

Measures of the Iraqi Internal Security Forces targeted to protect of public health during the spread of the Covid-19 virus

By

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Abstract

Since the spread of the Covid-19 virus has accelerated and its effects have spread to most countries of the world and the declaration issued by the World Health Organization as a trans-border pandemic, countries have rushed to take a package of measures to prevent the spread of the virus or limit its effects to protect public health, which is an integral part of public order, In addition to being a right of individuals, and since the government alone cannot undertake this task, the Iraqi government - like the rest of the world - proceeded to confront this emergency situation by forming the Diwaniyah Order No. 55 of 2020, which was later renamed the (Higher Committee for Health). And national safety) from the membership of the various ministries of the state and the presidency of the Minister of Health, and perhaps among the most important ministries that have taken upon themselves to confront the spread of the virus and protect the lives of individuals is the Ministry of Interior represented by the Internal Security Forces. Where the ministry directed its various formations, each according to its location, to implement the decisions of the aforementioned committee by taking measures of regions closure within the governorates, imposing a total or partial curfew, preventing gatherings in public places and places of worship, and disrupting the official working hours in schools and non-service government institutions. And other measures, with the application of strict penalties to violators, and the aim behind these measures to prevent more casualties as a result of the spread of the virus.

Keywords: Covid-19 virus, public health, health emergency, internal security forces measures

Introduction

The Internal Security Forces facility is considered one of the sensitive facilities and addresses the objectives of the state in maintaining public order and its elements represented in public security, tranquility and public health, through which public interests are achieved and stability prevails in society. Where the function of the Internal Security Forces emerges as one of the most important state agencies and its support in maintaining public order in society, by setting the regulatory framework for the activities of individuals with the consequent restriction of rights and freedoms in order to achieve the public interest.

The spread of the Covid-19 virus - which has ravaged the world in such a ferocious manner and claimed the lives of thousands of people - has created unprecedented challenges to the police by imposing previously unimaginable restrictions on the public. In light of all this, the governments of the countries did not find a way to control it except to take preventive

measures to limit its spread. These exceptional measures were applied within the framework of the functions entrusted to the ISF facility to maintain public health and continue to meet the requirements of the stage, even as the provision of other public services was significantly reduced. There were fears that the legitimacy, health and effectiveness of police work would suffer greatly as a result of the rapid spread of the virus among a large number of individuals in all governorates on the one hand, and on the other hand due to the suddenness of the situation and the absence of practical precedents in how the police dealt with it. There was recognition that the police must adapt in order to give themselves the opportunity to overcome these challenges and perhaps learn from the experience of doing so. On the other hand, the measures to deal with the state of health emergency resulted in a lack of awareness of the elements of the internal security forces of the fact that a balance must be observed between protecting public health and public order and protecting and respecting the rights and freedoms of individuals.

On the positive side - and from the point of view of those in charge of the police facility in Iraq - the internal security forces responded well to the operational challenge, and were able to perform their tasks at a time when the public services carried out by other public facilities were suspended due to the emergency situation that affected the country.

Research Importance

The importance of research on the issue of the measures of the internal security forces aimed at protecting public health during the spread of the Covid 19 virus is reflected in the basic idea that the Iraqi police are new in dealing with the health emergency that Iraq and the world witnessed alike. As this facility has never dealt with health emergencies, except what individuals in this facility receive from training courses on methods of dealing with crises. It also highlights its importance in that the measures of the Internal Security Forces are considered among the legal means that allow the administration to intervene to preserve public order with all its connotations, within the framework of the competencies entrusted to it, by issuing organizational decisions, the use of force, and the imposition of some restrictions on individual and collective freedoms.

Research Problem

One of the most important problems arising from this research is what is related to the nature of research in such a topic. Including what falls within the framework of the scarcity of sources associated with research.

In terms of the nature of the research, the problem is represented in the necessity of framing the state of emergency in Iraq with a unified law that deals specifically with the government's handling of exceptional circumstances, whatever their merits. As well as the role and powers of the government agencies, the tasks assigned to them, and the necessary measures to confront these circumstances. As well as the appropriateness of the measures taken in this case with the requirements of the principle of legality, the principles of human rights and the criteria of balance to be taken into account.

As for the problem of the lack of sources, in a country like Iraq, it is very difficult for any researcher in the security field to find the sources that would help him to complete his research or to supplement the research with the sources of a facility such as the Internal Security Forces or the National Security Agency, except for a few of the regulatory laws for these facilities Or instructions for its internal structure.

Research Methodology: The researcher adopts the descriptive analytical method in his review of the research paragraphs by reviewing the legal texts regulating the competencies of the

internal security forces and the tasks they carry out under exceptional circumstances, especially the state of health exception faced by the whole world. As well as the necessary measures taken to address those circumstances.

Research Structure: In order to give a clear picture of the research, we decided to divide it into three sections, the first of which deals with the research on the concept of the internal security forces and their duties in Iraqi legislation. The legal framework for the work of the security forces in Iraq.

As for the second topic, we devote it to researching the measures of the Internal Security Forces during the exceptional health circumstance represented by the spread of the Covid-19 virus, and as in the previous one, it is divided into two demands, the first to study the definition of the exceptional health circumstance, and the second to review the preventive measures taken by the Internal Security Forces during the exceptional health circumstance.

Finally, in the third topic, we discuss the investigation and judicial procedures in relation to the preventive measures taken by the internal security forces in the face of the spread of the virus.

The first topic: the concept of internal security forces and a statement of their duties according to Iraqi law

Undoubtedly, the state's implementation of the plans and methods it lays down to organize its public affairs in the administrative, economic, social, cultural and security fields is dependent on the establishment of security, stability of general conditions and the rule of public order. This depends on the presence of organized agencies entrusted with the task of achieving security and stability. It is not considered exaggeration if we say that the integration and harmony of any of the state's public utilities can only be achieved at the forefront of the internal security forces facility. Where this device is one of the pillars of security stability in modern societies. The authority of the state to establish public order and preserve lives and money requires an organized entity that preserves laws and regulations and confronts those who violate the public behavior of the group (Al-Mulqi, Master's Thesis, 2019, pg. 3.)

The responsibilities of the internal security forces expand in the modern state, and their functions vary according to the requirements of the stage and the circumstances the state is going through. After the police function was limited to the two aspects of administrative and judicial control, the police facility now carries out the tasks of environmental and social control.

However, the exercise of their functions by policemen may require a degree of flexibility, and then granting them a degree of discretion until their decisions are appropriate to achieve stability, security control and the maintenance of public order.

It is worth noting that the functions of the internal security forces and their exercise of their duties are determined by the supreme law of the state, which is the constitution, as well as the legislation of this facility. This is because the enforcement of laws requires defining the rules regulating the behavior of individuals by clarifying the duties entrusted to security men and setting values worthy of protection and care, taking into account the balance and appropriateness between these duties, rights and freedoms of individuals (Zureik, 2017, p. 24.)

In order to become familiar with the concept of internal security forces, it is necessary, from the outset, to identify the internal security forces and their types in Iraq, the legal basis for the work of this facility, and the duties it undertakes in order to achieve the public interest and protect public order with its three elements, which we will discuss in the following demands.

