraq war in the 1980s, thus comprising the years under Saddam Hussein's dictatorship. »Saddam was oppressive but only to those who opposed him«, a Shiite from Baghdad said. Others pinpointed an undercut educational system. »Nowadays, a diploma from Baghdad University is not approved in Europe. It was not like that before«, a young academic in Baghdad lamented. Other critics nail a mismanaged healthcare system, which is only a shadow of its past.¹⁴ Emblematic of this critique are the devastating fires, in 2021, in two Covid-19 wards, which left 174 dead and 210 injured at hospitals in Baghdad and Nasiriyah. The hospital fires were seen by enraged Iraqis as the epitome of years of corruption in the health sector. In a research paper for the Konrad Adenauer Stiftung, experts explain the fires in the Covid wards by the dominant political parties'

12 IMF Iraq Country Report No 19/249, 3 July 2019.

13 World Bank (2017).

14 Fazil (2021), p. 4.



In many areas of Iraq, basic services such as road maintenance, waste management, and electricity are in urgent need for development. PHOTO: Ellie Kealey

interest in maximising their profits from the medical supply chains at all costs, thereby compromising the safety and efficacy of both public and private hospitals.¹⁵ Iraq's inadequate response to the pandemic and the slow pace of vaccination – as of 26 January 2022, only 15,2 per cent of the population had been vaccinated with two doses¹⁶ – can also largely be explained, according to experts, by a corrupt and inept healthcare system. An influence from anti-vaxxers in social media can be added to these shortcomings.

Moreover, Iraq is affected by climate shocks, with temperatures often exceeding 50 degrees Celsius in the summer and with water supplies from the Euphrates and Tigris rivers drying up. Unemployment is particularly high among displaced persons (still over 1.2 million,¹⁷ mostly Iraqis with perceived IS affiliations), returnees, women jobseekers, pre-pandemic self-employed, and informal workers. Women's participation in the workforce remains very weak but also varies greatly by level of education. Women with university degrees have the highest employment rates.

For women with intermediate or low levels of education, labour force participation is less than 10 per cent, according to World Bank surveys. Added to the woes, the Covid-19 pandemic caused further stress on the economy, especially the private sector, where mainly low-skilled women worked. This further increases the worries of female-headed households and women with low levels of education.

1.6 External forces

Ironically, nothing helped Iran's geostrategic position in the Middle East more than the overthrow of Saddam Hussein and the entire Iraqi state apparatus. After the fall of the Saddam regime, Iraq, with its security void, became the battleground for many external forces: among state actors, on the one hand, the United States and their allies; and, on the other, Iran. This has led to resentment among many ordinary Iraqis against both Iran and the United States, as already touched upon above. A man born in the mid-70s and with vivid memories of the U.S. invasion chose his words carefully before saying: »Let me try to be eloquent; the U.S. entry to Iraq, and I will refrain from using other words, is the origin

15 Skelton & Hussein (2021).

16 Our world in data, retrieved 29 January 2022.

17 OCHA (2021).

of the current status, this ongoing process to keep chaos here.«

Iran, however, has successively gotten the upper hand in post-2003 Iraq, where it has confronted the United States via its Iraqi allies. In 2007, the famous commander of the Quds Force (QF), the extraterritorial branch of Iran's Revolutionary Guard Corps, Qassem Soleimani, sent a text message to his U.S. counterpart in Iraq, General David Petraeus, via Iraq's president at that time, Jalal Talabani. Soleimani stated that he controlled »the policy for Iran with respect to Iraq, Lebanon, Gaza and Afghanistan«. He also declared that Iran's ambassador to Baghdad is a member of QF, and that his successor will be one as well.¹⁸

Iran's direct involvement in Iraq might appear somewhat weakened after the Trump administration's drone attack that killed Soleimani and his Iraqi ally, Abu Mahdi al-Muhandis, commander of Kata'ib Hezbollah (KH), on 2 January 2020, at Baghdad's International Airport. But Iran's strategic goal, to compel U.S. forces to leave the Middle East, after the successive U.S. troop withdrawals by the Obama, Trump and Biden administrations,

have proven successful in Iraq. President Joe Biden's promise to the Iraqi government that the U.S. would stick to a December 2021 deadline for the withdrawal of all American combat troops has not appeased pro-Iranian militias. Even if the remaining U.S. troops shift to training and advising the Iraqi military, as President Biden guaranteed, this is anathema for Iran and its Iraqi allies. So, even in his death, Soleimani's master plan to strengthen Iran's strategic depth in the Arab world, via Iraq, may prove successful. As of late December 2021, Iran-linked groups calling themselves the resistance, *muqawama*, claimed that since March 21 they had conducted 200 attacks on U.S. army convoys. Of these, 30 attacks were carried out in Baghdad Province, 50 in Babil Province, 22 in Anbar Province and 42 in Qadisiyah Province (the latter is mostly called Diwaniyah Province in daily language).¹⁹ A spokesman for one of the Iran-linked militias within the PMF, the Kata'ib Sayyid al-Shuhada, claimed to have a list of 45,000 would-be volunteers, willing to fight against U.S. forces should the latter remain in Iraq after the 31 December 2021 deadline.²⁰



The security situation in Baghdad has improved significantly in recent years. PHOTO: Gunnar Andersson

18 Filkins (2013).

19 Islamic World News, 26 December 2021.

20 Kittleson (2022).

During the battle against IS in Iraq, in 2014–2017, the United States wielded some leverage via its links to the Iraqi Counter Terrorism Service, ICTS, a U.S.-trained Iraqi elite force. After its commander, General Abdel Wahhab al-Saadi, was dismissed in 2019, Washington lost influence over a capable force with legal autonomy and close connections to Iraq's Army.

Remnants of IS/Daesh are causing serious security concerns in parts of Iraq. During the first eleven months of 2021, terrorists from the 'Islamic State' killed more than 350 people, while 480 were injured and 33 kidnapped, in over 200 attacks, according to KRI's Secretary General of the Ministry of Peshmerga. In October 2021, IS militants killed eleven people in Diyala province. Most of the attacks reportedly took place in disputed territories between Erbil and Baghdad. In July 2021, the Iraqi army and the Kurdish Peshmerga held talks to form joint operations against the terror group but they later stalled.²¹ Reports from the Autonomous Administration of Northeast Syria, AANES, suggest that IS/Daesh is on the rise again, paying impoverished Arabs in tribal areas near the border with Iraq for their services. Among IS suspects detained in Turkey, Iraqi nationals top the list.²² In a 2021 report, the U.S. Treasury noted that IS continues to smuggle cash between Iraq and Syria, using networks of couriers. Relying on virtual currencies and fundraising platforms, IS members in Iraq have transferred funds to their networks in northeast Syria, including to camps such as al-Hol.²³ In January 2022, a brazen prison break of IS captives from the Kurdish-led region of AANES, coincided with another IS attack in Diyala, killing Iraqi Army soldiers. There are genuine fears that IS/Daesh may further destabilise parts of Iraq after the prison breaks in northeast Syria.

In addition, Turkey is intervening against suspected strongholds of the PKK (Kurdistan Workers' Party) by launching operations in northern Iraq, using both drone attacks and boots on the ground.²⁴

1.7 Militias or hybrid forces

The sectarian policies of Iraqi prime ministers, most notably during Nouri al-Maliki's term, in 2006–2014, and also by Shia-led, pro-Iranian paramilitary forces, fuelled the Sunni revanchism that culminated in 2014, when the terror group IS/Daesh captured Mosul. As a response, the paramilitary Popular Mobilization Forces, *hasdh al-shaabi*, were set up, after a *fatwa* from Grand Ayatollah Ali al-Sistani, who urged volunteers to fight IS/Daesh. Tens of thousands of young men, mostly Shiites, signed up. Sistani, revered by his Shiite followers in a manner similar to how the Pope is regarded by pious Catholics, wanted volunteers to be incorporated into state security bodies, under government control.²⁵ However, the paramilitary commander and leader of KH, Abu Mahdi al-Muhandis, together with Prime Minister Maliki, organised them as a hybrid form of militia. In defiance of the constitution, Maliki ensured that the PMF were beyond the reach of the Ministries of Defense and the Interior. Instead, he placed the PMF under the premier's National Security Council (NSC) and his national security advisor, which meant that the deputy director, Muhandis, could wield influence over the militias.²⁶ In 2017, the PMF were formally incorporated into the Iraqi state apparatus. »Everyone in the *hashd* has a government ID«, a disillusioned Tishreeni reflected, using the common short form for the PMF. The *hashd* increasingly began to resemble Iran's Revolutionary Guards Corps (IRGC) by operating as parallel military structures. As such, the militias upheld Tehran's geopolitical interests in Iraq. Yet, after the Trump administration killed Muhandis and Qassen Soleimani, strains between the staunchest pro-Iranian PMF, such as KH and Asa'ib Ahl al-Haq, and other armed units who wished to be independent from Tehran, increased. In December 2020, internal disagreements led four PMF brigades, loyal to Sistani, to form a new structure, called Hashd al-Atabat, the Shrine Units. The split dealt a blow to Iran's efforts to maintain unity among Shiite groups in Iraq.

21 Sirwan (2021).

22 Al-Monitor 30 June 2021.

23 U.S. Department of the Treasury, 22 November 2021.

24 Ghufar (2020).

25 See for instance Reuters, 15 December 2017.

26 Hammargren (2020).



Tishreen protester in Najaf, December 2019. PHOTO: Haidar Hamdani

1.8 The rise of Tishreen

Roughly 800,000 young Iraqis enter the workforce yearly – only to find that job opportunities are missing, in a country where unemployment has skyrocketed.²⁷ Lack of job opportunities and of hope for the future led many young Iraqis into dangerous journeys for a better life abroad. The exodus of young and desperate Iraqis shows that many are willing to spend their last savings or take loans to pay smugglers for the uncertain probability that they will reach European countries and a more prosperous future. In late 2021, such yearnings led many young Iraqi migrants to the Belarus-Polish border during ice-cold nights, before they were flown back to Erbil and Baghdad, with lost illusions and empty pockets. In another telling tragedy, 20 nationals from Iraqi Kurdistan drowned in the freezing waters of the English Channel, as they tried to cross this so-called »death route« in a dinghy, in November 2021. Among the deceased was 22-year-old Hadiya Rizgar Hussein, her younger siblings and mother. Hadiya's dream was to make it to her relatives in the United Kingdom and to become a

doctor. »Who doesn't wish for a good life? Who wants a bad life? All four of them wanted to go. I prayed to God, 'please make their wishes come true',« her father, Rizgar Hussien Mohammed, told the BBC from his home in Iraqi Kurdistan after the catastrophe.²⁸ A third route, which has also become a death trap for migrants from Iraq, including the KRI, traverses the waters between Greece and Turkey, where several unfortunates drowned in late December 2021.²⁹

But most of the young and desperate do not venture into such cold waters. Instead, a pessimistic outlook and disgust over the ruling elites, led many young, unemployed Iraqis to join the popular uprising, Tishreen. The uprising started on 1 October 2019, as a spontaneous manifestation in Baghdad's Tahrir (Liberation) Square, which rapidly spread to all of Iraq's eight southern provinces, making Nasiriyah »the second capital« of Tishreen. Smaller demonstrations spread to the central and northern provinces, of Kirkuk, Diyala, and Salah al-Din. Tishreenis called for a complete removal of the political class, with slogans such as »The people want the fall of the regime«, reverber-

27 International Labour Organization, ILOSTAT database. Data retrieved in October 2019.

28 BBC World Service, 21 December 2021.

29 Rudaw, 7 January 2022.

ating as an echo of the Arab Spring, in 2011, and »No to political sectarianism.« Another message from the streets was directed against Iran's influence, via chants such as, »Iraq hurra, Iran barra« (Free Iraq, Iran get out). Some protesters had a different twist: »la lil-Amrika, la li-Iran« (No to America, no to Iran). Another slogan was »We want to live in peace, honour and freedom.« But the main theme for Tishreen, still repeated two years later, goes: »Nurid watan« (We want a homeland).

