

MALIKI ARRESTS POTENTIAL OPPOSITION

In the days surrounding President Barack Obama's announcement on October 21 to withdraw all U.S. forces from Iraq by the year's end, Iraqi Prime Minister Nouri al-Maliki commenced in a wide-scale campaign to purge hundreds of former members of the Ba'ath party from Iraq's security apparatus. The sacking and arrests of rivals and independent figures, and their subsequent replacement with loyalists, has become common practice pursued by Maliki to consolidate power and marginalize political opponents. However, in contrast to other initiatives pursued by the prime minister to centralize power and resources, the domestic fears and concerns toward this recent campaign are exacerbated by the certainty of a full withdrawal by the U.S. military.

The effects on Iraq's political environment have proved to be unstable and worrisome, prompting domestic actors to push back against the central government. Today, multiple provinces are becoming more sympathetic toward embracing federalism as a safeguard from Baghdad's authoritarian tendencies. In an attempt to assuage fears about the arrest campaign and retort accusations of holding sectarian motives, Maliki and his allies insist that their actions are defensive measures taken to thwart a Ba'athist plot to destabilize Iraq and overthrow the government.

However, when taking into consideration the government's lack of transparency, its legal discrepancies, and questionable justifications, the arrest campaign loses credibility. Given that Iraq has entered into its post-occupation electoral season, with provincial elections scheduled for early 2013, the U.S. withdrawal has further given pretext for Maliki to capitalize on promoting party loyalty in Iraq's security apparatus. Instead of securing Iraq's democratic path and stability, Maliki's overbearing actions have perpetuated sectarian fragmentation and placed Iraq's unity at risk.

THE ARREST CAMPAIGN

It is difficult to identify the specific date when the arrests and layoffs began, given the lack of information furnished by the Iraqi government. For example, Baghdad dismissed senior security officials well before Obama's announcement to pull out all remaining troops. In late September, Maliki forced out Lt. Gen. Nasier Abadi, the Vice Chief of Iraq's Joint Command, who was a key and highly experienced military figure that pushed for closer ties with the United States. In mid-October, he removed Maj. Gen. Abdul Aziz Noor Swady al Dalmy, the 14th Iraqi Division Commander based in Basra, who was unpopular with the local Islamists.¹

However, it is apparent that the arrests accelerated after the U.S. decided to exit Iraq, in accordance with the 2008 U.S.-Iraq Security Agreement. Within one week, media reports would confirm the arrests of twenty-eight members of the former Ba'ath party in Kirkuk, forty-five in Diyala, fifty in Babel, and thirty in Basra.² Across Salah ad-Din province, Iraqi forces arrested nineteen individuals who were described as senior military officers and high-ranking members of the former ruling Ba'ath party.³

On October 27, Maliki confirmed the existence of an ongoing campaign to crack down on Ba'athist elements, especially military and intelligence officers that served in the former regime, citing involvement in "acts of terrorism in Iraq."⁴ Two days later, he announced that 615 individuals had been detained in a systematic security sweep that "aimed at those who threaten the state security and stability."⁵ By that point, it was reported that seventy-five percent of the arrests were completed, most of whom had served as army or intelligence officers in the former regime.⁶ "The Ba'ath Party is prohibited by the Constitution," Maliki stated, "because it is a criminal party that led to the fall of the national sovereignty and it targeted the Iraqi people through mass graves, chemical weapons."⁷

The arrest campaign continued into the month of November, though with lesser intensity. Iraqi security forces reportedly operated from a list that included names and ranks of suspects targeted, most likely compiled and disseminated by the Ministry of Interior (MOI). According to a security source in Diyala, the list supposedly included the indication of the threat they posed towards Iraqi security.⁸ As of today, it appears the individuals detained, most of them Sunnis, came from the majority of Iraq's provinces, including Salah ad-Din, Diyala, Kirkuk, Ninawa, Basra, Babel, Dhi Qar, Nassiriya, Qadisiyah, Anbar, Wasit, and Karbala.

