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Country Policy and Information Note

Iraq: Baathists

Version 2.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 1 November 2019

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by state or non-state actors because of the person's actual or perceived past affiliation with the former ruling Baath Party or for being or being perceived to be an active member or proponent of Baathist ideology.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Some mid to high ranking Baathists may be responsible for serious human rights abuses. If there are serious reasons for considering that the person has been involved in such abuses, then decision makers must consider whether one of the Exclusion clauses is applicable. Particular considerations will include the person's rank, position and family.
- 2.2.2 Some Baathists may have links with Daesh or other Sunni insurgent organisations such as the Naqshbandi Order (JRTN), Former Regime Loyalists (FRL) or the General Military Council of Iraq's Revolutionaries (GMCIR) (see [Linked groups](#)). Decision makers should explore any such links with these groups and consider Exclusion. Each case must be considered on its individual facts and merits.
- 2.2.3 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.4 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 A person's actual or imputed political opinion.

2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a) State treatment

2.4.1 The Baath Party was banned under the 2005 constitution. After the fall of the Saddam Hussein regime, Iraq underwent a programme of 'de-Baathification' which involved the dismantling of the party and various associated organisations. Senior party members, party members who occupied high positions within the civil service (director general and above) and members of certain organisations particularly associated with the Baathist regime (e.g. military or police, intelligence services etc), lost their jobs. In recent years the process has eased off with the introduction of the Accountability and Justice Act in 2008, along with calls in 2014 for the de-Baathification laws to be repealed. Many who lost their jobs have since been reinstated, particularly those senior party members of Firqa (Ferqa) group level and below. Many have also been reabsorbed into new military and security institutions. However, a law was passed in 2016 that strengthened the 2005 ban, criminalising the promotion of Baathist protests and the promotion of Baathist ideas (see [Current status](#), [Structure](#), [Size](#) and ['De-Baathification'](#)).

2.4.2 In general, a person will not be at risk of serious harm or persecution by the state because of their previous involvement with the Baath Party. However, each case must be assessed on its merits, as there may be individual circumstances in which a person is at risk. Factors to consider include:

- a person's former rank and/or position within the Baath Party;
- whether the person has been involved in any particular activities such as serving in the intelligence or police services, or if they are associated with the wider abuses of the Baathist regime;
- how those activities or their profile have brought them to the adverse attention of those they fear.

2.4.3 A new bill passed in August 2016 states that becoming a member of the Baath Party or promoting its ideas and opinions by any means may result in a prison sentence of up to 10 years. A person may therefore be at risk of prosecution and imprisonment depending on their public support of the Baath party and its ideologies (see [De-Baathification](#)).

2.4.4 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

b) Societal treatment

2.4.5 In general, former Baath Party members are not at risk of harm by societal actors. Although Shia militia have sometimes targeted some alleged or

actual former Baathists, such targeting is not systematic and is often dependent on a person's past profile and activities within the Baath party (see [Treatment of Baathists](#) and [Risk profiles](#)). Whether a person faces treatment amounting to persecution will depend on their former or current profile and activities, and the capabilities and motivation of the non-state actors who they fear. Each case will need to be considered on its facts, with the onus on the person to demonstrate that they are at risk of persecution.

- 2.4.6 Accusations of Baath Party affiliation may be linked with the wider sectarian targeting of Sunnis, particularly following the Daesh insurgency. For more information on the treatment of Sunni Muslims see the Country Policy and Information Note on [Iraq: Sunni Arabs](#).
- 2.4.7 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors – including 'rogue' state actors – decision makers must assess whether the state can provide effective protection.
- 2.5.3 The Upper Tribunal, in [BA \(Returns to Baghdad\)](#), found: 'In general, the authorities in Baghdad are unable, and in the case of Sunni complainants, are likely to be unwilling to provide sufficient protection' (paragraph 107 (vii)). For more information see the Country Policy and Information Note on [Iraq: Sunni Arabs](#).
- 2.5.4 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from state actors, it is unlikely to be possible for them to relocate to escape that risk.
- 2.6.2 Where the person has a well-founded fear of persecution from non-state actors, decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of persecution or serious harm and where they can reasonably be expected to stay. Each case must be considered on its individual merits taking into account who the persecutor is and their capability and motivation in pursuing the person. For more information see the Country Policy and Information Note on [Iraq: Internal relocation, civil documentation and returns](#).
- 2.6.3 For further guidance on considering internal relocation and factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 1 November 2019

3 Baath Party

3.1 History

- 3.1.1 The [BBC News profile and history of the Baath Party](#) explained that:
- it was founded in Syria in the 1940s (where it is still the ruling party);
 - the Iraqi branch of the party was founded in 1951;
 - the party came to power in Iraq initially in 1963 and then again in 1968;
 - from 1979 to 2003 Saddam Hussein was secretary general of the (Iraqi) Baath Party and President of Iraq;
 - 'Baath' means 'renaissance' in Arabic and the party's ideology is pan-Arab, secular nationalism.
 - power was concentrated in the hands of a narrow elite united by family and tribal ties
 - The party had a highly regimented structure. At the lowest level - the village - it had cells of between three and seven people, rising up to regional commands and a national command ¹.

