



جمهورية العراق  
وزارة التعليم العالي والبحث العلمي  
جامعة ديالى  
كلية القانون والعلوم السياسية



## إرهاب النظام السابق وأثره في الحقوق المدنية والسياسية لذوي الشهداء قبل عام (٢٠٠٣)

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## **Abstract**

Civil and political rights are among the basic rights sanctioned by most constitutions in the world within a framework that narrows or expands its scope in proportion to the democracy or domination of the system. On popular sovereignty

Issues related to civil and political rights are among the issues that have sparked a lot of discussions at the political and legal level at different stages in the history of nations. The importance of the research topic lies in the fact that it relates to civil and political rights for an important group of Iraqi society, who are the families of the martyrs, which makes it at the forefront of the topics that It obliges every researcher or person interested in this matter to give his opinion, perhaps in that he will diagnose an error or deficiency. The problem posed by this topic is related to raising many questions. Does the Iraqi constitution issued in 2005 take into account in its texts all the principles related to the civil and political rights of martyrs and their families, which are stipulated in all international covenants? Do the martyr's family enjoy, under the provisions of this constitution, a sufficient amount of rights that enable him to practice his political and economic life in a democratic manner? To what extent does this constitution guarantee the protection of the civil and political rights of the martyr and his relatives that it stipulated? The current study reached the conclusions: Despite the international agreement on the concept of legitimate struggle for states and peoples, the international community was unable to agree on a single and specific definition of the concept of terrorism. Describing terrorism is easier than defining it, as it is an international phenomenon surrounded by a lot of ambiguity, and it does not have a concept agreed upon by the jurists. The Iraqi legislator was not successful in his definition of torture, even though he had adopted some good trends, written by him to the idea

of torture in its physical and moral forms, which expands the scope of criminal responsibility. Accordingly, we suggest the following: It would be preferable to standardize the terminology and use the term “news” in the Mass Graves Protection Law for its accuracy and consistency with the provisions of the Iraqi Code of Criminal Procedure. We call on the Iraqi legislator to remove the contradiction between these provisions and amend them in accordance with the provisions of the Code of Criminal Procedure and the general rules in Iraqi legislation.