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MOTIVES OF THE TERRORISM PHENOMENON AMONG YOUTH AND THE ROLE OF LAWS IN DEALING WITH IT

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ABSTRACT. It is to be argued that terrorism, with its different objectives and means, is the result of various reasons, including political, economic, social, and psychological. It is agreed that studying these causes is a difficult task because it requires the hollowness of most of the complex problems facing individuals and the international community alike, in which the causes of terrorism lie, and some have invoked this difficulty. It would be better to focus first on taking urgent practical measures to combat terrorism without being involved in trying to identify it. Its causes are numerous and complex. Still, there is a view that identifying and eliminating the causes of terrorism must precede action to take any measures to prevent terrorism. The authors stressed the impossibility of removing terrorism unless it was part of a planned process to root out the phenomenon and warned that hasty action would exacerbate it. In our view, the diagnosis of the causes of terrorism, particularly after its recent expansion, must be made before any effective measures are taken to eradicate it in the long run. But this does not mean that action to take steps to prevent terrorism must necessarily wait to identify and eliminate the causes of terrorism. In the face of the seriousness of this phenomenon and its possible consequences and effects, researchers and those interested in violence research in general and terrorism research. In particular, needed to devote their efforts to highlight this dangerous phenomenon to clarify its nature, root its roots, explore its tributaries and search for its motives. Its excites are an analysis of their causes to identify the dangers to treat them and take what is necessary to reduce or, instead, eliminate their seriousness. Terrorism as a criminal phenomenon or behavior deviates from the social norms of conduct prevailing in society because criminal behavior is not purely a fact criminalized by law. Still, behavior emanates from humans living in a particular environment and the middle of a specific society. The reasons and motives of terrorism explain this phenomenon. Therefore, the interpretation of this phenomenon applies to it; what is said about understanding the criminal phenomenon in general, and has international and internal laws (Iraqi) addressed the problem of terrorism? And did you do that?.

JEL

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Introduction

It is the nature of man always to measure good and evil as much as harm or benefit or affect his life, and societies here, like individuals, in their measures and estimates, hence the difference in attitudes between human and human beings, society and another. The position of international terrorism does not deviate from this humanitarian context or differs. Therefore its cause has been complicated, its affairs have been intertwined, and positions have been contradicted when defined, characterized, evaluated, or condemned. No world's authorities can welcome any action directed against them, which is the nature of power, and there is no way we can ask them for the nature of others or make them a fan of terrorism. Therefore, when we talk about terrorism, we address it with its current media qualities, which are challenging to get rid of, or discard, pens. Terrorism is not an emergency human activity or a sudden phenomenon, and it has not been without time from the factions of those who are out of power and power, or those who are resentful of society who dare to do so for many reasons, all of which are eliminated in the sense of deprivation. As a result of the international community's interest in the phenomenon of terrorism and its fight against terrorism, conventions were held. Conferences were organized to contain terrorism. The estimated successes of the fight against terrorism have resulted in some violations of the rights of terrorism suspects - we are trying through this research to introduce human rights and guarantees of the rights of those accused of terrorism. We will address some forms of violations and international efforts to reduce these violations.

Many conventions have prohibited terrorism among the international conventions, including the 1963 Convention on Crimes and some other acts committed on board aircraft, the 1970 Convention against the Illegal Seizure of Aircraft, and the 1971 Convention on the Suppression of Illegal Acts against civil aviation safety (Convention Montreal).

As for domestic laws, the Iraqi legislator is a strong ally of the United Nations in the fight against international terrorism and violent extremist ideology, as Iraq's geographical position in making it vulnerable to regional threats, one of the most prominent was terrorism. Still, this privileged position increased the insistence of the Iraqi decision-maker. As a result, in the face of terrorism, Iraq has become a regional leader in the fight against extremism and international terrorism.

The Iraqi legislator's efforts in the face of international terrorism are a significant part of its security policy towards the Middle East in general, and the Arab region in particular, an area inflamed by terrorist activities during the last decade, which has been the result of the region's instability and weak security capabilities, which have had severe consequences for the area.

Introducing terrorism and the role of international law

The importance of defining concepts and terminology as one of the methodological methods lies in the preparation of scientific research that is objective and is critical in removing confusion and ambiguity about any criminal phenomenon, especially terrorism, as well as distinguishing it from other manifestations of violence by developing accurate characteristics and criteria for it, and in practice lies the importance of Introducing international efforts to adopt a stable and unified strategy to address this phenomenon and eliminate it from its roots. Terrorism appears in the Old Testament of the Bible, and there have been many incidents of political murders and even systematic

assassinations in Greek and Roman history. The murder of Julius Caesar, to name a few, has occupied writers and artists over the next 2,000 years. The question of whether the murder of the tyrant (as William Thiel, the national hero in Swiss novels full of heroism) was allowed was filled with generations of theologians and philosophers. There was no total consensus, but most felt that terrorism was permitted in certain circumstances. When a tyrannical oppressor - a tyrant - who is an enemy of all humanity, and a violator of divine laws and human justice, leaves no other way for his victims to escape the unlikely repression, the commission of a terrorist act becomes the last arrow, the last resort of the oppressed, after exhausting all other means. From the preceding, we will divide this research into two demands: The first requirement: is the definition of terrorism. Demand II: Terrorism in international law.