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3.2 Structure

- 3.2.1 The International Centre for Transitional Justice (ICTJ), in a report dated March 2013 ('the ICTJ report'), commented on the structure and composition of the Baath party:

'It is hard to develop a clear picture of the party's structure or membership levels prior to the US-led invasion of Iraq in 2003. According to the Higher National De-Baathification Commission (HNDC), the regional command consisted of 15 bureaus: two for most governorates, except Baghdad and the Kurdish region, which had three and one respectively. In addition, there were women's, military, professional, and students' bureaus.

'Each geographical bureau reportedly consisted of four branches. Each branch had four to eight sections, depending on the population and size of

¹ BBC News, 'The Iraqi Baath Party', 25 March 2003, [url](#)

the area. Each section consisted of four to eight units, depending on the population and size of the area. Similarly, each unit was made up of a variable number of organizations. Circle and cell, widely used in English to describe the lowest-level unit of party organization, are synonymous. These members usually met in school buildings and did not have their own offices.

‘Of the three professional bureaus, the student office regulated students in post-secondary education, including universities, colleges, and training institutes. The professional office reportedly oversaw state officials and professional associates and syndicates, such as the Iraqi Women’s Association and the Farmers’ Union. The military office was reportedly restricted to members of the interior and defense ministries and the military.’²

3.2.2 The BBC also stated that the party had a highly regimented structure and all major decisions went through Saddam Hussein who from 1979 was president, head of the Revolutionary Command Council and secretary general of the Baath Party³.

3.2.3 The European Asylum Support Office (EASO) report on Iraq published in June 2019 which cited a range of sources, stated ‘The Arab Socialist Baath party, which ruled Iraq from 1968 to 2003, since 1979 under Saddam Hussein, has been described as a brutal authoritarian regime. [...] Saddam Hussein and the Baath party used violence, killing, torture, execution, and various forms of repression to control the population.’⁴

3.2.4 The ICTJ produced the following table showing the different membership levels of the Baath Party⁵:

Level in Party Hierarchy	Rank – English	Rank – Arabic	Belongs To	Powers
Highest level (symbolic only)	National command member	‘Udu Qiyada Qawmiyya	National Command (Arab region)	Symbolic Only
Highest level of Iraqi leadership	Regional command member	‘Udu Qutriyya	Regional Command (Iraq)	Set state and party policies. Were often secretaries accountable only to regional command secretary (Hussein). Had official powers to order military operations.
Bureaus. Could be geographical or professional (e.g. Students’ Bureau)	Office member	‘Udu Maktab	Office (aka bureau)	Supervised branch leaders. Some had powers to order military and security forces, including movement restrictions, house destructions, summonses, and interrogations.
Senior Party Members	Branch member	‘Udu Far’	Branch	Led party sections (below). Could order security apparatus but not military to arrest. Authorized to use party firearms against suspected subversives. With other officials, could issue security

² ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p5, March 2013, [url](#)

³ BBC News, ‘The Iraqi Baath Party’, 25 March 2003, [url](#)

⁴ EASO, ‘Country Guidance: Iraq’, June 2019, p55, [url](#)

⁵ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p6-7, March 2013, [url](#)

				decisions for area of responsibility.
Senior Party Members	Section member	'Udu Sh'uba'	Section	Led groups, supposedly supervised and followed up work of security forces, could order checkpoints and local states of alert. Could act with local security and militias to break up suspicious gatherings. Authorized to use party firearms.
Senior Party Members	Unit member	'Udu Ferqa	Unit	No decision-making role. Watched security and state administration. Followed up reports on individuals. Directly implemented orders of superiors, informed on individuals to competent authorities, gave character references, etc.
	Active member	'Udu 'Amel	Organization	
Actual membership commenced	Trainee member	'Udu Mutadarrib	Cell/Circle	A member during his or her training period
	Candidate	Murashah lil 'Udwiyya	Cell/Circle	A period during which a recruit is trained and examined.
	Advanced partisan	Nasir Mutaqaddim	Cell/Circle	
	Nasir	Nasir	Cell/Circle	Formerly a hard barrier beyond which one was subjected to party discipline.
Lowest level of association	Supporter	Mua'yyid	Cell/Circle	

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3.3 Size

3.3.1 The ICTJ report commented:

'There are no reliable figures for estimating party membership at the time of the 2003 invasion. Unlike the membership records of the Nazi Party, which were captured by Allied Forces, only the military membership lists have ever been found.

'Most figures quoted are those verbally quoted by HNDC [Higher National De-Baathification Commission], and they have changed at various times. According to a senior HNDC official, they are based on extrapolating membership patterns from a party handbook published in the mid-1990s.

