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Means of Strengthening the Federal Authority's Compliance with Legal Obligations in Combating Terrorism

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ABSTRACT

This study examines the principal means of strengthening the Iraqi federal authority's compliance with legal obligations in combating terrorism, with particular emphasis on legislative reform, institutional development, and oversight mechanisms. The study addresses the continuing tension between the necessity of maintaining national security and the obligation to preserve constitutional guarantees, fundamental rights, and the rule of law. It argues that effective counterterrorism cannot be achieved through expansive security powers alone, but requires a comprehensive legal and institutional framework capable of ensuring both operational effectiveness and legal accountability. The study analyzes weaknesses in the existing counterterrorism framework, particularly issues relating to the definition of terrorism, arrest and detention procedures, fair-trial guarantees, proportionality of penalties, investigative powers, electronic evidence, witness protection, and the allocation of competencies among security institutions. It also examines the institutional dimensions of compliance, including the restructuring of counterterrorism bodies, inter-agency coordination, technological modernization, professional training, human-resource development, ethical standards, and internal accountability. Particular attention is given to the role of parliamentary and judicial oversight in preventing abuse of authority, reviewing exceptional measures, supervising detention and investigation, ensuring constitutional review, controlling public expenditure, and safeguarding the independence of the judiciary. The study concludes that strengthening federal compliance requires an integrated approach in which legislative precision, institutional professionalism, effective coordination, transparency, parliamentary supervision, judicial independence, and enforceable remedies operate together. Such an approach does not weaken counterterrorism capacity; rather, it enhances the legitimacy, sustainability, and effectiveness of state action. The study ultimately emphasizes that legal compliance should be regarded as a strategic component of national security and as a fundamental condition for building public trust and achieving sustainable stability in Iraq.

Keywords: *Federal Authority, Legal Compliance, Counterterrorism, Legislative Reform, Institutional Development, Parliamentary Oversight, Judicial Oversight*

Introduction

Terrorism constitutes one of the most serious challenges confronting the Iraqi state because its effects extend beyond immediate threats to life and physical security and penetrate the constitutional, political, social, and institutional foundations of the state. Since the transformation of Iraq's political and constitutional order after 2003, combating terrorism has remained a central concern of the federal authorities, particularly because terrorist

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organizations have repeatedly sought to exploit institutional weakness, sectarian tension, porous borders, deficiencies in security coordination, and social instability. The scale and complexity of terrorist activity have required the federal government to employ exceptional criminal, intelligence, administrative, and security measures, yet the necessity of responding firmly to terrorism does not remove those measures from the scope of constitutional legality. The central challenge is therefore not whether the federal authority possesses a duty to combat terrorism, but how that duty can be exercised effectively while remaining subject to the constitutional principle of legality, procedural guarantees, judicial supervision, parliamentary accountability, and the protection of fundamental rights. The constitutional dimension of counterterrorism is especially important because legislative measures adopted in response to serious security threats may themselves create risks to constitutional rights when their wording is excessively broad or when enforcement is not adequately constrained. The relationship between legislation and constitutional rights in Iraq has consequently been treated as a fundamental issue in evaluating state action, particularly where security measures restrict liberty or confer exceptional powers upon executive institutions (1). The problem becomes more acute when emergency-oriented practices that were initially introduced to address extraordinary dangers become normalized within ordinary governance. In such circumstances, security necessity can gradually become a justification for expanding executive discretion beyond the limits originally contemplated by the law. For this reason, legal compliance must be regarded as a substantive requirement of legitimate counterterrorism rather than as a formal limitation imposed upon security institutions from outside.

The Iraqi legal framework has attempted to provide the federal authorities with the instruments necessary to confront terrorism, most importantly through Anti-Terrorism Law No. 13 of 2005. Nevertheless, experience with the implementation of this legislation has revealed structural weaknesses associated with the definition of terrorist conduct, procedural safeguards, punishment, arrest and detention powers, the relationship between executive and judicial authorities, and the treatment of defendants during investigation and trial. The development of Iraqi counterterrorism legislation has therefore become an important component of broader debates about legal reform because legislative effectiveness cannot be separated from the clarity, predictability, and constitutional consistency of the governing legal rules (2). A counterterrorism statute that grants substantial powers while leaving key concepts vague may provide operational flexibility, but it simultaneously creates opportunities for inconsistent interpretation and arbitrary enforcement. The standardization and precision of legal terminology are particularly important in terrorism legislation because criminal responsibility must be based upon clearly identifiable conduct rather than elastic political or security concepts (3). The principle of legality requires that individuals be able to determine, with reasonable clarity, which acts constitute criminal offenses and what legal consequences follow from those acts. Where terrorism is defined too broadly, conduct that lacks the defining characteristics of terrorism may be incorporated within the scope of the offense, thereby increasing the risk that political opposition, civil activism, ordinary criminality, or conduct insufficiently connected to terrorist purposes may become subject to exceptional procedures and penalties. Such ambiguity does not merely threaten individual rights; it weakens the coherence of the criminal justice system itself by making legal application dependent on discretionary institutional judgments rather than sufficiently precise statutory criteria.

The central concern of this article is therefore the means by which the Iraqi federal authority can strengthen its compliance with legal obligations while maintaining the effectiveness of counterterrorism policy. Compliance in this context must be understood broadly. It includes adherence to constitutional limitations, proper implementation of criminal legislation, respect for procedural safeguards, effective protection of defense rights, lawful use of

investigative and coercive powers, institutional coordination, administrative accountability, parliamentary scrutiny, judicial review, and observance of human-rights principles throughout the counterterrorism process. Criminal justice in terrorism cases must remain governed by legal safeguards because the extraordinary gravity of the accusation cannot justify the suspension of the rights that distinguish lawful prosecution from arbitrary coercion. The relationship between criminal justice and counterterrorism in Iraq demonstrates that deterrence and security effectiveness depend not only on severe penalties or extensive enforcement powers but also on the credibility and fairness of the institutions applying them (4). Fair-trial guarantees are particularly significant because terrorism cases often involve complex intelligence information, security-sensitive evidence, confessions obtained during intensive interrogation, prolonged detention, and public or political pressure for rapid convictions. These circumstances increase the need for independent judicial evaluation rather than diminish it. The rights of accused persons must accordingly include access to defense counsel, an effective opportunity to contest evidence, protection against unlawful coercion, and trial before an independent and impartial judicial body (5). The right of defense is not incompatible with effective counterterrorism; instead, it provides an institutional mechanism through which unreliable evidence, procedural misconduct, and wrongful accusations can be identified before they compromise the legitimacy of criminal judgments (6).