CAMPAIGN'S QUESTIONABLE LEGALITY

The campaign initiated by the Maliki government to target former members of the Ba'ath party was pursued with questionable motivations and inconsistent rationales. Moreover, a lack of legal foundation and shifting statutory basis tainted the arrests. Iraqi forces rounded up individuals at their homes and places of work, and in cases, gave no explanation for the arrests, leaving behind complaints and confusion among family members.⁹ Moreover, Iraqi authorities refuse to release the names of the detainees, possibly to not indicate religious sect. The lack of transparency and legal standards have damaged the credibility of the Maliki government and cast doubt on their intentions, intensifying sectarian tensions and local Sunni Arab movements toward federalism.

Prior to the beginning of the wide-scale arrest campaign, accusations of sectarian practices made against the central government were playing out in the predominantly Sunni Arab province of Salah ad-Din. On October 11, the Iraqi press reported that Minister for Higher Education and Scientific Research Ali al-Adeeb, a leading figure in Maliki's Islamic Da'awa party, removed more than 140 professors and faculty members from the University of Tikrit, Saddam Hussein's hometown.¹⁰ Days later, the president of the university resigned his post in protest over the dismissals of his colleagues.¹¹ Vice President Tariq al-Hashemi, a Sunni Arab and a member of the Iraqiyya bloc in the Council of Representatives (COR), held a press conference and attacked Adeeb for contributing to the deterioration of the education establishment by forcing professionals and educators to leave the country.¹²

Back in July 2011, it was reported that Adeeb intended to implement the process of de-Ba'athification in Iraq's education sector.¹³ He claimed that that his predecessor at the ministry, Abd al-Dhiyab al-Ugayli, a Sunni Arab, was a member of the former Ba'ath party and had promoted Ba'athists during his tenure. The ministry's spokesman defended the action, stating that it was simply implementing laws of the COR, referring to the often-misinterpreted and politically exploited Justice and Accountability Law (JAL) enacted in 2008. But the Justice and Accountability Commission (JAC), which has to approve such actions, had previously suspended its work until new board members were elected by the COR.¹⁴ Yet Adeeb still unilaterally proceeded with his dismissals and Maliki's State of Law Coalition suggested that the firings were necessary since eighty percent of the instructors had come from one component of the population, suggesting that Arab Shi'as were not proportionally represented.¹⁵

The subsequent arrest campaign also lacked legal consistency and clarity. For example, during the beginning of the arrest campaign, security officials arresting the suspects were citing

membership levels within Ba'ath party ranks in line with the JAL, suggesting that rank was somehow related to justification for detainment. The 2008 law, however, does not offer a legal basis for arresting and detaining former members of the Ba'ath party. It rather focuses on their eligibility to be employed in the government.

Maliki's allies, however, pushed back on October 29 and assured that all arrests were constitutional and justified. According to Lt. Gen. Hussein Kamal, the Deputy Minister of Interior for Intelligence, "All the arrests had been implemented according to arrest warrants issued by the judicial authorities based on intelligence information about illegal activities."¹⁶ Senior State of Law MP Hassan al-Sunaid, one of Maliki's staunchest allies and the chair of the COR's Security and Defense Committee, tried to assure the legality of the government's arrests, stating he had visited the Office of the Commander-in-Chief, the Ministry of Defense, and MOI, and reviewed the appropriate paperwork and judged that warrants were issued and legal.¹⁷

However, both Kamal and Sunaid were contradicted the next day by Senior Deputy Minister of Interior Adnan al-Asadi, also an ally of Maliki, stating that all arrests were under the Counterterrorism Law of 2005 but were carried out "without arrest warrants."¹⁸ Yet, this too, is not legally sufficient for such detentions. Although the Counterterrorism Law does provide a basis for making arrests, the statute can only be legally applied if coupled with a warrant. Although details remain unclear about what explanations were given for the arrests, the inconsistency and inaccuracy of legal interpretations shown by officials spearheading the arrests is enough to suggest a government becoming dismissive of its legal boundaries.

