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## The role of international criminal law in protecting human rights from risks Misuse of artificial intelligence

Baraa Munther Kamal  
*Tikrit University, Iraq, Baraa\_law@tu.edu.iq*

Marivan Mustafa Rashid  
*University of Kirkuk, Iraq*

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## دور القانون الجنائي الدولي في حماية حقوق الانسان من مخاطر

### إساءة استخدام الذكاء الصناعي

أ.م. مريفان مصطفى رشيد

أ.د. براء منذر كمال عبداللطيف \*

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#### المستخلص

تعد الأقليات احدى المكونات المهمة للنسيج الدولي المتكامل في المجتمع الدولي بأسره إذا تكاد لا تخلو أي دولة من دول العالم من الأقليات فهي تشكل التوازن المتناغم في إقليم الدولة الواحدة بما يجسد ثقافتها وأعرافها وتأصيلها التاريخي ، وان هذه الأقليات قد مارست حقوقها ضمن اتفاقيات وأعراف ومواثيق دولية كفلت حمايتها ، وتكمن مشكلة البحث في ضعف الية الحماية المقررة للأقليات ، فعلى الرغم من وجود الاتفاقيات والمواثيق الدولية التي توفر حماية للأقليات على الصعيد الدولي ، الا أن الجرائم لاتزال تطل حقوق تلك الأقليات بما يعرقل اليه تطبيق الحماية المقررة لهم والذي يعكس أثرة على سلامة ذلك النسيج المتكامل في المجتمع الدولي ومع التقدم التكنولوجي ظهر الذكاء الاصطناعي وعلوم البيانات، وقد استخدمت وسائل التطور التقني ومنها الذكاء الاصطناعي استخداماً سلبياً من بعض الدول لانتهاك حقوق الاقليات ، إذ تم استخدام البيانات والمراقبة في أنظمة معقدة لممارسة السلطة ولقمع الحريات . ويقع معظم أدوات الذكاء الصناعي في أيدي الشركات الهادفة إلى الربح أو الحكومات المتعطشة إلى السلطة وغالباً ما تفتقر الأنظمة الرقمية إلى القيم والأخلاق التي تعتمد على ترك مسألة اتخاذ القرار للناس أنفسهم مما يؤثر سلباً على الاقليات مسلوبى الإرادة.

مما دفع العديد من المنظمات ومنها الامم المتحدة الى الدعوة لاستخدام تقنيات الذكاء الصناعي استخداماً ايجابياً يهدف الى تعزيز حماية حقوق الانسان بشكل عام وحماية حقوق الاقليات بشكل خاص . واذا ما حققت هذه الدعوات صداها ، فإن تقانات الذكاء الاصطناعي ستساعد على إنقاذ الأرواح وتخفيف المعاناة واضطهاد الاقليات ، إذ أن من الضروري أن نضمن أن نخدم الثورة الرقمية مصالح الشعب، لا العكس. ويجب أن نضمن أن تتوافق كلّ عملية تديرها آلة أو نظام ذكاء اصطناعي مع مبادئنا الأساسية مثل الشفافية والإنصاف والمساءلة والإشراف وجبر الضرر. ويمكننا حتى أن نستخدم الذكاء الاصطناعي كي نتوقع انتهاكات حقوق الإنسان الممكنة بشكل عام وانتهاك حقوق الاقليات بشكل خاص مما يمهد السبيل للوقاية منها قبل لها والاسراع بالتصدي لها في بداية وقوعها. فالحنكة تقتضي سعي الجهات المختصة للاستفادة من إمكانيات تقانات الذكاء الاصطناعي وعدم رفضها في المطلق كي لا تُصبح ملاحداً آمناً لانتهاك حقوق الإنسان طالما اعترُف بمخاطرها؛ إذ أن تحقيق الموازنة المنطقية البناءة بين خوض غمار الذكاء الاصطناعي وحماية حقوق الإنسان يتطلب من الحكومات والشركات مزيداً من السعي بغرض اتخاذ التدابير الملموسة لضمان احترام حقوق الإنسان في ظل تعاظم قوة دور تكنولوجيا الذكاء الاصطناعي، يوازيه عدم جواز التدرع بحماية الحقوق الفكرية لأنظمة الذكاء الاصطناعي كمدعاة للإفلات من الرقابة عليها وتحقيق الشفافية المطلوبة.