The institutional dimension is equally important. Legal rules alone cannot guarantee compliance if the institutions responsible for implementing them suffer from fragmented competencies, overlapping authority, weak coordination, inadequate training, technical limitations, or insufficient accountability. The organizational challenges of Iraqi counterterrorism have direct consequences for the legality and efficiency of operations because unclear chains of command and fragmented institutional responsibilities can produce duplication, gaps in responsibility, and inconsistent application of legal standards (7). Security coordination is therefore not merely an administrative issue but a legal one, since the allocation of authority determines which institution may lawfully arrest, investigate, collect intelligence, initiate operations, or communicate evidence to judicial authorities. Effective coordination of counterterrorism operations requires defined responsibilities and structured mechanisms for cooperation among security bodies so that operational urgency does not become a justification for acting outside legally established competencies (8). Institutional restructuring must consequently be accompanied by legal clarification of powers, reporting obligations, accountability procedures, and channels of cooperation. Administrative modernization that does not address these legal dimensions may improve organizational appearance while leaving the underlying problems of overlapping jurisdiction and discretionary authority intact.

Human resources constitute another essential component of federal compliance. Security personnel operate at the point where abstract legislative rules become concrete state action. Their decisions regarding arrest, interrogation, surveillance, evidence collection, use of force, treatment of detainees, and communication with judicial authorities can determine whether counterterrorism policy complies with the law in practice. Training and human-resource development are therefore indispensable to lawful counterterrorism because personnel must possess both technical competence and a clear understanding of legal and ethical limitations (9). The development of security personnel requires continuous professional education rather than one-time instruction, especially because terrorist organizations adopt new technologies, communication methods, financing mechanisms, and operational tactics (10). Iraqi security institutions also need a professional human-resource system capable of recruitment based on competence, evaluation of performance, specialized training, advancement based on merit, and corrective intervention where professional deficiencies arise (11). Training programs should therefore combine

operational subjects with criminal procedure, human rights, evidence law, professional ethics, cyber investigation, intelligence analysis, and the legal limits governing coercive measures. Modern training technologies can support this objective by using simulations and technologically advanced instructional environments to reproduce complex operational situations in which personnel must make rapid decisions while remaining within legal limits (12).

The need for compliance is also inseparable from parliamentary and judicial oversight. Counterterrorism concentrates significant coercive power within executive and security institutions, making oversight indispensable to prevent abuse and to ensure that extraordinary powers remain connected to their lawful purposes. Parliamentary oversight has historically faced difficulties where security institutions invoke confidentiality, national security, or operational sensitivity to restrict legislative access to information. Yet effective parliamentary supervision cannot occur without mechanisms allowing representatives to obtain sufficient information to evaluate whether public powers are being exercised lawfully and efficiently. Legislative oversight of security agencies is therefore an essential element of constitutional government, particularly where state institutions possess extensive powers affecting liberty, privacy, and public expenditure (13). Parliamentary accountability in security and counterterrorism matters requires more than the formal possibility of submitting questions; it requires institutional mechanisms through which responsible officials can be examined, budgets reviewed, violations investigated, and implementation failures identified (14). The practical challenges facing parliamentary oversight in Iraq further demonstrate the need for reforms that strengthen access to information, investigatory capacity, and mechanisms for holding executive institutions accountable (15). Parliamentary oversight is therefore not a competing source of operational command but a constitutional mechanism designed to ensure that counterterrorism institutions remain within the boundaries established by law.

Judicial oversight has an even more direct relationship to individual rights because courts determine the legality of arrests, detention, investigation, evidence, criminal charges, and sentencing. Judicial review also operates at the broader constitutional level by examining whether legislative or executive measures conform to constitutional standards. The role of the Iraqi judiciary in constitutional review is consequently central to preventing counterterrorism policy from becoming insulated from constitutional scrutiny (16). Judicial review of legislation provides a mechanism through which legal rules that disproportionately restrict rights or confer inadequately constrained authority may be assessed against constitutional requirements (17). The effectiveness of such oversight, however, depends upon judicial independence. Political or security pressures may be particularly intense in terrorism cases because these cases frequently attract public attention and concern matters of national security. The independence of the Iraqi judiciary must therefore be strengthened institutionally and legally so that judges can assess counterterrorism actions without fear of political retaliation or executive influence (18). Constitutional review of criminal legislation also serves as a safeguard against the gradual normalization of exceptional rules that are incompatible with constitutional principles (19).

This article aims to develop an integrated legal analysis of the principal means through which the Iraqi federal authority can strengthen compliance with its obligations in combating terrorism. It focuses specifically on legislative reform, institutional and administrative development, and parliamentary and judicial oversight because these elements directly determine whether counterterrorism powers are exercised within a stable legal framework. The article does not attempt to discuss every political, regional, military, or ideological dimension of terrorism. Instead, it concentrates on those mechanisms that can practically improve federal compliance, enhance the legitimacy of security measures, and reduce the gap between formal legal rules and actual institutional practice. Its central

argument is that effective counterterrorism and legal compliance should not be treated as competing objectives. A security system that operates through clear legislation, competent institutions, professional personnel, effective coordination, parliamentary accountability, independent judicial review, and respect for procedural guarantees is more likely to achieve durable security because it strengthens public trust and reduces the grievances that arbitrary state action can create. The ultimate objective is to identify a framework in which the federal authority can act decisively against terrorist threats while remaining continuously subject to the rule of law.

Legislative Mechanisms for Strengthening Federal Legal Compliance

Legislative reform represents the first and most fundamental means of strengthening federal compliance because every exercise of coercive state authority must be grounded in sufficiently clear, predictable, and constitutionally valid legal rules. Iraq's Anti-Terrorism Law No. 13 of 2005 was adopted in an exceptionally difficult security environment in which the state faced escalating terrorist violence, institutional fragility, and urgent pressure to restore public order. The urgency surrounding its enactment helps explain the broad and severe character of some of its provisions, yet the passage of time and accumulated implementation experience have demonstrated the need for systematic reassessment. The development of Iraqi counterterrorism legislation must therefore proceed from an evaluation of how existing rules have operated in practice, rather than merely from their formal objectives (2). Legislative effectiveness requires a relationship between the precision of substantive offenses, the legality of investigative powers, procedural safeguards, proportionality of punishment, and mechanisms of judicial supervision. Where one element is deficient, the entire system can become vulnerable to arbitrary application. The principles of criminal law applicable to counterterrorism require particular attention to legality, personal responsibility, proportionality, and procedural fairness because terrorism legislation often contains exceptional mechanisms that would not ordinarily be available in conventional criminal cases (20). Accordingly, legislative reform must not be limited to strengthening penalties or expanding powers; it must also define and constrain those powers in ways that prevent their misuse.