COMPETING JUSTIFICATIONS FOR CAMPAIGN

Purges, arrests, and layoffs of Ba'athist elements have been an ongoing feature in post-Saddam Iraq, highlighted by a series of provisions and procedures that seek to place state institutions under a process of de-Ba'athification. The recent security operations cannot only be differentiated from general trends by the intensity of the campaign itself, but more importantly, by the central government's concerted efforts to provide a single narrative that seeks to explain its actions. In Iraq, there exist primarily four competing narratives concerning the origins behind the campaign of arrests and dismissals.

A Libyan Conspiracy

In response to the arrests, the Maliki government has justified the arrest campaign by explaining that Iraqi

security forces were reacting to special intelligence acquired from Libya that revealed Ba'athist elements were planning a coup d'état. On October 26, an Iraqi government official speaking on condition of anonymity confirmed to the *New York Times* that then-Libyan interim Prime Minister of the National Transitional Council Mahmoud Jabil had furnished intelligence linking the late Col. Mu'ammarr al-Qaddafi to a Ba'athist-led plot to overthrow the Iraqi government.¹⁹ The information taken from Libyan intelligence headquarters was revealed to the Iraqi government on October 6, during Jabil's visit to Baghdad.

Yet, the gap of weeks between Jabil's visit and the intensity in frequency of the arrest campaign cast doubt on the veracity of the government's narrative. More problematic is the unclear assertion of Qaddafi's involvement, which lacks a coherent rationale the government has yet to articulate. In addition, there are inconsistencies between government officials. According to one senior Iraqi official, the Libya story was "totally a rumor" advanced and put forward to support MOI efforts.²⁰ The official asserted that the issues of Ba'athism and a supposed plot to overthrow the government were never discussed during Jabil's visit.

The Ba'athist Threat

Other senior security officials have justified the purges as preventive measures to downgrade Ba'athist capabilities given the withdrawal of U.S. forces by the year's end. For example, Asadi claimed that investigations his ministry conducted over the course of months have exposed a link between Ba'athists and al-Qaeda in Iraq (AQI) that includes logistical and financial cooperation, which "led us to uncover that the Ba'ath party is planning to reorganize itself in Iraq."²¹ Kamal argued that the arrests of alleged Ba'athists concerned the prevention of attacks and civil unrest, not the implementation of a coup against the government.²² Yet, the threat from Sunni groups has been descending for years, while the government has long claimed to have known about cooperative efforts between Ba'athist insurgents and AQI.²³ Moreover, the timing and massive scope of the arrests are subject to suspicion, particularly when operations are deemed as precautionary, rather than pegged towards thwarting a specific attack.

Syrian Desperation

Some Iraqi political and security officials believe that information on who to target in this arrest campaign was provided to the Maliki government by Syria's Assad regime in exchange for Iraq's diplomatic and economic support. It was reported over the summer by *Asharq al-Awsat* that Iran had pressured Iraq into supporting the Syrian regime with financial assistance vis-à-vis various economic agreements in order to buttress Assad's survival.²⁴ According to a daily Iraqi newspaper, the Iraqi Ba'ath party wing of Yunis al-Ahmad, which is based in Syria, argued that Damascus had furnished to Baghdad information regarding the Ba'ath leadership in Iraq.²⁵ Although the Syrian story circulating in Iraq may or may not be accurate, it is not mutually exclusive in relation with the other accounts since it does not indicate motive for pursuing the campaign.