Definition of terrorism

Trying to define terrorism is difficult because the term terrorism does not have specific and agreed legal content, because of the dynamic and changing nature of terrorism and the attempts to define terrorism before and after 9/11 have encountered several problems systematically and practically since it can be said that there is no general theory of international terrorism, this On the one hand, in addition to differences in global interests, views, perception, and understanding on the other. But the lack of a unified definition of terrorism does not prevent its clarification and diagnosis on the one hand, and the identification of appropriate mechanisms and means to combat it on the other, because terrorism poses serious risks, where the increasing availability of modern destructive technology and the escalating complexity in the societies of the current century provide opportunities for the development and transition of terrorism from kidnapping Aircraft and the use of regular explosives to attack destructive weapons "nuclear, chemical or biological" in conjunction with the advanced recruitment of civilian technology

The linguistic concept of terrorism: terrorism is a modern term used in Arabic and other languages and the word "dread" is mentioned in the Holy Quran and the Prophet's Sunnah in the sense of fear, awe, terror, and has been contained in the sense of fear and piety of God Almighty, and some of it indicates monasticism and worship, terrorism comes in The Arabic language of the act (awe, terrorizing, Awe) any fear, the awe of any fear, and the awe is fear and branch, and he is a monk of God, i.e., afraid of his punishment, and is intimidated by any promise.¹ I am blessed and fulfilled my promise of your covenant, and I am a fugitive 2))

In other languages, terrorism comes in the sense of *terroir*. It means fear, extreme anxiety, or an unusual and unexpected threat, and this term has taken on a new meaning in the last 30 years and implies the use of violence and terror among people.

The basis of the word is "awe," in the sense of any person or something that causes great fear, that terrorism is the use of the most violent for political purposes or aimed at forcing the government to do something. The British encyclopedia states "the systematic use of unalterable terror or violence against governments, the public or people to achieve a political goal." In dictionaries, English and French and the word terrorism are stated as a means of spreading panic and fear using violent means to achieve political objectives, consisting of sections "Terror" and "is me," the latter of which indicates the tight organization that characterizes the crimes of terrorism. The terrorist "Le terrorists" resorts

1. Mohammed bin Makram bin Ali, Abu al-Fadl, Jamal al-Din Ibn Masr al-Ansari, Al-Arab, Volume 1, Dar al-Ma'ad, Cairo, 1995, p. 1374.

²- Sura Al , Baqarah Verse 40.

to violence to establish his authority. The terrorist rule is how some governments or extremist groups, intellectually and religiously, are deliberately pursuing specific ideological objectives. It is clear from Arab and foreign dictionaries, and dictionaries that the essence of terrorism is the horror of the word "terrorism" is "terror." Still, it is contrary to the meaning of the Arabic word, which benefits the sense of fear, which is marred by respect and reverence.

The importance of the linguistic definition of terrorism has reached such a great extent that some have taken it as a basis for defining it as a term and to devise its elements and characteristics that distinguish it from other phenomena that may mix with it (3).

It is the terrorist who resorts to illegal violence or threatens it to achieve political objectives, whether from the government, individuals, revolutionary groups, and the opposition (4).

The importance of defining the phenomenon of terrorism has reached a "significant" point of pushing states to hold conferences seminars to determine its concept, elements, and causes, and in general, two directions have emerged, the first being the physical trend and the second being the moral or canceling trend:

First: The material trend in the definition of terrorism: the material basis in terrorism is based on the conduct or constituent acts of the crime. Accordingly, terrorism is defined as an act or a set of specific actions to achieve a particular goal (5).

This has led to a concept of defining terrorism based on the enumeration of crimes that are considered terrorists without looking at the purpose or purpose of a terrorist act.

This trend suggests that terrorism is definable as to whether the actions it contains mean being enumerated and defined accurately and objectively without discrimination concerning actors such as individuals, members of political groups, and agents of a State (6).

Therefore, supporters of this method have gone on to enumerate acts or acts that are considered terrorists, such as murder, assassination, kidnapping, hostage-taking, and piracy.

The shortcomings of this determination are not concealed in that it exceeds the most crucial element of terrorist crime, which is the purpose or political objective, and the complete identification of certain crimes as terrorist leads to the departure of many crimes from the circle of terrorism solely because they have not been mentioned in this type of crime beyond what it may bring. Scientific and technological development of new forms of terrorist crimes.