The first requirement, the definition of the Iraqi internal security forces and a statement of their types

The second requirement, the legal system for the work of the internal security forces in Iraq

The first requirement, the definition of the Iraqi internal security forces and a statement of their types

The term police has two definitions, one is linguistic and the other is idiomatic

1. The linguistic definition states that the term internal security forces refers to the term police, which is widespread in all countries of the world. The term police is also linked to the term polis, which derives its historical origin from the Greek word (polis), which means a specialist in a civilized or organized society, referring to the city that is distinguished from the village by urbanization. The Romans derived this word (politia) meaning the state of the state or its policy, and Emperor Augustus established on this meaning a special apparatus to maintain order in the state. This body went through various developments until it ended during the reign of Charlemagne to a special body with social competence, which is the care of weights, scales, measures and markets. Despite the development to which the meaning of the word "police" was exposed, this word remained in England, meaning (the direction of the state in the treatment of its subjects). It was not distinguished from the word policy, that is, politics, except in a late era, when the state's relationship with foreign states became independent with a special system, which is politics, and the relationship of states with their subjects was limited to an internal organization, which is the police (Al-Hassoun, 1978, p. 21)

As for the dictionaries of the Arabic language, we find in the dictionary of Lisan al-Arab by Ibn Mandhoor that the police in the Sultan are from the sign and numbers, and a man who is (shorti) and a man who is (shorati) are attributed to the police and the plural is (shorat). (Ibn Mandhoor, Lisan al-Arab 1956, vol. 7, pg. 330).

In Al-Raed's dictionary, it was reported that the police are a group of the ruler's assistants of choice, or they are the policemen charged with maintaining security, regulating traffic and ensuring the implementation of laws and rulings in cities and others, and they are the first group to witness war. (Masoud, Lexicon Al-Raed, 1992, pg. 470).

The summary of what was mentioned in the Arabic language dictionaries is that the linguistic meaning of the term police, by which the internal security forces mean that the police and its men are the first battalion to witness the war. (Al-Jayyar, 2008, pg. 4)

2- The terminological definition: The police terminologically refers to every command or measure that aims to achieve the society's political, social and economic goals related to security aspects. That is, to the society's concept of public order with its familiar elements, especially since public order means a set of orders, prohibitions and directives through which public authorities aim to regulate the rights and freedoms of individuals (Al-Shahawi, 1999, p. 31).

As for the term internal security, we mean the sum of the state's vital interests that are intended to be protected and maintained by securing the state from within and repelling the external threat from it in a manner that guarantees its people a stable life that provides them with the maximum utilization of their energies for advancement and progress (Al-Mukhtar, 1975, p. 34 and Sabri, 2018, p. 68).

The Iraqi legislator stated in the Internal Security Forces Service and Retirement Law No. 18 of 2011 that the description of the police goes to the Internal Security Forces unless a

special provision is provided in this law to the contrary (item VI of Article 1).

It remains to shed light on a very important topic, which is the meaning intended by the internal security forces. Do we mean by it the policemen working in the field of administrative control, or are they under the umbrella of judicial control?

In order to answer this question, it can be said that since the research deals with the measures of the internal security forces in light of the exceptional circumstances represented by the spread of the new Corona virus, and since the goal of these measures is to protect public health, which is necessarily one of the pillars and elements of public order that the internal security forces aim to achieve. Therefore, the police or the internal security forces in question are the administrative police, emanating from the concept of administrative control. We can also find out what we mean by the Internal Security Forces facility by referring to the Service and Retirement Law of the Internal Security Forces. Accordingly, this facility includes the following institutions:

A - Deputy Minister for Police Affairs: This agency was created after 2003 according to Ministerial Order No. 3100 on 2/5/2004 and is considered the largest in terms of human resources and associated directorates, and it is an extension of the (abolished General Police Directorate). Its organizational structure was approved by Administrative Order No. (246) on 2/1/2014 and it has subsidiaries in all governorates of Iraq.

The Ministry's Agency for Police Affairs consists of:

- 1- General Directorate of Narcotics and Psychotropic Substances Control
- 2- Directorate of Administration and Finance
- 3- Directorate of Criminal and Movements
- 4- Directorate of Infrastructure
- 5- Directorate of Legal Affairs
- 6- Governorate Police Directorates (Baghdad - Karbala - Najaf - Babil - Maysan - Wasit - Dhi Qar - Basra - Anbar - Salah al-Din - Nineveh - Diyala - Kirkuk - Muthanna - Diwaniyah)
- 7- Traffic Directorate
- 8- Directorate of Protection of Establishments and Personalities in Baghdad
- 9- Rescue Police Directorate
- 10- Directorate of Criminal Statistics
- 11- Directorate of Criminal Evidence Investigation
- 12- Directorate of Railways
- 13- Directorate of Communications and Informatics
- 14- Directorate of Explosive Control
- 15- Directorate of Antiquities and Heritage Protection
- 16- Department of Relations and Media
- 17- Department of Training and Delegates
- 19- Department of Planning and Follow-up

B - Deputy Minister for Federal Security Affairs

On 5/5/2004, the agency was formed under the name of the Deputy Ministry for Supportive Forces Affairs, and then its name was changed to the Deputy Ministry for Federal Security Affairs on 10/26/2011, and its formations are:

- Border Forces Command
- Federal Police Forces Command
- Energy Police Directorate

- Civil Defense Directorate

And the Federal Security Agency exercises command and control over all its joints to secure protection for the international borders of the Republic of Iraq. and combating intrusion, smuggling and sabotage, and protecting public and private property and border areas. Participation in the operations of liberation, land holding, continuous inspections, arrest of wanted persons, and protection of oil installations, oil tanker lines, electrical installations and electric power transmission lines. Providing civil defense services in the field of fighting fire accidents, rescue and ambulance, treating unexploded bombs, and contributing to protecting the environment. Among its tasks is also to raise the combat and physical capacity of the employees of the Federal Security Agency in all its formations in a way that ensures the implementation of duties in an efficient manner (website of the Iraqi Ministry of Interior).

C - Undersecretary for Federal Intelligence and Investigations Affairs

It is an advanced intelligence apparatus characterized by possessing an elite of professional staff who have experience in the field of intelligence work. In addition to the existence of various scientific and technical specializations within the owners. It was established in the year 2004. It is concerned with collecting information through secret and public sources, technical effort and feedback. As well as sorting information, scrutiny, analysis and production of intelligence reports regarding the fight against terrorism and organized crime. Achieving them, limiting their spread, contributing to achieving internal security, and maintaining public order.