Political Calculation

The recent anti-Ba'athist crackdown represents a continuation of Maliki's main objective to further consolidate power by marginalizing opponents in the political and security domains. This view is shared by Maliki's main political rivals in the Iraqiyya bloc, but also critics of the prime minister more broadly. For one, Deputy Prime Minister Saleh al-Mutlaq, a senior Iraqiyya figure, expressed his disbelief in the Libyan and Syrian narratives, saying that he knows some of the individuals being targeted and that they have been dead for years. "I know that there are no evidences there [in Syria and Libya]," Mutlaq says, "It's not a matter of seeing or not."²⁶ Mutlaq asserted that Maliki was pursuing the arrest operations in advancing the security of his position before the U.S. military withdraws from Iraq.²⁷

Despite the different viewpoints, the inconsistencies demonstrated by the Maliki government in justifying the campaign, at the very least, suggest a lack of credibility, transparency, and sincerity about their intentions. Nevertheless, the most likely accurate account is that the arrest campaign was driven by Maliki's political calculation. Given Maliki's history of centralization, the U.S. withdrawal, and Iraq's upcoming elections, it is likely that consolidating power and purifying the security sector from rivals are the principle motivating factors in his decision-making.

CAMPAIGN FUELS SECTARIANISM AND FEDERALISM

Maliki's campaign against former Ba'ath party members has intensified sectarian tensions and political mistrust in Iraq. More importantly, the recent arrests have prompted Sunni Arabs to call for the establishment of semi-autonomous federal regions, similar to the administrative functions of the Kurdistan Regional Government in northern Iraq. This dynamic of federalism coupled with sectarianism, aggravated by Maliki's campaign, has now downgraded Iraqi politics to a degree of hostility and mistrust not seen since the height of Iraq's sectarian conflict from 2005 to 2007.

Sunni Arabs are suspicious of the Shi'a-led government and the use of the term "Ba'athism" in any legal or security proceeding. The ruling Shi'a bloc has used de-Ba'athification measures as a political tool to marginalize Sunni opponents. This was most apparent just before the 2010 parliamentary elections, when despite no legal statute or basis, the JAC moved to bar over 500 candidates from participating in the electoral process. But when Adeb removed more than 140 faculty members at the University of Tikrit and more arrests followed, frustrations in Salah ad-Din achieved critical mass. The developments caused a tense confrontation between Maliki and Deputy Prime Minister Mutlaq during a cabinet meeting in Baghdad on October 25, less than a week after Obama's withdrawal announcement. Mutlaq, a Sunni Arab nationalist, threatened to stir the street against Maliki if the central government did not stop the purges of former members of the Ba'ath party. In anger, Maliki stormed out of the room. According to Mutlaq, Maliki had warned him that "We're coming for you, you and all of your people."²⁸

The move towards federalism began with Salah ad-Din. On October 27, by a vote of 20-0 (eight absent) the Salah ad-Din provincial council exercised Article 119 of the Iraq Constitution, which lays out the process of forming federal regions. A provincial referendum on the final status of the governorate is required, allowing a degree of autonomy from Baghdad. The vote was intended to "send a message" to Baghdad for its "continuous random arrests without legal cause," said Niazi Oglu, the provincial council's general secretary.²⁹ The call for federalism had previously been hitherto an unpopular move among Sunni Arabs. But now, some regard the constitutional option as the only way to secure their safety.

After the announcement by the provincial council, thousands of Iraqis demonstrated across Salah ad-Din in support of the symbolic measure taken by their representatives. "They searched our houses, tossed our furniture," one woman complained, "Some of the men on the arrest list are more than 70 years old. Do you think they've plotting to overthrow the government?"³⁰ Yet, Maliki has since rejected the provincial council's constitutional right to hold a referendum regarding the governorate's final administrative status. More troubling, Maliki argued that the Ba'ath party is trying to use Salah ad-Din as a "safe haven."³¹

Other Sunni-majority governorates have also threatened to follow Salah ad-Din's path in attempts to safeguard their interests from Baghdad's growing centralization of power and resources. Lawmakers from the provincial councils of Ninawa and Diyala are considering declaring a region, citing growing frustration with Baghdad's policies of marginalization and de-Ba'athification that have led to arrests and termination of employment. Although relations between the Maliki government and Anbar province have long been characterized by mistrust, the arrest campaign has instigated dangerous levels of fear and frustration. In late October, thousands of Iraqis in Anbar came out to protest the arrest campaign in their province. "These arrests will lead to increased sectarianism and tension," said a farmer in the city of Ramadi. "We are determined to get our message across to the central government. Our demand is the release of innocent detainees."³² The Anbar provincial council threatened to exercise its constitutional right under Article 119 should Baghdad continue on this course.