'According to HNDC figures, when the regime fell, at least 400,000 Iraqis held the rank of full party members or above. About 150,000 of them worked in the civil service, and about 250,000 were in the defense forces or Ministry of Defense. Of the 150,000 members who were also civil service employees,

some 65,000 held one of the top four levels of membership. Estimates of party members plus sympathizers ranged from 1.2 million to 2 million.’⁶

- 3.3.2 The (EASO) report on Iraq published in June 2019 stated ‘During the 1980s, approximately 10% of the Iraqi population were members of the Baath party.’⁷

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3.4 Composition

- 3.4.1 The ICTJ report said:

‘Although many Baath Party members were Shia, it is widely held that Sunnis were disproportionately represented in the party’s upper ranks, the military, and the security services. The exercise of authority within the party was highly circumscribed to a tightly knit cadre, all personally dependent on Hussein. Iraq had become a one-person, not a one-party, state. Family and tribal relationships were deployed to guarantee the continued longevity of Hussein’s rule.’⁸

- 3.4.2 The International Crisis Group (ICG), in their report, ‘Make or Break: Iraq’s Sunnis and the State’, dated 14 August 2013 noted:

‘After the Baath party assumed power in 1968, Sunni Arabs retained an important – although far from exclusive – share within the power structure. Saddam Hussein, himself a Sunni Arab but above all a provincial outsider, invested in tribal and sectarian loyalties to entrench his power in the capital, especially in the sensitive security arena. That said, his regime victimised people from all backgrounds, members of the Sunni community included – whether ordinary citizens, clerics, businessmen or tribesmen. Saddam’s politics took a more avowedly sectarian turn only after the 1991 uprisings in southern and northern Iraq.’⁹

- 3.4.3 An article in the Middle East Eye (MEE), dated November 2014, explained the different categories of Baathist membership/affiliation:

‘The northern city [of Mosul] became the second biggest base for senior Baath party members after Saddam Hussein’s own hometown of Tikrit. Locals, who asked to remain anonymous for fear of reprisal, told MEE that Baath party leaders would meet Wednesdays at a central city mosque.

‘The Baathists, however, do not appear to have had any real fighting power in Mosul.

‘Moving further south toward Baghdad and into Anbar province, there are, broadly speaking, three types of Baath party members present.

‘Two of these groups do not have much to do with IS’s [Daesh] murderous ways, but may still sympathise with sectarian Baathist policies, including the belief in Sunni Muslim superiority.

⁶ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p6, March 2013, [url](#)

⁷ EASO, ‘Country Guidance: Iraq’, June 2019, p55, [url](#)

⁸ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p4, March 2013, [url](#)

⁹ ICG, ‘Make or Break: Iraq’s Sunnis and the State’, p4, 14 August 2013, [url](#)

'The first includes street level and senior membership, who previously benefitted from being part of Saddam Hussein's apparatus but who, after 2003, were forced out of their jobs. Often these people have ended up having to start new lives, working as taxi drivers or labourers in order to support their families. But they live in fear that Shiite militias, who harbour a historical hatred for the Sunni-dominated Baath party, will find them and punish them for real or imagined wrongdoings.

'The second of these groups involves more powerful Baath party members, who, through influence, connections, corruption or an assortment of other manipulations, managed to return to their former positions - even though everyone knows very well that they were linked to the outlawed political party.

'Possibly the most important in this current crisis though, are the third group: those party members with military skills who still firmly believe in at least some of the Baath party principles, particularly those that involve sectarian superiority, and who continue to harbour ill will toward the new Iraqi government, even though the leadership recently changed.'¹⁰

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3.5 Current status

3.5.1 The Baath Party is banned under Article 7 of the 2005 Iraqi Constitution.¹¹

3.5.2 The June 2019 Country Guidance note on Iraq produced by the European Asylum Support Office (EASO) stated '... the new constitution implemented in 2005 effectively banned the Baath party. In addition to that, a Bill passed by the Iraqi Parliament in July 2016 formally banned the Arab Socialist Baath Party from exercising any political or cultural or intellectual or social activity under any name and by any means of communication or media.'¹²

3.5.3 The US State Department (USSD) report on human rights practices in Iraq during 2018 stated:

'The constitution provides for the right of free expression, including for the press, that does not violate public order and morality, express support for the banned Baath Party, or advocate altering the country's borders through violent means.

'[...] The constitution provides for the right to form and join associations and political parties, with some exceptions. The government generally respected this right, except for the legal prohibitions against groups expressing support for the Baath Party or Zionist principles.'¹³

3.5.4 The Freedom in the World 2019 report stated:

'The constitution guarantees the freedom to form and join political parties, with the exception of the pre-2003 dictatorship's Baath Party, which is banned. A 2016 law strengthened the ban, criminalizing Baathist protests

¹⁰ MEE, 'Analysis: Iraq's Baath Party: Where are they now?', 14 November 2014, [url](#)

¹¹ ICTJ, 'A Bitter Legacy: Lessons of de-Baathification in Iraq', March 2013, [url](#)

¹² EASO, 'Country Guidance: Iraq', p55, June 2019, [url](#)

¹³ USSD, 'Iraq – Human Rights Practices for 2018', Section 2, p25, 13 March 2019, [url](#)

and the promotion of Baathist ideas. The measure applies to any group that supports racism, terrorism, sectarianism, sectarian cleansing, and other ideas contrary to democracy or the peaceful transfer of power.’¹⁴

3.5.5 The March 2019 EASO report entitled ‘Country of Origin Report Iraq: Targeting of Individuals’ stated:

‘Renad Mansour reported that, despite a constitutional ban, remnants of the former Baath Party were still active during the 2016 period during the ISIL [Islamic State of Iraq and the Levant] conflict. He explained that ‘the party is divided along two strands’ remarking that:

“the first group includes supporters of Izzat Ibrahim al-Douri, formerly vice chairman of Saddam’s Iraqi Revolutionary Command Council, and the Naqshbandi order, a Sufi sect of Sunni Islam prominent in northern Iraq. The second group is led by Mohammed Younis al-Ahmed, who leads al-Awda, an underground Baath movement inside Iraq. Both groups are wanted by the central government and as such operate via clandestine networks. Both of these groups have shared relations with ISIL.”¹⁵

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Section 4 updated: 1 November 2019

4 Linked groups

4.1 Baathists and Daesh

4.1.1 Several sources observed that there were links between Baathists and Al-Qaeda in Iraq (AQI), the forerunner of Daesh (Islamic State of Iraq and the Levant (ISIL) or Islamic State of Iraq and Syria/al-Sham (ISIS)). The UN Security Council noted that AQI launched a campaign called ‘Harvesting of Soldiers’ in July 2013 aimed at recruiting former Baathists and elements of the Iraqi security forces¹⁶.

4.1.2 An article published in April 2015 by the Independent entitled ‘How Saddam Hussein’s former military officers and spies are controlling Isis’ stated:

‘Even with the influx of thousands of foreign fighters, almost all of the leaders of the Islamic State are former Iraqi officers, including the members of its shadowy military and security committees, and the majority of its emirs and princes, according to Iraqis, Syrians and analysts who study the group.

‘They have brought to the organisation the military expertise and some of the agendas of the former Baathists, as well as the smuggling networks developed to avoid sanctions in the 1990s and which now facilitate the Islamic State’s illicit oil trading.’¹⁷

4.1.3 The June 2019 EASO report stated:

‘Even though not all former Baathists were enthusiastic about ISIL, the remnants of the party generally shared relations with the Islamic State. There has been a close cooperation between the remnants of the former

¹⁴ Freedom in the World 2019, ‘Iraq’, 4 February 2019, [url](#)

¹⁵ EASO, ‘Iraq: Targeting of Individuals’, Section 1.7.1, p63, March 2019, [url](#)

¹⁶ UN Security Council, ‘Children and armed conflict in Iraq’, Section B(2), p4, 9 November 2015, [url](#)

¹⁷ The Independent, ‘Hussein’s former military officers and spies are controlling ISIS’, 5 April 2015, [url](#)

Baath Party and ISIL not least because of the shared hatred of the Shia-led government in Iraq. Saddam-era Baathist military and police officers were recruited by ISIL. It was also reported that former Saddam-regime officers ran three of the most crucial of ISIL's 23 portfolios: security, military and finance. The list of the most wanted ISIL members published by Iraqi authorities in February 2018 contained several high-ranking former Baath party members.

'On the one hand, ISIL recruited former Saddam-era Baathist military and police officers who have been a powerful factor in the rise of ISIL and were instrumental in the survival of its self-proclaimed caliphate. On the other hand, former Baathists had their own political goals in mind and were aiming for the establishment of a Sunni-dominated tribal nation from Damascus to Fallujah to Mosul, thus covertly undermining ISIL's caliphate.

'The former Baathists were not able to compete with ISIL. In fact, many former Baathists were arrested and killed by ISIL due to rivalry. To tame any opposition, ISIL arrested a number of local Baath party leaders and members in 2014, suggesting fractures in the local Baathist-ISIL alliance. Former Baathists and their properties, particularly those belonging to former officers of the Iraqi Army under Saddam Hussein, were also targeted in the military operations against ISIL by the progovernment forces, including militia groups.'¹⁸

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4.2 Naqshbandi Order (JRTN)

4.2.1 The US Department of State 'Country Reports of Terrorism 2017' published in September 2018 stated:

'Jaysh Rijal al-Tariq al-Naqshabandi (JRTN) was designated as a Foreign Terrorist Organization in September 2015. The group first announced insurgency operations against international forces in Iraq in December 2006 in response to the execution of Saddam Hussein. Izzat Ibrahim al-Douri, former vice president of Saddam Hussein's Revolutionary Council, leads the group, which consists of former Baath Party officials, military personnel, and Sunni nationalists. JRTN aims to overthrow the Government of Iraq, install a new Baathist regime, and end external influence in Baghdad.

'[...] In 2014, elements of JRTN joined military forces with ISIS in opposition to the Iraqi government. The group played a major role in the capture of Mosul from Iraqi security forces in 2014. Elements of JRTN continued cooperating with ISIS in 2016, but did not publicly claim any specific attacks in 2016 or 2017.

'In 2013, the group was estimated to have about 5,000 fighters; membership is almost certainly much lower today.'¹⁹

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¹⁸ EASO, 'Country Guidance: Iraq', June 2019, Section 4, p56, [url](#)

¹⁹ USSD, 'Country Reports on Terrorism 2017', p310, September 2018, [url](#)

4.3 General Military Council for Iraqi Revolutionaries (GMCIR)

- 4.3.1 The Jamestown Foundation stated the following in a report, published 25 July 2014, entitled 'A Marriage of Convenience: The Many Faces of Iraq's Sunni Insurgency':

'One of the main groups that fought alongside ISIS is the GMCIR [General Military Council for Iraqi Revolutionaries]. This group was formed in early 2014 from an alliance of various other military councils or tribal revolutionary groups with the aim of establishing a unified command as a result of renewed fighting with Baghdad. The GMCIR includes a large number of former officers of the disbanded Iraqi army and has the general aim of establishing a Sunni autonomous entity without compelling any break-up of Iraq.'²⁰

- 4.3.2 The Jamestown Foundation also provided a more detailed profile (dated 26 June 2014) of the General Military Council for Iraqi Revolutionaries (GMCIR):

'The GMCIR's opponents claim that the group is strongly influenced by former Baathist officers affiliated with groups such as the Jaysh Rajaal al-Tariqa al-Naqshabandia (JRTN – Army of the Men of the Naqshabandi Path), which is particularly powerful in Ninewah governorate and the city of Mosul.