Mohammed Nouri Aziz from Diwaniyah was one of the lawyers who joined a committee who defended jailed activists. He explained the rise of Tishreen as an outcry after years of accumulated anger. »We have had so many bad elections, with the 2018 election as the most rigged one. The corruption in Iraq's oil-dominated economy, with people getting poorer than before, led people to this.« Another catalyst was the dismissal of the head of the Counter Terrorism Service, ICTS, Colonel General Abdel-Wahhab al-Saadi. He was sacked from his position by Prime Minister Abdel-Mahdi in September 2019, just before the first Tishreen demonstration in Baghdad. Saadi, who had a reputation of being both anti-sectarian and anti-corrupt, was widely popular.³⁰

Many of those who took to the streets were women, of whom many, such as a young pharmacist and lecturer at Baghdad University, Zainab al-Jassim, had never been to a demonstration before. Tishreen became a life changing experience for the young academic. »We have been waiting for years for something like this to happen, a movement that all from different sects could join. We don't believe in *taifiya* (sectarianism), we disagree with it. Tishreen changed the atmosphere. But it did not reach the result we wanted.« Before Tishreen, Zainab al-Jassim was not engaged in politics. But October 2019, at Tahrir Square, changed her life. »I started to go to Tahrir to support the youth, and to help those who had been wounded from teargas and beatings. Together with other medics, we created a support tent, which we called Tahrir Hospital. We even conducted surgery there. We saw killings by live ammunition and smoke from tear gas. Terrible scenes with so much blood.«

30 In May 2020, the new PM, Kadhimi, promoted Saadi to lead Iraq's elite counterterrorism service.

Another catalyst for the protests was Iraq's deteriorating health sector and educational system. Zainab al-Jassim continued: »We had started to lose hope. We thought our country was about to go to hell. But with Tishreen, our aim was to change the system. We are done with *muhasasa* [the ethno-sectarian system that was introduced after the U.S. invasion]. We are done with foreign influence. We want to have an opportunity to build our country. Tishreen became a double experience: deadly shootings and hope.« Illustrative of the sentiments over a ruined health system, cancer patients showed up at the protests in Tahrir, carrying placards that read »Corruption stole my treatment.«³¹ »Many people have given up hope about their future in our society. Some in Tishreen did not care about their own lives, or if they would die from Covid«, the pharmacist said. Protesters who were wounded by militia members or security forces are not safe in Iraqi hospitals, nor can the severely wounded get adequate treatment, she stressed. Exemplifying with the case of one 18-year-old boy, disabled from his wounds and sent to Germany for rehabilitation, she wished that more European countries would offer severely wounded Iraqi protesters medical treatment. Promises by incumbent Prime Minister Mustafa al-Kadhimi to send more disabled protesters to German hospitals were not fulfilled, she added.

The Tishreen movement forced his predecessor, Prime Minister Adel Abdel-Mahdi, to resign, on 30 November 2019, after his failure to stop the killing of protesters and systemic corruption. In a manner that was shocking to civil society, when Abdel-Mahdi presented his resignation, he showed no remorse nor expressed any apology for the lives lost.³² Leading a caretaker government, he stayed until May 2020, when Mustafa al-Kadhimi, an independent with a background in national intelligence, came into office, promising to heed the calls of the Tishreen movement. A new electoral law was thus enacted. However, due to a fight between the big parties over the shape of voting districts, it took nearly a year before President Barham Salih could ratify the new law.

The youth-driven uprising, with its non-sectarian message from mainly Shiites, came not only as a shock for Iraq's ruling elite but also for

31 Skelton & Hussein (2021).

32 Guide to Iraqi politics, 3rd ed. (2021).

leaders in the Islamic Republic of Iran. They, together with their Iraqi allies, labelled the movement a conspiracy instigated by the United States and its Arab friends. The conservative Iranian cleric, Ebrahim Raisi, who became Iran's president in 2021, called the Iraqi protests an American-Saudi 'sedition,' aimed at sowing discord between Iranians and Iraqis.³³

Many journalists, civil society leaders and other personalities with leadership skills became victims of arrest, kidnapping, torture or assassination. Tishreenis in Iraq counted 800 martyrs, *shaheed*, whereas 25,000 were wounded, of whom 5000 were disabled. However, some acts of violence were also carried out by protesters. One young female who took part in demonstrations in the south recalled heated quarrels about whether it was justifiable to storm a governorate's office building. »There were so many rumours circulating. Initially, everyone said that Iran, with its many stakes in Iraq, had been infiltrating Tishreen to instigate violence in order to discredit the movement. Then the focus shifted against America, when some claimed that the U.S. had slipped agents into the movement to incite violence. And everyone believes that the established political parties wanted the movement to fail.«

A Tishreeni in Baghdad underlined that »we did not kill anyone, but some party buildings were burned by protesters, in Nasiriyah, Karbala, Diwaniyah and Basra«. The party offices that were torched belonged to three Iran-influenced factions, Asa'ib, Dawa & Fatah, according to this source. »We needed to stop legitimising those parties. And we did not burn the Sadrist's offices, because they were with us in Tishreen.« A middle-aged man who supported the movement commented: »Tishreen as a popular movement stemmed from an immense pressure to the point that people exploded. It was a legitimate movement; people had to react, take to the street. And they burned party headquarters, which they held responsible for their misery. They also went to governors' offices, seeing people there as well as responsible for their misery. When the bubble burst, there were some chaotic scenes.«³⁴

In 2019, simultaneous protest movements broke out in Algeria, Sudan and Lebanon. Iraqi

Tishreenis expressed a sense of mutual inspiration and common motivation. »Especially with the movements in Lebanon, as it is also protesting against the influence of Iran«, a source said.

1.9 Drug abuse and drug trafficking

Drug abuse has become an increasing problem in Iraq, with Captagon being the dominant narcotics for smugglers. In Diwaniyah, with its roughly 1,2 million inhabitants, most of the governorate's 14,000 police officers have been busy trying to stop the illegal drug trade, a police source related. The centre for the smugglers' national networks is allegedly the southern Maysan Province, on the border with Iran. According to local officials, drug abuse started to emerge after 2003, when restaurants and shops that had previously sold alcohol legally throughout Iraq were forced to close down. From the point of view of both police sources and businessmen in the south, including some with a tribal affiliation, legalising the sale of alcohol would enhance the fight against drug abuse and drug smuggling.



Frankly speaking, I was very sad when the Americans invaded. They stole my country. They destroyed our ministries and opened it up for looters. We will never be able to rebuild the Iraq we used to have.

33 Radio Farda (2019).

34 For more on the Shiite hawza and Tishreen, see 2.5.

IN SHORT

Iraq's core problems, which the youth-driven Tishreen movement brought to the fore in October 2019, remain unchanged: uninhibited corruption within the ruling elites; an increase in the money-spinning activities of political parties, while the vast majority of the population live in poverty; foreign meddling and the activities of state-paid, autonomous militias who are not held accountable to anybody.³⁵ The Tishreen movement associates the disasters of the country with the ethno-sectarian power-sharing system, *muhasasa*, introduced after the U.S. invasion in 2003. A main goal of the movement is a complete overhaul of the system, which appears to be a long shot. However, the message of non-sectarianism that came from mainly Shiite parts of the country came as a shock for Iran's ruling elite and its allies in Iraq, who saw it as a conspiracy instigated by the United States and its Arab friends. However, the Tishreen movement should be seen as

genuinely Iraqi, not as doing the bidding of any foreign country, even though infiltration of some sorts cannot be excluded. The mistrust that young Iraqis have of the ruling elites and militias, after the last parliamentary election in October 2021, remains.

Meanwhile, instability, corruption and grievances among Sunni Arabs make Iraq susceptible to a re-emergence of Sunni takfiri jihadism, which thrives in turmoil. From inside Iraq, pockets of active IS cells, remnants of the Islamic State, can play a long game in their ambition to destabilise Iraq and rebuild the 'caliphate.' IS cells carry out bombings, hit-and-run attacks and abductions across several province. The terror group appears to be particularly active in parts of northern Iraq that are disputed by Erbil and Baghdad.³⁶ Prison breaks by IS captives from the Kurdish-led autonomous region in northeast Syria, AANES, destabilise neighbouring Iraq and embolden IS cells in the country.



Iraq is an immensely heterogenous country with numerous ethnicities and religions, and where modern and highly traditional lifestyles exist side by side. PHOTO: Gunnar Andersson

35 World Bank (April 2019).

36 Rudaw, 7 January 2022.

2.

A LONG GAME AFTER THE 2021 ELECTIONS

2.1 Election: Framework

When the October 2019 protest erupted, one slogan paraphrased a theme from the Arab Spring, in 2011. Instead of just calling for the fall of the regime, Iraqi protesters at Tahrir Square in Baghdad also chanted »The people want the fall of the election law.«³⁷ When Iraq's Council of Representatives approved a new electoral law, in December 2019, the Tishreen movement achieved one of its goals, even though it was not appeased by the law and saw shortcomings in its provisions, as discussed below.

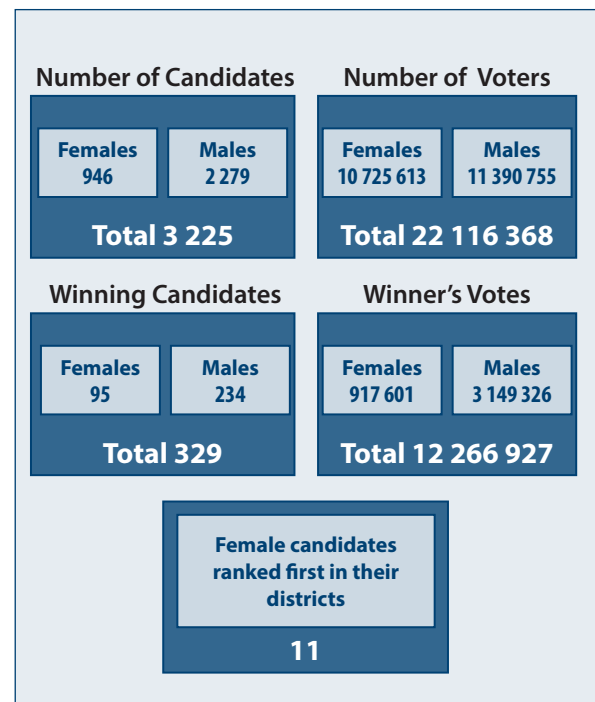
Also, it took over eleven months before the new law was ratified, due to a long fight among Iraq's political parties over the distribution of electoral districts. With the new law, the number of constituencies was extended to 83. The number of districts is based on the quota for women in parliament, which according to the constitution requires that 25 per cent of the seats are designated for women. As a key change in the new law, each governorate is divided into more than one voting district, with each district having a specified number of seats. Nine seats are reserved for minorities: five for Christians, in Baghdad, Dohuk, Erbil, Kirkuk and Nineveh; one each for Yezidis and Shabaks, in Nineveh; one for Sabeen Mandean, in Baghdad; and one for Fayli Kurds, in Wasit. Iraqi Turkmen, many of whom are Shiites, have called for a quota of their own, but to no avail.

With the new law, independent candidates were given a better chance, as seats are allocated regardless of party affiliation. In all, 789 independents ran for parliament, among them some tribal leaders. To form a majority in Iraq's unicameral Council of Representatives, 165 of 329 seats are needed. Of 40 million Iraqis, 25 million were registered to vote in October 2021. The voting turnout deceived those, including the

UN and the European Commission, who had raised hopes of there being high representation. Since 2005, when Iraq held its first post-Saddam election, voting turnout has nose-dived. In the first election, in 2005, participation was close to 80 per cent, despite a call for a boycott among Sunni Arabs. In the elections on 10 October 2021, the participation decreased to only 43 per cent (a slight increase after an initial figure of 41 per cent of the registered voters.) However, if all eligible voters are included, the turnout was a mere 34 per cent.³⁸

For a background on the political parties and blocs in the elections, see the author's previous report *Iraq at a crossroads*.³⁹

The election in numbers (source IHEC)



38 Tweet by Farhad Alaaldin, chairman of Iraq Advisory Council, 11 Oct 2021.

39 Hammargren (2021).

37 Arab Reform Initiative, 12 January 2021.

Following a UN Security Council resolution in May 2021, the UN invested heavily in the elections by setting up an international observation mission, supplemented with local observers, in what has been described as the UN's biggest election mission worldwide. The EU Commission, the Arab League and the Organization of Islamic States also monitored the elections, together with domestic observers. These missions, combined, showed a strong interest in preventing Iraq from becoming the next failed state in the region. However, the government's failure to bring justice after killings of protesters and assassinations of profiles within the Tishreen movement led to massive calls for a boycott of the elections, especially among disillusioned Shiites in south and central Iraq. In October 2021, Grand Ayatollah Sistani intervened, encouraging voters to participate. The Tishreen movement, split between voices favouring participation and those promoting a boycott, did not produce a platform of its own for the elections.

2.2 Aftermath

Iraq entered 2022 in pain. In early January, three months after the October elections, Iraq's parliament held its first and stormy session, with competing political Shi'ite blocs claiming to hold the majority. After an adjournment, Mohammed al-Halbousi, from the Sunni Arab Taqadum coalition, was re-elected as speaker, whereas Hakim al-Zamli from the winning Sadrist faction was elected as first deputy speaker, with a KDP legislator, Shakhawan Abdullah, as the second.⁴⁰ However, the Shia Coordination Framework, spearheaded by pro-Iranian factions and claiming to hold the biggest parliamentary bloc, in defiance of the Sadrists, objected to the election of the speakers, claiming the session to be unconstitutional. The new leadership body of the parliament was suspended thereafter, while Iraq's Federal Supreme Court announced on 16 January that it would look into the case of the first session.⁴¹

This came against the backdrop of the preliminary results, announced by IHEC shortly after the elections, which had shaken the ground of Iraqi politics by changing the balance between Shia

factions. Iran-backed parties with armed wings – or, expressed differently, armed factions with political wings – who lost big refused to accept the preliminary results. IHEC accepted several appeals, but when the final results were announced 50 days after the vote and ratified by the Supreme Court on 27 December 2021, only marginal changes had been made.