In the face of this, part of the jurisprudence has tended to identify specific characteristics of terrorist crimes to distinguish them from others and not to be content with the complete census, 7 for example:

³- Abdul Rahman Abu Bakr Yassin, Terrorism using explosives, Arab Center for Security Studies and Training, Riyadh, 1991, p. 106.

⁴- Imam Hassanein Atta Allah, Terrorism is the legal structure of crime, University Publications House Alexandria 2004- P. 97.

⁵ - Brian Jenkins, He referred to him. D. Ahmā Galal Ezz Eddin, Terrorism and political violence, Freedom Book No. 10 March 1986, P , 26.

⁶- Wadad Jaber Ghazi, Terrorism and its impact on Arabs, Arab and Future Magazine, Issued by The University of Mustansiriyah, Second year May 2004, P , 55.

⁷- Imam Hassanein Atta Allah, Previous source, P , 110.

1. Acts of violence or threats characterizes terrorist acts, and some have added that violence is illegal, in which Yoram Densten says, "I consider terrorism to be an act of unlawful violence 8.

2. Such violence should include incidents of terror or intimidation, and this role should be carried out by the instrument or means used in the terrorist act.

3. Such violence should be coordinated, integrated, and ongoing, and therefore an act of assassination is not part of organized activity that is not considered a terrorist.

Whatever the attempts of this trend to develop a doctrine, it has remained far from the primary content of terrorism, which is reflected in the political nature of the terrorist crime, despite attempts by some states, particularly the United States of America, to accept this definition. At the twenty-eighth session of the United Nations General Assembly on terrorism and its methods of dealing with terrorism, the United States delegation went on to propose that the phenomenon of terrorism be defined as "anyone who kills, causes severe physical harm, kidnaps, attempts to do such an act, participates or attempts to do so (9).

In article 19 of its draft submitted to the fortieth session of the United Nations General Assembly, the Commission defined terrorism as "any criminal activity directed at a particular State and aimed at creating a state of terror in the minds of the State or any of its authorities and a specific group.

"This definition focused on the essential element of terrorism of criminal activity, and the Commission did not specify to us what illegal activity was intended for, although the examples it gave of terrorist crimes indicated that it was designed to attack lives and money, or both, and also introduced into the criminal activities that make up terrorism the manufacture and acquisition of weapons. Possession, as well as the supply or supply of explosive materials to assist the terrorist in carrying out the terrorist act, are examples of terrorist crimes contained in the reports of the Commission at the same session:

1. Unlawful acts that would cause death or severe bodily pain if they are referred to the Head of State, a family member or his aides, as well as persons in charge of public functions if the aggression is brought against them in their general capacity, and the only condition for considering the action against them as terrorism is that the attack should take place on the occasion of representativeness, They are not mainly concerned with them as ordinary persons, such as murder for revenge or theft.

2- Illegal acts aimed at destroying state property or public money.

3. Any other illegal act that would endanger the lives of hostages, or any other form of violence against persons with international protection, or diplomatic guarantee

Second: the moral trend in the definition of terrorism:

This trend focuses on defining terrorism based on the purpose or the objective sought by the terrorist through his work, but supporters of this trend differ like these objectives. The prevailing view is that the moral pillar of terrorist crime manifests itself

⁸- Wadad Jaber Ghazi , Previous source , P , 55.

⁻⁹ Noam Gilbert Al , Ashkar, Sultan The wrong one Al-Siyasah Foreign Affairs American In East Middle, translated by Rabie Wahba, Dar Al-Saki, Beirut, 2007, p. 222.

in the very purpose of terrorism, which is to employ terror and extreme panic to achieve political ends of any kind (10).

In doing so, Dr. Shafiq al-Masri generally defines terrorism as "the illegal use of force, violence, or threats to use it to achieve political objectives." Still, this definition constitutes a kind of conformity between political crime and terrorist acts, which is unacceptable because of the commutation of punishment. If the political purpose is an important element of terrorist crime, the inability to Extradition is not the only criterion in its excellence.

In the means of this, some have focused on other elements of the definition, including the use of means capable of terrorizing and terrorizing the purpose, regardless of its political, religious, ideological, or racial image, and in this way product of political crime that can occur without resorting to violence.

"We are a patron of the opinion that terrorism is a method. It is unusual behavior, not a way of thinking, or reaching a particular goal," writes Dr. Imam Hassanein Atta Allah.

Terrorism is the method, or method used, which is of its nature to provoke terror and panic to reach the ultimate goal¹¹.

In our view, this definition is mainly acceptable, as it contains the elements to be taken into account in determining the content of terrorist acts, distinguishing them from other actions that may be mixed. Still, it is essential to emphasize that such acts of violence are illegal to distinguish the terrorist act from legitimate acts of violence such as resistance and armed struggle.

Elements of the definition of terrorist crime can therefore be identified as follows:

1. Unlawful violence (12)
2. Coordination and organization.
3. Violence creates terror and panic.

4. The work should aim to achieve political, religious, ideological, or racial objectives far from individual. Finally, such coordinated, illegal violence by individuals, institutions, or the State is intended to occur as long as the other elements mentioned have been met.