'GMCIR members state that JTRN members and former Baathist officers are represented in their organization, including in its Political Council; however, they assert that these officers are not the most important figures within it.'²¹

- 4.3.3 For more information on these groups see:

- [Institute for the Study of War – Middle East Security Report 24 – Beyond the Islamic State: Iraq's Sunni Insurgency, October 2014](#)

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Section 5 updated: 1 November 2019

5 De-Baathification

- 5.1.1 The International Center for Transitional Justice (ICTJ), in 2013, produced a report on 'de-Baathification'. While a number of years old, the report provides an accurate and authoritative overview of 'de-Baathification', a number of processes initiated by the Coalition Provisional Authority (CPA) and later Iraq's Higher National De-Baathification Commission (HNDBC) and then the Accountability and Justice Commission (AJC) after the fall of Iraq's Baathist regime in 2003²².

- 5.1.2 In 2003 the 'de-Baathification' process occurred in two main phases. 'Order 1' of the process included measures to:

- remove Baath Party leaders from 'positions of authority and responsibility in Iraqi society', specifically:

²⁰ The Jamestown Foundation, 'The Many Faces of Iraq's Sunni Insurgency', 25 July 2014, [url](#)

²¹ Jamestown Foundation, 'The General Military Council for Iraqi Revolutionaries', 26 June 2014, [url](#)

²² ICTJ, 'A Bitter Legacy: Lessons of de-Baathification in Iraq', p11, March 2013, [url](#)

- all individuals at the top four ranks of Baath Party membership ('senior party members');
- all individuals at the three highest levels of management position (director general and above) who held any level of party membership;
- forbid the displaying of images of Saddam Hussein;
- initiate investigations into alleged crimes;
- authorise rewards leading to the arrest of Baathists²³

5.1.3 'Order 2' of the process included measures to:

- dissolve certain organisations that were either notorious for their role in enforcing Baath party rule, or whose resources might offer the party a means to return to power, such as:
 - the Iraqi armed forces;
 - security services;
 - party militias;
 - the Olympic committee;
- abolish all military ranks;
- release conscripts;
- dismiss employees;
- discontinue pensions for senior party members and officers at the rank of colonel and above²⁴

5.1.4 In September 2003, the 'de-Baathification' commission expanded its scope, by:

- prohibiting certain categories of people from holding high-level positions in the new state bureaucracy, politics, civil institutions or the media. The affected people were:
 - senior party members;
 - those who held civil service or equivalent positions from director general level or above;
 - members of 'oppressive institutions'; and
 - those known to have participated in crimes
- creating 'De-Baathification' committees in each ministry;
- cancelling all previous reinstatements;
- taking control of the appeals process from the CPA, with only senior party members and high-ranking civil servants able to appeal, but who would lose their pensions if the appeal was rejected²⁵

²³ ICTJ, 'A Bitter Legacy: Lessons of de-Baathification in Iraq', March 2013, [url](#)

²⁴ ICTJ, 'A Bitter Legacy: Lessons of de-Baathification in Iraq', p11-12, March 2013, [url](#)

²⁵ ICTJ, 'A Bitter Legacy: Lessons of de-Baathification in Iraq', p12, March 2013, [url](#)

5.1.5 The source commented on the impact of these procedures:

‘At the stroke of a pen in May 2003, some 400,000 conscripts, officials, officers, and others were left unemployed by CPA Order 2. There appears to be almost universal criticism of the decision to dissolve the army, particularly in light of the bloody insurgency that evolved in 2004 and intensified from 2006 to 2008. It appears, however, that many people were reabsorbed into the new military and security institutions. De-Baathification measures were largely backward looking and for the most part did not prohibit future reemployment.

‘The impact on Iraq’s public administration is somewhat harder to assess. Implementation varied according to the ministry or institution involved, with some agencies enthusiastically dismissing eligible employees and others proceeding more slowly or selectively. In the Ministry of Foreign Affairs and other specialized entities, for example, the need for certain technical skills meant that exemptions were frequent and implementation severely compromised. The exception was the judiciary, which was subjected to a separate judicial vetting process.

‘Despite a halting start, however, de-Baathification of the government accelerated strongly at the end of 2003 and in the first months of 2004. Although Iraqi officials conveniently laid responsibility on the CPA for the mass wave of dismissals, ICTJ’s on-the-ground research strongly indicates that the de-Baathification commission was largely responsible. Policy-making power appears to have flowed to the commission from September 2003 and operational power from November 2003.