**كلمات مفتاحية:** الذكاء الاصطناعي ، جريمة ، حقوق الانسان ، القانون ، الحق في الخصوصية .

أستاذ دكتور، في كلية الحقوق، جامعة تكريت ورئيس تحرير مجلة جامعة تكريت للحقوق.

[Baraa\\_law@tu.edu.iq](mailto:Baraa_law@tu.edu.iq)

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# The role of international criminal law in protecting human rights from risks Misuse of artificial intelligence

Professor Dr Baraa Munther Kamal, *College of Law, Tikrit University, Iraq*

Assistant Professor Marivan Mustafa Rashid, *College of Law and political Science, University of Kirkuk, Iraq*

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## Abstract

Minorities are an important component of the integrated international fabric of the international community as a whole, if almost no State in the world is without minorities. They constitute the harmonious balance in the territory of a single State that reflects its culture, knowledge and historical relevance. Most of the tools of industrial intelligence fall into the hands of for-profit companies or power-hungry Governments. Digital systems often lack the values and ethics to leave decision-making to the people themselves, which negatively affects minorities.

This has led many organizations, including the United Nations, to advocate positive use of AI techniques aimed at strengthening the protection of human rights in general and minority rights in particular. If these calls resonate, artificial intelligence technologies will help save lives, alleviate suffering and persecute minorities, as it is necessary to ensure that the digital revolution serves the interests of the people, not the other way around.

We must ensure that every operation run by an artificial intelligence machine or system corresponds to our basic principles such as transparency, fairness, accountability, supervision and reparation. We can even use artificial intelligence to anticipate possible human rights violations in general and violations of minority rights in particular, paving the way for pre-emptive prevention and early response. Skill requires the competent authorities to make use of the potential of artificial intelligence technologies and not to reject them at all so that they do not become safe havens for human rights violations as long as they are recognized as dangerous; Achieving a constructive logical balance between artificial intelligence and the protection of human rights requires further efforts by Governments and companies to take concrete measures to ensure respect for human rights, given the increasingly powerful role of artificial intelligence technology.

**Keywords:** Illegal immigration, crime, residence law, immigration, penalties.

## **1-Introduction**

Man's historical search for an invention that can mimic the human mind in its style of thinking both artists, writers, filmmakers and game developers have tried to find a logical interpretation of the concept of artificial intelligence and over time, Industrial intelligence was only present in science fiction, highlighting the potential benefits of artificial intelligence to humanity and its bright human aspects. He highlights the negative aspects expected of him and is portrayed as the fierce enemy of mankind who intends to destroy and control civilization. In 2018, artificial intelligence became a reality rather than a fantasy, and no longer occupies a place in the world of popular culture only. The year 2018 has been the major shift of artificial intelligence. This technology has grown exponentially on the ground until it has become a major tool at the heart of all sectors. Artificial intelligence and data science In addition to its expertise in environmental science and humanitarian assistance, it will help to save more lives and alleviate suffering by improving predictable methods and enhancing means of dealing with disasters before or after they occur. Because artificial intelligence is widely used, we will address it within the framework of minority protection. Issues relating to the rights of persons belonging to religious, ethnic and linguistic minorities are now widely addressed in almost every human rights instrument, most United Nations forums and international forums on the importance of this category. The United Nations and other intergovernmental organizations recognize that the rights of minorities are indispensable for the protection and development of those who wish to safeguard and develop the values and practices they share with other members of their communities. The United Nations also proceeds from the fact that members of minorities make a significant contribution to society's wealth and diversity, Religious, ethnic and linguistic diversity is a constant asset to human societies, and the presence of minorities enriches societies in all countries of the world human diversity ", without exception, and action to protect it today is an enhancement of creative human diversity.