Terrorism in international law

The dominant aspect of international law jurists had avoided the definition of terrorism, considering that the search for an explanation of this phenomenon is a waste of time and effort and should focus on practical action to combat it, as confirmed by the United Nations on 29 December 1985 when the General Assembly condemned all forms of terrorism and omitted a tariff, which the Protocols did. Furthermore, in addition to the Geneva Conventions of 1949, the Eighth Conference on Crime Prevention and The Treatment of Prisoners have held in Havana in 1990 and the 9th United Nations Conference in Cairo in 1995 on crime prevention and the treatment of criminals.

¹⁰- Fikri Atallah Abd Al , Mahdi, International terrorism, Explosives, Modern Book House, 2000, P , 13.

¹¹- Sadegh Ramadan Dimensions Legal For terrorism. International magazine Politics International, Number 85 July 1986, P , 14.

¹² ـ. Peter costly word in inauguration conference bay sheik around what Called Terrorism in 13 March , magazine Politics International , Number 127Canon Second 1997, AM 74.

However, another trend of jurists is that the phenomenon of terrorism should be defined as this is a matter of criminal legitimacy, which requires the acts in the question of criminalization explicitly.¹³

Hence, we see this requirement divided into three branches:

Section 1: Arab Convention against Terrorism

Section 2: International Agreements

Section 3: International Resolutions

Arab Convention Against Terrorism

The Arab effort in the fight against terrorism was delayed until 1994. The Council of Arab Ministers called for the need to develop an Arab security strategy to combat terrorism and draft a joint Arab agreement to combat extremism. The discussion of the project was postponed to the meeting on 11/11/1995, which issued a resolution to circulate the draft agreement to member states for consideration. Opinions and proposals were presented at the conference on November 12, 1996, and in April 1998, the Arab Convention against Terrorism, consisting of a preamble, four doors and containing forty-two articles, was concluded. ()¹⁴

In article 1 of the Convention, terrorism is defined as "any act of violence, or threat to it, whatever its motives, or purposes, is carried out in the implementation of an individual or collective criminal enterprise, to terrorize people, terrorizing them by harming them, endangering their lives, freedom or security, or damaging the environment or a facility or property. It is public or private, occupying or seizing it or threatening a national resource.

Article 1 also made it clear in the second paragraph that a terrorist crime is a crime or attempted crime committed for a terrorist purpose in any of the contracting States or their nationals, property or interests, and that terrorist offenses are considered crimes under international treaties, except excluded from the legislation of the contracting States. Or that you haven't ratified.

The Arab Convention has decided to depoliticize certain crimes even if they are committed politically motivated. ¹⁵ However, it stressed in Article II that "it is not a terrorist crime, struggles by various means, including armed struggle against foreign occupation and aggression for liberation and self-determination, under the principles of

¹³- Imam Hassanein Atallah, Previous source, P. 218.

¹⁴- I've already. Wan established Organization Arabic Defense Social against Crime within University Arabic year 1965 And she consists from three bureaus And she Office Arab Anti , Government Crime Based Baghdad And the office. Arab Affairs narcotics Based Oman And the office. Third he Office Arab To the police. Criminal Based Damascus And contributes The last one. in field Combat Terrorism International from during collaboration between Hardware The police in States Members And anti- Crime And track down. Criminals Cooperation with Interpol non that these Organization No Address in a way clear into Crimes Terrorist Same to you As a part from Crime International. For more Consider: No, it's not. ali husein, problem Terrorism International, center Research Information, Baghdad, 1984, 70.

¹⁵- Ahmed Shawky Abu Khatwa, Compensation for victims for damages arising from terrorist offences, Dar Al , NahdaCairo 1992 p. 55.

international law, and does not consider any act that affects the territorial integrity of any Arab State." ()¹⁶

International Agreements

The international community has prepared many international conventions on terrorism, including those concluded under the League of Nations, and the Geneva Convention on the Prevention and Resistance of Terrorism in 1937 was perhaps the first attempt at the international level, and called for the establishment of an international criminal court to hear terrorism cases, and defined terrorist acts as criminal facts. Directed against a state whose purpose, or nature, is to terrorize specific personalities in groups or in public, in any case, this Convention has only become effective because it is not ratified by one country¹⁷ and has been followed by many international treaties on specific forms of terrorism, including the Tokyo Special Convention. Crimes, acts committed on board the aircraft, signed on 14 September 1963, the Hague Convention on combating the illegal seizure of aircraft signed on 26 December 1970, the Montreal Convention on the Suppression of Illegal Acts directed against the Safety of Civil Aviation signed on 23 September 1971, and the protocol attached to it signed in Montreal in Montreal in 10/05/1984 and the Convention against Terrorist Operations by Explosives of 15 December 1997, which stated that "it commits the crime of any person who deliberately and unlawfully delivers, places or detonates a lethal shell in a public place or official administration, public establishment, means of transport or infrastructure with the intention of causing the death of persons or serious material damage. The risk of subversion, serious economic losses, commission, attempted commission, participation or intervention," as stated in the Convention on the Prevention of Terrorist Financing adopted by the UN General Assembly on 9 December 1999, constitutes an offense for any person to raise funds by any means, illegally and solely for the purpose of using them knowingly to commit an offense. Terrorism crimes and any act aimed at killing or injuring a civilian or a person who is not involved in acts of war." (18).