Tensions between Maliki and Anbar province, once described as the heart of the Sunni insurgency, continued to mount. Ali Hatem Suleiman, the head of the powerful Dulaim tribe and a leading founder of the Anbar Awakening Movement that confronted AQI, demanded the government return the detainees from Anbar to the province for a fair trial.³³ In late October, after criticizing Maliki's actions, Suleiman said an Iraqi force raided his house in Baghdad. The operation was ordered by the prime minister, Suleiman said, "who persecutes people who criticize the performance of his government."³⁴ Suleiman warns that the "response to the raid will happen in Anbar province."³⁵ Days after, Anbar Governor Qasim

al-Fahadi survived an assassination attempt on his way to meet Maliki after a bomb exploded next to his convoy near Abu Ghraib. Though it is not known who was behind the attack, Sheikh Ahmed Abu Risha, the leader of the Anbar Salvation Council and the dominant Dulaimi tribe, pointed the finger at the government because the bomb was placed within sight of a checkpoint. “I accuse the Da’awa party, in collusion with the Muthanna Brigade [Shi’a unit of army], for trying to assassinate the governor of Anbar,” he said.³⁶

In reacting to accusations of holding sectarian motives, Maliki has sought ways to downgrade sectarian tensions heightened by the arrests and dismissals of what were mostly Sunni Arab officers. One method was arguing that the campaign was a “nonsectarian operation,” where his allies would emphasize that Shi’a Arabs who were former Ba’ath members were also targeted in south and central Iraq. A government official, speaking on condition of anonymity, stated that a Shi’a Ba’athist outlet in southern Iraq was also part of the plot to overthrow the government and was operating under the name of *Hizb al-Awdah* (Return party).³⁷ In an effort to assuage fears, Maliki has also attempted to make a distinction about which type of Ba’athist are the targets of the campaign. “We should differentiate between the Ba’athists who work in departments and institutions of the state, who harmonized with the political process and who fought terror, and the Saddamist Ba’athists, who cooperate with al-Qaeda and work to overthrow the political process.”³⁸

Nevertheless, members of the Iraqiyya bloc, Maliki’s main rival, argued that the arrests and purges were illegal and opportunistic. Hamid al-Mutlaq, a senior Iraqiyya MP and brother of the deputy prime minister, believed that Maliki’s allegations against those arrested were based on “science fiction.”³⁹ Iraqiyya spokesman Haidar al-Mulla called it an “alleged coup conspiracy” and challenged Maliki to release the names of those involved. Iraqiyya leader Ayad Allawi, a secular Shi’a and former interim Iraqi Prime Minister, believed the central government’s vindictive measures have become a daily occurrence. “Such actions obliged me to demand the UN Secretary General to send a resident observer for human rights violation, as well as the Arab League to send a fact-finding committee to observe the agony of this country,” he said.⁴⁰ In some respect, Iraqiyya is also appealing toward its constituency, many of whom are Sunni Arab nationalists.