One of the most important areas requiring reform is the definition of terrorism. Criminal legislation must define prohibited conduct with sufficient precision to satisfy the principle that there can be no crime or punishment without law. In the counterterrorism context, this requirement assumes heightened importance because a broad definition can extend extraordinary criminal procedures and penalties to conduct that lacks a genuine terrorist character. Standardization of terminology is therefore essential to ensure consistency and prevent security institutions, prosecutors, and courts from applying materially different understandings of terrorist activity (3). A legally sound definition should identify the prohibited act, the required mental element, the terrorist purpose, and the relationship between the conduct and the intended coercive or intimidating effect. It should distinguish terrorist violence from ordinary violent crime, political dissent, peaceful protest, civil disobedience, and expression that does not amount to criminal participation in terrorism. The objective should not be to weaken the capacity of the state to prosecute serious terrorist conduct, but to make that capacity more defensible by ensuring that the law targets precisely the conduct that justifies exceptional criminal treatment. Overly elastic definitions may initially appear useful because they provide broad enforcement discretion, but that apparent flexibility can undermine legitimacy, create inconsistent decisions, and increase the possibility of constitutional challenges. Legislative reform should consequently clarify the constituent elements of terrorism and related offenses such as financing, recruitment, facilitation, conspiracy, incitement, membership, assistance, and concealment.

The protection of defendants during arrest and investigation constitutes another essential legislative priority. The practical operation of counterterrorism laws must be examined through the human-rights implications of detention, interrogation, access to counsel, and treatment of suspects (21). Where legislation permits extended detention without adequate judicial review, the possibility of arbitrary deprivation of liberty increases substantially. Terrorism investigations may require complex evidence gathering, intelligence analysis, communication with multiple agencies, and examination of electronic or transnational evidence, but investigative difficulty cannot justify indefinite or weakly supervised detention. The law should therefore establish clear time limits and require prompt presentation of detainees before a judicial authority. Extensions should be exceptional, justified by specific investigative necessity, and subject to reasoned judicial authorization. Fair-trial guarantees in terrorism cases must begin at the investigative stage rather than only when proceedings reach the courtroom, because violations that occur during early detention can irreversibly affect the fairness of the entire process (5). Access to counsel should be guaranteed from the earliest legally permissible stage, confidential communication between lawyer and client should be protected, and detainees should be informed of the legal basis for arrest and the accusations against them. The right to defense must be practical and effective, not merely formal (6).

Legislation should also regulate interrogation practices and the evidentiary consequences of unlawful treatment. A system that relies excessively on confessions creates incentives for coercive investigation, particularly when investigators operate under intense pressure to produce rapid results. Counterterrorism legislation should therefore make clear that confessions or statements obtained through torture, coercion, threats, degrading treatment, or other unlawful methods are inadmissible. Courts should have authority to investigate allegations of coercion, order medical examinations where appropriate, exclude tainted evidence, and refer suspected violations for independent investigation. These mechanisms protect defendants, but they also protect the criminal justice system from unreliable evidence. Criminal justice in terrorism cases is strengthened when convictions rest on independently verifiable evidence rather than on statements whose voluntariness or accuracy is disputed (4). A legally disciplined evidentiary framework encourages professional investigation and reduces the risk that genuine offenders escape liability because cases are built on procedurally defective evidence. The federal authority's compliance obligations should therefore be reflected in evidentiary rules that reward lawful investigation and impose consequences for serious procedural violations.

A further area requiring legislative modernization concerns investigative technology and electronic evidence. Terrorist organizations increasingly rely on encrypted communications, social media, digital financial channels, remote coordination, online recruitment, and cyber tools. Iraqi security institutions therefore require legal authority to collect and analyze relevant digital evidence, but such powers must be framed carefully to protect privacy and prevent indiscriminate surveillance. Technical infrastructure is increasingly important to counterterrorism effectiveness because contemporary security operations depend upon reliable systems for communication, data analysis, evidence preservation, and intelligence processing (22). Yet technological capacity without corresponding legal standards may increase the risk of unlawful monitoring or evidentiary disputes. Legislation should specify the conditions under which electronic searches, interception, access to stored communications, device examination, and data retention may occur. Judicial authorization should generally be required where intrusive measures affect privacy, and the scope and duration of surveillance should be proportionate to the investigative objective. Rules should also regulate authenticity, chain of custody, preservation, expert examination, and courtroom presentation

of electronic evidence. Such legal clarification benefits both prosecution and defense because it reduces uncertainty regarding whether digital material has been obtained and handled lawfully.

The proportionality of criminal penalties also requires careful legislative attention. Terrorism is a grave category of criminal conduct and may legitimately attract severe punishment, particularly where offenses involve mass casualties, organized violence, attacks on public institutions, or deliberate attempts to destabilize the constitutional order. Nevertheless, proportionality remains an essential principle of criminal justice. Legislation should distinguish between principal perpetrators, organizers, financiers, recruiters, facilitators, individuals providing minor assistance, and persons whose involvement may be peripheral or influenced by coercion. A legal framework that treats all forms of association or assistance identically risks undermining individualized justice. The criminal-law principles governing counterterrorism should therefore incorporate gradation based on the gravity of conduct, culpability, intent, and actual contribution to terrorist activity (20). Proportionality is also relevant to rehabilitation and reintegration. Not every terrorism-related offender presents the same continuing level of danger, and some individuals may benefit from structured rehabilitation programs designed to reduce recidivism. The law should permit differentiated responses where appropriate, particularly for lower-level participants, younger offenders, or individuals whose involvement was limited. This does not require abandoning deterrence; rather, it recognizes that durable security may sometimes be better served by reducing future risk than by relying exclusively on punitive severity.

Witness and informant protection should also be incorporated into a comprehensive legislative framework. Terrorism investigations often depend on information supplied by persons who face significant retaliation risks. Without credible legal protection, witnesses may refuse to cooperate, withdraw testimony, or conceal information. The law should therefore provide mechanisms for confidentiality, physical protection, relocation where necessary, controlled disclosure of identity, and sanctions against intimidation. Such measures must nevertheless remain compatible with the defendant's right to challenge evidence. The objective should be to protect genuine security interests without creating secret evidence that cannot be effectively tested. A balanced approach can permit protective measures while allowing judicial examination of reliability and sufficient disclosure for meaningful defense. This reflects the broader principle that counterterrorism legislation should not treat security and rights as mutually exclusive categories. Human-rights analysis of Iraqi counterterrorism law demonstrates the need to integrate legal safeguards into the design of security legislation itself rather than attempting to correct abuses only after they occur (21).

Legislative reform must also clarify the powers of the various security and investigative agencies involved in counterterrorism. Overlapping mandates can create uncertainty about which body is authorized to arrest, interrogate, conduct surveillance, collect evidence, or lead particular operations. Organizational challenges in Iraqi counterterrorism have been associated with fragmented responsibilities and coordination difficulties (7). These problems cannot be resolved through administrative practice alone if the underlying statutory allocation of competencies remains unclear. Legislation should identify the legal functions of each institution and establish rules governing joint operations, intelligence sharing, referral of evidence, and transfer of suspects. Coordination of security operations becomes more effective when the legal responsibilities of each participating institution are predetermined rather than improvised in response to individual incidents (8). Such clarity strengthens accountability because it becomes possible to identify which institution or official was legally responsible for a particular decision. By contrast, diffuse authority can allow responsibility to be shifted between institutions when violations occur.