However, despite the large and complexity of international conventions on terrorism, the task of defining what terrorism means in international law has remained the subject of differing opinions among jurists, but it is agreed that serious steps should be taken to combat terrorism and in this way, terrorism has been placed on the agenda of the 40th Session of the General Assembly. 1985, this item was included despite the extent to which different States differ in views on it, and the clause is "measures to prevent international terrorism that endanger, lead or threaten fundamental freedoms and examine the underlying causes of forms of terrorism...

Attempting to bring about radical changes," the UN General Assembly established a terrorism committee in 1996 with the task of preparing a binding

¹⁶Article 2nd from Convention.

¹⁷- Mohammad Aziz Shukri, International terrorism and the current world order, Dhar Thought Contemporary I2 Damascus, 2002, P , 96.

¹⁸- Mukhtar Shoaib, Terrorism Makers: Universal, Arab Renaissance House, Cairo, 2004, p. 167.

international convention to combat terrorism and prevent the punishment of any terrorist activity. ()¹⁹

European countries succeeded in reaching an agreement, the European Convention on the Suppression of Terrorism signed in January 1977, and are interested in criminalizing and punishing acts that constitute terrorist crimes from the point of view of these countries and establishing measures for cooperation between them in this context with the adoption of a range of crimes in which extradition should be carried out without regard Because some of them are suspected of political crime. ()²⁰

International resolutions

Several international resolutions have been issued by the UN General Assembly condemning acts of terrorism or any particular forms of terrorism, particularly in the area of hijacking aircraft 1971, kidnapping diplomats in 1973, and security council resolution of 19/12/1985, in which he condemned hostage-taking and kidnapping and called for their safe release and whoever they may be, and called for intensified cooperation In order to innovate and adopt effective means in line with international law to prosecute and punish perpetrators, the 21 UN General Assembly called in its resolution 49/60 on 9 December 1994 for all States, the Security Council, the International Court of Justice and specialized agencies to implement their declaration on the elimination of international terrorism. Attached to its own resolution, this declaration contained a full condemnation of acts of terrorism in all its forms and demonstrations, including acts in which the State is directly or indirectly involved and the need to bring terrorist perpetrators to justice in order to put an end to them, whether the perpetrators are ordinary individuals, officials or politicians, and has confirmed To declare the need for cooperation among all countries in order to strengthen the principles and objectives of the United Nations, provide international peace and security, and amend and develop the internal laws of states in accordance with these agreements. ()²²

It would be useful to note that the Statute of the International Criminal Court, the Rome Statute of 1998, included among the crimes under its jurisdiction the crime of genocide contained in the article (6) of the system, as well as crimes against humanity article 7 and in our belief that many of the images of these crimes contained in those articles are considered in Most commonly, terrorist crimes, whether at the level of individuals, groups or states, are legally accurately identified as the most serious and of international concern (23).

¹⁹- D. Jafar slave Peace ali, crime Piracy And crimes. Terrorism International Talk Charter in magazine Right union Lawyers arabs, Number 21 The year 19, 1988.

²⁰- Majid Ibrahim, International Relations Law, Study under international law and international security cooperation, Al-Tubji Commercial Printing Company, Cairo, 2005, p. 453.

²¹- who? that announcement Nations United Famous year 1970 in Session Fifth Twenty And her decision. Of in Session 24 in 12/12/1979 Loyal Session 25 in 25/11/1980 And a decision. council Security year 1970 Loyal year 19720.

²²- Ahmed Jalal Ezzedine, Counter-Terrorism, Dar al-Shaab, Cairo, 1987, p. 158.

²³- Alawi Amjad Ali, International Regulation Act in General Theory and the United Nations, Dubai Police College, 1988, p. 36.

Iraq's legal system in the face of international terrorism

It should be noted that the phenomenon of terrorism is no longer a problem of sensitivity to a State itself or a group of States, but has become a problem facing the world in a family, and therefore the duty to deal with the phenomenon of terrorism on an international rather than an internal basis, as it is an international phenomenon. They represent an existing or potential threat to most nations of the world. The Iraqi government adopted this vision after it proved its validity, as this phenomenon is spreading in many regions of the world, especially in the Middle East, and this, in turn, has led to a growing feeling among regional parties that they are not outside terrorist acts. This has led to increased awareness and awareness among Iraqi society. With the seriousness of terrorist acts, efforts have begun to try to curb the spread of terrorist acts.