The big winner was the nationalist-populist cleric, Muqtada Sadr, whose Sa'iroun (Alliance Towards Reform) won 73 seats (up from 54, in 2018), despite its decline in the number of votes. Sa'iroun's advancement is explained by a clever handling of the new electoral system, including the women's quota, whereby they let only one female candidate run per district, and by presenting female candidates who appealed to a conservative, Shiite electorate. In Shia-majority areas, the Sadrists thus won 30 of the 48 female MPs elected. Muqtada al-Sadr celebrated the final results as a »national democratic wedding« and called for the speedy formation of a »national majority government«.⁴² Second was the Taqadum (National Progress Party) of the Sunni Arab speaker, Mohammed al-Halbousi, with 37 seats, followed by the former prime minister, Nouri al-Maliki, and his State of Law alliance, with 33 seats (up from 25).

Other Shia parties dropped because they ran too many candidates, who competed against each other, and by failing to use the women quota cleverly. The pro-Iranian Fatah (Conquest) Alliance fell to 17 seats (down from 48). Fatah's leader, Hadi al-Ameri, a powerful militia commander, cried foul, claiming the results were fabricated. For weeks after the elections, Iran-linked militias and factions held sit-ins near Baghdad's Green Zone, claiming election fraud. The protests sometimes turned violent, and coincided with an attempt to assassinate incumbent Prime Minister Mustafa al-Kadhimi.⁴³

However, after the Supreme Court's confirmation of the final results, Ameri's office stated that he was »committed« to the court's decision »out of our keenness to abide by the Constitution and law as well as our fear for the security and political stability of Iraq«. Nevertheless, Ameri continued to rub salt into Iraqi wounds by stating that Fatah

40 Reuters, 9 January 2022.

41 Rudaw, 16 & 17 January 2022.

42 Rudaw, 27 December 2021.

43 Al-Monitor, 7 November 2021.



The turnout for the election of 2021 was remarkably low at around 43 per cent with many Iraqis having lost trust in the ruling elite. photo: Ellie Kealey

still has a »deep belief that the electoral process was marred with a lot of fraud«. ⁴⁴ A former premier, Haider al-Abadi, and his ally, the moderate cleric, Ammar al-Hakim, also lost drastically, winning only 4 seats on their joint list (down from around 40 combined). Like the pro-Iranian factions, Hakim, being part of the Shia Coordination Framework, an umbrella group that Muqtada al-Sadr left in July 2021, objected to the preliminary elections results. ⁴⁵

The losses among several Shia factions have several explanations. Blocs ran too many candidates, which competed against each other even though they shared an overlapping base, which was the case of Fatah and KH's political wing, the Huquq Movement. The same goes for the joint Hakim-Abadi list, which often had »two, three or even four male candidates in one district when their vote totals made it clear they could only have viably run a single candidate per district«. ⁴⁶

44 Rudaw, 27 December 2021.

45 Amwaj, 3 December 2021; for more on Hakim and Hikma National Movement, see 2.4.

46 Guide to Iraqi politics, 3rd ed. (2021), p. 33.

Post-election analysis shows that the district system of the new electoral law rewards parties with enough discipline to mobilise support for a limited number of candidates per district, as well as local independents with a geographically concentrated base, while factions with a medium-sized voter base across a district are disadvantaged. ⁴⁷

Kurdish parties won 60 seats altogether, with Masoud Barzani's KDP winning 33. The PUK with 17 seats was weakened, which is explained by »the Talabani family soap-opera like power struggle«. ⁴⁸ Genuine oppositionists are limited to Shia majority and Kurdish areas. The New Generation Movement, the main Kurdish oppositionist party, received 9 seats, the same as the pro-Tishreen Imtidad (Continuation). If the true independents manage to assemble 30 MPs, they can form a bloc in parliament, which means that they will be entitled to call a minister for questioning in a parliamentary committee. But together these two groups do not have enough

47 Inside Iraqi Politics, no. 229, 18 January 2022.

48 Inside Iraqi Politics, no. 229, 18 January 2022.

Summary final election results in seats

Bloc	Seats
Sadrists	73
Taqadum	37
State of Law	33
Kurdistan Democratic Party	31
Fatah Alliance	17
Patriotic Union of Kurdistan	17
Azm	14
Imtidad	9
New Generation Movement	9
Ishraqat Kanun	6
Tasmim Movement	5
Babiliun	4
National Alliance of State Forces	4
National Contract Alliance	4
The Masses Are Our Identity	4
Hasm Reform Movement	3
One-Seat Parties	16
Independents *	43

* Some nominally independents are affiliated to established political parties or are supported by local interests – tribal, civil, or otherwise. (See: IIP No. 229, 2022).



It is a truly awful electoral system that could incentivise political assassination.

seats to form a bloc of their own. 43 nominal independents got elected, but in real terms many of them are affiliated to established parties, or are supported by organized local interests – tribal, business oriented or civil.⁴⁹ This means that the genuine number of opposition MPs is only 25–30, less than one-tenth of the parliamentarians. However, Imtidad’s resounding victory in the southern district of Dhi-Qar 1, where its leader Alaa al-Rikaby won far ahead of a competing Sadrist, shows that opponents of the system could have achieved much more if they had encouraged participation.

For the first time in an Iraqi election, a majority of the female MPs, 55 out of 91, won their seats irrespective of the women quota. For instance, 14 out of 18 Kurdish female parliamentarians, as well as both Christian women who won seats, would have made it to parliament even without a quota. Even in Arab Muslim areas, a slight majority of female MPs won through votes. The election quota has in practice given female MPs two sets of standards: those who won their seats even without a quota and those who won their seats thanks to it. The first category will have a higher standing in parliament, observers judge.

The EU Election Observation Mission in Iraq concluded, in a preliminary assessment, that the elections were technically well-managed, competitive and largely calm. The UN Security Council stated early on that the elections were technically sound and proceeded smoothly. However, the UNSC’s endorsement of the elections long before the final results were ratified led many Iraqis from the losing factions to allege that the UN is pursuing ‘a hidden agenda’ in Iraq, as a cover for the United States.

Following the Supreme Court’s temporary suspension of the election of the speaker on 13 January 2022, the parliament was unable to convene to elect a president. The president names the new prime minister who, together with his cabinet, will need the approval of the parliament. Despite the suspension of Halbousi as speaker, the constitutional clock has not stopped, implying that the president must be elected 30 days after the inaugural session of the parliament. As has often been the case in post-Saddam Iraq, it may take several months before Iraq has a new

49 Alshamary (2022).

government in place. The post-election challenge is decisive: Will Iraq's dysfunctional political class be able to form a new government and develop a system based on real political parties, or will armed and autonomous factions retain their dominance over the political system?

2.3 Various views among Tishreenis

Imtidad was originally set up in Dhi Qar Province and its capital, Nasiriyah, the second home of the Tishreen movement, and soon spread to other governorates.⁵⁰ A lawyer and newly elected Imtidad parliamentarian from Diwaniyah, Mohammed Nouri Aziz, has received threats and his home was targeted by a bomb attack, which caused some material damage. Yet, when we met him, one month after the elections, he was slightly optimistic, hoping that the newly elected MPs who are in favour of a real change can make some difference in parliament. »It won't be easy, but it's not impossible. Now we have people in parliament who share the same vision as the activists in the street. Instead of us merely voicing our demands in the streets, we will have a legal umbrella as well. So, what happens in the streets will be represented in the parliament«, he said. He underlined that Tishreen now has legal authority to talk to the international community.

One factor that Tishreeni MPs may nonetheless perceive as frightening is the new electoral law's system of a single, non-transferable vote, SNTV, which automatically allocates seats to the candidates who won most votes in a multi-seat constituency.⁵¹ If the constituency has three seats, the three candidates who got the highest number of votes win. Should one of them be incapacitated, be it through death, illness or for other reasons, the next highest winning candidate takes the seat. As the vote is non-transferable, candidates are not able to re-distribute their votes to their parties. They receive the votes personally and, if not used, they are wasted. An independent expert concluded: »It is a truly awful electoral system that could incentivise political assassination.« For Tishreeni candidates who won their seats before political foes affiliated to armed groups standing next in line, the SNTV might therefore be seen

as a threat, even life-threatening, since political assassinations in Iraq are seldom properly dealt with by the police and courts.

Looking at the election results, some boycotters regret that they stayed away from the polling stations, as they have realised that Tishreenis could have yielded more seats with a higher voter turnout. »We were quite fearful before the elections, but now we see that there is something to build on. Some boycotters felt hopeless before, but after the results were announced, some of them started to blame themselves. Many boycotters from 2021 will participate in the next elections, I believe«, said a former civil servant who is now working with an NGO.

Zainab al-Jassim from Baghdad is one of the Tishreenis who voted. After the elections she also joined Imtidad. »A majority of the protesters were against participating in the elections, after all the martyrs and wounded. But I think boycotting the elections was a mistake.« She said that she did not want Tishreeni MPs to get co-opted by established parties or get involved in the government. »They decided not to and that their role should be to call ministers for questioning.« As further discussed in Chapter 5, Tishreen will likely not give up its parallel structures – the street and the parliament – as they offer a chance to influence the course of Iraqi politics from two sides.



A majority of the protesters were against participating in the elections, after all the martyrs and wounded.

50 Al-Monitor, 13 April 2021.

51 Stewart-Jolley (2021).



Ammar Al-Hakim and Bitte Hammargren in Hikma National Movement main office, Baghdad 27 November 2021.
PHOTO: official Hikma

Talks with a Shia Politician: Ammar al-Hakim

Ammar al-Hakim, leader of the Hikma (Wisdom) National Movement and one of the losers in the 2021 elections, has often been presented as a moderate among Iraq's Shiite politicians. He belongs to an important religious family, and happens to be the cousin of a senior cleric, Ayatollah Jafar al-Hakim, quoted below.⁵² For years, he has been well connected in international politics. Among the guests he has hosted is Joe Biden, during his term as the U.S. vice president. A portrait gallery in his autobiography exposes a wide range of meetings with leaders from the MENA region, at various locations, among them Iran's Supreme Leader Ali Khamenei, Jordan's King Abdullah, Qatar's Emir Tamim bin Hamad Al Thani, the UAE de facto leader, Sheikh Mohammed bin Zayed Al Nahyan and Turkey's President Recep Tayyip Erdogan.⁵³ Maintaining a certain distance to Iran, at a virtual conference with Harvard University, in July 2021, he stressed the necessity of building an inclusive Iraqi identity, consisting of three 'Nos' and three 'Yesses': yes to sect, no to sectarianism; yes to nationalism, no to racism; yes to religion, no to extremism and intolerance.⁵⁴ In an interview for this report, he elaborated the issue of identity, saying: »We have sects, different

religions and tribes, each one giving a priority for its people. But these sub-identities cannot represent all Iraqis. So, the Arabs of Iraq don't represent Kurds or Turkmen, and the Muslims don't represent the Christians, Yezidi and other creeds. We respect all these sub-identities, but we also need the inclusive identity that all Iraqis feel part of. We are Iraqis and proud to be part of this country and under its flag. We should look at this country as our identity. But in that same [Harvard] forum, Mr Masoud Barzani [of the KRG] delivered a different message. When asked about his identity, whether he is Iraqi or Kurd, Barzani said 'I am a Kurd, Iraq is just a line drawn on a map'. But we don't see Iraq just as a line on a map but as history, culture, communities and interests that gather all of us.«

Ammar al-Hakim welcomed the announcement of the withdrawal of the remaining U.S. combat troops from Iraq by the end of 2021. However, unlike many other Shiite politicians, he also expressed support of continued »training, advisory and intelligence cooperation between the US and Iraq«, explaining that Iraq's rejection of foreign military presence should be replaced with »«mutual relations«, to preserve its interest, sovereignty, and position in the region.⁵⁵ Against this backdrop, after the 2021 elections his participation

52 See 2.5.

53 Al-Hakim, Ammar (2021), *قصة حياتي*

54 Tehran Times, 9 June 2021.

55 Tweet, 26 July 2021. <https://twitter.com/AmmarAlhakeem/status/1419770128099643392?s=20>.

in the Shia Coordination Framework, which comprises the pro-Iranian Fatah leader, Hadi al-Ameri and the former PM, Nouri al-Maliki, came as a deception to many Shiite moderates.

»This will harm his reputation in the long run«, a Sistani follower said.