### **1.1 the problem of research :-**

The problem of research arises by combining the causes and motives of clandestine illegal immigration and open (legal) immigration, although the two differ in terms of legal adaptation of both, if the first is a crime, and the second is an unpunishable permitted act.

### **1.2 importance of research :-**

The problem of research lies in the weakness of minorities' established protection mechanism international conventions and instruments protecting minorities at the international level, However, crimes continue to affect the rights of these minorities, hindering the application of their prescribed protection, reflecting an impact on the integrity of that integrated fabric in the international community and with technological advances, the emergence of artificial intelligence and data science. means of technical development, including artificial

intelligence, have been used negatively by some States to violate minority rights, Data and surveillance have been used in complex systems to exercise power and suppress freedoms. Most artificial intelligence tools fall into the hands of profit-making companies or power-hungry governments, and digital systems often lack values and ethics that depend on leaving decision-making to the people themselves, which negatively affects minorities deprived of will.

This has led many organizations, including the United Nations, to advocate for the positive use of artificial intelligence techniques aimed at strengthening the protection of human rights in general and the protection of minority rights in particular. If these calls reverberate, AI technologies will help save lives and alleviate suffering and persecution of minorities.

### **1- 3 Research Objective:-**

The study aims to highlight an important human right that is to protect minorities according to the machinery of artificial intelligence in line with the scientific revolution and technological advancement in modern times, opening up new horizons for the protection of humanity if it is used correctly because at the same time it carries huge risks to the values, rights, freedoms and security of individuals, community and nations.

### **1-4 research Division:-**

To study the subject in its different aspects, our study will be divided into three main points: what is artificial intelligence and its scientific applications. Second: To publicize the rights of protected minorities, third: to study the promotion of the positive role of industrial intelligence in the protection of human rights, and then conclude the research with a conclusion containing the most important conclusions and recommendations.:

## **2.1 What is artificial intelligence and its scientific applications**

AI science is a modern computer science that seeks sophisticated methods of programming it to perform similar work and conclusions even within the narrow limits of those methods attributed to human intelligence In doing so, it is a science that first looks at defining human intelligence and defining its dimensions, And then simulate some of its characteristics, and here it must be made clear that this science is not intended to compare or represent the human mind created by God whose ability and greatness are manifested by the machine that is made by the creature, This new science aims to understand the complex mental processes performed by the human mind during its practice. (Thinking) And then translating these mental processes into parallel accounting processes that increase the computer's ability to solve complex problems. In this section we will deal with the definition of artificial intelligence and then with its scientific applications.

## 2.2 Definition of artificial intelligence

Computer artificial intelligence can be defined as the ability to represent its computer models (Computer Models) for an area of life and defining the basic relationships between its elements and thus develop feedback commensurate with the events and attitudes of this area, Artificial intelligence is therefore first linked to the representation of a computer model of a field and hence its retrieval and development, and secondly linked to its comparison with research positions and events to produce useful conclusions. And it turns out that the difference between the definitions of AI and humanity mentioned above is first the ability to develop the model. While the computer model is a representation of a model already developed in the human mind and, secondly, in the kinds of conclusions that can be drawn from the model, humans are able to use different types of mental processes such as innovation. Innovation, Creation and Conclusion. While computer processes are limited to limited conclusions according to the principles and laws recognized and programmed in the programmes themselves (Al-Sharqawi, 1996, p. 24).

The origin of AI science is concentrated in research examining model representation methods (Model Representation) in computer memory, Search & Match Methods among their components, reducing their goals (Goal reduction) and making different types of conclusions (Reasoning) such as Logic or Logic.

AI scholar and scholar finds that this science is based on solid foundations. All it is to look at the mirror to find a living example of the science of the smart system. "Artificial intelligence is one of the most successful areas at present, from research to commercial use and proven competence in multiple areas and has been applied in many commercial applications in industrial and non-industrial companies and enterprises. As mentioned earlier, it is a modern computer science that seeks sophisticated methods of doing work and conclusions similar even to those narrowly attributed to human intelligence (Bilal, 2001, p. 21).