The relationship between domestic law and international cooperation also requires legislative clarification. Terrorist networks often operate across borders, making information exchange, extradition, asset tracing, financial investigation, and cooperation with foreign governments or international institutions necessary. International experiences can provide valuable lessons for Iraq when they are adapted to domestic constitutional structures and security conditions rather than copied mechanically (23). Counterterrorism cooperation should therefore be governed by clear domestic legal rules defining competent authorities, permissible forms of information sharing, safeguards for personal data, evidentiary use of foreign intelligence, and conditions for extradition or other forms of judicial assistance. National sovereignty must remain an important consideration because foreign involvement in security affairs can create legal and political sensitivities (24). Iraq's experience with regional and international influence demonstrates that security policy may be affected by external actors, making legal regulation of cooperation particularly important (25). Regional interventions can complicate national counterterrorism policy where external interests intersect with domestic security priorities (26). For this reason, international cooperation should reinforce rather than bypass Iraqi legal institutions.

A comprehensive counterterrorism law should ultimately integrate these reforms within a coherent legislative architecture. Such a law should clearly define terrorist offenses, regulate investigation and detention, protect defense rights, establish evidentiary rules, control surveillance, identify institutional competencies, regulate international cooperation, provide witness protection, support rehabilitation where appropriate, and create explicit mechanisms of judicial and parliamentary oversight. It should also include transparency and accountability requirements because effective counterterrorism cannot depend solely on internal executive control. Transparency in counterterrorism does not require disclosure of operational information that would endanger investigations or national security, but it does require sufficient institutional reporting to permit lawful scrutiny (27). The monitoring and evaluation of security legislation should likewise become a continuous process so that laws can be reviewed in light of practical experience rather than treated as permanent and immune from reassessment (28). Legislative reform should therefore include periodic review mechanisms, reporting obligations, and procedures for evaluating whether exceptional powers remain necessary and proportionate. Through these measures, legislation can become a means of strengthening security effectiveness while simultaneously ensuring that the federal authority remains subject to its legal obligations.

Institutional and Administrative Mechanisms for Ensuring Compliance

The effectiveness of counterterrorism law depends substantially on the institutions responsible for implementing it. Even highly developed legislation cannot produce lawful and effective outcomes if the administrative structure is fragmented, personnel are inadequately trained, responsibilities overlap, information is poorly coordinated, or decision-making is insulated from accountability. Strengthening federal compliance therefore requires institutional reform that translates statutory obligations into operational routines. The organizational challenges confronting Iraqi counterterrorism institutions have included difficulties associated with multiple security bodies, overlapping functions, inconsistent communication, and differences in administrative capacity (7). These difficulties can produce both inefficiency and legal risk. When several agencies possess partially overlapping authority, officials may be uncertain about responsibility for particular investigations or operations, while individuals affected by state action may find it difficult to determine which institution is accountable for a violation. Institutional restructuring must

therefore seek a more coherent allocation of competencies, stronger inter-agency coordination, clearer chains of command, and administrative procedures that connect operational decisions with legal responsibility.

Administrative restructuring should begin with a systematic assessment of the functions performed by federal security institutions involved in counterterrorism. The administrative structure of security agencies has a direct effect on institutional performance because organizational design determines how information moves, how decisions are authorized, how resources are distributed, and how accountability is assigned (29). Traditional hierarchical structures may provide clear command relationships, but they can become excessively rigid when terrorist threats require rapid coordination across intelligence, police, military, border, financial, cyber, and judicial institutions. Reform should therefore preserve clear responsibility while creating flexible mechanisms for joint action. Specialized counterterrorism units should be able to cooperate rapidly without bypassing legal authorization procedures. The purpose of restructuring is not simply to centralize authority; excessive centralization can itself produce operational bottlenecks and concentrate power without sufficient checks. Instead, Iraq requires a coordinated structure in which responsibilities are clearly differentiated but operational cooperation is institutionalized.

The creation of reliable coordination mechanisms is indispensable because counterterrorism frequently requires multiple agencies to act on the same information. Coordination of security operations should be based on formal procedures rather than personal relationships between officials (8). This requires protocols governing intelligence sharing, classification of information, transfer of evidence, joint task forces, operational command, emergency communication, and post-operation reporting. Institutions should know when information must be transmitted, which body has authority to act upon it, and how disagreements over jurisdiction are resolved. A central coordinating mechanism may be useful where it facilitates information exchange and strategic planning without eliminating the lawful authority of existing institutions. Comparative experiences with counterterrorism institutions can assist Iraq in identifying possible coordination models, provided those models are adapted to the country's constitutional and administrative circumstances (23). Institutional reform should therefore distinguish between useful comparative learning and inappropriate institutional transplantation. Systems developed in highly centralized states, for example, may not automatically fit Iraq's federal structure or the relationship between federal and subnational authorities.

Technical modernization is another essential institutional requirement. Contemporary terrorist organizations increasingly employ encrypted digital communications, online propaganda, remote recruitment, cyber tools, complex financing channels, and decentralized organizational structures. Security institutions cannot respond effectively if their information systems are outdated or poorly integrated. Technical infrastructure plays a crucial role in counterterrorism because intelligence, communication, evidence management, and operational coordination depend upon reliable technological systems (22). Investment should therefore focus on secure databases, digital forensic capabilities, intelligence-analysis platforms, communications systems, identity verification, border-security technologies, and mechanisms for tracing financial transactions. However, technical modernization must remain legally regulated. New surveillance or analytical tools can increase state capacity, but they can also create new opportunities for privacy violations, unauthorized access to personal information, or reliance on unverified data. Institutional rules should therefore specify who may access sensitive systems, how information may be used, how long it may be retained, and what auditing mechanisms apply.

Cybersecurity and digital investigation should become permanent components of counterterrorism capacity. Terrorism is no longer confined to physical planning spaces or conventional communication methods. Investigators must be capable of preserving digital evidence, tracing online networks, identifying manipulated information, and

cooperating with specialized technical institutions. Yet technical competence must be accompanied by procedural discipline. Evidence obtained from digital systems must be preserved in a manner that allows courts to evaluate authenticity and chain of custody. Personnel must understand the difference between intelligence information that may justify further investigation and evidence that satisfies legal standards for prosecution. This distinction is crucial because intelligence may be fragmentary, classified, probabilistic, or obtained through methods that cannot automatically be reproduced in court. The institutional objective should therefore be to create mechanisms through which intelligence can guide lawful investigation without replacing the evidentiary requirements of criminal justice.