Receiving us for an interview at Hikma's headquarters, in Baghdad, Ammar al-Hakim answered the question of how Iraq's political crisis can be solved by first defining the nature of the problem, from his viewpoint: »Two-thirds of the Iraqi population did not participate in the elections. This is a painful fact. Unfortunately, these two-thirds are not satisfied with either the winners or the objectors of these elections. And of those who participated, one-third of the votes made two-thirds of the seats in parliament, while two-thirds of the votes made two-thirds of the seats.«

Referring mainly to the Sadrists, in veiled terms, he continued: »Unfortunately, those forces who got the seats can be described as quite extremist. This created confusion. Systematic fraud occurred in these elections. Because the pro-Iranian groups fell back in these elections, the international community does not look seriously into the evidence of manipulations or irregularities. In previous elections, it never happened that the UN Security Council or the EU Commission declared the elections to be transparent and sound, before the results had been proven correct by IHEC or the Iraqi Supreme Court.«

Notwithstanding the fact that the election results, after minor changes, were later confirmed by these bodies, Ammar al-Hakim described the suspicions held by pro-Iranian factions about Iraq's new biometric election system, which the UN system firmly supported:

»Pro-Iran factions that lost in the elections, like Fatah, think that there is an international will to break them, that other governments wish to slaughter them or eliminate them. This makes them concerned. They are strengthened [in this assessment] by their impression of the winners«, he continued, referring to an early post-election

statement from the Sadrists, who said that they wanted to form a national majority government, i.e., with Kurds and Sunni Arabs.

»The main Kurdish parties come jointly to Baghdad to be part of the next government, representing 90 per cent of the Kurdish seats.«

»The Sunni parties, Taqadum and Azim alliance⁵⁶, have come to an agreement, a consensus, with their Turkish sponsor, President Erdogan. To these two parties can be added Mr Ahmed al-Jabouri, who got six seats. Together, they stand as one power, representing 90 per cent of the Sunni seats. So why then did the Shias get half or less than half of the seats, while they had two-thirds of the votes? With fears that the Shia will be attacked or confronted, the matter becomes quite complicated. With these facts, one can understand why they are protesting and screaming. The challenge is not only about the elections, it's about coexistence.«

While expressing his and other losing factions' suspicions of irregularities, Ammar al-Hakim said that there is an understanding that there was a »cyber-hacking interference« in the electoral system »and an international will to do this«, claiming that IHEC had not looked seriously into the matter. He stated that he wanted a balance between »those objectors who got two-thirds of the votes but less seats« and the announced winners. From his point of view this should imply that »the objectors« (others would call them losers) take the two positions as deputy speakers, to create »a kind of a balance between the executive and legislative branches«.

He also wished to see new elections two years after October 2019, and to have them announced in due time for the »objectors« to prepare for them. »In case early elections will be held, we would make it coincide with provincial elections. In case it does not happen, we will request to have provincial elections earlier, in a year.«

56 These parties are led by Mohammed al-Halbousi and Khamis al-Khanjar, respectively.

Another of his stated goals is the establishment of a »strategic council in which everyone participates, and which draws the policy of this country«. It would not be far-fetched to assume that winners of the elections would protest against the formation of such a council, deeming it able to outweigh the election results.

After the election results, Ammar al-Hakim excluded the possibility of joining a Sadr-led government. »We don't want to participate in a government in which we don't have any weight. Even if we believe that there was manipulation targeting us in these elections, it is not the end of life. We can gather ourselves and prepare for the next elections.«

His view on the Tishreen movement appeared somewhat opaque. He also claimed that Tishreen has a problem dealing with both the Sadrists and Fatah. »The Tishreenis have not agreed, they don't have a consensus, even though they are opposing the political reality. We communicate with them, so we might come to a point of convergence.«

Did Tishreenis have reasonable demands during their mass demonstrations?

»We did not allow any parties to consider them as wrong. 70 per cent of our population is under 30. They were depressed and felt broken, but when they made their mass demonstrations, they restored trust in themselves and delivered healthy ideas. Of course, they represent the community, not a party. It is normal that the ceiling of their demands is high, but with time they will gain experience. And in a country like Iraq, when such a mass movement happens, there will be international interference even though it is not part of their demands. So, we must differentiate between these [depressed and broken] young people and those with an agenda. It's the government's responsibility to differentiate between the two. Some factions were a little bit worried about these young men, especially about the narrative of foreign embassies spending money on them.»

But who shot and killed Tishreenis?

»These factions confirmed that they did not do such a thing. We are sorry that no governmental commission has come up with results [of investigations] and announced them to the public. To be fair and quite realistic, Iraq's security forces have been super-busy fighting Daesh, and while fighting terrorists they were using fire. The Tishreeni demonstrations were the first protests against the government and the political system. And they were considered a threat against the system. Armed forces with no experience in dealing with such protesters were deployed and this led to clashes between these forces and these young men. As for demonstrators who had a head, like the Sadrists, there were no worries because then there was someone to negotiate with.«

Ammar al-Hakim admitted that security forces were behind some of the fatalities in the streets, but claimed that killings happened unintentionally. »But if we talk about the assassination attempts and kidnappings of some activists, in their houses; young Tishreenis claim that factions in coordination with PMF targeted them. I can't say yes or no about who did this. We are still waiting for [investigative] commissions to be established by the government. Of course, the PMF are governmental institutions, but even some factions admit that they target embassies. I spend huge efforts in negotiating with factions. I have told them that it is better to contain these young men, not impose pressure on them. Now we have succeeded in creating an environment, so that some activists who fled to Turkey, the Kurdistan region and other places have come back. We got word that nobody will target them. Again, I can't say who did this, since there is no investigative commission, but the impression is that it was by the Sadrists«, said Hakim, a view that puts no blame on pro-Iranian factions and the PMF, such as Asa'ib Ahl al-Haq, led by the firebrand cleric and politician, Hassan Kahazali, or the Badr Organization, led by Hadi al-Ameri, or Kata'ib Hezbollah, the *hashd* who used to be spearheaded by the late Abu Mahdi al-Muhandis, the commander of the PMF who was killed in a U.S. drone attack.

2.4 Different visions in Iraq's centre of Shiism

The heart of Iraqi Shiism is led by four grand ayatollahs in Najaf, constituting the *marjaiya*, the supreme body of the *hawza*, the theological seminars where Shiite scholars are educated. However, the *marjaiya* in Najaf holds a quite different position than the ruling clergy in the Islamic Republic of Iran. The Iranian system, called *velayat-e faqih*, guardianship of the Islamic jurisprudence, implies that the Supreme Leader, Ayatollah Ali Khamenei, takes the ultimate decisions in many key issues related to governance, security, foreign policy and the economy. Even though Najaf's leading cleric, Grand Ayatollah Ali al-Sistani, is called Grand *marja al-taqlid*, source of emulation for believers, he has no equivalent to Khamenei's powers, nor does he aspire to this.⁵⁷ The Shiite clergy in Iraq follow a traditional line, often called quietist,⁵⁸ whereby they refrain from taking political positions and executive or legislative power. However, their advice or recommendations, especially *fatwas* from Sistani, carry enormous weight, as believers in Twelver Shiism see them as qualified opinions to follow, based on Islamic law.

Each individual Twelvers Shiite follows the teachings and rulings of a *marja al-taqlid*, of his or her choice. Among Najaf's Big Four, Grand Ayatollah Ali al-Sistani has by far the most followers, not only among millions of Iraqi Shiites but also among innumerable Twelver Shiites in other countries. Even though Sistani never issues *fatwas* related to other nations' political issues, the *hawza* in Najaf is transnational. Sistani rarely gives access to foreign visitors. One exception was made for the pontiff of the Catholic Church, Pope Francis, in March 2021. Also, in early 2019, he accepted a visit by an Iranian official for the first time, receiving President Hassan Rouhani in his modest home, in Najaf,⁵⁹ for an exchange of views that was surely held in Farsi, since Sistani

himself is of Iranian background.⁶⁰

However, during the research for this report, two *marja al-taqlid*, Grand Ayatollah Bashir al-Najafi, and Grand Ayatollah Mohammed Ishaq Fayyad, received us for short interviews. The fourth leading position in the *marjaiya* has been vacant since September 2021, since the passing of Mohammad Said al-Hakim. We also met with three other leading clerics in the *hawza*, who at some point could take up vacancies in the *marjaiya*: Sheikh Hassan al-Jawahiri, and two *sayyids*,⁶¹ Dr. Jafar al-Hakim and Dr. Mohammad Ali Bahr al-Ulum, at the Alamain Institute for Graduate Studies in Iraq.

These leading clerics revealed different focuses, a difference that to some extent can be explained by age, since a Grand Ayatollah never retires. Sheikh Najafi, himself of Pakistani background, who received us in his humble house in Najaf's old city, stressed the spiritual role of the *hawza*, »to repair the human being«, whereby the *hawza* shall avoid interfering in politics, but on the other hand not allow politicians to act relentlessly as they please. Sheikh Fayyadh, born in Afghanistan but raised in Najaf from an early age, underlined the needs of the Iraqi people, such as the improvement of schools and health care. Sounding disillusioned, he said that the politicians »are not following our visions«, such as the clergy's urge to provide people with »clean water and electricity«. He emphasised that the *hawza* does not take a position on the kind of government that should be formed. »Our job is to spread the teachings of Islam.« As for the PMF, Fayyadh appeared to take a different stand than Sistani, as he uttered no complaint about the PMF's acting as autonomous, state-paid bodies. »They are all acting under the law«, he commented briefly, referring to a law from 2016, during Maliki's tenure.⁶²

57 Alrebh (2021).

58 Quietism is sometimes described as »a withdrawn attitude or policy toward the world or worldly affairs«, even though some *fatwas* from Sistani are recommendations on vital, political issues.

59 Radio Farda, 14 March 2019.

60 The visit caused some speculation as to whether Sistani, not Khamenei, is Rouhani's *marja*. Sistani by all means also has followers in Iran, where his son-in-law supervises his office in Qom.

61 A *sayyid* is an honorific title, denoting someone who has been accepted as a descendant of the prophet Muhammad and his cousin and son-in-law, Ali ibn Abi Talib. Clergy who are *sayyid* wear black turbans. A *sheikh* is another honorific title, used both for tribal leaders and for Muslim religious scholars.

62 Hammargren (2020).



Sheikh Hassan al-Jawahiri interviewed in Najaf by the author of this report, together with Gunnar Andersson of SALAR. PHOTO: Sarmad Mohamed Abdulameer

Another authoritative source, Sheikh Hassan al-Jawahiri, was the only cleric in the *hawza* of Najaf who accepted being recorded during the interview; some excerpts from that interview appear below, in translation.

Does the hawza have an opinion on the Tishreen movement?

»The current political parties and the politicians in general have not been seeking to build an institutional state. All their affiliations come from personal interest. But the *hawza* wants true reform, that may lead to the righteousness of the people and the society in general. The *hawza* is absolutely supportive of that. But even in the protest movement there was corruption; some of these people have been affiliated with internationals or going abroad, either with an Eastern or Western affiliation. There are also corrupt people within the demonstrations themselves. Some are even more corrupt than the current politicians.

There are absolutely righteous and faithful people within the Tishreen movement, and this segment gets the support of the *hawza*.«

Does the hawza recommend the type of government to be formed?

»The Iraqi government is not Islamic in the true meaning of Islam. It is rather [based on] consensus among different sects. Even Islamic political parties in government positions do not form an Islamic government. It stems from laws made by politicians and government officials who benefit from some of the statements of our supreme *marja*, Sistani, God bless him. As we don't have any Islamic governments here, we are not involved in them; in fact, even the so-called Islamic politicians are against the *marjaiya*. So, the *marjaiya* is not imposing any instructions on how to form a government. Imam Sistani, may God bless him, stated earlier that they are not listening to us. Therefore, I will not instruct them because they are not following *hawza*, and Sayyid Sistani, our grand *marja*, is not involved in government affairs or the activities of the government. But he is highly involved when vulnerable people are attacked. Then the grand *marja* intervenes in the best interest of the people, to help them and lift injustices imposed

on them. We have a living example from 2014, when we were invaded by ISIS. Then the grand *marja* issued a *fatwa*.«

We have understood that Sistani recommended that the PMF be organised as structures of the government, but most of them are not. So, didn't they follow Sistani's instructions?

»Their division is not the fault of Sistani, because exactly as you rightly pictured it, he stated that the fighters must be directly affiliated with the Ministry of Defence and the Prime Minister. Whoever goes against it is not following the instructions of the *fatwa*. So, it is a fault in the application of the *fatwa*, rather than the essence. They have deviated from that and follow their own applications.«

Iraq is a mosaic of different religions and ethnicities, and many in the protest movement state that their nationality is more important than whether they belong to Sunni or Shia. Is this good for society or detrimental for the Shiite faith?

»As Twelver Shia we believe in coexistence with all stems, all colours of life, whether they are Jews, Christian or coming from any other faith. Under one condition: that they will not attack our religion or expel us from our houses and take our homes. This is our belief, and it comes from the Holy Qur'an. This is a direct statement from Allah Almighty. You cannot force your beliefs on others.«⁶³

Activists who were interviewed recalled how the *hawza* in Najaf was asked to support Tishreen, when the demonstrations erupted and were violently repressed in 2019. The *hawza* did bring food and medical supplies. Sheikh Awas al-Khafaji, a follower of Sistani who heads the Hashd al-Atabat,⁶⁴ »supported Tishreen very much«, according to Zainab al-Jassim, a civil activist and academic in Baghdad.

