

<http://webcache.googleusercontent.com/search?q=cache:J9ec09JJJOYJ:gipi.org/wp-content/uploads/anti-terrorism-law-iraqi-no-13-2005.doc+&cd=1&hl=en&ct=clnk&gl=lb>

In the name of the people  
Council of Ministers

Based on the approval of the National Assembly in accordance with article thirty three, paragraphs (A and B) of the TAL, and based on the provisions of article thirty seven of the mentioned law;

The Council of Ministers in its session on 07 November 2005 decided to issue the following law:

## **Number (13) for the Year 2005**

### **Anti-Terrorism Law**

#### **Article 1** **Definition of Terrorism**

Every criminal act committed by an individual or an organized group that targeted an individual or a group of individuals or groups or official or unofficial institutions and caused damage to public or private properties, with the aim to disturb the peace, stability, and national unity or to bring about horror and fear among people and to create chaos to achieve terrorist goals.

#### **Article 2** **The following acts are considered acts of terrorism**

1. Violence or threats which aim to bring about fear among people or expose their lives, freedoms and security to danger and their money and properties to damage regardless of its motives and purposes which takes place in the execution of a terrorist act, individually or collectively organized.
2. Work with violence or threat to deliberately sabotage or wreck, ruin or damage buildings or public property, government interests, institutions, state departments, the private sector or public utilities and public places prepared for public use or public meetings for the public or public funds, and an attempt to occupy it or to seize it or expose it to danger or prevent its use for the purpose for which it was prepared with the aim of disrupting the security and stability.

3. Anyone who organized, chaired or participated in an armed terrorist gang that practices and plans for terrorism and also contributes and participates in this act.
4. Use violence or threat to stir up sectarian strife or civil war or sectarian infighting by arming citizens or by encouraging them to arm themselves and by incitement or funding.
5. Assault with firearms army and police offices, volunteer centers, security offices, and assault national military troops or their reinforcement, communication lines or their camps or bases, with a terrorist motive.
6. Assault with firearms, with a terrorist motive, embassies and diplomatic entities throughout Iraq as well as all Iraqi institutions, foreign and Arab companies and institutions and governmental and non-governmental and international organizations operating in Iraq in accordance with a valid agreement.
7. Use, with terrorist motives, explosive and incendiary devices designed to kill people, and possess the ability to do so, or to spread fear among the people, either through blowing up or releasing or spreading, or planting or bubby trapping equipment or human bodies, regardless of their forms or through the effect of poisonous chemicals or biological agents or similar radioactive materials or toxins.
8. Kidnap or impede the freedoms of individuals or detain them either for financial blackmailing for political, sectarian, national, religious or racially beneficial purposes that threaten security and national unity and promote terrorism.

### **Article 3**

#### **The following acts are specifically considered amongst the crimes against State security**

1. Any act with terrorist motives, that threatens the national unity and the safety of society and affects the State security and its stability or weakens the capacity of the security services in defending and protecting the security of citizens, their properties, State borders and its institutions either through armed confrontation with State forces or any other act that deviates from the freedom of expression which the law guarantees.
2. Any act that includes the attempt to use force or violence to overthrow the regime or the form of government as set forth in the Constitution.

3. Any one who led, for a criminal purpose, a branch of the armed forces, military checkpoint, a harbor, airport or any military site or city without being authorized by the government.
4. Any one who attempts to incite an armed rebellion against the authority established in accordance with the constitution or participates in a conspiracy or a gang formed for the same purpose.
5. Any act by a person who had authority over individuals in the military and asked or charged them with the task of impeding orders of the government.

#### **Article 4** **Penalties**

1. Any one who committed, as a main perpetrator or a participant, any of the terrorist acts stated in the second & third articles of this law, shall be sentenced to death. A person who incites, plans, finances, or assists terrorists to commit the crimes stated in this law shall face the same penalty as the main perpetrator.
2. Any one, who intentionally covers up any terrorist act or harbors a terrorist with the purpose of concealment, shall be sentenced to life imprisonment.

#### **Article 5:** **Waiver of Punishment, Legal Excuses and Extenuating Legal Circumstances**

1. Any one, who provides to the competent authorities before a crime is discovered or during its planning, information that contributes to the arrest of the criminals or prevents the execution of the operation, shall be pardoned.
2. Information, offered voluntarily by a person to the competent authorities after a crime is committed or after it is discovered by the authorities and before the person is arrested which leads to the arrest of the other participants, shall be considered an extenuating excuse for reducing the penalty stated in the second article of this law and the punishment shall be imprisonment.

**Article 6**  
**Final Provisions**

1. Crimes stated in this law are considered regular crimes involving moral turpitude.
2. All funds, seized items, and accessories used in the criminal act or in preparation for its execution shall be confiscated.
3. Provisions of the current Penal Law shall apply to all situations not stipulated in this law.
4. This law shall enter into force on the date of its publication in the official Gazette.

**Ghazi Ojail Yawir**  
**Vice President**

**Adil Abdul Mahdi**  
**Vice President**

**Jalal Talabani**  
**President**

**Justifying Reasons**

The size and volume of damages resulting from the terrorists' operations has reached a level that threatens to national unity, order, security and stability. To move forward towards a federal, pluralistic, democratic system based on the rule of law and the guarantee of rights and liberties and to set off in motion the wheel of comprehensive development, it has thus become necessary to issue a legislation that puts an end to and limits terrorist operations and reduces the interaction between those who execute them and those who support them. For these reasons this law is enacted.