The second requirement \ the legal basis for the work of the internal security forces in Iraq

It has become a given in the field of legal studies that the work of the executive authority and its affiliated agencies are not valid unless they are in accordance with the law. This is what is customarily called the principle of legality, which requires that the government and its various agencies, when carrying out their duties, abide by the laws and instructions, starting with the provisions of the constitution and ending with the regulations for the work of these bodies. Otherwise, her work will not be challenged as illegal or overstepping the limits of the powers granted to her by law. Which consequently leads to the cancellation of the procedure or measure that violates the law or compensation for it if it causes harm to individuals (Fathallah Hassan, 2002, p. 53). The men of the internal security forces in Iraq, as is the case with the security men and the police in most countries of the world, are subject to laws regulating their work and determining their duties, in addition to the constitutional controls contained in the supreme law of the state, which we will discuss in detail in the following:

The policemen in Iraq, as is the case with the security and policemen in most countries of the world, are subject to the laws regulating their work and defining their duties, in addition to the constitutional controls contained in the supreme law of the state, which we will discuss in detail in the following:

First: The Iraqi constitution stipulates in Article (84 / first) that it regulates by law the work of the security services and the National Intelligence Service, defines their duties and powers, and operates in accordance with human rights principles and is subject to the oversight of the House of Representatives.

From this text it appears clearly that the work of any security apparatus, including the internal security forces, must be based on two main pillars, namely the law that established the annex and the relevant laws and instructions, and the other pillar represented by commitment to human rights principles. As any disciplinary activity aimed at protecting public order is not free from violating the rights and freedoms of individuals, whether in normal or exceptional

circumstances, as we will see in a later section.

Second: Laws related to the work of the internal security forces

A - Ministry of Interior Law No. 20 of 2016

As stated in Article (2) of it that (The Ministry aims to:

- 1- Implementing the state's national security policy in maintaining internal security, and contributing to the formulation and formulation of that policy.
- 2- Consolidating public order in the Republic of Iraq and protecting people's lives and freedoms and public and private funds from any danger threatening them.
- 3- Preventing the commission of crimes, combating terrorism in all its forms, and taking legal measures against the accused.

B - Police Duties in Combating Crime Law No. 176 of 1980

Article (1) of it states: (The internal security forces are responsible for maintaining order and internal security, preventing the commission of crimes, tracking down perpetrators, arresting them, carrying out the necessary supervision, protecting people and money, and all information related to the internal security of the state and its general policy, and ensuring the implementation of the duties imposed on them by laws and regulations) .

It is noted on this text that the legislator did not distinguish between administrative control and judicial control and the combination of the two controls in one text.

What is taken from the Iraqi legislator is that, in a subsequent period of the issuance of the Police Duties Law, the Internal Security Forces Service and Retirement Law No. 18 of 2011. It included administrative, financial and organizational issues for the men of the Internal Security Forces without specifying their duties and tasks. It would have been better for the legislator to establish a comprehensive organizational base for this dangerous apparatus by canceling the old laws and unifying them within (the Law of Service and Retirement for the Internal Security Forces and allocating a special section for the tasks and duties of the Internal Security Forces). As is the case in the Lebanese Internal Security Forces Law No. 17 of 1990.

C - Anti-Human Trafficking Law No. 28 of 2012, where Article (2) of the law stipulates the formation of a committee in the Ministry of Interior to investigate the objectives of this law (2).

D - Environmental Protection and Improvement Law No. 27 of 2009, according to which the Environmental Police Department Regulation No. 1 of 2015 was issued.

E - Law No. 41 of 2008 on Combating Smuggling of Oil and its Derivatives, where it was stated in Article (5 / Paragraph IV) that the competent security services and the General Customs Authority shall undertake the task of seizing oil and its derivatives intended for smuggling by the accused. Seizure of the vehicle or any used means of transport. And transfer the criminals to the Special Court to take subsequent legal procedures in their regard.

F - Narcotics and Psychotropic Substances Control Law No. 50 of 2017: According to the text contained in Article (6 / first and second) thereof (creating the Directorate for Combating Narcotics and Psychotropic Substances).

Through the texts contained in the above-mentioned laws, the duties of the men of the internal security forces can be summarized as follows:

1- Duties that fall within the framework of administrative and judicial control

It is represented in maintaining the security of society, maintaining public order, and protecting

the property, freedoms and lives of individuals from all dangers that threaten them. As well as preventing the commission of crimes by taking measures to monitor, inspect and translate through a set of actions issued by the competent authorities of this agency and its affiliated formations.

Including the application and implementation of laws, regulations and instructions issued by higher authorities and judicial bodies in coordination with other security agencies.

Preparing security plans and supervising their implementation, combating crime and limiting its occurrence, knowing its perpetrators and prosecuting them.

Follow up the performance of the provincial police directorates through the formation of specialized committees.

Completion and follow-up of everything related to the administrative affairs of officers, associates, civilians and martyrs within the agency and its affiliates, in coordination with other departments associated with the ministry's formations.

Providing direct services to citizens through emergency services, family and child protection, community police, local police stations and anti-crime offices.

The Agency has combat duties imposed by reality represented by the involvement of emergency regiments in combat missions.

Ensuring protection for citizens during religious, national and sports events and demonstrations.

2- What is included in the field of social control, and its duties in this field are focused on:

Strengthening the principles of citizenship, democracy, civil peace and human rights under the rule of law.

- Consolidating awareness of human and national values in unity, tolerance and coexistence, and combating racist, discriminatory and destructive values.
- Work to develop social and humanitarian work in the police force, which contributes to achieving rapprochement and reciprocal relationship between the police and the community.
- Activating the preventive role in the community and involving the community with all its groups in the responsibilities of community security, and removing the psychological barrier of citizens in dealing with the police.
- Finding objective and practical solutions to social problems by pushing the public to participate in evaluating wrong cases and behaviors.
- Developing mechanisms for the work of police friends and volunteer work in the security field.
- Providing psychological and social support to victims of crime, serious accidents and terrorism.
- Highlighting the civil and social role of the National Police as a force serving the people.
- Opening channels of communication between the police and the community to increase trust and positive interaction.
- Activating the role of society and social control institutions to prevent crime by providing mechanisms for early intervention and addressing social issues and problems and solving them in a friendly manner that enhances the chances of tolerance between conflicting parties, especially in issues of regional, family and school violence and disputes between neighbors.
- Strengthening the concepts of honesty, morality, integrity and national sincerity, if at the level of the individual or the national group, as a factor in helping to achieve security.
- Reducing the burden on police stations by solving simple cases that do not need to open

official reports.

- Early detection of cases most vulnerable to deviation and taking preventive measures.
- Contribute to addressing the consequences of crime and terrorism.
- Dealing with some cases that may not reach the police (shadow crimes).
- Providing social services, such as: providing psychological support to the affected, resentful and vulnerable to delinquency.
- Providing national cultural awareness and guidance services, shelter services for children and women whose protection is required for temporary periods, and counseling and guidance services for parents, guardians and students in cases of school drop-out and dissolution.
- Providing community cohesion services such as: family disputes, domestic violence, neglect of child rearing and abuse, juvenile delinquency cases, school violence cases, running away and absence from home, beggary cases, cases of moral delinquency, cases of rape and indecent assault, and attempted suicide.
- Providing reports and services related to: serious accidents resulting from the loss of one or more family members, especially traffic accidents, burning, drowning, kidnapping, extortion and others.
- Monitoring the phenomena of human trafficking, prostitution, drugs and the crimes of possessing, smuggling or laundering illegal funds, and controlling suspicious and fake companies that may be considered a center for financing terrorism. Receiving complaints and information in this regard and investigating them in preparation for submission to the competent judiciary.