‘During these months the CPA began to realize that de-Baathification’s scope was larger than [sic] it had envisioned. The education sector was particularly hard hit, at a time when it appeared that schools and universities were having difficulty functioning. In the following months, it became increasingly clear that many thousands of people had been dismissed, but few had received pension payments or had their appeals heard.’²⁶

5.1.6 The ICTJ noted that political pressure from Sunnis and the US government changed the ‘de-Baathification’ process: ‘With rising violence and midterm elections looming, US officials decided that reforming de-Baathification was essential to lessening sectarian tensions. They immediately pressured Maliki’s government to commit to do so.’²⁷

5.1.7 The ICTJ commented:

‘Iraq’s public sector doubled from 2003 to 2005. In 2006 it grew more due to a law reinstating former civil servants who were dismissed by Hussein’s regime for political reasons. The law, along with weak governmental controls, rampant patronage, and the effects of corruption and conflict, meant that civil service personnel procedures slipped almost entirely out of government control and into the hands of those with the most extensive patronage networks. Based on the fragmentary information that exists,

²⁶ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p21, March 2013, [url](#)

²⁷ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p18, March 2013, [url](#)

HNDC reinstated at least 9,088 people in at least 46 different orders from 2004 to early 2006.’²⁸

5.1.8 The Higher National Commission for Accountability and Justice (HNCAJ) preserved much of the old ‘de-Baathification’ system but introduced some changes, including:

- clearer enforcement requirements;
- permitting most ‘Firqa-level members’ (‘group’ members of senior party members) to return to government service
- providing pension eligibility for most dismissed people;
- a more aggressive stance against employees of Baath-era intelligence services, regardless of actual party membership;
- the introduction of an independent judicial appeals chamber²⁹

5.1.9 The Australian Government’s Department of Foreign Affairs and Trade (DFAT) country information report on Iraq published in October 2018 stated:

‘The post-war transitional administration established a High Commission for De-Ba’athification to steer efforts to remove the influence of the Ba’ath Party. The Accountability and Justice Act (2008) established its replacement, the Accountability and Justice Commission. The Act included measures to ensure that Sunnis, who dominated the Ba’ath Party, were not excluded from Iraq’s governance processes, including by allowing some lower-level Ba’athists to return to government service. Most individuals dismissed under the previous regulations were entitled to access their pensions.’³⁰

5.1.10 An article entitled ‘Iraqi president calls for repeal of de-Baathification laws’ published by The New Arab in November 2014 stated:

‘Iraqi president Fuad Masum called Thursday for the de-Baathification laws to be repealed and Baath party members not implicated in crimes to be rehabilitated and be allowed to work for the government.

‘Speaking at the Middle East conference for dialogue and reconciliation in Erbil, Masum said national reconciliation required the de-Baathification laws be repealed.

‘The law, known as the law of “accountability and justice”, had clearly been misused, Msum said, as it had been used against many innocent people, who had been banned from government employment. He added: “National reconciliation is the precursor to peace in the country, which is what we want in Iraq. Reconciliation is not a goal in itself, it is the way to achieve peace in the country.”’³¹

5.1.11 An article entitled ‘New bill contradicts basic principles of human rights’ published in August 2016 by the Geneva International Centre for Justice (GICJ) stated:

²⁸ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p23, March 2013, [url](#)

²⁹ ICTJ, ‘A Bitter Legacy: Lessons of de-Baathification in Iraq’, p18-19, March 2013, [url](#)

³⁰ DFAT, ‘Country Information Report Iraq’, 9 October 2018, p18, para 3.49, [url](#)

³¹ The New Arab, ‘Iraqi president calls for repeal of de-Baathification laws’, 7 November 2014, [url](#)

‘On Saturday, July 30, 2016, the Iraqi Parliament officially passed a new bill banning the Arab Socialist Baath Party from any activity across the country. More specifically, Article 4(1) of said law prevents “the Arab Socialist Baath Party from exercising any political or cultural or intellectual or social activity under any name and by any means of communication or media”.

‘According to the text, “This decree includes other parties who have similar ideas and political messages to the Baath party.” And, in regards to the classification of “a Baathist”, Article 5 provides that the ban on the Party and its members include acts such as (1) “belonging to the Baath Party under any name whatsoever”; ... (3) “engaging in any political or intellectual activity that would encourage or promote or glorify the ideas of the Baath Party or membership with that group”; ... (5) using any audio-visual media or print to spread the ideas and opinions of the Baath Party; ... and (7) “participating in any rallies or demonstrations or sit-ins”.

‘Moreover, Article 8 also states that anybody caught “becoming a member of the outlawed Baath Party or promoting the ideas and opinions by any means” will be put in jail for up to ten years, and Article 9 provides that anyone who is caught “contributing or helping through the media to publish thoughts and opinions of the Baath Party” shall be punished by imprisonment “for a term of no less than six years.”’³²

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Section 6 updated: 1 November 2019

6 Treatment of Baathists

6.1.1 An article published in June 2015 by Iraq News entitled ‘Baathist Abdel Baqi al-Saadoun arrested in Kirkuk’ stated:

‘Iraqi Prime Minister Haider al-Abadi revealed on Saturday the arrest of the former official of the Baath Party Abdul Baqi Saadoun in Kirkuk, one of the most wanted men who have not been arrested since the overthrow of former President Saddam Hussein’s regime in 2003.

‘Abadi said: “the intelligence service was able to capture the wanted Abdel Baqi al-Saadoun.”