A middle-aged man in the south, a supporter of Tishreen, who described himself as deeply religious, recalled the decisive days in October 2019: »Most of the clergy supported the Tishreen movement and urged people massively to claim



The *hawza* wants true reform, that may lead to the righteousness of the people and the society in general.

their rights, on one condition: there must not be any disorder, no looting, no violence. An important Friday sermon, *khutba*, representing Sistani, focused on non-violence. Sistani was scolding the government, saying that if you can't run the country, you must step down.« This southern Twelver Shiite described his view of the *hawza* in Najaf, as opposed to the role of Ayatollah Ali Khamenei, the supreme leader in Iran:

»The *hawza* in Najaf never participates in the formation of a government; they never take political decisions, nor do they direct the government on how to do things. They are supporters of the oppressed people and responsible for religious teaching.«

The highly revered Grand Ayatollah Ali al-Sistani is 91. Speculations are ample about what will happen to the *hawza* after his passing.⁶⁵ »Our concern is not who will be the successor, but if this position will be stolen«, the middle-aged follower of Sistani said. Just like sheikh Hassan al-Jawahiri, this Tishreeni from the south was adamant that the *hawza* must not be held responsible for what armed factions do, nor for the manoeuvrings to organise them as autonomous, state-paid bodies. »Holding the clergy responsible for this is wrong. The *marjaiya* urged people to defend their homeland against Daesh, and advised the people, but they did not direct the *hashd*, nor is the clergy responsible for dissolving the *hashd* now.«

For more on the *hawza's* reasoning on gender issues, see Chapter 4.

63 More quotes from Jawahiri can be found in Chapter 4.

64 Omran (2021).

65 See, for instance, Alrebh (2021).



Najaf is together with Karbala home to some of the most sacred shrines of the Shia branch of Islam and Najaf in particular is a leading centre for scholars of Islamic theology. PHOTO: Bitte Hammargren

IN SHORT

Iraq's new district-based electoral system appears to be here to stay, despite some flaws of the single, non-transferable vote. The winning blocs in the October 2021 elections, with the Sadrist in the forefront, have not had an interest in changing the law, but the losing Shiite factions have contested the election results and hampered the parliament's smooth election of a speaker and a president, which may further delay the formation of a new government.

The pro-reformist and Tishreeni opposition in parliament will be weak, as it constitutes around 10 per cent of the MPs. One hard lesson that the Tishreen movement learned is that they would have scored better if they had encouraged participation in the elections. Tishreen will not give up its parallel structures, the street and the parliament, as being its chance to influence the course of Iraqi politics from two sides. The big challenge for Iraqis who want to see their country develop into a real democracy is the outcome of the standoff between those who wish to see a civil, elected government in control of all the arms, versus the autonomous militias with their

political wings who wish to retain both their arms and their say over the political system.

In political terms, the role of the *hawza* in Najaf, as opposed to the Iranian system, with its rule of jurisprudence, *velayat-e faqih*, cannot be underestimated. However, there are concerns for what might happen to the *hawza* after the passing of Grand Ayatollah Ali al-Sistani.



The *hawza* in Najaf never participates in the formation of government; they never take political decisions, nor do they direct the government on how to do things.

3.

RULE OF LAW – OR LACK THEREOF

3.1 Kadhimi's attempts to rein in militias

As the new premier coming to power in May 2020, Mustafa al-Kadhimi framed his government as being the result of the 'October Revolution,' *Thawrat Tishreen*, and promised to establish the rule of law in Iraq. That implied reining in certain elements within the powerful Popular Mobilization Forces (PMF), many of which are linked to Iran. However, his promises to bring justice after the killings of activists went unfulfilled. In one of Kadhimi's first moves, security forces were sent to Basra to raid the offices of a little-known militia organisation, Thar Allah, or Revolution of God, which reportedly stemmed from Iran's policy of »betting on all the horses« in Iraq after the U.S. invasion, in 2003.⁶⁶ However, unlike the more powerful PMF, Thar Allah has no direct links to the Iraqi government, and is not nearly as strong as Kata'ib Hezbollah or Hadi al-Ameri's Badr Organization.⁶⁷ Therefore, this raid did not become a gamechanger, as later events have shown. In July 2020, a well-known counterterrorism advisor to Prime Minister Kadhimi, Hisham al-Hashimi, was gunned down by two assailants on a motorcycle, just days after having published a report entitled, *The internal dispute within the Popular Mobilization Forces*. No one has been held to account for this assassination. Hisham al-Hashemi was also an expert on IS and other radical jihadi groups.

In May 2021, after the assassination of a protest leader in Karbala, Prime Minister Kadhimi reined in a militia commander who had strong links to Iran. This led paramilitary factions to threaten both Kadhimi and his government. After a standoff in the Green Zone in Baghdad, the militia leader was released, making Kadhimi look even weaker. Despite Kadhimi's declared tolerance of peaceful protests, his term was marked by »continuous

repression, often carried out by groups tied to the state, acting autonomously«, as the International Crisis Group described it.⁶⁸ In early November 2021, the premier survived a drone attack on his residence in the high-security Green Zone. He was further threatened after representatives of armed forces led by Kata'ib Hezbollah and Asa'ib Ahl al-Haq announced their intention to escalate tensions if the election results excluded them. Reinforced by their supporters in late 2021, they camped near the Green Zone, threatening to storm the area where most government offices, as well as the UN mission and the huge United States embassy premises, are located.⁶⁹

Moreover, despicable acts of violence have been committed by Iraqi security forces following the October elections, most notably in a night-time massacre of 20 civilians in Jableh, a rural area in Babil Province, in early 2022. Using rocket-propelled grenades and heavy firearms, security forces reportedly intervened in a family dispute that did not have any security dimension, contrary to a first official narrative that linked the attack to counterterrorism. As stressed by Reliefweb, the fact of the massacre »calls for an immediate, independent investigation, to find out the details of what happened, identify the perpetrators and bring them to justice«. ⁷⁰ The Jableh incident sent a chilling message to Iraqis who have unfinished business with powerful actors in Iraq, be they militias, factions, or security forces.

3.2 The view from Tishreenis

For three disillusioned Tishreeni activists in Diwaniyah, »the rule of law in Iraq is restricted to those who are influential and to those who are in the political parties«. Interviewed for this research, they described the features of a constant

66 Tollast (2020).

67 Hammargren (2020).

68 International Crisis Group (2021).

69 Al-Mikdam (2021).

70 Reliefweb (2022).

judicial imbalance: lawsuits raised against protesters, while perpetrators behind killings of civilians, or those who ordered the assaults, remain at large. Corruption has reached the judiciary system, they claimed, with appointment of judges according to their alleged party affiliation. »Meanwhile, a lawyer may get prohibition or face assaults on his life and security. Some lawyers have disappeared, after having been abducted or killed.«

One in the group of three, the lawyer and newly elected MP for Imtidad, Mohammed Nouri Aziz, from Diwaniyah, was aware of only one case where a supposed assassin of protesters was sentenced. »This perpetrator, in Kut, in the Wasit Governorate, was sentenced to death. But his family has threatened the victim's family, to drop the case. This is just one example of the lack of the rule of law.« Mohammed Nouri Aziz called the oppression extreme, including a significant number of forced displacements, »and many legal charges against activists based on false charges and forgery. This happens while we have had 800 martyrs and 25,000 wounded.«

In Baghdad, the female Tishreeni and lecturer, Zainab al-Jassim, drew attention to a young lawyer and human rights defender from Maysan Province, Ali Jasib Hattab, who was abducted on 8 October 2019, and whose whereabouts since then remain unknown.⁷¹

She said that »a group of people from Ansar Allah al-Awafia«⁷² killed the young lawyer's father after he had been calling for the release of his kidnapped son. »The father was shot dead in the street with a gun silencer. I was close to this family. They were dear to us and communicated with us. The father wanted the memory of his son to be honoured«, said Zainab, showing pictures of the abducted lawyer and his father, the latter in tribal attire. She believed that a maximum of 1–2 per cent of the killings of Tishreen activists have led to court cases. »Accountability for all those killed and wounded is crucial. But there is a political pressure on judges in Iraqi courts«, she said. She recalled how doctors who volunteered to treat the wounded in Tahrir Square were sometimes threatened and harmed, at knife-point, by counterrevolutionary forces. »Some doctors were killed«, she said. »We also received threats on Facebook, Messenger, trying to make us stay away from participating.«

Along the main roads in southern Iraq, there are plenty of pictures of martyrs who fell victim during the battle against Daesh/IS, but none showing civil activists who were killed by assailants during the Tishreen protests. »It's forbidden to show pictures of them«, activists said.

A CASE STUDY:

Seven years behind bars without charges

Shortly after his release, and after being held for seven years without legal charges, a former detainee told his story, providing insights into many of the shortcomings of Iraq's judicial system. For the former captive's safety, dates, names and some locations are omitted.

»I am an academic who used to live in Baghdad with my family. Some years ago, I went abroad for a training course. After my return to Baghdad, a group of people in black uniforms entered my apartment. They started to interrogate me, searched my apartment, took my laptop and cell phone. They asked for a document from my

workplace, a paper that I knew nothing about. Blindfolded and handcuffed, I was forced into a Humvee. I reckon that we waited one hour before the car moved. It kept circulating for another hour before we entered a building, with my blindfold still on.«

»I sensed that I was taken inside a small cell, possibly 1 by 1 metres. After 4–5 hours in the cell, I was brought out and the blindfold removed. Several people surrounded me, starting to ask questions. My gut reaction was that they had caught the wrong person. Then another detainee was brought inside the interrogation room. He claimed that he knew me, but I had no idea who he was. It was as if he was repeating a lesson he had learned by heart. When I asked him what

71 Frontline defenders.

72 A militia in the south of Iraq that reportedly has close links to Iran.

kind of car I was driving, he didn't answer. After he exited the room, I heard a scream from somebody who was beaten. Soon thereafter, another person came into the room, telling the brand of my car. It made me feel defenseless, that these people were after me, and that I was for sale.«

»The interrogators brought yet another person inside the room who was badly beaten. They asked this man 'Who's this person,' pointing at me. He said my name, delivered a message, claiming that he had sold a weapon to me. I was returned to my cell, blindfolded, and kept there for two more days. I sensed that we were in some kind of a government building, possibly a former American prison, but I was never told where. I was allowed to go to the bathroom only once a day. For peeing I was given a bottle inside the cell. From there, I could hear terrible screams from other detainees, voices that did not resemble anything I had ever heard before.«

»During one interrogation I was asked, 'Will you speak or not?' I responded, 'About what?' Then they said, 'Put him against the wall.' I was forced towards an iron door, with my back against the edge of the door, while my handcuffed hands were forced over and behind my head, to the top of the door. In this position, the chair underneath me was removed. I told them 'Whatever you want to know, I will tell.' But they did not answer. Instead, they brought two electric cables. They put one on my finger and the other on my penis and turned on the electric shocks. I think I was held in this position from the evening until the next morning. But I am not aware of exactly how long the torment lasted, since I fainted. Then they threw me on the floor, beating me on the back. After that I was put against the edge of the door again. During the second time against the door, I could no longer move my hands. They were disjoined. The only thing I had in mind was that I was undergoing a nightmare from which I would soon wake up. Then they brought me back to the cell. While my hands were still blue, they forced me to eat some bread. The same torment was to be repeated. 'Talk,' the interrogators said. 'Whatever you want, I will tell,' I retorted. Next time I was brought back to the cell I was handcuffed with one hand above my shoulder and the other on my back. Six people got involved to force my

hands to reach this position. They also tied my feet together and started to hit me again, using a long truncheon, called 'the donkey.' At that time, I had not realised that I needed to invent stories to make the torture stop. They claimed that my house had been used to store car bombs, that I supported terrorists and had given them weapons. Then they forced my fingerprints on a piece of paper which they stamped.«

Several times the newly released detainee mentioned the horrendous screams he heard from the first unknown inmate he met inside the interrogation center.

»The last time I heard his terrible screams his voice vanished. I probably heard him dying from the beatings. I concluded that if I say whatever the interrogators want, they will stop hitting me. While taking me to an investigative judge, someone whispered an allegory in my ear about a man who was given three options: to eat 100 onions, be beaten 100 times, or pay 100 dinars. The man continued whispering: 'Don't be greedy and pay us.' I met the investigative judge, still unable to move my hands. I asked for water but couldn't hold the bottle. 'Whatever is written on a piece of paper, I will confess to it,' I said. The judge stamped a paper with a false confession. I was returned my cell, and from this moment I was not beaten anymore. They kept me there, however, for several months. Until this day, I don't know why they detained me. I don't know whom I might have bothered.«

While he was held incommunicado, his family kept searching for him, unaware of his whereabouts. But after some months, a person approached the family, offering a picture of the detainee inside his cell, if they would pay for it. However, the family was not given any legal information about why or where the detainee was held. Nor was he himself given access to a lawyer during the long investigation periods, or later in court or in prison. For a subsequent time, he was taken to an investigative judge. »I guessed it was near Baghdad airport, since I heard airplanes taking off and landing. I told the judge that I was innocent; I told him my whole story. From there, I was moved to Baghdad prison.«

While in Baghdad prison, family members were

allowed to visit him. One sibling recalled the first meeting: »We cried a lot. Our brother asked why he was in prison. He still suffers from not knowing.« After several more months, a medical report was issued, stating that injuries from torture were found on his head and body. Family members claim that they had to pay bribes to get the detainee to court a second time. »By then, there was a new head of the judges committee. The new judge issued a death sentence against me, by hanging. After that I was moved to Nasiriyah prison.«

The family kept requesting a retrial and an acquittal. After years of suffering and misfortune, an appeals court finally decided to try his case. »The appeals court overturned the judgement of the lower court, referring to the medical report, so there were legal grounds for my acquittal. Therefore, they decided to release me, at last.«

The former captive has not been offered any indemnity for his lengthy imprisonment and the torture he suffered. He has refrained from opening a legal case, since he does not trust the integrity of the judicial system.