Human-resource development represents perhaps the most important institutional mechanism because professional personnel are the actors who apply legal rules in real situations. Developing security personnel requires continuous training adapted to changing threats and institutional responsibilities (10). Training should include intelligence analysis, criminal investigation, crisis response, digital forensics, evidence management, interrogation, financial investigation, border security, and operational planning. At the same time, technical training must be combined with education concerning constitutional rights, criminal procedure, human rights, and professional ethics. Security officers should understand not only what they are capable of doing operationally but also what they are legally permitted to do. Training and human-resource development are therefore directly connected to compliance because personnel who understand legal limits are less likely to treat procedural safeguards as obstacles to security operations (9). Compliance should be incorporated into operational professionalism rather than presented as a separate legal subject with little relevance to daily work.

Modern instructional methods can improve the quality of professional development. Advanced training technologies allow security personnel to practice complex scenarios involving time pressure, incomplete information, multiple agencies, and legal constraints (12). Simulation exercises can reproduce situations such as high-risk arrests, hostage incidents, border interceptions, digital evidence seizures, and coordinated investigations. These exercises should include legal decision points so that participants must determine when judicial authorization is required, how detainees should be treated, how evidence should be documented, and how force should be proportionate to the threat. Such training can help transform legal compliance from an abstract principle into an operational habit. Evaluation should assess both mission effectiveness and adherence to procedures. Personnel who achieve operational objectives through unlawful methods should not be treated as successful simply because the immediate threat was neutralized.

Professional ethics must also receive sustained attention. Security institutions operate in environments where personnel may encounter public hostility, traumatic incidents, political pressure, or intense fear of terrorist violence. These circumstances can create a culture in which harsh treatment is rationalized as necessary. Ethical training is therefore essential to reinforce the principle that the legitimacy of security institutions depends upon lawful conduct even under difficult conditions. Human-resource development in counterterrorism should cultivate integrity, restraint, impartiality, respect for human dignity, confidentiality, and responsibility for the use of public power. The management of security personnel must consequently include disciplinary systems capable of distinguishing legitimate operational error from misconduct, negligence, abuse, or deliberate rights violations. Human-resource management in Iraqi security agencies should incorporate performance assessment and professional development as ongoing institutional processes (11). Promotion and assignment to sensitive counterterrorism roles should be based on competence, integrity, relevant experience, and demonstrated respect for legal procedures.

Working conditions also affect compliance. Security personnel who operate for prolonged periods under extreme stress, insufficient rest, inadequate equipment, or psychological pressure may become more prone to mistakes or disproportionate responses. Institutional development should therefore include occupational support, psychological services, reasonable rotation systems, adequate protective equipment, and access to professional counseling where required. These measures should not be viewed merely as welfare benefits. They contribute directly to professional performance and reduce the likelihood that fatigue or trauma will impair judgment. Developing personnel in Iraq requires attention to both technical skills and the institutional conditions within which those skills are exercised (30). Security agencies should therefore adopt personnel policies that recognize the psychological demands of counterterrorism and provide mechanisms for identifying burnout, trauma, or declining performance before these conditions affect operational legality.

Internal accountability mechanisms are another necessary component of institutional reform. Parliamentary and judicial oversight cannot examine every operational decision; security agencies must also possess credible internal procedures for detecting misconduct, reviewing complaints, auditing operations, and correcting systemic problems. Internal inspection units should be institutionally independent enough to investigate violations involving senior officials, and their findings should be transmitted to competent judicial authorities where criminal conduct is suspected. Transparency and accountability within counterterrorism institutions increase legitimacy and reduce the likelihood that security powers will be used without meaningful consequences (27). Internal accountability should include review of detention practices, evidence handling, surveillance authorization, use of force, compliance with court orders, and expenditure of public funds. Agencies should also maintain reliable records because accountability is impossible where operational decisions are undocumented or records are incomplete.

Institutional reform should further strengthen cooperation between security agencies and judicial authorities. Counterterrorism investigations frequently require coordination with prosecutors and judges regarding warrants, detention, evidence collection, surveillance, and admissibility. Poor communication can lead to evidence being obtained unlawfully or cases failing because investigative methods do not satisfy judicial requirements. Coordination among authorities responsible for counterterrorism oversight can improve consistency and reduce institutional fragmentation (31). Regular professional dialogue between investigators, prosecutors, and judges can clarify legal requirements without compromising judicial independence. Training programs involving multiple institutions may also help develop a shared understanding of evidentiary standards and procedural safeguards. However, such cooperation must not become institutional dependence. Judges must retain the ability to review security actions impartially, and investigators must not assume that operational necessity automatically guarantees judicial approval.

Financial administration also forms part of institutional compliance. Counterterrorism requires substantial public expenditure on personnel, equipment, intelligence systems, infrastructure, training, and operations. Weak financial controls can create corruption risks and reduce the resources available for legitimate security purposes. Financial oversight of security agencies is therefore important not only to fiscal responsibility but also to operational effectiveness (32). Security confidentiality may justify limiting public disclosure of certain expenditure details, but it should not exempt security budgets from lawful audit. Specialized oversight procedures can protect classified information while still examining whether funds were authorized, properly spent, and connected to legitimate objectives. Institutional compliance requires a culture in which security necessity does not eliminate administrative responsibility.

Federal counterterrorism institutions must also operate within a broader environment affected by national sovereignty and external influence. Iraq's security sector has historically interacted with international coalitions, neighboring states, regional actors, and foreign security institutions. These relationships may provide valuable intelligence, training, and technical assistance, but they may also generate competing priorities or political pressure. National sovereignty must therefore remain a guiding principle in institutional cooperation with foreign actors (24). Regional interventions have demonstrated how external influences can complicate Iraqi security decision-making (26). Institutional mechanisms should therefore ensure that foreign cooperation occurs through authorized channels, that shared intelligence is evaluated independently, and that operational decisions remain subject to Iraqi law. External assistance should strengthen national institutional capacity rather than create dependence or bypass established legal structures.

Ultimately, strengthening governmental institutions responsible for counterterrorism requires a multidimensional approach combining organizational restructuring, clear competencies, coordination, technological modernization, professional training, ethical development, personnel support, internal accountability, financial control, and legally regulated international cooperation. None of these measures can succeed in isolation. Sophisticated technology without qualified personnel may be ineffective; highly trained personnel without clear legal powers may act inconsistently; strong coordination without accountability may concentrate power; and formal accountability without reliable records may remain symbolic. The central institutional objective should therefore be to create an administrative system in which legal compliance is embedded in everyday decision-making. When officers, investigators, intelligence personnel, administrators, and senior officials understand that legality is part of professional performance, compliance becomes a functional component of counterterrorism rather than an external restriction upon it.