Likely taking into account the approaching 2013 provincial elections, Maliki also appears to be politically capitalizing on the arrest campaign by making appeals to the Shi’a community. In the holy Shi’a city of Najaf, prominent Shi’a cleric Sayed Sadreddin Qabanchi voiced support for the arrest campaign during Friday prayers and called on Maliki to punish the remnants of the former regime. Characterizing the Ba’ath party as the “root cause of all problems” of Iraq’s modern history, Qabanchi stressed that “large-scale confrontation against these people is completely necessary.” Qabanchi argued that it was both a religious and human obligation for all Iraqis to cooperate in this anti-Ba’athist campaign.⁴¹ Maliki’s appeal toward the Shi’a religious parties is necessary for his political stability as prime minister. Ba’ath members should “announce their repentance and innocence,” Maliki stated in a November speech in the Shi’a holy city of Karbala. They should sign a document “in front of the relevant state agencies,” warning that “if not, they are subject to ... legal prosecution.”⁴²

Maliki’s actions have captured support for the arrests from other blocs, not surprisingly, along sectarian lines. The Shi’a Iraqi National Alliance (INA), an indispensable strategic partner to Maliki, also backed the arrest campaign. For one, the Shi’a firebrand cleric Muqtada al-Sadr, whose party dominates the INA, called on Adeb to continue his good deeds. “The brother minister of higher education should go on with this uprooting,” Sadr said in a statement. “This is good for us and good for them.”⁴³ In addition, Maliki has received support from close non-Shi’a partners, like Iraqi President Jalal Talabani, who praised and backed the MOI’s efforts in cracking down on former regime elements.⁴⁴

The arrest campaign appears to have given Maliki and his allies a pretext to blame political and regional opponents, most likely referring to the close relationship between the Iraqiyya bloc and Saudi Arabia. For example, without revealing any identities, Maliki stated in November that the perpetrators were “well-known political figures” and “some regional countries,” and that in due time, the government will expose the names of the conspirators planning to destabilize Iraq’s security.⁴⁵ Before Maliki’s remarks, Sadrist MP Jawad al-Hasnawi similarly argued that “there are neighboring countries [that] are penetrating in Iraqi politics since the demise of the ex-regime and support terrorism, aiming continued flow of Iraqi blood.”

He added that these countries were “weaving conspiracies, political or economic, which reflect bad intentions.”⁴⁶ Given the politicization of the de-Ba’athification campaign, it appears the Ba’athist card will continue to be played by the Maliki government against Sunnis and rival Shi’a Arabs. This, along with the movement towards fragmentation in the context of an electoral season situates Iraq in a dangerous and volatile environment.

CONCLUSION

The Maliki government’s campaign to intimidate, dismiss, and arrest former members of Iraq’s Ba’ath party has been an ongoing and concerted effort. However, the removal of the U.S. military from Iraq compounds the dangers and repercussions to stability due to this anti-Ba’athist campaign. Given the timing and intensity of the anti-Ba’athist campaign, the withdrawal of U.S. troops coupled with Iraq’s entrance into its first post-occupation electoral season with provincial elections scheduled for early 2013, is the likely pretext motivating Maliki to capitalize on further consolidating power and promoting party loyalty as the principal features in Iraq’s security apparatus.

With questionable legal justifications, dubious explanations, and politicization and opportunism underlying the arrests, Maliki’s behavior is conforming to the practices defined by the authoritarian political culture that has long characterized Iraq. “Frankly, I am very scared and expect to be arrested at any moment,” said Haji Abu Ahmed, a former Ba’ath member in the southern Iraqi city of Basra. “The current practices are the same as the practices of Saddam,” Ahmed said. “There seems to be no difference between the two systems. Saddam was chasing Da’awa, and now Da’awa is chasing Ba’athists.”⁴⁷ In the final analysis, Maliki’s campaign has been counterproductive to both Iraqi democracy and stability.

Without a U.S. footprint on the ground, the Maliki government will have a freer hand with which to confront and marginalize its political rivals, further complicating free-and-fair elections in the years ahead. The sectarian tension and arguments over the centralization of power that were intensified by the arrest campaign suggest a dangerously vulnerable and uncertain political and security environment after 2011. The heightened level of mistrust coupled with the growing desires by multiple provinces to pursue federalism, have advanced structural conditions that could prompt a return to civil war and a resurgent insurgency.

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