4- Duties that fall within the field of environmental control

The duties of the environmental police, according to the above-mentioned system, are to implement judgments, judicial decisions and administrative decisions issued by the Ministry of Environment and the relevant authorities in application of environmental laws, regulations and instructions. While securing the necessary protection for natural habitats and reserves and preventing encroachment on them. In addition to providing the necessary protection for the environmental monitoring teams of the Ministry of Environment while carrying out their duties. Exercising the judicial control powers legally granted to police officers and employees in relation to environmental crimes and contributing to the detection of environmental pollutants in cases of natural disasters and environmental accidents, in coordination with the Ministry of Environment.

The second topic || Measures of the Internal Security Forces in light of the exceptional health circumstance represented by the spread of the Covid 19 virus

The state may be exposed to one of the exceptional circumstances that threaten its stability and internal entity, such as disasters, wars and internal disturbances. Which necessitates granting it exceptional powers to face these circumstances, which is unusual under normal circumstances. Which is not without prejudice to the rights and freedoms of individuals. The same applies to the deprivation or restriction of these rights for everyone under these circumstances, and in return, the power of the state and its organs grows (Bahr, 2017, p. 39). Exceptional circumstances can be defined as a sudden situation in which the state is threatened by internal or external dangers, or a situation that threatens the security of the country, the integrity of its borders and lands, its constitutional institutions, the nature of its political, economic and social system, or the unity of its soil, independence and sovereignty. Which requires all exceptional measures to be taken to ward off dangers and return things to their normal state. This requires going beyond the procedures and conditions established in normal circumstances governed by the principle of normal legality. These conditions are stipulated and

the way to confront them is found in the relevant constitutions and legislation. Some authoritarian governments may take these conditions to restrict the freedoms of individuals. It may also deliberately prolong its period to implement certain goals, or it may resort to issuing laws regulating these circumstances that exceed the limits of the powers established by law. Or to confront it with exceptional and dangerous measures that exceed what is legally available to it under normal circumstances (Tanash, Master's Thesis, 52).

Therefore, the constitutional legislator in most countries of the world grants the state exceptional powers according to which it issues certain types of regulations, such as necessity regulations and delegate regulations, which are of a general nature and have the force of law. Because of the seriousness of these regulations to the rights and freedoms of individuals in terms of the dangerous powers they grant to governments, constitutions surround their issuance and implementation with many restrictions and specify certain conditions for their exercise (Mutair, 2020, p. 8).

In Iraq, exceptional circumstances are mentioned in the current constitution of 2005 with the two states of emergency and declaration of war (not by way of defining these circumstances, but rather mentioned by the legislator when talking about the powers of the legislative authority in Iraq (item IX of Article 61 of the constitution).

That: The House of Representatives shall have the power to:

- A** - Approval of a declaration of war and a state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.
- B** - A state of emergency (2) is declared for a period of thirty days, subject to extension, with approval of it each time.
- C** - The Prime Minister is given the necessary powers that enable him to administer the country's affairs during the period of declaring war and a state of emergency, and these powers are regulated by law in a way that does not contradict the constitution.
- D** - The Prime Minister shall present to the Council of Representatives the measures taken and the results during the period of declaring war and the state of emergency within fifteen days from the date of its end.

It is clear from the text above that the Iraqi legislator has given broad powers to the Prime Minister to face the exceptional circumstances represented by the state of emergency. In order to protect the rights and freedoms of individuals during these circumstances and to reflect their effects on those rights. The legislator restricted these powers by conditions represented by the submission of a joint application by the President of the Republic and the Prime Minister. As well as the condition of obtaining the approval of a two-thirds majority of the House of Representatives to declare a state of emergency. And that this case is limited to a period of thirty days, which can be extended after approval each time. It is the responsibility of the Prime Minister to submit a report to the House of Representatives that includes the measures taken during the state of emergency and the resulting consequences, in order to verify the legitimacy of these measures.

In the field of normal national legislation, the text of the state of emergency was mentioned as the dominant form of exceptional circumstances in the Defense Order of National Safety No. 1 of 2004. Article 1 of it stated that: (The Prime Minister, after obtaining the approval of the Presidency unanimously, declares a state of emergency in any An area of Iraq when the Iraqi people are exposed to a grave danger threatening their lives, arising from a continuous campaign of violence by any number of persons to prevent the formation of a broadly representative government in Iraq, or to disrupt the peaceful political participation of

all Iraqis, or for any other purpose.

In this topic, we will discuss the definition of the exceptional health circumstance (the case of the spread of the Corona virus in the first requirement. As for the second requirement, we will devote it to researching the measures of the internal security forces to confront the virus.

The First Requirement || defining the exceptional health circumstance

Health and safety are among the divine gifts and blessings for human beings, along with the blessing of safety and other gifts. But the undeniable fact is that the blessing of health in some emergency circumstances may be threatened by a series of diseases and epidemics that expose public order and its usual elements (public security, public tranquility and of course public health) to a serious threat. Especially since some diseases and epidemics vary between contagious and non-contagious, and between fatal and slow treatment. Infectious diseases and epidemics have always been one of the most fundamental issues that threaten human health throughout the different ages. These epidemics are sometimes more dangerous and deadly than other diseases. At other times, it is not fatal, but it causes problems for humans, such as cholera and mumps. Some of them do not have a specific treatment, which causes many disorders and then the result is death. The best evidence for this is the spread of the deadly tape virus called (Covid 19), which is very fast in spreading than any other type of virus (both lethal and non-fatal) that the world has witnessed (the definition of UNICEF in Iraq).

All countries of the world have attached great importance to the spread of the Corona virus, especially at its beginning and the height of its spread. And I dealt with it on the basis of an exceptional circumstance that threatens security stability. It requires the public authorities to take urgent measures to limit the effects of the virus and the speed of its transmission. Some of them have enacted a special law for this situation, while others have resorted to precautionary security measures to prevent its effects, including sanitary isolation, closing public and private shops, and imposing a curfew. The countries also raised the readiness of the various ministries and agencies, especially the security services.

Here we are trying to answer the following question, which is what do we mean by the Corona virus? And how can it be legally established as an exceptional circumstance or an emergency (conditions for considering it as an emergency)?

Section One || Introducing the Corona Virus

Since December 12, 2019, a persistent and unknown acute respiratory infection has been reported in (Wuhan, Hubei Province, China) originating from the seafood market in Hunan, southern China. The term corona or (covid 19) - which has become a top priority in the global medical community at the present time - is still poorly understood or ambiguous. However, it is clear from the medical interpretations approved by the World Health Organization, that the concept refers to a type of virus whose preliminary information indicates that the disease affects different parts of the body, including the respiratory system. The name (Coronavirus) was derived from the appearance of the solar state caused by the spikes appearing around the circumference of the solar state. So far, four types of Corona virus have been identified (alpha - beta - gamma - delta). Corona virus is a type or genus of the beta corona virus or the coronavirus family that causes influenza and respiratory symptoms (definition published on the UNICEF Iraq website).