‘Saadoun took over several leadership positions in the Baath Party during the era of Saddam Hussein. The United States included him on the list of the most wanted after the fall of the regime following the US invasion in 2003. He was accused of committing crimes against humanity during the protests in 1999.’³³

6.1.2 A report published by The New Arab in January 2016 looked at what happened to the former Baath Party official mentioned above after his arrest:

‘A senior Saddam-era government official accused of genocide was on Monday sentenced to death in what critics have called a “politicised” move by the Iraqi judicial system.

³² GICJ, ‘Iraq - New bill contradicts basic principles of human rights’, 4 August 2016, [url](#)

³³ Iraqi News, ‘Photos: Baathist Abdel Baqi al-Saadoun arrested in Kirkuk’, 28 June 2015, [url](#)

'Abdulbaqi Abdulkareem al-Saadoun, a noted Iraqi Baath Party leader, was accused of "committing violations against the people of Iraq".

'Saadoun was also convicted of having links to armed groups fighting against Iraqi troops and civilians after 2003.

"Saadoun was convicted of committing genocide against the Iraqi people under the previous regime and of leading armed groups after the fall of the regime," an unnamed source from inside the court told The New Arab.

'Iraqi forces arrested Saadoun in July 2015, in Kirkuk province, northern Iraq.'³⁴

- 6.1.3 A joint report published in July 2015 by the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that on 1 April 2015 they had received reports that:

'[...] certain militia groups allied to Government forces had begun to loot civilian homes in newly liberated areas of Tikrit. Sources claimed that a number of shops and homes had been looted and torched in Tikrit's Zuhor quarter, Itibba'a street, Arbaeen street, Qadisiya quarter, al-Asri quarter, and Shuhadaa quarter during the first 48 hours of the liberation of Tikrit City. Between the afternoon of 3 April and the morning of 4 April [2015], an additional 700 homes were reportedly looted and burned, and 200 more were allegedly detonated – particularly those belonging to former officers of the Iraqi Army under Saddam Hussein.'³⁵

- 6.1.4 The same report also stated that '[...] on 17 April, in al-Sankar village of Abu alKhaseeb district, a Sunni sheikh from al-Ghanim tribe was shot dead in front of his house. The sheikh was a prominent community member and had reportedly served in the intelligence services during the Saddam Hussein regime.'³⁶

- 6.1.5 Another report published by UNAMI and OHCHR in December 2016 looking at events between November 2015 and September 2016 stated that: 'On 29 April [2016], unidentified gunmen travelling in a vehicle (reportedly without a number plate) shot and killed a man in the al-Ma'aqal area of central Basra. The victim was a high-ranking member of the Baath party. On 27 September, another former member of the Baath party was shot and killed in the al-Junaina area of central Basra.'³⁷

- 6.1.6 A report by Human Rights Watch (HRW) published in September 2015 looked at the destruction of civilian property following the Iraqi state's recapture of Tikrit following Daesh's occupation. The report entitled 'Ruinous Aftermath: Militia Abuses Following Iraq's Recapture of Tikrit' stated:

'In the complicated web of historical animosities playing out in the current conflict in Iraq, Shia political rhetoric tends to lump together supporters of ISIS with forces loyal to the disbanded Baath party and with retired senior officers who had served under Saddam Hussein. In line with this rhetoric

³⁴ The New Arab, 'Saddam-era Iraqi leader condemned to death', 11 January 2016, [url](#)

³⁵ UNAMI & OHCHR, 'Report on the Protection of Civilians in Iraq', p29, 13 July 2015, [url](#)

³⁶ UNAMI & OHCHR, 'Report on the Protection of Civilians in Iraq', p31, 13 July 2015, [url](#)

³⁷ UNAMI & OHCHR, 'Report on the Protection of Civilians in Iraq', p30, 30 Dec 2016, [url](#)

pro-government forces engaged in military operations against ISIS appear to have conflated ISIS with the Baath party. A pro-government reporter with Al-Ittijah channel in al-Dur during the recapture of the town told viewers that “Baathists and ISIS are two sides of the same coin.”

‘Analysts of ISIS have indeed pointed to the significant role former Baath party members play in it. However many other former Baathists, some of whom Human Rights Watch interviewed, claim to have no connection to the extremist group.

‘Among the Shia militias’ targets of destruction in al-Dur were opulent houses belonging to former Iraqi army officers. Senior officers serving in the 1980s and 1990s likely were Baath party members and participated in the 1980-1988 war against Iran.’³⁸

- 6.1.7 The same report also stated: ‘Sheikh Malik, a prominent businessman and brother of al-Dur’s mayor, told Human Rights Watch that at a tribal gathering he attended in April 2015, a Tikriti member of the Popular Mobilization Forces (a Sunni) boasted that, “We burned and destroyed al-Dur, because they [the residents] are ISIS and Baathists.’³⁹

- 6.1.8 An article published by Rudaw in March 2018 entitled ‘Iraq orders seizure of Baathist-remnant assets’ stated:

‘The Iraqi government ordered the seizure of assets which previously belonged to Saddam Hussein and more than 4,200 Baathist-regime officials on Monday.

‘The Iraqi Accountability and Justice Committee sent a letter, seen by AFP, to Prime Minister Haider al-Abadi’s office, as well as to the ministries of agriculture, finance, and justice.