Offering some insights into life in prison and the interrogation centers, he said that in the detention center near Baghdad's airport he was kept in a cell of 4 by 5 meters, with 50 other prisoners. In Nasiriyah prison, where 12,000 inmates are held, the cells were also overcrowded. »They kept me in a cell meant for two people, but we were eight held together in there.« In Baghdad prison, Sunni and Shia were mixed in the cells, whereas they were separated in other prisons. There are two kinds of Sunni inmates, the newly released prisoner reckoned: »Those who are with Daesh and those who are innocent.«

»In general, prisoners would help each other. Families could pay for our food. But inside prison, it's a different world, so hard to describe. The mentality is different. Sometimes I was held with seven other inmates from different provinces and with different cultures. The only thing we were allowed to read was the Qur'an. No books, no TV, no newspapers.«

»When the other prisoners got to know about my education and profession, they used to treat

me with respect, as a normal person. The Salafi inmates tried to convince me to become a Salafi, which I refused. But I also found different types of Salafi, the peaceful versus the fighters. There is a conflict between them.» From his estimate, 25 per cent of the Sunni inmates that he came across inside prison were hardcore IS/Daesh members. »Other Sunni inmates, many of whom are from Mosul, maybe worked for them, as drivers, or providing food.«

During the prison's visiting hours, family members never had a chance to hug or even touch their dear one. »My children were allowed to visit me twice. But until this day, I am a stranger for them. They look at me as an outsider. As for myself, the first days after my release, it was an odd feeling to roam around as a free man, not being surrounded by walls all the time. Even putting one foot before the other in my parent's garden felt strange the first few days. I am also thinking a lot of how my incarceration has affected my family. I have been in a physical prison, but my wife has been in a mental prison all these years. And it is really hard for me to tell them what I have experienced.«

»The most important thing now is to feel that I am a normal person. I am not a criminal; there was no legal case against me. I need to get the acquittal from the appeals court on a piece of paper to get a safe life with my wife and kids. Until now, I am not sure if this can be found in Iraq.«

A few months after this interview, the court had still not issued a formal acquittal, and the released man continues to live in a legal limbo. Like any survivor of a calamity, he thinks about the less fortunate who are still in prison, without being charged or having fair trials. Nowadays, when he can take a shower as he pleases, a sense of guilt arouses inside him, based on the knowledge that those still inside the detention centers and prisons are deprived of such daily, normal routines.

This testimony from an Iraqi victim of torture and arbitrary incarceration not only showcases the lack of rule of law, but also the lack of treatment for PTSD (post-traumatic stress syndrome) among Iraqi victims of war crimes, torture, and other forms of ill treatment.

3.3 Tribal and customary law

In a weak state such as Iraq, with its faltering judicial system, citizens often resort to tribal law. However, dispute resolution via customary law in informal settings cannot deal with Iraq's myriad unsettled criminal cases and judicial disputes, which come as the result of decades of war and conflict. This has led to a legal void, which is easily exploited by various interests, among them those in tribal settings. A visiting fellow at the European Council on Foreign Relations (ECFR), Haley Bobseine, in a report for The Century Foundation, *Tribal Justice in a Fragile Iraq*, notes that there are cases where tribes can play a constructive role, as in the recovery from the Islamic State's rule in Sunni Arab areas, while underlining that there is a danger of relying too heavily on tribal justice.⁷³

To describe how tribal and customary law functions in Iraq, a deeper understanding of the complicated tribal dynamics is needed; obtaining such insight is a task that would require more time than what has been available during the research for this report. But as some interlocutors from southern Iraq have pinpointed (Chapter 4.2), in disputes relating to gender and personal status, such as marriage, divorce and child custody, or the controversial concept of honour, there is often a noticeable difference between Iraqis with deep-rooted tribal traditions and those who stem from city cultures.

Writing about Iraq's Sunni Arab tribes after the defeat of IS/Daesh, Haley Bobseine concludes: »Tribal justice has always played a role in Iraq. But today, even as tribes are weakened overall, especially at the national level, the role of tribal justice has increased.« Tribes, in her view, have been mobilised to use »their localised, client-centric tribal authority« to insert themselves in reconstruction and conflict-prevention initiatives, »while attempting to sideline adversaries«. A fractured political environment, regional power plays and domestic security tensions, as well as residents' need to have better security and access to services and jobs, have led to a huge demand for judicial arbitration, which the Iraqi state has not been able to cope with. In this legal void, Iraq's »Sunni tribal leaders have assumed an expanding role in administering justice, mediating disputes,

and facilitating IDP [internally displaced persons] returns«, Bobseine further notes.

Judging from interviews conducted for this report, there is reason to assume that tribal leaders among Shiites take on roles that are similar to the Sunni tribal 'courts,' but the subject requires deeper study. Tribal sheikhs may play an important role in overseeing intelligence and communication within their villages or larger areas of influence, which may give them an asset in dealing with the central government. »Good relations with Baghdad also enable access to business, contract work, or, potentially, to the political sphere or its spoils.« This, however, has also implied the rise of new power structures and increasing tensions between »traditional sheikhs« and »new sheikhs«, where the latter lack an important tribal bloodline ancestry. The term »new sheikhs« is often used in a pejorative way, depicting upstarts imbued with corruption.

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The absence of a functioning law enforcement and judicial system undermines citizens' confidence in the state apparatus. This is evident after all the extrajudicial killings, arbitrary arrests, torture and other forms of ill-treatment that many Iraqis bear witness of. The effects of sectarian violence, from various sides, for which too few have been held to account in open and fair trials, further weaken the confidence in the judicial system and increase the risk of further conflict. Iraqi citizens often show admirable resilience. However, the lack of psychological treatment and post-traumatic therapy after inhumane treatment causes both suffering for individuals and families as well as rifts in society.



Tribal justice has always played a role in Iraq. But today, even as tribes are weakened overall, especially at the national level, the role of tribal justice has increased.

73 Bobseine (2019).

4.

GENDER: A GAP BETWEEN LAW AND REALITY

4.1 Tishreen – A gamechanger from a gender perspective

During our interviews, young women in both Baghdad and the south of Iraq said that, from a gender perspective, the Tishreen movement changed the country. Before Tishreen, few Iraqi women would join demonstrations. »Tishreen became an incentive for women. Women’s movements thereby started to get more attention«, said a young woman from the conservative south, and then mentioned one ramification: »Take for example the appointment of female police officers. Tishreen stimulated that.«

Zainab al-Jassim, pharmacist and lecturer at Baghdad University said: »Before Tishreen, women faced a lot of obstacles, like tribal and religious impediments. But Tishreen gave women a chance to participate on an equal footing. Women had the same duty as men in the movement, and we were standing in the first line together with men, facing live ammunition. We did all of this together. Women were also killed and abducted.« From her point of view, Tishreen »as revolution and a social movement against the government, is just beginning«. But from a cultural perspective, »Tishreen has already changed the mentality in the society. It has strengthened the sense of citizenship among us. It has killed the sectarian mentality within the society. Women have started to call for their rights.« Women are becoming increasingly aware that many laws that address gender issues are not applied, she stressed. »The main reason for this is political Islam. They [the new ruling elite] started to implement Islamic rules, while Iraq is a mosaic as a society, and a civil society from the beginning, not an Islamic society«, she argued.

However, not every woman interviewed for this report sees female participation in Tishreen demonstrations as something wholly positive. One female professional who described herself as socially conservative joined the demonstrations at

the beginning, along with her father and brother. »But I stopped going. I did not want to be seen in the streets, since it could affect my family negatively. What if I would fall on the ground? What would the impact be?« she questioned. From her perspective, some women participants overstepped the social norms, such as by dancing in the streets. »That’s offensive. Also, I don’t think it’s a great thing for a woman to be elected as a member of parliament«, the young professional said, expressing a conservative view that is not shared by everyone.

4.2 What do Conventions and Iraqi law say?

On paper, it looks rather good. As the first country in the MENA region to do so, Iraq in 2014 adopted an action plan for UN Resolution 1325 on women, peace and security. The resolution urges Member States to increase their financial, technical and logistical support for gender-sensitive training efforts. It also calls for the adoption of a gender perspective to consider the special needs of women and girls during conflict, repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction, including measures that relate to the constitution, the electoral law, the police and judiciary.⁷⁴ Iraq is a party to the International Convention on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), whereby Iraq is obliged to ensure participation in public life without discriminating on the basis of gender. Iraq has ratified the Convention on Rights of the Child (CRC), and is a party to the CRC’s optional protocols regarding the rights of children in armed conflict and the sale of children, child prostitution and child pornography. Furthermore,

⁷⁴ UN Press release SC/6942.

Iraq has committed to achieving Sustainable Development Goal 5, on »gender equality and empowerment of all women and girls«, which aims to »ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.«”

In practice, however, there are many shortcomings to address. Discrimination according to religion, tribal traditions and conservative social norms is sometimes justified by Article 2 in the constitution, critics argue. This article states that »Islam is the official religion of the state and is a basic source of legislation« and »No law can be passed that contradicts the undisputed rules of Islam«. These provisions have led to controversies, some of which were discussed by interviewees, as related below.

Violence against women, also further discussed below, represents one of the most important challenges to the empowerment of women’s lives. Child marriage remains common. UNICEF estimates that about 25 per cent of Iraqi girls marry before the age of 18, including 5 per cent before the age of 15. According to civil society organisations, approximately 80 per cent of these marriages take place outside the formal judicial system.⁷⁵ (For more on the temporary, so-called ‘pleasure marriages,’ see 4.4.) While the constitution in principle views men and women as equal, and a secular law ensures civil statute disputes are dealt with non-religiously, there are calls to replace the secular civil statute law, civil society organisations warn. If such an amendment passes, child marriage might become legal.

Article 14 of the constitution states that »Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.« Nevertheless, critics argue that for a tormented country like Iraq, affirmative action is needed, including legislative reforms and rapid implementation of the National Strategy to Combat Violence Against Women (2018–30).⁷⁶

Moreover, fundamentalist Islamists have gained influence. »After being occupied by the Islamic State (IS), certain areas are still in the

grip of extremist thinking: defending women’s rights there is more important than ever. Ethnic and religious minorities face particular discrimination. Many Yazidi women, for example, were sexually abused by IS. Today they often live in refugee camps, with little support«, mentions a Swedish NGO, Kvinna till Kvinna, which has been working with partner organisations in Iraq since 2005.⁷⁷

Whereas female genital mutilation, FGM, is rare in south and central Iraq, statistics published by the KRG’s Ministry of Interior showed a 37 per cent rate of FGM in Kurdistan, despite being criminalised under the region’s laws. Governmental and societal efforts have not stopped the practice, due to prevailing social norms and customs, researchers note.⁷⁸

A lower level of education of women is one of the impediments for gender equality. However, norms also need to be addressed. In-depth studies of gender stereotypes and masculinity norms – in workplaces and at home, in public and private life – which have been conducted in many other Arab nations, appear to be lacking for Iraq.⁷⁹

4.3 Domestic violence

Consecutive governments in Iraq have failed to reduce domestic violence, researchers find. According to a provision in the penal code from 1969, which is still valid, it is legal for a husband to punish his wife and for parents and teachers to discipline children under their authority »within certain limits prescribed by law or by custom«. ⁸⁰ Laws that refer to so-called crimes of honour may also discriminate against women. In Article 128(A) of the Penal Code, killings with an ‘honourable motive’ are considered to be mitigating circumstances, and Article 409 stipulates that a man who kills or mortally beats his wife, female relative, or the woman’s partner, in cases of adultery, can be sentenced to up to three years in prison. The judge has the power to reduce the sentence. However, if a woman kills her husband in relation to adultery, she will be punished without any mitigation. NGOs with a gender focus

75 Anfal (2020).

76 Anfal (2020).

77 Kvinna till Kvinna in Iraq.

78 Anfal (2020).

79 For other countries, see, for instance, UN Women & Promundo (2017).

80 refworld.org.