The human coronavirus (V.CO.H) was first diagnosed in the 1960s. Initially, an RNA virus was found that infects a wide range of pets and bats. Hence, the antibodies to corona vary

based on medical studies and a review of the opinions of experts, which initially faced difficulties in determining the identity of the virus and its true origin. It appears that the Corona virus is a subclass of the large family of viruses and causes various diseases, from the common cold to severe acute respiratory syndrome, or what has been called (SARS).

The most common symptoms of the Corona virus are fever, dry cough and severe shortness of breath, as well as symptoms in some patients represented by pain, aches, nasal congestion, cold, sore throat or severe diarrhea. Sometimes these symptoms are mild and begin gradually, and some people become infected without showing any symptoms and without feeling ill. The danger of the virus lies in the occurrence of pneumonia, which leads to a failure in the functions of the body's organs, and thus leads to death.

As for how this virus is transmitted, it has been proven on the ground that it is quickly transmitted from one person to another. People can become infected by other people carrying the virus or infected with it through small droplets of droplets that are scattered from the nose or mouth during a person sneezing or coughing. Corona virus if they breathe in the droplets that come out of an infected person when he coughs or exhales, or when they touch surfaces on which the droplets or droplets of the infected person have stuck. Therefore, the medical authorities advise and recommend staying away from the sick person with a distance of more than one meter, as well as sterilizing and washing hands when touching different surfaces. A fortiori, and for comprehensive prevention from the spread of the virus, the medical authorities recommended wearing a protective mask (muzzle) and medical gloves (WHO recommendations).

The Second Section || The legal adaptation of the fact of the spread of the Corona virus and the possibility of considering it as an exceptional emergency

In order to develop an appropriate legal adaptation to the situation of the spread of the Corona virus, we must first put it under the microscope of the conditions of exceptional circumstances in order to infer through them whether this case falls within the framework of these circumstances or not. Perhaps the most important conditions for a state of emergency are:

- 1 - The existence of a situation that constitutes an imminent threat to the life of the nation and society. The European Court of Human Rights expressed it as a crisis or an exceptional state of emergency that affects the entire population and poses a threat to the life order of the society that makes up the state (Mazen Lilo, 2008, p. 106). As expressed in Article (1) of the Law for the Defense of National Safety for the year 2004, it is (a grave current danger that threatens individuals in their lives).
- 2 - That the situation constitutes a threat to certain public interests, and in order for the current danger to be considered as a justification for declaring a state of emergency, it must threaten public interests represented in national security and public safety, or as expressed by some researchers that it constitutes a threat to public order as a serious disturbance in public security, or the spread of an epidemic Or a general catastrophe.
- 3 - The ordinary laws are not sufficient to confront the emergency event because it contains the element of surprise. Which may not be included in the body of exceptional legislation or national safety laws, for example. Especially since the sudden exceptional circumstance requires taking quick measures, which contradicts the necessity of exhausting normal means. It should be noted that the issue of the adequacy of ordinary laws or not to face the exceptional circumstance or the state of emergency is due to the discretion of the executive authority, as it is the authority authorized to deal with this situation as is the case in most countries of the world. Based on the foregoing, it is noted that the case of the spread of the Corona virus applies to the state of exceptional

emergency, and thus it also applies to the case of force majeure (which is researched in the field of civil law). As a result, the spread of the virus is considered an exceptional health circumstance that requires the executive authority to confront it with the available control means to protect the lives of members of society.

The second requirement is the measures taken by the internal security forces to confront the spread of the Corona virus

As soon as the spread of the Corona virus accelerated and took the lives of many in most countries of the world, countries rushed to take various precautionary measures aimed at restricting the freedoms of individuals to limit the transmission of infection between them. Especially freedom of movement, assembly and the exercise of economic activity. To the extent that it affected public utilities and official jobs by suspending official working hours in public departments. Committing people to social distancing and wearing a protective mask. In addition, these procedures are coupled with deterrent penal penalties imposed on violators. Like other countries, Iraq hastened to take precautionary measures to prevent the spread of the virus since the beginning of its entry into Iraq and the transmission of infection between individuals in all governorates. And the first infection was recorded in Iraq on February 24, 2020, through the entry of an Iranian student to Iraq and he was studying in Najaf Governorate and infected with the virus, and from here the infection began to spread. The Iraqi government has worked to implement the state of health emergency, but without officially announcing the establishment of the state of emergency. And it began to take strict exceptional measures to limit the spread of the virus, while resorting to the necessary measures to guarantee the rights of individuals, especially the right to health and life.

For the purpose of adequate research in this requirement, we will divide it into two branches, the first to discuss the final necessity of using the internal security forces to control the spread of the virus, and the second to review the most important measures taken to confront the spread of the Covid 19 virus.

Section One / The necessity of the internal security forces to intervene to control the spread of the virus

Although the health personnel - or as they were called in Iraq (the White Army) to indicate that they had fought the same war as soldiers during the actual war - were the first line of defense against the virus. However, the intervention of the Internal Security Forces under the supervision of the Operations Command to work with these cadres had an effective effect in dealing with individuals and controlling the spread of the virus. Especially the policemen within the breakers of the controls at the entrances to the cities or those who were used by the medical staff to transport the injured to the centers designated for patients with the Covid 19 virus or bury the dead in the special cemeteries prepared for this purpose.

And this, in our opinion, has represented an unprecedented challenge for the Iraqi police in providing these services and cooperating with a facility other than the security services that they have been familiarized with in the security dealings with them. In other words, it can be said that the role of the internal security forces during security threats or emergency circumstances is generally clear and specific and casts a shadow over the protection of public order with its elements. However, in light of the spread of the Covid-19 virus, this role has been characterized by ambiguity and diversity at the same time, unlike what is the case with public health cadres.

In addition to the usual duties of policemen in implementing the orders of the Supreme Committee for Health and National Safety regarding the implementation of the curfew, or the

dispersal of human gatherings in public and even private places, they had a prominent role in supporting the fight against the spread of the virus, protecting the public from infection and moving between neighborhoods to transport the injured or search patrols. On shops and pharmacies. Which made them more at risk of infection due to the rapid spread of the virus and contact with the public, which prompted those in charge of this facility to work on finding comprehensive plans for methods of dealing with this case and the like. And the preparation of police cadres properly trained to deal with the emergency situation. As well as providing the necessary resources for them to perform their active role in the public interest and to protect the lives of citizens (Iraqi Ministry of Interior website).

Section II / Measures of the Internal Security Forces to counter the spread of the Covid-19 virus

The first measure initiated by the Iraqi government is the issuance of Cabinet Resolution No. 79 of 2020 and based on the Council's recommendation, Diwani Order No. 55 of 2020 was issued, which includes the formation of the Higher Committee for National Health and Safety headed by the Prime Minister and the membership of (the Minister of Oil - Minister of Finance - Minister of Planning - Minister of Commerce - Minister of Interior - Minister of Foreign Affairs - Minister of Health - Minister of Agriculture - Minister of Labor and Social Affairs - Minister of Transport - Minister of Communications - Secretary-General of the Council of Ministers and Director of the Office of the Prime Minister - Governor of the Central Bank - National Security Adviser - Chairman of the Advisory Board - Deputy Joint Operations Commander - Representative of the Kurdistan Region - Head of the Iraqi Media Network and others whom the Prime Minister deems his choice) (the website of the General Secretariat of the Iraqi Council of Ministers).