Oversight and Accountability Mechanisms in Federal Counterterrorism

Oversight constitutes the principal mechanism through which the federal authority's legal obligations can be transformed from abstract rules into enforceable limits on public power. Counterterrorism institutions necessarily exercise extensive authority because they confront threats that may require surveillance, arrest, detention, intelligence gathering, covert investigation, restrictions on movement, financial control measures, and rapid operational intervention. These powers may be legitimate and necessary, but their concentration within executive institutions creates a structural risk of abuse if meaningful external supervision is absent. Parliamentary and judicial oversight therefore perform complementary functions. Parliament examines policy, administration, expenditure, institutional performance, and executive accountability, while the judiciary examines legality, individual rights, criminal procedure, evidence, constitutional validity, and remedies for unlawful action. Neither form of oversight should be understood as interference with legitimate security functions. Rather, they are constitutional mechanisms through which security power is kept within the framework of lawful government.

Parliamentary oversight is particularly important because the legislature represents the political institution responsible for enacting laws, approving public expenditure, and holding the executive accountable. Legislative oversight of security agencies is therefore central to ensuring that the implementation of counterterrorism legislation remains consistent with the intentions and limits established by law (13). In practice, however, security institutions often operate behind substantial barriers of confidentiality. Some secrecy is undeniably necessary because public disclosure of operational plans, intelligence sources, investigative methods, or ongoing operations could endanger

lives and compromise national security. The problem arises when confidentiality becomes a general justification for preventing legislative scrutiny. Parliamentary oversight in Iraq has consequently faced difficulties related to access to information, institutional cooperation, and the effectiveness of existing accountability mechanisms (33). Reform must therefore distinguish between legitimate operational secrecy and unjustified institutional opacity.

One means of strengthening parliamentary supervision is to expand the capacity of specialized committees to review counterterrorism activities. Committees dealing with security, defense, human rights, legal affairs, finance, and integrity should possess clearly defined powers to request documents, summon responsible officials, examine implementation reports, and investigate allegations of serious violations. Parliamentary accountability in security and counterterrorism matters depends on the legislature's ability to obtain sufficiently reliable information to assess whether executive institutions are complying with the law (14). Ordinary parliamentary questions may be useful, but they are insufficient where complex institutional failures require detailed examination. Investigative committees should therefore have access to technical advisers and legal experts capable of evaluating classified operational material under controlled conditions. Their work should not become an instrument of partisan retaliation, because politicized oversight can damage both security effectiveness and public confidence. Procedures should be established to protect sensitive information while enabling genuine scrutiny.

The challenges of parliamentary oversight over security institutions in Iraq demonstrate the need for stronger procedural mechanisms rather than merely broader constitutional declarations (15). Parliamentary committees should receive periodic reports concerning the implementation of counterterrorism laws, detention statistics, major categories of operations, complaints, disciplinary actions, and institutional reforms. These reports need not disclose active intelligence operations or identities of protected sources. Their purpose would be to allow legislators to identify patterns indicating excessive detention, recurring procedural violations, unexplained expenditures, or institutional failure. Transparency and accountability in counterterrorism are particularly important because excessive secrecy can weaken public confidence and make misconduct more difficult to detect (27). Carefully designed reporting can therefore reconcile security confidentiality with democratic accountability.

Budgetary supervision represents another major area of parliamentary responsibility. Counterterrorism consumes substantial public resources, and some security expenditures may be classified. Nevertheless, classified expenditure must remain subject to legal control. Financial oversight of security institutions can reduce corruption, improve resource allocation, and ensure that funds intended for counterterrorism are not diverted to unrelated purposes (32). Parliament should therefore establish secure procedures through which authorized committees can examine sensitive expenditures without making operational details publicly available. Audit institutions may assist by verifying procurement, contracts, personnel expenditures, and large infrastructure investments. Financial accountability is closely related to operational effectiveness because corruption can weaken equipment quality, distort recruitment, create unauthorized patronage networks, and divert resources from training or technology.

Parliamentary questioning of senior security officials should also become a regular component of accountability. Officials responsible for counterterrorism policy should be required to explain major institutional strategies, implementation failures, legal controversies, and responses to substantiated violations. Such questioning should be structured to distinguish strategic accountability from interference in individual operations. Parliament should not direct tactical security decisions, but it should be able to determine whether institutions possess adequate legal procedures, whether internal investigations are functioning, and whether officials have implemented required reforms. Coordination among authorities responsible for oversight can improve the effectiveness of this process

(31). Parliamentary committees should therefore cooperate with independent oversight institutions, human-rights bodies, audit authorities, and judicial institutions where appropriate, while respecting the separation of powers.

Judicial oversight operates at a different and more immediately legal level. Courts represent the primary institutions responsible for protecting individuals against unlawful arrest, detention, investigation, prosecution, and punishment. Counterterrorism cases test judicial independence because they often involve strong public emotions, executive pressure, national-security claims, and allegations of particularly serious crimes. The judiciary must therefore be capable of applying legal standards without assuming that security accusations are automatically valid. The independence of the Iraqi judiciary is especially important where judges may face political or security pressures related to terrorism cases (18). Legal safeguards for judicial independence should include secure tenure, protection against arbitrary disciplinary measures, transparent appointment and promotion procedures, adequate resources, and institutional protection against threats. Judges handling terrorism cases should receive specialized training, but such training must strengthen legal competence rather than encourage alignment with security institutions.

Judicial supervision should begin at the moment coercive powers are used. Arrest warrants, search warrants, surveillance authorizations, extensions of detention, and other intrusive measures should generally be subject to judicial control. Courts should assess whether legal thresholds have been met and whether proposed measures are necessary and proportionate. Judicial review of Iraqi legislation and executive implementation provides an essential mechanism for preventing security powers from escaping legal scrutiny (17). Where emergency circumstances permit temporary action without prior judicial authorization, the law should require prompt subsequent review. Judicial supervision must be substantive rather than ceremonial. Judges should be provided with sufficient information to evaluate necessity and should be able to reject requests that lack adequate factual or legal foundations.

The right to challenge detention is particularly important. Individuals held on terrorism-related grounds should have access to procedures through which the legal basis and duration of detention can be reviewed. Prolonged detention without meaningful judicial examination creates a serious risk of arbitrary deprivation of liberty. Fair-trial guarantees in terrorism cases require judicial scrutiny of the circumstances in which evidence and confessions were obtained (5). The right of defense must include a meaningful opportunity to contest allegations and challenge procedural irregularities (6). Courts should therefore examine whether detainees had access to counsel, whether interrogation practices were lawful, whether detention periods complied with statutory limits, and whether evidence was collected in accordance with applicable procedures. Where violations are established, effective remedies should be available. These may include release, exclusion of evidence, termination of unlawful procedures, compensation where permitted, disciplinary referral, or criminal investigation of responsible officials.