also stress that there is no legal protection against marital rape.⁸¹

Alarming reports in the media indicate an increase of domestic violence of 20 per cent since the outbreak of the pandemic. Poor neighbourhoods appear to be more affected. A young female professional from southern Iraq, interviewed for this report, said that »some girls consider it a normal thing to be beaten«. She is aware, however, of individual cases when adult women filed lawsuits after being subjected to domestic violence. »But if a girl would do such a thing, her father would beat her«, she continues. »We, as professional girls, have intellectual abilities to defend ourselves. But a ten-year-old girl can't defend herself. How can she go to the police? Because of tribal norms, she may not even know that beating her is a legal offense. On the contrary, she learns that this is what life is meant for her.«

The rights of the child or the individual are not taught in school, young women from the south said. »As we are going from a closed society to a more liberated society, such things will take time. But we have a social police (*shurta mujtama'iya*), responsible for receiving information of abuse. And we can see slow changes towards more awareness. But the issue is monumental.« The different norms that boys and girls are raised with were also a concern for the female interlocutors from the south. »I have witnessed girls getting beaten or killed in a tribal context. And I often see bigger brothers hitting their sisters. For protection against such violence, a girl needs an uncle for support.« Divorce often turns out to be the last escape from abusive marriages. »People don't follow the legal channels by filing lawsuits. And the law is not applied. For families who don't accept that their girls get beaten, the only avenue is divorce.«

Substantial legal and financial support is also lacking for victims of domestic violence, with women trapped in abusive marriages because of norms that consider it shameful for a woman to ask for divorce or report her husband or other male relatives to the police. According to a 2012 study by the Ministry of Planning, more than half of the surveyed women believed that beating a wife for disobeying her husband's order did not constitute violence. The survey showed wide-

spread violence against females of different ages. »About 46 per cent of girls 10–14 years were exposed to violence at least once by a family member (father, mother, brother, sister) during the month preceding the survey. Furthermore, about 36 per cent of currently married women were exposed at least to one form of psychological/moral/emotional violence from husbands (e.g. preventing socialisation, controlling movement, ignoring, not providing enough money, anger if talked to other man, etc), 23 per cent to verbal violence (e.g. insults, humiliation, intimidation, etc), while about 6 per cent to physical violence (e.g., beating, pushing, etc).«⁸² While shelters are more common in Kurdistan, they are insufficient in the rest of the country. As in many other places, victims of violence and threats of honour crimes may need to go into hiding, while the supposed perpetrators can go on with their lives. Lawyers who defend victims of domestic violence may also face threats and hurdles, examples show.⁸³

4.4 What young Iraqi women say

Years of wars, sectarian conflict and the war against the Islamic state (IS) have left Iraq with a so-called »army of widows«. Studies suggest that there are anything from one to four million widows in Iraq.⁸⁴ In a country with more than 1.2 million IDPs, many men are missing. This means that Iraq has a high number of women-headed households. Widows, divorcees and spouses of missing men are particularly vulnerable, living in poverty, fear and susceptibility to violence, sexual violence, abductions, forced remarriage, honour killings and trafficking. Few widows are able to access pensions, »which in any case are derisory in value and inadequate to support minimal living costs«, according to Margaret Owen, director of Widows for Peace through Democracy, and her fellow writer, Laura Castellan.⁸⁵

But women do not have to be widowed or divorced to bear the sole responsibility for the family income. »I have not seen any real men in my life. They are selfish, like my uncles. I feel zero confidence with men«, said Halla Hisnawy, a

81 Kvinna till Kvinna in Iraq.

82 Ministry of Planning (2012).

83 Foltyn (2021).

84 Owen & Castellan (2014).

85 Owen & Castellan (2014).

young employee at IRFAD, in Diwaniyah. Her mother struggled for years in an unhappy marriage, as the family breadwinner, in practice, before her husband abandoned her and their daughters. Halla Hisnawy comments: »I feel that I must take responsibility for my family. I tell my younger sister to be strong. I am thinking of moving to Kurdistan, where there is more security. I want to live on my own. Besides, I hate to wear the hijab, which I must here. I am Halla, a successful woman. And I believe that if you have positive energy, all the doors will open to you.«

During a small gathering, other young women from the southern governorates of Diwaniyah and Muthanna discussed the barriers they face. They touched upon the discrepancies between men and women in both law enforcement and social norms. One in the group was forced into a marriage arranged between families, a practice that is still very common in Iraq. Not long after the wedding, she separated from her husband. She urges other young women to stand up for their rights and make their own, independent decisions. »Even if an unhappy married woman is fearful of losing custody of the kids, she must go to court.«

The pressure to get married at an early age is rampant. The common understanding is that after the age of 25 it becomes almost impossible for a girl to find a spouse. Many young Iraqi women are also fearful of ending up in a polygamous marriage. »In Islam, it is religiously permissible for a man to marry up to four wives, but according to law he needs consent from his first wife. But this provision is seldom applied. Polygamous marriages are registered anyway«, a woman from Diwaniyah said. But female divorcees are not as stigmatised as they used to be, others said. »Women are more financially independent now; they can have a car, move around, and seek a job on their own.« But according to tribal customs, »it is impossible for a woman to get custody of the kids if she asks for divorce. This makes her stay in a dysfunctional marriage«.

A well-educated, single woman, who has turned 33, recalled suitors she has rejected. »One did not accept that I talk to other men, even by phone. But it's my job as a civil servant! I never felt a reason to get married. But after my younger sisters got married there was suddenly a huge pressure on me to do the same.«

A young professional from Muthanna noted that families from an urban culture have a completely different mentality than those with tribal traditions. But despite her own tribal background, she managed to break away from the social norms of the extended family. As a young woman, she insisted on pursuing her own life. From early on, she saw marriage as a barrier to reaching her goal of getting an academic degree. She lived her dream and was proud to be the first girl in her family to get a bachelor's degree, as an engineer, to have a job and buy her own car. »Despite the pressure from my family, which is extremely tribal, I chose the husband I wanted. Now I have become a role model for my family. My experience shows that you need to be clear in your goals, not give in to norms that restrict you. Previously, my paternal uncles were pointing their fingers at me. But now, after I got a master's degree and a good job, they are asking for my advice in education. I proved that social norms are not always right.«

As in other countries, in smaller cities, far away from a metropolis, it is more difficult to escape from prevailing norms. In the Diwaniyah Governorate, it is considered forbidden to mix boys and girls, except at university, interlocutors related. In particular, there is a strict taboo against anything perceived as flirting. »If a young girl is caught talking to a boy, the boy's family will have to make some kind of amends to the girl's family, often but not always through money«, one source said. Another interlocutor exemplified: »In such cases, families often decide to marry them off at an early age, could be at 16–18, to save the reputation. These traditions create a lot of unhappy marriages.« Newlywed couples usually feel the pressure to get a baby, even if they do not like each other. Divorce might be the only solution, but it often comes with a risk for women. »Many men try to exploit a divorced woman. Even her lawyer, who may want to have sex with her.«

According to some female interviewees, the hijab may be used to cover relationships outside marriage, be they for love or from economic hardship. »A woman may use the hijab to cover spots from a sexual relationship, like suction marks. And she could steal, cheat or sleep with any man because she needs the money.«

4.5 What clerics in the Shiite hawza say

Grand Ayatollah Mohammad Ishaq al-Fayyadh is said to be one of the few Shia Ayatollahs who are in favour of women in positions of political leadership.⁸⁶ However, when asked by this researcher to elaborate on it, he declined to do so, saying that the politicians nevertheless do not listen to the clerics' advice.

Another high-ranking cleric, Sheikh Hassan al-Jawahiri, nonetheless had nothing against explaining his religious interpretation of this issue. Below is an excerpt from a recorded and translated interview.

Can women have top positions in government, judiciary, and religion?

»The opinion of Twelver Shiism is that the Qur'an states clearly that men and women are alike, and they have equal rights to be appointed to any position, be it prime minister or the president of any country. There is only one exception: a woman cannot be the supreme leader of all the Muslim community of the Shiites. She can be knowledgeable and be followed by her clan and family, and be a clergy who is followed by a small number of people. In the judiciary, she can climb the ladder to the stage just beneath being a judge. When it comes to being a judge, we have different views in our school, in our teaching. But in other contexts, she can be everything a man can be.«

Why cannot a woman be a judge?

»In terms of being a supreme *marja* of the Muslim, it is agreed by all scholars in Shiism that a woman may not hold this position. A living example: there has never been a woman as a leader of an Islamic community. However, on being a judge, there are different views. Those who are opposing this base their opinion on a *riwaya* (transmission) coming from influential Islamic figures from ancient times. But those who believe that a woman can be a judge say that these *riwaya* are not verified. So, there are nuances.«⁸⁷

86 https://en.wikipedia.org/wiki/Muhammad_al-Fayadh.

87 Weak *riwayas* are not fully verified, according to Islamic scholars; this means that they may have been transferred inaccurately over time, or refer to incorrect incidents or sayings.

Which school do you belong to?

»I cannot conclude now. But we operate by reality, when it's a proven reality. Therefore, when we commit a mistake in the eyes of Allah, we will be tolerated. For the weak *riwaya*, I cannot decide now. We stated earlier that a woman can be a president, which is more significant than being a judge. And our main message is to have a purposeful society, a society of peace, a society that strives towards justice, and to lift the injustices among all social segments. This is for all humanity, not restricted to Muslims only. We want to stop wars, to spread the message of tolerance, of coexistence«, Sheikh Jawahiri said.

Shiism endorses time-limited marriages, or 'pleasure marriages,' *muta'a*, under certain conditions. »It is a form of marriage, which must not be abused when the right conditions are followed«, writes a *wakil*, or representative, of Sheikh Hassan al-Jawahiri, in response to a written follow-up question.⁸⁸ »It is not permissible to abuse poor women or girls that are minors, or any woman or girl in general«, the religious representative writes, in translation from the Arabic. But the practice is controversial, all the more so since poverty affects many young widows and displaced females. Reports reveal how young girls have been forced into prostitution under the cover of *muta'a* marriages. A BBC documentary described this practice as illegal under Iraqi law, yet officiated by clerics who profit from it.⁸⁹ A female interviewee commented that her brother, who lives outside Iraq, had been offered to buy sex with young girls, down to the age of twelve, on several occasions, under the cover of a temporary marriage, something he disgustingly declined. »They sell young girls like they sell fruit in the streets«, his sister remarked.⁹⁰

A male Iraqi follower of Sistani asserted, in reference to the BBC documentary, that »it makes me both angry and sad that these things happen«. But from his point of view, such abuse cannot be *muta'a*, in its proper religious sense, and a *muta'a* marriage is more an exception than a rule, he stated. »It is a solution for those who want to get

88 The time slot for the interview did not allow for every question to be asked.

89 Al-Maghafi (2019).

90 Interview in September 2021.

to know each other and do not have the possibility to get married permanently.«

Interestingly, not every Iraqi woman with a feminist twist who this researcher talked to is against this practice in principle. Some consider it a legal way to have a relationship and to find out if a boyfriend is the right partner, which carries importance in a country where premarital sex is not socially accepted, and where many couples marry at an early age, only to find out that they are not good mates. One professional woman explains why she approves of temporary marriages: »First of all, it is common. And second, it is *halal* (permitted) in Shia Islam, be it even for one or two hours. In my perspective, it's good. I can try if a man is good enough. And if I get pregnant, my child will have his name.«

4.6 Same-sex relations

LGBTQ persons in Iraq face both violence and widespread discrimination.⁹¹ While practicing Muslims may admit in private conversations that the topic of same-sex relations is a hot issue in Iraq, the highest Shiite authority, the *hawza* in Najaf, appears unwilling to alleviate the situation for LGBTQ persons. In reply to a question sent to Sheikh Hassan al-Jawahiri via e-mail in December 2021, as to whether the *hawza* is discussing the possibility of legalising same-sex relations, the answer came short, quick and disavowing, via a *wakil*, a religious trustee: »No, there are no discussions of that kind, neither about marriage or other forms.«

However, writing in Swedish about Shiism, the chairman of the Shia Communities in Sweden, Haider Ibrahim, reflected a somewhat different attitude. Translated from the Swedish, he wrote: » . . . in any case, we wish to say that those who choose to live according to LGBTQ [norms] are free to do so, while we believe that the normative attitude advocates other life choices. For all religions, today's explosion of life choices constitutes a challenge.«⁹² Upon a follow-up question from this researcher, Haider Ibrahim answered: »My text means that we (in Sweden) can discuss the issue and understand each other better, without claiming that Islam/Muslims shall endorse

LGBTQ as a permissible form of marriage within Islam. That is the role of *ulamaa/hawza*.«

However, judging from the answer from Sheikh Jawahiri's office, the *ulamaa/hawza* will not legalise same-sex relations from a religious point of view, maintaining that the Qur'an is unambiguously against such relations and marriages.