This committee is responsible for setting general policies and plans, supervising their implementation, taking important and basic decisions, enhancing integration among all executive bodies, and coordinating with legislative and judicial authorities and international bodies related to combating the virus.

The committee has issued several decisions aimed at preventing corona virus. The Internal Security Forces Facility was one of the most prominent bodies addressed in implementing these decisions, after the Iraqi Ministry of Health. Among the most important decisions and measures of the Internal Security Forces to confront the spread of the virus were as follows:

First: the application of a total or partial curfew

A total curfew has been implemented in Iraq since 2/3/2020. The Internal Security Forces have focused on the classic, traditional methods adopted in emergency situations for the purpose of regional closure by conducting random mobile patrols in different areas. As well as the checkpoints stationed within the divisions of the Operations Command in order to detect violations of the embargo and prevent unnecessary movement of people between areas. This is in accordance with the decisions of the Supreme Committee for Health and National Safety No. (40) and Resolution No. (5) of 2020, in order to preserve the lives of individuals and in line with the directives of the World Health Organization. The Ministry of Interior directed its employees to strictly implement the decision of the Supreme Committee for Health and Safety No. (35) and stressed the application of the necessary penalties against violators. Perhaps the success of the regional closure plan helped the internal security forces in limiting the spread of the virus. This is because the operations command in the governorates divided the regions according to the rate and severity of the virus's spread in them, into areas in red (the area with high rates of spread) and an area in yellow (to indicate the lightest state of the virus's spread in

them) and areas in orange that indicate the statistics issued by the centers The health authorities in the departments of the Ministry of Health indicated the average case of the spread of the virus in those areas. With the allocation of the hotline number (123) to report suspected cases of infection with the virus. Note that the above decisions are for the purposes of the public interest, and since many people who engage in daily earning business have been exposed to loss and damage, the following categories have been excluded from the curfew, and they are:

- A** - Employees of the Ministry of Health, security forces and service departments.
- B** - Foodstuff stores, fruit and vegetable stores, bakeries, and pharmacies. Its working hours were from five in the morning until seven in the evening, and it was not allowed to remain open after those times for any reason, except for sentinel pharmacies that were designated by the Pharmacists Syndicate to work during the ban hours. Taking into account its geographical distribution, ensuring the provision of sterilizers (containing 70% alcohol) at the entrances to shops, markets or pharmacies, and applying healthy physical distancing measures between customers, with a distance of no less than two meters from all directions, at a rate of one person per two metres.
- C** - media professionals who have an official approval from the Minister of Health (exclusively).
- D** - Movement between governorates due to humanitarian conditions.

The situation continued until 15/8/2020, when the Supreme Committee for Health and National Safety decided, in its decision No. (86) of the same year, to impose a partial (daily) curfew, which started from ten in the evening until five in the morning with tightening the application of health procedures, especially those related to Including wearing masks and social and physical distancing inside shops and governmental and non-governmental institutions. This decision came as a result of the recovery of many cases and the decrease in the percentage of confirmed cases of the virus. In addition to directing the government and the Ministry of Health to citizens to expedite the vaccination against this virus.

Second: Follow up the movement of goods and foodstuffs, monitor the adoption of official pricing for goods sold to citizens, and arrest violating merchants to take legal measures against them.

Where there is no doubt that the emergence of a state of emergency and the existence of an exceptional circumstance that threatens public order and the security of individuals entails the outbreak of a state of chaos and instability in transactions. This leads many of the weak-minded merchants to take advantage of these conditions to speculate on the prices of consumer goods and materials. Which affects the income of the weak citizen - therefore, and in order to maintain the stability of the economic situation - the Supreme Committee for Health and National Safety directed all the security services to follow up on the prices of goods and foodstuffs, to ensure the smooth movement of goods and commodities and to carry out inspection patrols of the markets to prevent price manipulation (Al-Haris newspaper supplement) .

Third: Implementing the committee's decision to suspend official working hours in ministries, governmental and non-governmental institutions, and service institutions, in line with the decision to impose a curfew under Resolution No. (65) of 2020 issued by the Council of Ministers. And in support of the work of the Ministry of Health and the Committee of Diwani Order No. (55) of 2020, it was decided that the official working hours in ministries, agencies not affiliated with a ministry and other government institutions will rotate at a rate of 50%, with the exception of security agencies and related health cadres for a period of one month, starting from 4/3/2020 And authorizing the head of the department or administrative unit to determine the details of working hours. The Baghdad Operations Command and the internal

security forces are responsible for implementing the aforementioned resolution.

Fourth: Travel restrictions and controls for determining the residence of foreigners

Further to the decisions emanating from the Supreme Committee for Health and Safety and in compliance with Public Health Law No. (89) for the year 1981, and in order to preserve the lives of individuals, the said committee decided the need for the return of Iraqis residing in the Islamic Republic of Iran or in countries such as India and China. The committee also decided to close all border crossings, starting from 15/3/2020, and not to receive Iraqis coming from other countries except for those arriving through airports (Baghdad - Basra - Najaf - Erbil). And banning citizens from traveling to countries (China - Iran - Japan - Spain - France - North Korea - Thailand - Singapore - Italy - Kuwait - Bahrain) with the exception of official delegations and diplomatic bodies. The security forces present at the border crossings shall supervise the implementation of the aforementioned decision.

Fifth: Follow up on the implementation of the decision to close public places and shops such as restaurants, entertainment places and commercial centers

This is stipulated in Resolution (65) of 2020 issued by the Council of Ministers. In order to support the committee formed by Diwani Order No. (55), the Ministry of Interior must close public and private shops that are overcrowded, and which are determined by the aforementioned committee in cooperation with the responsible authorities. Here, the Ministry of Interior issued circulars for its various formations to implement the above decision. And to work to support the health teams in their monitoring rounds and to follow up on the implementation of preventive measures in public places.

Sixth: Supervising and following up on the application of preventive measures such as wearing a protective mask (muzzle) and social distancing. This was confirmed by the Supreme Committee in its decision No. (86) for the year 2020. The practical reality has proven that the follow-up process for the implementation of measures to prevent the spread of the Corona virus is considered one of the most important challenges faced by the men of the internal security forces and the health follow-up teams in Iraq. The security men suffered from individuals' failure to comply with personal protection measures against the virus, indifference to breaking the rules of home quarantine, and deliberate underestimation and non-compliance. This made the task of security personnel to preserve the lives of citizens more difficult. At other times, this led to violent confrontation and clashes between the police and the public (a report issued by the Department of Relations and Information in the Iraqi Ministry of Interior).

Seventh: Suspending the movement of trade exchange with neighboring countries

The third requirement / coupling security measures with criminal penalties imposed on violators of preventive measures

Resolution No. (40) for the year 2020 was issued by the Supreme Committee for Health and National Safety to stipulate the total penalties imposed on violators of health prevention measures against the spread of the virus, as follows:

- 1 - Seizure of the vehicle in addition to a fine of (fifty thousand Iraqi dinars) for mass transit vehicles with a capacity of more than four people.
- 2 - Imposing a fine of (fifty thousand dinars) on the driver of a saloon vehicle that carries three passengers or allows people to ride without a protective mask (the mask) and impound the vehicle in the event of a repeat violation.
- 3- Imposing a fine of (ten thousand dinars) on each individual who does not wear a protective mask while outside the home.