We see the division of this research into three demands:

Demand 1: Addressing the Iraqi Penal Code for terrorist acts

Demand 2: Iraq's Anti-Terrorism Law

Demand 3: Iraq's security and military efforts in the face of international terrorism

Iraqi Penal Code tackles terrorist acts

Initially, some legislation developed several punitive adjustments, including punishment for some forms of terrorism based on the provisions of the traditional penal arsenal that already exist (24).

There is no doubt that terrorism has taken fear and its effects on individuals, peoples, and nations as a means of demonstrating the inability of political systems in the governments of most countries of the world to provide security for citizens, so today, the phenomenon of terrorism has become one of the most serious threats to the security of all humanity, and has become a threat to its vital interests, and represents a breach of moral principles. Iraq has long been alerted to the danger of terrorism and has taken great strides in combating it, particularly in its legal provisions to serve as a safety valve to protect Iraqi society from the threat of terrorism, as well as Iraq has taken several measures and mechanisms. In order to activate efforts to combat terrorism.

Iraqi legislation has adopted many methods in the fight against terrorism, adopting images different from other national legislation in other countries that have gone differently from that of the Iraqi legislator in the fight against terrorism, as the legislation of other countries merely prohibits terrorist acts and punishes them in their general punitive legislation, and has not put These laws mention acts that constitute terrorism and the penalties imposed on them, including what is considered a diamond of state security at the internal and external level, and actions targeting the national economy and hostage-taking. (25)

It should be noted that the amended Penal Code No. 111 of 1969 addressed the fight against the phenomenon of intellectual terrorism by tracking the texts of some of its articles, which imposed severe sanctions on those who provoke everything that might be

²⁴- Dr. Mhamad Sociable Mohieddin, terrorism in criminal law at the national and international levels. Arab Thought House, p. 291

²⁵- Ali. Bosf Al-Shukri, International Terrorism, Osama Publishing and Distribution House, Amman, 2002, p. 32

considered intellectual terrorism, and in doing so was successful in addressing this very dangerous phenomenon, which can only be addressed by legal texts. Limiting its effects, and since we have already made it clear that all the material acts of terrorism are preceded by intellectual terrorism, thus observing the seriousness of this phenomenon if the legislator does not address the cases of intellectual terrorism with legal provisions, and by noticing the text of the article (195))²⁶ It stipulates that "those who aim to provoke civil war or sectarian fighting shall be sentenced to life imprisonment by arming citizens, arming each other against each other or by urging fighting. The legislator imposed a life sentence on those who aimed to provoke civil war or sectarian fighting, and from this, we find that the stirring up of civil war or sectarianism is due to a terrorist idea that leads to these wars, whether by arming citizens or by forcing them to arm each other against each other or by urging fighting, and the legislator has increased the punishment To be executed if the perpetrator's intention and targeting are achieved. Article 372 also states

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1 One of the most public methods attacked the belief or insidiousness of a religious community.

2 Rituals of deliberately disrupting the establishment of a religious community, a religious ceremony or meeting, or deliberately preventing or disrupting the establishment of any of this.

3 Who has destroyed, damaged, maimed, or desecrated a building intended to perform a religious cult, symbol, or another object of religious sanctity.

4 Whoever printed and published a Bible to a religious community if his text deliberately distorted its meaning or underestimated one of its provisions or some of its teachings.

5 Who has publicly insulted a symbol or person who is the subject of reverence, glorification, or respect among a religious community.

6 Who publicly imitated a sky or a religious ceremony with the intention of mocking him.

The text of this article dealt with a case of intellectual terrorism, and the perpetrators of any such act were sentenced to imprisonment for not more than three years or a fine, and the imposition of a penalty on the perpetrators of intellectual terrorism means that the legislator wanted this provision to eliminate and combat this phenomenon, which means that the legislator in the Penal Code was successful in this direction that he had taken.

Article 2 of the Anti-Terrorism Act No. 13 of 2005 stipulates ²⁸ that (acts adm. 4) acts of violence and threats provoke sectarian strife, civil war, or sectarian fighting by arming citizens or forcing them to arm each other Some, incitement or funding. The anti-terrorism law No. 13 of 2005, which is in force, indicates that it is one of the laws that sought to combat intellectual terrorism of all kinds and forms, as article II states that it prepares acts derived from terrorist acts and paragraph 4 of the said article stated that acting with violence and threatening to provoke sedition Sectarianism or what provokes civil wars or sectarian fighting, which is a form of intellectual terrorism, from this we find that the anti-terrorism law has addressed the phenomenon of intellectual terrorism by providing for images of terrorist acts and imposing sanctions on those who carry out one of those acts, and thus the law against terrorism in force is one of the laws that fought

²⁶ - Article (195) of the penal code in force.

²⁷ - Article (372) of the Penal Code.