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The gaps between law and reality are monumental. To address them properly, there is a need for solid statistics and research focusing on the changing roles, challenges, and vulnerabilities of Iraqi women – but also of the prevailing norms in a male-dominated, patriarchal society. As underlined by many, child abuse and forced marriages of the underaged, sometimes through temporary marriages, must be addressed, and provisions against domestic violence implemented, particularly in light of reported increases during the pandemic. As for the practice of temporary marriages, interviews indicated that it may be both a means for young people to have legal intimate relations before a permanent marriage, and a cover for child abuse and prostitution. The taboo, from a religious point of view, of same-sex relations seems hard to change, since clerics find no room in the Qur'an for a reinterpretation of these norms. Many female breadwinners face extra hardship, not only to make ends meet, but also to protect themselves and their children from abuse and violence. While discussing the legal and societal role of women, the prevalent norms of masculinity must also be addressed.



I feel that I must take responsibility for my family. I tell my younger sister to be strong. I am thinking of moving to Kurdistan, where there is more security. I want to live on my own. Besides, I hate to wear the hijab.

91 OutRight Action International (2019).

92 Ibrahim, Principdeklaration: Shiaislam i Sverige.

5.

FUTURE OUTLOOK AND CONCLUSIONS

5.1 Towards a new national identity?

Looking ahead, Zainab al-Jassim, a Tishreeni in Baghdad, said: »I believe Tishreen is changing the country, but a real change will require time and a long journey. *Taifiya* (sectarianism) has been so influential. But we believe that if we in Tishreen can influence the society, then we can change the Iraqi mentality. We need people to ask for their rights. Our first struggle is as citizens; we are Iraqis first of all, before anything else, before tribes and sects. We need to develop awareness about this, and the society needs rule of law.«

When pro-reform activists in Iraqi streets saw their friends gunned down or abducted in October 2019, the international community was absent. It remained so for a long time. This left a mark on Iraqis who were calling for change and democracy. They learned that they stood alone

when armed factions in the state apparatus used live ammunition against them. »While activists were murdered by live bullets in the most heinous ways, and attacked by tear gas, European countries and other foreign actors who usually talk about human rights were nowhere to be found. Meanwhile, we had no access to the internet. In October 2019, we felt as if everyone outside Iraq had abandoned us«, said the lawyer and newly elected Imtidad MP, Mohammed Nouri Aziz, from Diwaniyah. The main demand from Tishreen, nowadays, is not about ideology, he underlined. »We want to restore the Iraqi identity, which has been lost. We want an institutional state, which we don't have now. While everything seemed to work against us, Tishreen now, at least, has two wings: the street and the legal representation in parliament.«



Tahrir Square in Baghdad is home to a monument which commemorates the 1958 establishment of the Republic of Iraq. The square has been the centre of Tishreen protests. PHOTO: Gunnar Andersson

Ahmed Wiwit, a political activist from Diwaniyah, commented: »What happened in 2019, when the international community did not know whom to talk to in Iraq, will not be repeated. Now we have highly qualified elected representatives and a long-term vision.« He continued: »We hope for nothing more than democracy. Tishreen was sparked as a response from the society, as a call to dismiss those who are not able to lead the country. Before Tishreen, there was no hope. But Tishreen pushed the government to introduce a new election law and we have since seen gradual change. Before the 2021 elections, Tishreen was only in the streets, whereas now they have elected representatives in parliament as well. And the two sides, those who believed in the elections and those who stayed in the street, can cooperate in the future, we believe.«

The Tishreen protests in central and southern Iraq were followed by student demonstrations in Iraqi Kurdistan. This led to new moral support chains between two disenchanted groups. Zainab al-Jassim, a Tishreeni, did not consider the demonstrations in Sulaymaniyah in Iraqi Kurdistan in late 2021 to be identical with the movement she joined in Baghdad two years earlier. »The demonstrations in Sulaymaniyah deal with the situation for students. In Baghdad, we called for the fall of the regime. Our key demand was: 'We want a homeland.' But with our postings on Facebook, we have supported protesters in Sulaymaniyah.« She continued: »We are against violence. We don't want to be run by a bunch of thieves and criminals, and a lot of militia members who control the state by support from the outside. When we look at the foreign influence, we clearly see Iran. There is U.S. influence as well, but it is not as clear to us how it is conducted.«

Ammar al-Miyahi, an English teacher, who engaged in a newly founded party, Hizb al-Bayt al-Watani (National Home Party), also expressed sympathy for the student protests in Sulaymaniyah. He stressed the need to restore the features of the Iraqi nation. For him, the Iraqi nation transcends sectarianism in religion or ethnicity. He wished that other governments will offer Iraqi students scholarships and training programs to improve their skills. And he wishes that Iraqi students who get scholarships abroad will return home one day with new knowledge. »We need awareness programs for many places in

Iraq. We also need training in decision-making.« Commenting on investments and donations to the war-torn Anbar Province, he said that »We understand that they need this money for restoration. But we also have many neglected villages in the south.«

Some Tishreenis compare their country to a newborn baby, wishing that it will be raised as a healthy child. »Send the message to the outside: Iraq is open and peaceful, it's not a war zone. Iraq is not only crimes. We want an end to *muhasasa* (the ethno-sectarian system). It should never see the light again«, said one of the Tishreeni activists in Diwaniyah, expressing the wish of many. »Young people in Iraq want to see the world and they want to change the horrible image of Iraq«, he adds.

After years of sectarian conflict and terrorist crimes, the question of the Iraqi identity is crucial to bridging the divide between different ethnicities. It is not by coincidence that the former leader of IS/Daesh, mostly known by his *nom de guerre*, Abu Bakr al-Baghdadi, was an Iraqi from Anbar Province, and born in a small village. In Anbar Province and elsewhere in Iraq, clandestine remnants of 'the Islamic State' preserve their 'governors,' who collect their religious 'taxes' (zakat) from locals.⁹³ Along with pockets of IS supporters inside Iraq – among them in the Hamrin mountains – there are also thousands of Iraqi IS captives and family members held by the Kurdish-led administration in northeast Syria. In al-Hol, the largest prison camp holding female IS suspects and their children, Iraqis constitute around half of the captives.⁹⁴ As mentioned above, jail breaks show how vulnerable the situation is, all the more so because the Kurdish-led forces of the AANES, which have been driven further south after Turkey's incursions in Syria, have imposed their rule over traditional Arab-majority areas that have only recently recovered from IS, and where public trust in a Kurdish-dominated political system is reportedly low.⁹⁵ All sorts of insecurity and war crimes in Syria affect Iraq, with the two countries being like communicating vessels. This further reinforces the need for good governance and the strengthening of non-sectarian citizenship in Iraq.

93 Al-Monitor, 24 December 2021.

94 Al-Monitor, 16 December 2021.

95 Ekman & Meyer 2021, p. 165.



The population of Iraq is one of the youngest in the world with nearly half being under 19 years old.
PHOTO: Ellie Kealey

»There is a bigger sense of nationalism in Iraq now. Before Tishreen, we had people with all sorts of affiliations to other countries, to Iran, Turkey, or Arab Gulf countries. But when Tishreen burst out, people no longer wanted to be seen as affiliates to Iran, Turkey, Saudi Arabia, or any other country. At that moment, the true Iraqis rose up. And their condemnations of those who are acting as 'tails' for Iran or for Turkey became stigmatising«, a middle-aged Tishreeni told us.

Also, high-ranking Shiite clerics in Najaf can be heard stressing the need for an inclusive Iraqi identity. Dr. Mohammad Ali Bahr al-Ulum and Dr. Jafar al-Hakim at the Alamain Institute for Graduate Studies in Iraq are two of these voices. They both declined a recorded interview, but the minutes of our talk indicate that Dr. Ulum is encouraging his fellow citizens to put their Iraqi identity first, as it by no means contradicts their religious or ethnic identities. His colleague, Dr. Jafar al-Hakim, underlined that external powers, without naming them explicitly, did not want democracy to succeed in Iraq, whereas he underlined that both the economy and freedom of religion would benefit from democracy. The way

Iraqi migrants who settled in Western democracies can go on with their lives without being forced to convert serves as an example for him. He also drew a clear line against the political system in Iran, the rule of jurisprudence (*velayat-e faqih*), referring to an article he wrote about »the Shiite Authority as the quiet guardian, instead of dictating agendas«, where he underlines that »the Shiite thought neither legitimises authority, nor does it exercise the rule in its literal sense, but instead it moves according to needs and circumstances«.96 During our meeting he further stressed that the *hawza* in Najaf does not believe that a cleric, not even of the highest rank, can be bestowed with heavenly power.

As explained in the introduction, this report mainly focuses on southern Iraq. Yet, the interactions and disputes between Erbil and Baghdad affect every part of the country. As underlined by both individual interviewees and experts, Iraq's Kurdistan Region has its imperfections, »made worse by the existence of a weak democracy and non-existent rule of law, in which the two

96 Al-Hakim, Jafar (2017).



The Babylon ruins, once the capital of Nebuchadnezzar's empire, are among many archaeological sites in Iraq that has the potential to attract many visitors. In October 2021 the Babylon International Festival was organized for the first time since the start of US occupation. PHOTO: Gunnar Andersson

dominant factions are more akin to clan-based patron age organisations than real political parties». ⁹⁷ Even though many disillusioned Arab Iraqis have taken refuge in KRI, a better political culture in Iraqi Kurdistan »would not change the fact that young Kurds are not learning Arabic and have no sense of identity with Iraq as a country«. Until a different kind of political culture emerges both in Kurdistan and Iraq, »half-fixes and persistent dysfunction will continue«, the Guide to Iraqi politics concludes. ⁹⁸

5.2 Conclusions

The popular anger that erupted in October 2019 against an elite who have proven incapable of protecting Iraq's sovereignty, or of providing services to its citizens and stopping corruption in state institutions, can easily be understood. The fact that these protests were often suppressed with lethal force and assassinations has left open wounds in the society that will probably take years, if not decades, to heal. The calls for better

representation, distribution of wealth and a legal system that applies the law equally to all, and that enforces accountability after arbitrary killings of citizens, will not evaporate.

Given how corruption is so deep-rooted in Iraq, the issue of how to combat it must be addressed by every international actor with an interest in changing the country for the better, as well as by individual citizens and organisations. Some informed analysts underline that the only way to address the insurmountable structural problems of corruption is by starting at a local and practical level, building from below and upwards. This is precisely the approach of SALAR's project of Local Governance Development in Iraq, LOGDEVI, which together with the Iraqi Research Foundation for Analysis and Development, IRFAD, launched a pioneer initiative in November 2021, in Diwan-iyah, of providing digitalised financial reporting from local service sectors in the governorate. Even though some may consider such local initiatives naïve, it was widely applauded in Diwan-iyah's civil society and elsewhere. ⁹⁹

97 Guide to Iraqi politics, 3rd ed (2021), p. 33.

98 Guide to Iraqi politics, 3rd ed (2021), p. 27.

99 Several national and local Iraqi TV channels broadcasted news about the launch.

As pinpointed in a SIPRI report, external actors must ensure that their approach to funding and support focuses »less on expedient solutions and more on the soundness of the process and the needs to enforce principles of accountability and deliver concrete long-term results«. This could, as SIPRI suggests, entail safeguards to prevent mismanagement of external funds, as well as engaging civil society actors as watchdogs. It could also entail efforts to depoliticise such essentials as electricity and water resource management.¹⁰⁰

Getting rid of bureaucratic hurdles that prevent the growth of a diversified economy and keep foreign investors away is also essential. Industries, the health sector, education and agriculture, nowadays shadows of their past, need to be revitalised, possibly with an impetus to build up renewable energy.

The post-election challenge is decisive for Iraq and the whole region: Will Iraq's dysfunctional political class be able to form a new government and develop a system that is based on real political parties, or will armed and autonomous factions retain their dominance over the political system?

In this perspective, the role of the *hawza* in Najaf, under the guidance of Grand Ayatollah Sistani, a stabilising factor in decisive moments for Iraq, cannot be underestimated, although there are competing tendencies within the *hawza*. Speculation about what may happen after Sistani's passing is already underway, as it will undoubtedly send shockwaves not only through Iraq, but in the region as a whole and among Shiites around the world.¹⁰¹ It may take a long time before Sistani's successor, as a new transnational grand *marja*, is recognised. In this regard, the international donor community can only be an observer.¹⁰²

However, for the international donor community, the complexities of the country imply that projects in Iraq must not be guided by the interests of one particular segment of the society against another. Constructive forces of all sorts in Iraq, among different ethnicities and religions, among seculars as well as among the more religiously inclined, need institutional support. People who

wish to see institution-building, anti-corruption measures at all levels, job creation, enhancement of social services, agriculture and education, protection of the environment and its cultural heritage, decentralisation efforts and gender equality in a truly independent Iraq deserve institutional and knowledge-based support. To underpin such efforts, a rule of law perspective is necessary. Such endeavours are undoubtedly in line with the Swedish government's guidelines for a new five-year strategy for Iraq, from 2022 to 2026.¹⁰³

Bitte Hammargren
31 January 2022



We believe that if we in Tishreen can influence the society, then we can change the Iraqi mentality. We need people to ask for their rights. Our first struggle is as citizens; we are Iraqis first of all, before anything else.

100 Bourhrous et al., p. 44.

101 Hammargren (2022).

102 Alrehb, p. 10.

103 Sveriges regering, Regeringsbeslut, 15 July 2021.

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