Emphasizing the application of the provisions of Article (240) of the amended Iraqi Penal Code No. 111 of 1969 regarding violating orders and instructions and authorizing the security

forces to support health teams and applying them against violating citizens in the event they do not pay fines.

The men of the internal security forces in the General Traffic Directorate or those in the controls at the entrances to the cities shall implement the aforementioned decision in a manner that provides adequate protection from the spread of the virus.

The third topic / control and procedures of the Iraqi judiciary regarding the preventive measures taken in light of the spread of the Covid 19 virus

The administration is committed to imposing public order and protecting its elements by using precautionary measures, administrative and individual decisions, and coercive force if necessary, in order to achieve the public health component as one of the elements of public order under exceptional circumstances, including combating the threat of the spread of the Covid 19 virus. And in Iraq, specifically with regard to The National Safety Defense Order Law, the legislator distinguished between two types of measures taken based on the declaration of a state of emergency. And that is in Article (9 / Paragraph 2) of it, which states that (the decisions and procedures of the Prime Minister are subject to the oversight of the Court of Cassation and the Court of Cassation in the Kurdistan region with regard to emergency procedures within the region, and ending with the Federal Supreme Court. The aforementioned courts may decide to cancel those decisions and procedures and decide Invalidity and illegality or approval, taking into account the exceptional circumstances under which those decisions and procedures were issued). Thus, there are two forms of measures that can be issued in a state of emergency. The first is the administrative decisions taken by the Prime Minister during this circumstance, such as the decision to impose restrictions on the movement of people or means of transportation. (Lilo Radi, p. 110).

As for the second type, it is represented by the procedures taken in the framework of the criminal case with regard to the crimes committed during the state of emergency. Both types are subject to the supervision of the administrative judiciary for the first type and the ordinary judiciary for the second type. It is worth noting that the judicial oversight of the government's procedures and measures in light of the exceptional circumstance focuses on the reasons for the administrative decisions it took and the purpose of issuing them, without applying to other defects of the decision such as form, jurisdiction and location. (Sabri, 2018, p. 145).

As for the position of the Iraqi judiciary regarding the measures taken to confront the exceptional case, the administrative judiciary tended to adopt the principle of proportionality with the circumstances that led to the issuance of the administrative decision. The control of the judiciary is to eliminate the reasons that led to the issuance of the decision affecting personal freedoms, which are often issued on the basis of laws or decisions that have the force of law. The court considers the seriousness and importance of these reasons in a way that justifies the intervention of the administrative control authority to restrict public freedoms. Thus, the administrative judge's oversight of proportionality in the place of administrative restraint decisions issued according to the theory of exceptional circumstances differs from his proportional oversight of administrative restraint decisions that restrict the general freedoms of individuals. The first type is subject to the legitimacy of the crises that prompted the administration to issue it. And that the legislator granted wide terms of reference to the administrative control bodies in the face of exceptional circumstances. In addition to giving control bodies wide freedom to choose the appropriate behavior in dealing with crises. Thus, the administrative judge decomposes from the appropriate control to verify the proportionality between the measure taken and the seriousness of the exceptional circumstance. (Bahr, 2017, 141).

In the case of decisions affecting the public freedoms of individuals issued by the administrative control bodies in accordance with exceptional circumstances, such as preventing movement or work, for example, the oversight of the administrative judiciary, although it expands the competences of the aforementioned authorities and reduces the restrictions of legality, yet it exercises proportional control in adopting the necessities of protecting the rights and freedoms of individuals. To the extent that it does not affect the requirements of maintaining public order. Therefore, the administrative judiciary seeks to increase the powers of the administrative control bodies. At the same time, strengthening its oversight of the decisions or measures issued by these bodies. As the administrative judge resorts to verifying the existence of the exceptional circumstance at the time of taking the contested measure. In addition to monitoring the proportionality of these measures with the seriousness of the crisis. It shall rule on exceptional legality if it is proven that the breach of normal legality involved was necessary to face the exceptional circumstances. Thus, the administration can mitigate the impact of the exceptional circumstance while preserving the necessary amount of infringement on public freedoms by subjecting administrative measures to the control of the administrative judiciary. (Al-Mutairi, 2011, p. 67).

And as a complement to the preventive measures taken by the security forces in the context of confronting the spread of the Corona virus, the judicial authority in Iraq, represented by the Supreme Judicial Council, issued a statement in which it called on the security services to implement the circulars of the Supreme Judicial Council issued on 3/8/2020. As well as the statement issued by the Council on 4/6/2020 regarding taking legal measures against violators of the instructions of the Crisis Cell and the Supreme Committee for National Health and Safety. This statement stated:

- 1- Arresting violators of the curfew, or those who underestimate the danger of the spread of the Corona virus, and those who encourage others to underestimate this danger.
- 2- Instructing the investigating judges to arrest the violators of the law and refer them to the competent court to conduct their trial in accordance with the law.
- 3- Directing all courts to take legal measures against violators of the recommendations of the Crisis Cell or the decision of the Supreme Committee for National Safety regarding the measures taken to limit the spread of the virus.
- 4- Applying the provisions of Article (368) of the Penal Code against anyone who causes the spread of the virus by spreading false rumors about infection with the disease, mocking its seriousness, or encouraging citizens to gather in any way.
- 5 - Take legal measures against those infected with the virus and those who refrain from providing information to the competent medical authorities to treat them and take the necessary measures for quarantine.
- 6- Suspension of the validity of the legal periods for appeals against judgments and decisions during the period of suspension of official working hours, according to the periods prescribed in the decisions of the Supreme Committee for National Safety, provided that their validity is resumed on the day of the start of official working hours after the danger has passed.
- 7- Considering the period of disruption of official working hours as a period of interruption for pleading for all cases until the cause is removed.
- 8- Taking deterrent legal measures against the owners of pharmacies and stores that have doubled the prices of masks, medicines and sterilization materials, due to the increasing spread of the Corona virus. (The official website of the Supreme Judicial Council).