²⁸ - Article (2, section 4) of the Anti-Terrorism Act

intellectual terrorism, despite It only provided for the fight against this phenomenon with only one paragraph of Article II, which is why we call on the legislator to legislate more than one article to combat and limit this dangerous phenomenon, or to legislate a law on combating intellectual terrorism for the privacy required to combat this phenomenon, which is the basis for the emergence of physical terrorism.

Third: The constitutional treatment of intellectual terrorism in the Iraqi Constitution of 2005: - The current Iraqi Constitution, like all previous constitutions in dealing with the phenomenon of violence, terrorism and extremism in order to live in peace, the Iraqi Constitution of 2005 expressed its full concern to combat intellectual terrorism by providing for freedom of thought, freedom of expression and freedom of expression The practice of religious rites, which stipulates freedom of expression in article (38 first) by²⁹ saying (the state guarantees, without prejudice to public order and morals, freedom of expression by all means), as well as freedom of thought in article (42) ³⁰ by saying (for everyone freedom of thought, conscience and belief), i.e. the 2005 Constitution has been unique from other Constitutions, it came as an organizer of freedom of thought, which we did not find a text regulating in the cancelled constitutions, and therefore the constitution of Iraq for 2005 in force has combated intellectual terrorism through the text of the previous articles not only provided for freedom of expression of opinion but added freedom of thought, conscience and belief and therefore did not leave room for the spread of phenomenon Intellectual terrorism. The text of Article 37 II (31 the State guarantees the protection of the individual from intellectual, political, and religious coercion), which is clearly indicative, is that the legislator has been keen to protect the individual from being coerced, whether intellectual, political or religious, all of which have a role to play in eliminating the phenomenon of intellectual terrorism.

The legislator also gave the right to follow every religion or doctrine in the practice of religious rites, which thus made a clear mistake in the fight against intellectual terrorism in the text of Article 43 first ³² (following every religion or doctrine free to a practice of religious rites.....), as stipulated in Article VII of it on (I: prohibiting every entity or approach) Adopts racism, terrorism, atonement or sectarian cleansing. By noting the previous texts as well as what the legislator stipulated in article 3 of it that (Iraq is a country of multi-nationalities, religions, and sects), we find that the legislator's position on the phenomenon of intellectual terrorism is clear, he was keen to combat it in all its forms and patterns, and thus the legislator was successful in his position on the phenomenon of intellectual terrorism. A course not seen in his previous constitutions.

Iraq's security and military efforts in the face of international terrorism

The security, military, and stability system in the countries of the world are directly affected by international terrorism and its tools of terrorist organizations and destinations that have taken it upon themselves to embrace these organizations, not concerned with the adverse effects of their terrorist practices and actions (political, economic, social, humanitarian. many countries have declared Adopting the policy and measures to combat terrorism, these policies and actions were directed against persons or groups that engage in, plan or help to implement violence, and at the same time, the concept of the war on

²⁹ - Article (38 first) of the 2005 Constitution

³⁰ - Article (42) of the 2005 Constitution.

³¹ - Article (37) of the 2005 Constitution.

³² - Article (43 first) of the 2005 Constitution

terrorism, which spread dramatically after the events of September 2001, has emerged if the United States of America adopts this slogan, which has raised many problems from Legally, it relates to the concept of war, and to the appropriate international laws governing it and governing the conduct of its operations, such as international humanitarian law or international human rights law, whether terrorism is combated in times of peace or in the context of armed conflict in the form of conventional war. (33)

This is valid when the war on terrorism is based and applies to international humanitarian law when it reaches the level of armed conflict in its form, but the situation varies from a legal point of view and in terms of its implications when the basic elements of the processes underlying the concept of such war are not available. (34)

Iraq's security and military efforts in the face of international terrorism posed by the threat of ISIS inside Iraq and Syria come through Iraq's advanced partnership position with NATO, its association with a number of agreements with the alliance, and its view as a partner in promoting peace, security, and stability in the world.

∴ The Iraqi government has joined several international conventions on counter-terrorism:

- Convention on crimes and some other acts committed on board aircraft for 1963.
- Agreement to suppress the illegal seizure of aircraft for 1970.

The Convention on the Suppression of Illegal Acts was directed against the safety of civil aviation in 1971.

- Convention on the Suppression of Illegal Acts directed against the safety of maritime navigation of 1988. Protocol on the suppression of illegal violence at airports serving civil aviation for 1988.

- Protocol for the suppression of illegal acts directed against the safety of existing fixed platforms on the continental shelf for 1988.

Plastic explosives discrimination agreement for detection in 1991.

The International Convention on the Suppression of Terrorist Financing of 1999.

In our view, the security and military moves initiated by the Iraqi Government against the so-called Islamic State terrorist organization are one of the practical efforts in the face of international terrorism, as they come to counter the activities carried out by elements of extremist terrorist ideology that have prompted him to directly disclose these Destructive hatred stemming from the factors of a deep sense of fear, whether fear is realistic or imaginary, was the resort of terrorist groups and through repeated acts seeking to create a climate of chaos by violating security systems and overthrowing all the prestige leftover from the legitimate political channels represented by the nation-states in the Middle East.