Constitutional review constitutes a further dimension of judicial oversight. Counterterrorism laws may themselves contain provisions that conflict with constitutional rights, separation of powers, judicial guarantees, or principles of equality. The role of the judiciary in reviewing the constitutionality of legislation is therefore particularly important in the security context (16). Constitutional review of criminal legislation allows courts to evaluate whether statutory provisions exceed permissible restrictions on rights or confer powers that are insufficiently defined (19). This function helps prevent exceptional security measures from becoming entrenched merely because they were enacted during periods of intense threat. A law does not become constitutionally acceptable simply because its objective is counterterrorism. Its means must also remain compatible with constitutional requirements.

Judicial oversight should also extend to the use of classified information. Counterterrorism cases frequently involve evidence that security institutions seek to protect from public disclosure. Some confidentiality may be necessary to protect intelligence sources or methods, but secrecy cannot eliminate the defendant's ability to understand and challenge the case. Courts should therefore possess procedures for reviewing classified material, determining whether secrecy is genuinely necessary, and ensuring that the defense receives sufficient information to contest allegations. Where material cannot be disclosed, judges should evaluate whether alternative summaries, protective orders, or other mechanisms can preserve both security interests and trial fairness. The objective is not absolute transparency but judicially controlled confidentiality. Leaving classification decisions entirely to executive institutions would allow the party seeking to use secret information to determine the scope of its own accountability.

Oversight must also address emergency and exceptional measures. Terrorism may produce circumstances in which authorities impose curfews, restrict movement, conduct urgent searches, establish security zones, or take other extraordinary measures. Such powers should be temporary, legally authorized, necessary, and proportionate. Judicial review should ensure that emergency powers are not used for political retaliation or extended beyond their security justification. The principle of legality in counterterrorism requires that exceptional authority remain exceptional. Monitoring and evaluating security legislation can help identify whether temporary powers have effectively become permanent administrative practices (28). Periodic review should therefore examine whether the factual circumstances justifying such powers continue to exist.

Independent institutional oversight can complement parliamentary and judicial mechanisms. Human-rights bodies, integrity institutions, ombuds-type mechanisms, audit institutions, and specialized complaint bodies may provide additional channels for identifying violations. Their effectiveness depends on legal independence, access to information, investigative authority, and the ability to refer serious findings to competent judicial bodies. Coordination among oversight institutions should prevent duplication while ensuring that violations do not disappear between jurisdictions (31). Independent bodies may be particularly useful for examining systemic patterns that individual criminal cases do not reveal, such as repeated complaints from a particular detention facility, recurring procedural deficiencies, or discriminatory patterns in enforcement.

Accountability should also include institutional learning. The purpose of oversight is not only to punish violations after they occur but also to identify structural causes and prevent repetition. Parliamentary reports, judicial decisions, internal investigations, and independent inquiries should therefore feed into legislative amendment, training programs, administrative reform, and operational procedures. Transparency can improve institutional learning by encouraging agencies to acknowledge mistakes and adopt corrective measures (27). A system in which every finding of misconduct is treated solely as reputational damage may encourage concealment. By contrast, a mature accountability system distinguishes between individual wrongdoing, institutional weakness, and reasonable error, responding appropriately to each.

External influence and national sovereignty also affect oversight. Foreign intelligence or military cooperation may involve information that domestic institutions have limited capacity to verify. National sovereignty requires that such cooperation remain subject to Iraqi legal procedures (24). Regional and international pressures can affect domestic security priorities, making effective national oversight particularly important (25). Parliament and the judiciary should therefore be able to examine, within appropriate confidentiality rules, whether international counterterrorism cooperation complies with Iraqi law and respects the authority of domestic institutions. Foreign assistance should not create zones of activity beyond parliamentary or judicial scrutiny.

The ultimate purpose of oversight is to ensure that counterterrorism remains both effective and legitimate. Excessively weak oversight permits discretionary power to expand without adequate control, while poorly designed oversight can obstruct necessary operations through delay, politicization, or unauthorized disclosure. The appropriate solution is therefore not maximal oversight in every operational detail but differentiated oversight suited to the nature of the power being exercised. Strategic policy should receive parliamentary scrutiny, individual coercive measures should receive judicial supervision, financial activity should be audited, professional misconduct should be investigated internally and externally, and constitutional questions should be subject to judicial review. When these mechanisms operate together, accountability becomes an integrated system rather than a collection of isolated procedures. Such a system strengthens public confidence, improves institutional discipline, protects rights, and reinforces the legal legitimacy upon which sustainable counterterrorism ultimately depends.

Conclusion

Strengthening the federal authority's compliance with legal obligations in combating terrorism requires recognition that security effectiveness and legality are mutually reinforcing rather than contradictory objectives. Iraq's experience demonstrates that terrorism poses threats not only to individual safety but also to constitutional order, governmental institutions, public confidence, social stability, and the legitimacy of state authority. The seriousness of the threat justifies strong governmental action, but it does not remove counterterrorism from the framework of law. On the contrary, the greater the power exercised by security institutions, the more important it becomes to define that power clearly, supervise its use, and provide effective mechanisms for remedy when legal limits are exceeded. The legitimacy of counterterrorism therefore depends on the ability of the state to protect society without abandoning the principles that distinguish lawful authority from arbitrary coercion.

The first major requirement is comprehensive legislative reform. Anti-terrorism legislation must provide the federal authority with sufficient instruments to prevent, investigate, prosecute, and punish terrorist offenses while ensuring that those instruments are defined with precision. The definition of terrorism should be sufficiently narrow and specific to prevent the exceptional criminal framework from being extended to conduct that does not genuinely constitute terrorism. The constituent elements of offenses must be clear, criminal liability must remain individualized, and related offenses such as financing, recruitment, facilitation, assistance, and participation should be differentiated according to their nature and seriousness. Precision strengthens deterrence because it makes the law more predictable and strengthens prosecution because charges can be linked more clearly to identifiable statutory elements.

Procedural guarantees should be treated as central components of counterterrorism legislation. Arrest and detention must remain subject to defined legal conditions and meaningful judicial supervision. Individuals accused of terrorist offenses should have access to legal representation and an effective opportunity to challenge the evidence against them. Interrogation practices must respect human dignity, and evidence obtained through unlawful coercion should not become the foundation of criminal convictions. These safeguards do not provide special privileges to terrorism suspects; they preserve the integrity of the criminal justice process. A conviction based on reliable evidence obtained through lawful procedures strengthens public confidence, whereas a conviction associated with serious procedural violations can create lasting doubts about both the individual case and the wider justice system.

The modernization of counterterrorism legislation must also respond to technological change. Electronic evidence, encrypted communications, digital financing, cyber activity, online propaganda, and remote recruitment have changed the operational environment in which terrorist organizations function. Federal authorities therefore need modern investigative powers and technical capabilities, but these powers must be regulated. Surveillance, access to communications, data retention, digital searches, and electronic evidence collection should be governed by rules concerning authorization, necessity, proportionality, authenticity, and judicial control. Technological capability should increase the precision of counterterrorism rather than create new forms of unregulated state power.