AI aims to simulate the II processes within the human mind so that the computer has the ability to solve problems and make decisions in a logical and orderly manner in the same way as the human mind. Accounting programs represent an area of life and improve the basic relationship between its components. Artificial intelligence is also described as an attempt to build machines that think and behave like humans, so that they are able to learn and use their knowledge to solve problems on their own. Research has been directed from simulating humans and so-called "AI strong" to make the machine accomplish the tasks of humans, which is called "AI weak", where those who perform human tasks were able to compete with humans themselves, beat them with chess games, for example, and machines identified fingerprints and fingerprints in crime and other fields (Kamal and Shaaban, 2017, p. 44).

### **2.3 Scientific characteristics and applications of industrial intelligence:-**

AI has many characteristics that have made it an effective investment in many areas and we will mention some scientific applications through the following paragraphs:

1. Applying artificial intelligence to devices and machines enables them to plan and analyze problems using logic

The machine is programmed by the human person and works perfectly, and its work is often better than the human person, since its accuracy is very different from that of the human person, so artificial intelligence is an important means that has helped man greatly in his daily, practical and future life.

2. Recognizes sounds, speech and the ability to move things:

The use of artificial intelligence encompasses many areas, including the field of robots that speak, move and distinguish voices, which makes human beings benefit in the future, especially in the fight against crime, by recording voices, motion and image and using it as evidence to prove or heal crimes, which helps to achieve justice.

3. Permanent work:

Through the ability of machines to operate continuously without feeling tired or bored and steadily able to produce permanently without looking at the time or circumstances surrounding the work

4. AI adopters can understand and analyze inputs well to deliver outputs that meet user's needs efficiently:

Human or machine controller inserts certain information to the device or machine and analyses the information and detects the results with very high accuracy such as the introduction of information about someone by the police, the results are quickly blocked from the computer programmed for this process And this facilitates police work easily and does not waste time, In particular, speedy proof of crimes is one of the things that helps to achieve justice and not allow criminals to evade it(kamal and Numan , 2021, p17).

- Able to process the huge amount of information presented to it

The machine is the strangest thing man has invented because it processes so much information in so short a time. And so in the superiority of the man who invented it by intelligence, For example, the police can search someone's name in the computer and once the touch of a button is the result s name ", noting that the device may contain hundreds of thousands of people's names, This is a tremendous development and service to humans beyond their intelligence. s intelligence whatever it does, because man's mind is very limited.

Can observe and analyses similar patterns in data more effectively than human brains

The machine can find similarities and differences between the cases recorded in its brain or programmed And she can only forget if there is a technical imbalance, Human reversal that can be forgotten just for oversight or thinking about something And the result of the search in the machine gives us the result and similar or beaked results, Like searching the Internet, it gives us all articles, memoirs, conferences or..... which contains the word we wanted to look for, the opposite of a human being whose thinking is very limited and does not give us so many comparisons.

Can find solutions to unusual problems using its cognitive capabilities:

Machine knowledge is the result of information entered into it And it's programmed to work on a particular pattern, so the machine works what man can't do. The result of the work is much greater than that of the human person. Besides looking for fingerprints, for example on the criminal side, the policeman or fingerprint seeker is given all the fingerprints that are similar and have to do with the fingerprints that have been inserted to search for them. Here is the unexpected result of the researcher or the policeman, thereby helping to achieve justice.

### **3- Enhancing the positive role of industrial intelligence in protecting human rights and criminalizing the negative use of artificial intelligence**

AI technology is useful in reducing human error, taking risks that humans may receive such as robot intervention in the discharge of infected people and can work permanently without a break, This technology is not affected by environmental conditions, and AI helps to do routine work that strains human beings and wastes their time, such as payment processes, data organization, etc., and helps with everyday work and problem analysis logically. AI technology contributes to improving the quality of human life, through a deep understanding of their social needs, This increases their standard of living, their well-being and their lifestyle, and we see this in autonomous vehicles. development of electronic devices, IoT and smart cities, also quality medical and health sector, Access to information, development of scientific research, etc. (Mahmoud, Atayat, S006, p. 33).