Conclusion

Almost no country is devoid of exposure to dangers that arise from the existence of

emergency exceptional circumstances that impose on the existing authorities the need to cooperate to confront these exceptional circumstances and work to move the country to safety according to measures and procedures consistent with the principles of human rights and issued according to the constitution and laws of that country in danger, to create a period A certain amount of exceptional legitimacy in which the application of ordinary laws and rules is difficult. From this point of view, the researcher concluded the following results:

- 1- The procedures of the security forces are an important means in the hands of the government to embody the balance between the considerations of exercising public rights and freedoms by individuals and the necessities and considerations of protecting public order, in application of the jurisprudential rule that freedom is the origin and restriction is the exception. Now, the tangible reality is the ramification of laws on how to deal with exceptional circumstances, their dispersion, and the lack of legislative centralization to define the authorities and powers for the elements of government activity entrusted with protecting the elements of public order (security, health and public tranquility). Therefore, the possibility of making mistakes is inevitable.
- 2- Recently, there have been many sources of threat to the global system due to global warming and biological pollution. As the whole world witnessed the outbreak of the Covid 19 virus, which led to the declaration of an international emergency by the World Health Organization. This led Iraq, like the rest of the world, to take a number of preventive measures to limit and combat the spread of the Corona virus. Where the government was quick to take a number of measures to limit the spread of the virus, such as closing the land, air and sea borders, in addition to preventing gatherings of all kinds.
- 3- The World Health Organization recognized the Corona virus as a global pandemic due to its seriousness and rapid spread, and this is what led to its declaration of an international emergency. In addition to giving some recommendations to countries to follow to prevent randomness in management under new and dangerous conditions.
- 4- The Iraqi government did not declare it a state of emergency, but rather took strict and strict measures to limit the spread of the epidemic and combat it through the formation of the Supreme Committee for National Health and Safety from the service and security ministries, which in turn took upon itself to issue decisions and measures to confront the exceptional circumstance with the conjunction of these measures penalties for violators of these measures. The competent authorities relied on administrative control on many legal mechanisms to protect individuals from the danger of the virus by issuing individual decisions and control regulations, such as the administrative license stipulated in many decisions of the Supreme Committee for Health and National Safety, such as licensing people to move, as well as prohibiting or preventing people from exercising a certain freedom or activity. Entry to institutions without wearing a mask is completely or partially prohibited. As for regulating the activity, the administration may limit itself to drawing up a regulation showing the organization of a specific activity, such as regulating the procedures for resuming the work of markets and shops, in order to prevent the spread of the virus. In addition to these mechanisms, other legal means have emerged to limit the spread of the virus, such as the need for security distancing, home quarantine, and the encouragement of remote work.

5- Despite the effective efforts of the public health facility in Iraq and its role in confronting the Covid 19 virus and the sacrifices and lives it made in facing this circumstance, now this circumstance has produced, on the other hand, the bitter reality of Iraqi health, and

the best evidence of this is the inability of the government and the ministry to provide adequate hospitals for patients with the virus . As well as the necessary and appropriate medical materials to assist medical personnel in their work.

6- When security procedures and measures are mentioned under exceptional circumstances, the rule of necessity for adequate guarantees to protect rights and freedoms under those circumstances is mentioned. Perhaps one of the most important and strongest of these guarantees is judicial oversight of disciplinary measures. This oversight was embodied in the role of the Iraqi judiciary by adopting the principle of proportionality between the purpose of the police or security measure and respect for rights and freedoms.

From these results, we review a number of recommendations, hoping that they will find their way into the field of application, namely:

- 1- Work to legislate a law declaring a state of emergency instead of Defense of National Safety Order No. (1) of 2004 issued by the Coalition Provisional Authority that ruled Iraq after the fall of the previous regime. This law, hoped for its legislation, specifically and clearly identifies the authority competent to declare a state of emergency in Iraq. As well as the local authorities competent to deal with emergencies and exceptional circumstances and the limits of the competences and powers of each authority and its role at that stage, with the stipulation of sufficient guarantees for the protection of rights and freedoms.
- 2- The public is the first actor to be addressed in the field of imposing preventive measures aimed at confronting the coronavirus. The service and security cadres suffered from the public's lack of response to the wills published and announced on all social media or television and radio programmes, which helped spread the virus more widely. Hence the need to have educational means for the public dealing with how to adapt to any exceptional circumstance the country is going through, and not just the presence of a dangerous, deadly and rapidly spreading virus. In this regard, we suggest including the idea of (how to adapt psychologically and physically with the threats of exceptional circumstances) in educational curricula or electronic applications for ease of review. In it, emphasis is placed on respecting the efforts of the security forces and cadres facing these threats. To protect the lives of individuals and facilitate the task of those parties.
- 3- Seeking to find a systematic mechanism to educate the men of the Internal Security Forces and all the security agencies that deal with the exceptional circumstance by the nature of dealing with the public during this circumstance impartially and without discrimination.
- 4- Active work by the Iraqi government and parliament to pay more attention to the health sector, to give it great importance and increase its efficiency to serve the needs of citizens, and to enhance the role of health personnel in the field of confronting diseases and epidemics.
- 5- Seeking to find organizational plans to sustain and activate the establishment of training workshops between ministries and security services, especially the police service or the internal security forces facility. It includes a realistic simulation of how to deal with exceptional circumstances, whatever their nature. Its aim is centralization in making appropriate decisions during these circumstances. In addition to identifying the level of capabilities of each party and exchanging experiences between them.

Margins

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 - A. Combating the crimes punishable by this law and apprehending the perpetrators thereof.
 - B. Seizing narcotics, psychotropic substances and chemical precursors that are trafficked in violation of the provisions of this law.
 - C. Cooperate with the Arab Bureau for Narcotics Affairs and with its counterparts in other countries and with the international and regional bodies specialized in narcotic and psychotropic substances, and with the International Criminal Police Organization (Interpol) with regard to prosecuting the perpetrators of illegal trafficking in narcotic drugs, psychotropic substances and chemical precursors according to the legal contexts and controls and in coordination with the Commission The Supreme National Committee for Combating Narcotic Drugs and Psychotropic Substances.
 - D. Documenting data on Iraqis or foreigners convicted of illegal trafficking in narcotic drugs, psychotropic substances and chemical precursors, and following up their current activities to prevent their recurrence to committing new crimes, and taking the necessary legal measures for that prevention.
 - E. Monitoring those licensed according to this law to import, export, transport, manufacture or possess narcotic or psychotropic substances to ensure their compliance with the limits of the controls specified in that license and to take legal measures against the violators. The control process stipulated in this paragraph shall be carried out in coordination and participation between the Ministry of Health and the Pharmacists Syndicate.
 - F. Monitor commercial carriers to ensure that means of transport are not used to commit crimes punishable under this law, in coordination with the concerned authorities.
 - G. Exchanging information with neighboring countries and Arab and international authorities concerned with drug affairs to identify networks of trafficking in narcotic drugs and psychotropic substances.
 - H. Implementation of legal, judicial and security cooperation agreements and the extradition

of criminals to other countries with regard to non-Iraqi suspects and convicts who were arrested in Iraq for cases of trafficking in narcotic drugs or psychotropic substances or their misuse, in accordance with the approved rules in this regard, in coordination with the Ministries of Justice and Foreign Affairs.

- I. Directing and following up the activities of anti-narcotics police directorates in the region and the governorates that are not organized in a region in the field of combating illegal trafficking or misuse of narcotics and psychotropic substances. And exchange information and statistics with it to unify it within the annual report on Iraq's position in this regard.
 - J. Cooperating with the National Program for Combating Narcotic Drugs and Psychotropic Substances at the Ministry of Health to organize training courses for Iraqi security personnel in a way that develops their qualifications and develops their expertise in the field of combating illegal trafficking or misuse of psychotropic substances.
- Second:** A police directorate shall be established in each governorate at the level of a department headed by an experienced and specialized officer. She specializes in drug and psychotropic substances. Administratively, it is linked to the provincial police chief, and technically to the General Directorate for Narcotics and Psychotropic Substances Affairs at the Ministry of Interior.
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