

Iraq's Two Coups—And How the U.S. Should Respond

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Brief Analysis

Iran's allies in Iraq mounted a judicial coup at the start of this year. Now, Muqtada al-Sadr is trying to place the system under his control through mob action. U.S.-led friends of Iraq should care about both these developments, not just the most recent one.

With Muqtada al-Sadr's supporters occupying Iraq's parliament and camped out in the International Zone, Baghdad's government center, there is a body of opinion that Iraq is experiencing a kind of coup or, as Muqtada calls it, a "revolution." Viewed against the backdrop of recent months, however, his actions should be seen as a response to the subversion of the judiciary by the losers in the October 2021 election that Sadr's bloc won in order to negate the result of the elections. This judicial coup—achieved by gaining control over the supposedly independent Federal Supreme Court—saw one arm of Iraq's government subordinated to a foreign power. Now Muqtada is doing something similar, albeit via mob action: negating another arm of government, the legislature. How should the United States and her friends view this mess and what actions might best serve U.S. interests and U.S. ideals?

A Tale of Two Coups

In Iraq's parliamentary system, the members of parliament (MPs) appoint the speaker, president, and prime minister, in that order. Under normal circumstances, it takes a simple majority of the 329 MPs (i.e., 165 seats) to elect the speaker and ratify the prime minister and his cabinet, while a two-thirds majority (218 seats) is required in the first effort to elect a president, though the threshold drops to 165 seats if a first-round victory is not possible. In the October 2021 elections, assessed to be fair by both the Iraqi Higher Electoral Commission and the United Nations, Muqtada al-Sadr's Sairoon list won the largest number of seats (73 seats) and tried to build a mold-breaking

cross-sectarian and multi-ethnic coalition that would have the requisite 165 seats and would push the Iran-backed Coordination Framework coalition into opposition.

In response, the Coordination Framework has tried to overthrow the election results multiple times—first through legal means, then paramilitary attacks on the IZ, and ultimately an **assassination attempt** (<https://www.washingtoninstitute.org/policy-analysis/harrowing-mustafa-kadhimi>) on Iraq's caretaker prime minister Mustafa al-Kadhimi that November. When all their efforts failed and the election results were certified on December 27, 2021, the Coalition Framework moved to Plan B. This consisted of a judicial coup masterminded by Nouri al-Maliki, the former premier, who had cultivated key members of the judiciary since he groomed and elevated them through the ranks during his long tenure as prime minister.

The current judicial coup involved instructing the Supreme Judicial Court's head Judge Faiq Zaydan to facilitate a flurry of rulings in his subordinate Supreme Federal Court (FSC), which rolled out in quick succession early in 2022. Most importantly, the FSC effectively removed the option of appointing a president by simple majority if the effort to achieve a two-thirds majority failed. In so doing, the Coordination Framework effectively overthrew Muqtada al-Sadr's effort to form a majority government of 165 seats without them. In essence, this decision moved the goalposts as the ball was about to cross the goal line. The FSC also suddenly activated a ten-year old case against Kurdistan's independent oil exports in order to punish and intimidate some Kurds for taking part in the effort to form a majority government.

In frustration, Muqtada al-Sadr resigned all 73 MPs of the Sairoon coalition from parliament, ceding the majority back to the Coordination Framework and its partners (though not the all-important two-thirds majority). He signaled that he felt the system was rigged and that he would now act to change it. The Coordination Framework prepared to try to form a government—seeming just able to scrape together two-thirds of MPs after many seats reallocated from Muqtada's resigned members.

To prevent this, Muqtada's followers seized the parliamentary chamber in Baghdad, as well as back-up locations elsewhere. The Iraqi government did not risk killing protestors to stop these incursions—much as Iraq's government (under then premier Haider al-Abadi, now a partner of the Coordination Framework) did not stop Muqtada's supporters from ransacking the parliament in 2016. The Coordination Framework parties view the government's meek reaction as a kind of endorsement of Muqtada's actions, and thus characterize it as a coup.

Two Wrongs Don't Make a Stable Government

Though the senior leadership of the United States might be focused on great power competition and domestic issues, the U.S. intelligence community and diplomatic corps, plus our allies and partners, know a great deal about the daily movements, conversations, and bank accounts of key Iraqi leaders. Therefore, the United States knows exactly how the the Coordination Framework undertook a judicial coup in early 2022, in partnership with the Iranian Islamic Revolutionary Guard Corps (IRGC) Qods Force general Esmail Qaani and the head of the Supreme Judicial Council Judge Faiq Zaydan. The three men met at Nouri al-Maliki's house in January 2022, whereupon Zaydan was given instructions by Maliki and the Iranian general.

It is completely counter to the spirit and the word of the Iraqi Constitution for the country's judiciary to be ordered to undermine the results of an election and intimidate the majority bloc. *That* is a foreign-backed judicial coup and should not be accepted by the Iraqi people or ignored by the international community, as it has largely been so far—in public, at least. The Coordination Framework has played its hand quietly and smartly, undertaking its illegal and unconstitutional actions in the realm where only classified intelligence could detect it. If the United States wants, it could release evidence of these efforts, either openly or discreetly and indirectly.

Nor should the United States simply stand by and say nothing about the occupation of a major state institution by

the Sadrists. Here an indirect approach might be smart. The United States cannot directly intervene: Washington did not even lift a finger to help Prime Minister Mustafa Kadhim as the militia trucks of Coordination Framework member Kataib Hezbollah (in parliament as the Hoquq list) surrounded the prime minister's residence in June 2020 in a direct threat against him. Instead, the United States would be better served by simply passing Muqtada and the Iraqi people the proof they need to bring down the corrupt judicial leadership in Iraq, and the other officials who have conspired with the Coordination Framework to release protestor-killers from jail or who have enriched themselves at Iraq's expense.

A new judicial leadership might be able to take action, and this might convince Muqtada to loosen his grip on parliament. New elections would probably follow, given that the judiciary took numerous actions in early 2022 to shape the ultimate outcome of the election in ways that favored the Coordination Framework.

In other words, the United States *should* care about Iraq's *two* attempted coups this year, and a good place to start might be helping Iraqis to right the wrong of the stolen election and the intimidation heaped upon the Iraqi Kurds for exercising their right to join a majority government. Unless the FSC rulings are reversed, the Coordination Framework may have done permanent damage to Iraq's ability to form a government and create an impasse that will reemerge every single term there are elections and a two-thirds majority is now required. Nor did the Coordination Framework hesitate to risk taking half a million barrels of oil off the world market and plunging five million inhabitants of the Kurdistan Region into economic crisis through its courtroom (alongside rocket and drone) attacks on Kurdistan oil sales.

These are grossly destabilizing actions that can probably only be reversed if the basis of the rulings—improper judicial interactions with Coordination Framework leaders like Nouri al-Maliki and IRGC Qods Force general Esmail Qaani—are brought to light. At this stage, with the abyss gaping right in front of Iraq and its partners, there is a need for rapid, unconventional policy thinking that sends a sign to Muqtada al-Sadr that there is more than one way to fix the current impasse and that the wrong of the stolen election can be righted without a second coup.

Michael Knights is the Bernstein Fellow at The Washington Institute and cofounder of its [Militia Spotlight](https://www.washingtoninstitute.org/policy-analysis/series/militia-spotlight) (<https://www.washingtoninstitute.org/policy-analysis/series/militia-spotlight>) platform. ❖

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