For the purpose of demonstrating the positive role of industrial intelligence technologies in the protection of human rights, we can build on the ethical principles of using this technology as defined by the European Commission on the use of artificial intelligence technology in the countries of the Union. s need for this technology so that it can be used to achieve the necessary protection to ensure the protection of human rights. In order to build confidence in the use of this technology, and in our humble view that it is the most important element in

the protection of the Muslim minority, since it is a need to promote confidence-building in the use of artificial intelligence systems, the European Union has endorsed several foundations that can be summarized below:

### **3.1 Legitimacy of Industrial Intelligence Systems**

The operation of sophisticated systems such as artificial intelligence systems cannot be conceived without legal and legitimate cover, first of all legal cover as the basis for guaranteeing fundamental rights adopted in the states of the Union and the Treaty of Europe on Human Rights, and general regulations for the protection of personal and non-personal data. This is also sought in the protection of minorities.

### **3.2: Ethical regulations:**

Respect for ethical norms undoubtedly has an enormous impact on the protection of minorities, by conforming the uses of this technology to ethical standards governing all States of the world, especially the Union, such as the application of artificial intelligence technology in the distinction of race, race or otherwise (Bilal, 2001, p. 36).

Because of the necessity of these principles and their role in the protection of minorities, we must address them in some detail:

#### **3.2.1 The principle of respect for human autonomy:**

This principle determines the need for the producers and developers of these regimes to adhere to the norms of democracy and the rule of law and respect for people's rights by enabling them to exercise their activities, without any coercion or restriction contrary to those standards and that manufacturers and developers of these systems should make them available for cultural and social support, It leaves the individual free to choose a decision by participating. He agrees or refuses by request to submit to him and notifies him of all the processes and possibilities of the fact that minorities are characterized by their cultural, linguistic and religious characteristics and are regarded as general rights recognized by all States, not incompatible with international conventions or customs and declarations such as the right to dignity, privacy, the right to movement, freedom of expression and the right to property (Abd: Abdul Munim, 2011, 250).

#### **3.2.2 Principle of prevention of harm to persons:**

We can say that the essence of the positive role of AI technologies is that it harms people in general and minorities in particular as a vulnerable minority and that AI systems must not cause harm to people or exacerbate their effects on

them both in the personal environment. or even in the working environment, such tools must be a guarantee of their safety and protection from any abuses that undermine their dignity and their private life as a right of every human being. Human beings, whether in this respect, are not differentiated by sex, religion or language. human rights ", as affirmed in the preamble to the Universal Declaration of Human Rights: "The need of human beings for a world in which they enjoy freedom and freedom from fear by guaranteeing security of person while strengthening the legal protection of human dignity and freedom (preambular paragraph (2) of the 1948 Universal Declaration of Human Rights).

### **3.2.3 The principle of justice and equity:**

Decides that the use and development of artificial intelligence systems shall be a guarantor of impartiality and discrimination among individuals and the attainment of community justice, as well as for the promotion of equal opportunities in education, goods, services and technology; Therefore, these systems must be trained to respect the proportionality and competition between the means and their aims. This in turn requires procedurally enabling people to oppose decisions, issued by AI systems. Therefore, members of minorities will be directly concerned with the application of the principles of justice and equity and the prevention of discrimination and equality between them. This is confirmed by most international legal documents guaranteeing human rights. (Samarai, 1983, 42).

### **3.3 Systems to be effective or powerful:**

Effectiveness or strength are achieved from two perspectives: first, a social perspective, as members of society should trust these systems. They operate securely and reliably, and have been earmarked to serve them in all their fields and, secondly, from a technical perspective they should be confident that these systems will not cause them any intended harm as long as they are not abused programme ", which requires preventive measures relating to technical durability and the integrity of the system to prevent any unintended adverse impact (Bilal, 2001, p. 37).