‘Spouses, other relatives, and officials and bosses of the Baathist dictator are included on the list.’⁴⁰

- 6.1.9 An article published by Asharq Al-Awsat on 6 March 2018 stated that the assets and properties seized by the Iraqi government included ‘real estate, cars, bank accounts and other funds.’⁴¹

- 6.1.10 An article published by The New Arab in April 2018 stated that following a survey by AFP, 14 officials from Saddam Hussein’s regime remain in prisons, 15 years after he was disposed in 2003⁴².

- 6.1.11 DFAT’s country information report on Iraq published in October 2018 stated:

‘A broad consensus exists in Iraq that sanctions against the Ba’ath Party should not apply to Ba’athists as individuals. This consensus is based on a recognition that the dominance of the Ba’ath Party in all aspects of government forced millions of Iraqis to join the Party. Nonetheless, local sources report that imputed association with the Ba’ath Party is used as a

³⁸ HRW, ‘Milizia abuses following Iraq’s recapture of Tikrit’, p22, 4 September 2015, [url](#)

³⁹ HRW, ‘Milizia abuses following Iraq’s recapture of Tikrit’, p21, 4 September 2015, [url](#)

⁴⁰ Rudaw, ‘Iraq orders seizure of Baathist-remnant assets’, 5 March 2018, [url](#)

⁴¹ Asharq Al-Awsat, ‘Iraq to seize assets of Saddam Hussein, his aides’, 6 March 2018, [url](#)

⁴² The New Arab, ‘14 Saddam-era officials remain jailed in Iraq: survey’, 23 April 2018, [url](#)

threat against Sunnis, particularly in Shi'a majority areas such as southern Iraq. Colleagues competing for advancement in government employment may threaten Sunni civil servants with accusations of being Ba'athist.'⁴³

- 6.1.12 DFAT assessed that '... former high-ranking officials of the Ba'ath Party face a high risk of official and societal discrimination, particularly when trying to secure employment. Individuals with lower-level links to the Ba'ath Party face a lower risk of official and societal discrimination.'⁴⁴

- 6.1.13 The USSD International Religious Freedom Report on Iraq for 2018 published in June 2019 stated:

'Some Sunni Muslims continued to speak about what they perceived as anti-Sunni discrimination by Shia government officials in retribution for the Sunnis' favored status and abuses against Shia during the Saddam Hussein regime. Sunnis said they continued to face discrimination in public sector employment as a result of de-Baathification, a process originally intended to target loyalists of the former regime. Sunnis and local NGOs said the government continued the selective use of the de-Baathification provisions of the law to render many Sunnis ineligible for choice government positions, but it did not do so to render former Shia Baathists ineligible. Some Sunnis said Sunnis were often passed over for choice government jobs or lucrative contracts from the Shia-dominated government because the Sunnis were allegedly accused of being Baathists who sympathized with ISIS ideology.'⁴⁵

- 6.1.14 The EASO country guidance note on Iraq published in June 2019 produced the following assessment of risk for former Baath party members:

'In general, the risk of persecution for a regular Baath party member is minimal and dependent on the specific individual circumstances. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: supporting in public the ideology of the Baath party, having had a high-ranking position in the party, being a former Saddam-era military or police officer, having served in the intelligence services during the Saddam regime, potential (perceived) affiliation with ISIL, etc.'⁴⁶

- 6.1.15 A Rudaw article published on 15 July 2019 entitled 'Arrest warrant issued for "Baathist" Kirkuk protester: police' stated:

'Kirkuk police on Sunday said an arrest warrant has been issued for an Arab woman who claimed to be "Baathist" during a protest against Kurdish parties in the disputed city.

'Rana Hamid, originally from Anbar province, participated in a protest on Friday opposing the return of a Kurdish governor to the province.

"I swear we are Baathists and Saddamist. We will not give up Iraq," she is alleged to have shouted in footage of the protest supplied to Rudaw.

⁴³ DFAT, 'Country Information Report Iraq', Paras 3.50-3.51, p18, 9 October 2018, [url](#)

⁴⁴ DFAT, 'Country Information Report Iraq', Paras 3.50-3.51, p18, 9 October 2018, [url](#)

⁴⁵ USSD, 'Iraq International Religious Freedom Report for 2018', p17, 21 June 2019, [url](#)

⁴⁶ EASO, 'Country Guidance: Iraq', June 2019, Section 4, p56, [url](#)

'She also called Arab parties "betrayers" for failing to speak up for Arab rights in Kirkuk.

'[...] Angered by Hamid's professed support for Baathism, Kurdish groups filed a lawsuit against her.

"A lawsuit has been filed against the woman who praised Saddam during the Arab protest," Afrasyaw Kamil, spokesperson for Kirkuk police, told Rudaw on Sunday.

"The court has issued an arrest warrant for her because what she did was against the constitution and the law. Therefore, police raided her house to arrest her but she was not at home. We do not know where she has fled," he added.⁴⁷

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⁴⁷ Rudaw, 'Arrest warrant issued for "Baathist" Kirkuk protester: police', 15 July 2019, [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Baath Party
 - History
 - Structure
 - Current status
- Linked Groups
- Treatment of Baathists
 - State treatment
 - Non-State treatment
 - Factors putting people at risk

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **23 January 2020**

Changes from last version of this note

Updated COI and guidance.

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