

Translated from Arabic

I. Act No. 13 (2005)

The Counter-Terrorism Act (No. 13 (2005)) provides for accountability for the commission, individually or collectively, of a criminal act that causes damage to public or private property and causes terror or chaos with aim of achieving a terrorist goal. It was revised more than once in the parliament until before arriving at its current formulation.

Act No. 13 (2005) concerning counter-terrorism

Title: Counter-Terrorism Act (No. 13 (2005))

Category: Iraqi law

Law No.: 13

Year: 2005

Date enacted: 7 November 2005

In the name of the people,

The Presidency Council,

Pursuant to approval by the National Assembly in accordance with article 33, paragraphs (a) and (b), of the Law of Administration for the State of Iraq during the Transitional Period, and on the basis of the provisions of Article 37 of that Law, the Presidency Council, in its session of 7 November 2005, decided to promulgate the following act:

Article 1 Definition of terrorism

Terrorism is any criminal act committed by an individual or an organized group targeting an individual, a group or groups of individuals, or official or unofficial institutions, that causes damage to public or private property with the aim of undermining security, stability or national unity; provoking terror, fear and panic among the people; or fomenting chaos for terrorist ends.

Article 2

The following acts shall be considered to be terrorist acts:

- (1) Violence or a threat aimed at provoking terror among people; endangering their lives, freedoms or security; or damaging their assets and property, whatever its motives and purposes, occurring in the course of an organized terrorist enterprise, organized individually or collectively;
- (2) Knowledge of violence or a threat aimed at deliberate sabotage, destruction or damage to public buildings or property; Government concerns, institutions or bodies; agencies of the State or the private sector; public facilities, places intended for public use or public gatherings attended by the public; or public assets, or any attempt to occupy, seize or endanger such or prevent use thereof for the purpose intended, with the goal of undermining security and stability;
- (3) Organization, leadership or assumption of command of an armed terrorist gang that practices or plans such acts, or contributing or taking part in such acts;

- (4) The use of violence or threats to provoke sectarian strife, civil war or sectarian fighting by arming citizens or inducing, inciting or financing such;
- (5) The use of firearms to attack the army, police, volunteer centres or security offices, or to attack the national military sectors, their supplies, lines of communication, camps or bases with a terrorist motive;
- (6) The use of firearms, out of terrorist motivations, to attack embassies or diplomatic premises anywhere in Iraq, Iraqi institutions, Arab and foreign institutions and companies, and international governmental and non-governmental organizations operating in Iraq under an agreement in force;
- (7) The use, out of terrorist motivations, of explosive or incendiary devices that are designed to take lives or possess the ability to do so, or the propagation of terror among people through the detonation, launch, deployment, planting or rigging of mechanisms or objects of any kind, or via the effect of poisonous chemicals, biological agents, similar substances, radioactive materials or toxins;
- (8) Abduction, restriction of freedom or detention of individuals or financial extortion to benefit a political, sectarian, national, religious or ethnic group in a way that would threaten security and national unity and promote terrorism.

Article 3

The following acts in particular shall be considered crimes against State Security:

- (1) Any act with terrorist motivations that threatens national unity and social cohesion, affects the security and stability of the State, or impairs the ability of the security services to defend and maintain the security of citizens, their property and the borders and institutions of the State, whether through armed confrontation with the forces of the State or any form that goes beyond the bounds of freedom of expression as guaranteed by law;
- (2) Any act involving the attempted overthrow by force or violence of the system of government or the form of the State established in the Constitution;
- (3) The assumption by any person, for criminal purposes, of the command of an armed forces unit, military position, seaport, airport, or any military or civilian area without authorisation from the Government;
- (4) Instigation of an armed insurrection against the authority established by the Constitution or participation in a conspiracy or gang formed for that purpose;
- (5) Any act engaged in by a person who has command over members of the armed forces and asks or orders them to obstruct Government orders.

Article 4

1. Anyone who, as a primary perpetrator or accomplice, commits any of the terrorist actions set forth in articles 2 and 3 of the present Act, shall be punished by a sentence of death. Anyone who incites, plans, funds or enables terrorists to commit the offences set forth in the present Act shall be punished by the same penalty as a primary perpetrator.
2. Anyone who intentionally conceals a terrorist act or harbours a terrorist for the purpose of cover-up shall be punished by life imprisonment.

Article 5 Legal exemptions and mitigating circumstances

1. Anyone who notifies the competent authorities prior to the discovery of the crime or during its planning, where such notification contributes to the arrest of the perpetrators or prevents commission of the act, shall be exempt from the penalties provided for in this act.
2. If a person voluntarily provides the competent authorities with information after the occurrence or discovery by the authorities of the crime but before their arrest, where such information makes it possible to arrest other participants, that shall be considered a mitigating excuse for the offences set forth in article 2 of this act, and the penalty shall be imprisonment.

Article 5 Final provisions

1. The offences set forth in this Law shall be considered ordinary crimes of moral turpitude.
2. All seized funds, materials and objects associated with the crime or preparations for its commission shall be confiscated.
3. The provisions of the Penal Code in force shall apply to any matters not provided for explicitly in this Act.
4. This Act shall enter into force as of the date of its publication in the Official Gazette.

Ghazi Ajil Al-Yawar
Vice-President of the Republic

Adil Abdulmahdi
Vice-President of the Republic

Jalal Talabani
President of the Republic

Compelling reasons

The scale and seriousness of damages resulting from terrorist operations have reached a level that threatens national unity, stability, security and order. With a view to building a democratic, pluralistic, federal system founded on the rule of law and guarantees of rights and freedoms and stepping up the pace of comprehensive development, it has become necessary to enact legislation that will put an end to terrorist operations and curb the activities of those who would provide any manner of support for them. That is why this law has all been enacted.