As noted above, according to the European Union, the role of artificial intelligence technologies in the protection of minorities has been properly used and in accordance with ethical principles. The European Commission has identified four ethical principles deriving from the fundamental rights enshrined in the applicable laws and regulations of the European Union States. and is also consistent with the foundations of trust in the use and development of AI systems, and manufacturers and developers of AI systems should respect those principles.

## **4-Conclusion :-**

From the foregoing, the inability of legal norms and provisions to keep pace with technological development as artificial intelligence is rapidly and noticeably evolving, Which leads to the inability to find solutions to emerging legal problems, especially in the field of human rights, not to mention that artificial intelligence technology and machine learning in which States seek to confidentialize this technology, This raises the problem of conducting legal reviews as well as conducting investigations and gathering evidence in the event of legal irregularities.

Respecting these rights in our rapidly evolving world, we must ensure that the digital revolution serves the interests of the people, not the other way around. We must ensure that every operation managed by an AI machine or system conforms to our core principles such as transparency, fairness, accountability, supervision and reparation. We can even use artificial intelligence to anticipate possible human rights violations in general and the violation of minority rights in particular, paving the way for their prevention before they can be quickly addressed at the outset.

We believe that there is a need to support the broad interpretation of existing provisions of international humanitarian law to take note of all the implications arising from the new technology of unregulated industrial intelligence in particular, in order to take note of all the legal and humanitarian implications associated with its use in general and minorities in particular.

With emphasis on the Martens clause (principle of humanity), as a general framework for preserving humanitarian considerations in accordance with the dictates of public conscience in the face of particularly unregulated situations in the context of minority and human rights.

We call for the adoption of legislation regulating the use of AI technology, including the development of the ethics of the use of AI and the regulation of the impact of AI. We also call on judicial bodies to activate mechanisms of judicial cooperation among the world's countries to regulate AI and protect minorities from any misuse of AI.

Statesmanship requires that competent authorities seek to take advantage of the possibilities of AI technologies and do not reject them at all so that they do not become safe havens for human rights violations as long as their risks are recognized; Achieving a constructive logical balance between AI and human rights protection requires governments and companies to strive further to take concrete measures to ensure respect for human rights as the role of AI technology grows stronger. We emphasize the need to formulate a new era of human rights with international terms of reference that address the serious challenges that predict the near future of human rights exposure, rather than attempts to adapt the texts of the Universal Declaration of Human Rights, the International Covenant on Human Rights, or others, or at least to introduce existing texts into a more harmonized system.

The United Nations and other multilateral international initiatives -- such as the Freedom Online Alliance and the Internet Governance Forum -- should continue to support the development of international standards related to digital

issues, including artificial intelligence, so that these technologies are not used to restrict civil liberties. The United Nations should also improve the capacity of the Office of the High Commissioner for Human Rights (OHCHR) to provide assistance and support to special rapporteurs on artificial intelligence and human rights issues.

The United Nations and other multilateral international initiatives should continue to support the development of international standards related to digital issues, including artificial intelligence, so that these technologies are not used to restrict civil liberties. The United Nations should also improve the capacity of OHCHR to provide assistance and support to special rapporteurs on artificial intelligence and other issues related to digital technology. All initiatives -- whether or not related to the United Nations -- must prioritize communication with civil society and the public, with a specific focus on marginalized groups.

Civil society and technology organizations must also have more discussions about how civil society organizations can benefit from artificial intelligence for good. Working-level artificial intelligence can be used to coordinate internal work, and can also be used to improve and accelerate the pace of services provided to the public.

Of all the above, we see the need to protect human rights from the dangers of artificial intelligence. and the establishment of legal regulation to use them in a manner beneficial to mankind, and the criminalization of any violation of human rights using artificial intelligence in national legislation If this technique is used, war crimes, genocide, crimes against humanity or a crime of aggression may be prosecuted before the International Criminal Court, If the conditions of jurisdiction and admissibility are met and the conditions of the Court's complementary jurisdiction are met.

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