All this has prompted the Iraqi government to follow legal methods through a number of national legislation in order to deter and eliminate terrorism in its infancy, but the continuation of terrorist operations and their attempts to gain access to Iraqi territory has made it long and difficult to eliminate the terrorist phenomenon that is expanding in the region and increasing The Iraqi decision-maker had no choice but to resort to military actions as the only means of repelling aggression and defending the homeland and citizens, and not to depart from the conduct of others in the international community, which advocates what international and humanitarian law allows in legitimate defense coupled with the establishment of a state of actual and urgent necessity that is not allowed before the state. The aggression has made a choice between means.

³³- Roth, K. The Law of war on terror, Foreign Affairs, January-February 2014, p32.

³⁴- Akram sword Farhat, Combat Terrorism And the law. International For rights Human, Al-Ayyam Publishing and Distribution House, Amman, 2014, p. 60.

Conclusion

Through all of the above and the above, it is worth saying that the legal texts issued to combat the phenomenon of terrorism, both internationally and at the national level, indicate that laws fluctuate between deterrence and carrots and the method of dialogue and national reconciliation, or the idea of repentance restricted by the time requirement, All this is for the purpose of eliminating the phenomenon, as it develops and is global. With the return of black terrorism again to strike and terrorize the safe, we find ourselves faced with two speeches of the phenomenon of terrorism, the first of which is a letter of rejection and another interpretive and report to confirm an existing and present state of the plague of the New Age.

First, international agreements have avoided establishing a specific definition of what is meant for terrorist acts and have adopted the method of enumerating certain crimes and considering them within the concept of terrorism, and we believe that this method contradicts the principle of a method of multiple crimes that allows manipulation in terms of the departure of many crimes from the circle of terrorism, whether they are not mentioned in this type of crime. Going beyond the new terrorist crimes that the evolving one might produce. Second: Terrorism has provoked and continues to be a widespread global debate because of the danger and threat to the security, life, civilization, and achievements of human beings. This serious threat, which is not restricted by law or morals, which is characterized by violence and the illegal use of force, occasionally leads to large numbers of innocent victims, destroys property, and creates a state of fear and panic. Despair is aimed at achieving greater results by damaging friendly relations between States or their nationals in a manner that threatens international peace and security at its core.

Third: Terrorism is a legal concept with a political dimension, as this was reflected in two issues, which were the reason for the lack of real results in finding a comprehensive and comprehensive treatment of the elimination of terrorism, the first was the inconsistency of international opinions on the causes of terrorism, and the second issue was the lack of unity of international opinions on a unified definition that reflects the reality of the concept under the current international situation, down to the development of a comprehensive international convention against terrorism.

Fourth: Despite the growing international efforts to combat this phenomenon the apparent disparity in international interests that has clearly influenced the issue of counter-terrorism, the United Nations has worked hard and intensively to contain this phenomenon and try to combat it. International conventions to enable the international community to take action to suppress terrorism and prosecute those responsibly, reflecting the determination of the international community to eliminate this threat, as these conventions, the oldest of which dates back to 1963, provide basic legal tools to fight international terrorism in all its forms - from hijacking aircraft to Hostage-taking to finance terrorism - most of these agreements have been ratified by the majority of the world's countries, which have been drafted by the UNITED Nations General Assembly, the Civil Aviation Organization, the International Maritime Organization, and the International Atomic Energy Agency. Fifth: The kingdom's geographical location has contributed to a variety of regional threats, one of which has been terrorism, but which has made it a regional president in this area after increasingly insisting on confronting this bad phenomenon.

Sixth: Iraq's efforts to counter international terrorism during the last months of 2014 have taken on the security character and military operations due to the threat posed by the so-called Islamic State (IS) operating inside Iraq and Syria, through the Iraqi government's location of Shura As an advanced partner with NATO, it is linked to a number of agreements with this alliance, and is seen as a partner in promoting world peace, security, and stability.

1- Spreading a culture of peace and maintaining security among nations by framing the objectives and objectives of the United Nations in a way that brings the countries of the world together, by working to resolve their rivalries, and develop effective solutions to local, regional and international conflicts.

2. Activating the role of civil society organizations and institutions in educating young people to fight the phenomenon of terrorism.

3. Confronting states are supporting terrorist groups by defaming their policies in order to eliminate sources of terrorist financing.

4. Addressing the lack of United Nations resolutions related to the phenomenon of terrorism by playing an active role by the Iraqi representative to the United Nations in order to develop a coherent framework for United Nations resolutions that need a binding legal code, reflecting the concerted efforts of the international community to address, surround and deny the phenomenon of terrorism of shelter, sanctuary and funding.

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