Institutional reform is equally important because legal rules cannot implement themselves. The responsibilities of security, intelligence, investigative, and judicial institutions must be clearly defined to reduce overlapping competencies and gaps in accountability. Coordination should be institutionalized through formal procedures for intelligence sharing, joint operations, transfer of evidence, emergency communication, and strategic planning. A well-designed institutional system should permit rapid action while preserving identifiable chains of responsibility. Each institution should know the scope of its authority, the circumstances in which cooperation is required, and the legal procedures governing joint action.

Human-resource development should become a permanent element of institutional strategy. Counterterrorism personnel require advanced technical skills, but they also require legal knowledge, ethical discipline, and understanding of the consequences of unlawful conduct. Training should therefore integrate operational subjects with criminal procedure, human rights, evidence law, proportionality, professional ethics, and judicial requirements. Personnel should be evaluated not only on the basis of successful operations but also on the legality and professionalism with which those operations are conducted. Promotion, assignment, and professional advancement should reward competence and integrity. Individuals who repeatedly disregard procedures should not remain in sensitive positions merely because they possess operational experience.

The institutional environment must also support personnel in performing difficult functions lawfully. Counterterrorism officers may work under extreme pressure and face traumatic situations, demanding schedules, and continuing personal risk. Appropriate psychological support, reasonable workload management, modern equipment, and professional supervision can reduce operational errors and improve judgment. The state should recognize that exhausted, inadequately supported, or poorly trained personnel are more likely to make decisions that harm both security effectiveness and legal compliance.

Internal accountability should complement external oversight. Security institutions should maintain reliable records, investigate complaints, review allegations of misconduct, audit sensitive operations, and refer suspected criminal violations to competent judicial authorities. Internal review should not be treated as a mechanism for protecting institutional reputation. Its purpose should be to identify weaknesses early and prevent recurring violations. Agencies that learn from mistakes become more effective, while agencies that conceal problems reproduce them.

Parliamentary oversight must be strengthened so that national security does not become an area effectively insulated from democratic accountability. The Council of Representatives should be able to examine security policy, review relevant budgets, obtain necessary information under appropriate confidentiality arrangements, question responsible officials, and investigate serious allegations of institutional failure. Such oversight should remain strategic and supervisory rather than operational. Parliament should not attempt to direct individual security

operations, but it must be able to determine whether executive institutions comply with the laws enacted by the legislature and whether public resources are being used for authorized purposes.

Confidentiality should be regulated rather than used as a general barrier to scrutiny. Genuine operational secrecy is necessary in counterterrorism, yet confidentiality must not become a device through which institutions avoid accountability. Secure parliamentary procedures, restricted committee access, classified hearings, and protected reporting systems can reconcile security interests with oversight requirements. Financial supervision is particularly important because classified security expenditure can create opportunities for corruption if it is excluded from meaningful audit. Sensitive details may remain protected while still being subject to lawful financial examination.

Judicial oversight constitutes the most important safeguard for individuals directly affected by counterterrorism measures. Courts should supervise detention, warrants, surveillance, evidence collection, procedural legality, and the fairness of criminal proceedings. Judges must be capable of reviewing security claims independently rather than assuming that allegations of terrorism justify reduced scrutiny. The judiciary should also possess the institutional independence required to resist political or security pressure. Terrorism cases often involve intense public concern, but judicial decisions must remain grounded in law and evidence rather than political expectations.

Constitutional review is similarly essential. Counterterrorism laws should not be immune from constitutional scrutiny simply because they address serious national-security threats. If statutory provisions confer excessively broad powers, restrict protected rights disproportionately, or weaken judicial guarantees, courts must be able to assess their constitutional validity. This ensures that emergency-oriented legislation remains part of the constitutional legal order rather than developing into a separate security system operating alongside it.

Effective remedies must accompany judicial oversight. A right without a remedy may have little practical value. Where arrests, detentions, searches, surveillance measures, or investigative practices violate legal requirements, affected individuals should have access to procedures capable of correcting the violation. Remedies should be appropriate to the circumstances and may include release, exclusion of unlawfully obtained evidence, termination of illegal measures, compensation where legally available, disciplinary action, or criminal investigation. The existence of meaningful remedies also creates incentives for institutions to comply with legal procedures before violations occur.

Independent oversight institutions can further strengthen accountability by examining complaints, patterns of abuse, administrative deficiencies, and systemic risks. Their work should complement rather than duplicate parliamentary and judicial mechanisms. Cooperation among oversight bodies can create a more complete picture of how counterterrorism policies operate in practice. Information from complaints, judicial decisions, internal investigations, and parliamentary inquiries should be analyzed collectively to identify recurring problems and determine whether legislative or administrative reform is required.

International cooperation remains necessary because terrorism frequently crosses national borders, but such cooperation must remain governed by Iraqi law and national sovereignty. Intelligence sharing, extradition, financial investigation, training, and operational assistance should occur through authorized institutional channels. Foreign cooperation should strengthen Iraqi capacity rather than create parallel systems of authority or decision-making. Domestic institutions must retain responsibility for determining whether information supplied by external actors may lawfully be used in investigation or prosecution.

A sustainable Iraqi counterterrorism model should therefore be built on an integrated relationship among legislation, institutions, personnel, oversight, and judicial protection. Legislative reform without institutional

development may produce rules that are not implemented effectively. Institutional modernization without oversight may increase state power without increasing accountability. Oversight without judicial independence may become symbolic. Training without clear legal standards may improve technical performance while leaving uncertainty about lawful conduct. Each component must therefore support the others.

The strongest measure of federal compliance is not the absence of security action but the capacity to act decisively through law. Counterterrorism should be able to respond rapidly to genuine threats while preserving the distinction between security necessity and arbitrary power. A state that respects legal limits during periods of danger strengthens its constitutional legitimacy because it demonstrates that the rule of law remains operative precisely when it is most difficult to maintain. Public confidence is more likely to develop when citizens believe that security institutions protect them without exercising uncontrolled authority.

The federal authority should accordingly treat legal compliance as a strategic component of national security. Precise legislation, professional institutions, competent personnel, technologically modern investigation, parliamentary supervision, financial accountability, judicial independence, procedural guarantees, and effective remedies together create a system in which counterterrorism can be both firm and lawful. The ultimate objective is not to weaken the federal authority's capacity to confront terrorism, but to strengthen that capacity by grounding it in a legal framework capable of commanding institutional discipline and public legitimacy. Sustainable security cannot depend solely on coercive power. It requires a state whose institutions remain bound by law even while confronting actors who reject the legal and constitutional order.

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All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

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Transparency of Data

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