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## **The situation of freedom of information in Iraq**

More than a decade after the US-led military intervention in 2003, the situation of freedom of information in Iraq is alarming. Journalists are among the leading victims of a resurgence in sectarian violence, which has been revived by the crisis in neighbouring Syria and threatens to tip the country into civil war at any moment.

As well as a dramatic decline in the security situation in recent months, Iraqi journalists face other kinds of obstacles, including draconian measures by Prime Minister Nouri Al-Maliki's government and arrests and prosecutions on spurious grounds.

### **Need for legislative reform**

Article 38 of the Iraqi constitution, adopted in 2005, guarantees freedom of expression and information. Iraq is also party to the International Covenant on Civil and Political Rights, which it signed in 1969 and ratified in 1971. Nonetheless, the laws that govern and regulate the Iraqi media, often inherited from the old regime, are clearly repressive in nature and endanger freedom of information.

One of the leading dangers is the Publications Law, adopted in 1968 and still in effect. It provides for jail sentences of up to seven years in prison for “publicly insulting the government.” And judges can still use the 1969 criminal code to impose jail sentences for such media offences as “insults” or “defamation.”

Articles 82, 83, 84, 201, 202, 210, 211, 215, 225, 226, 227, 229, 403, 433 and 434 of the [penal code severely penalize press and publication offences](#). The fact that many terms are not clearly defined makes it possible for judges to reach arbitrary decisions. The lack of judicial independence makes this all the more dangerous.

A recent example of the use of these provisions to punish press and publication offences was the January 2014 warrant for the arrest of the journalist **Sarmad Al-Ta'i** just for providing

information and expressing his opinions. His arrest, the first of its kind since the fall of Saddam Hussein's regime, has set an extremely dangerous precedent for freedom of information in Iraq.

Many administrative and political officials have had no hesitation in recent months in abusing the justice system to prevent journalists and media from doing their job of providing news and information. Several journalists have been the targets of judicial proceedings just for reporting alleged corruption and abuse of power by certain leaders.

Another negative feature of the Iraqi judicial and legislative system is the fact that only the government can present a bill to parliament for discussion and the Maliki administration, which has been in power since May 2006, shows little interest in submitting bills that protect freedom of information.

This was clearly the case, for example, with the draft cyber-crime law that the government submitted in 2006. Using vague and imprecise wording, it provided for exorbitant fines and sentences of up to life imprisonment. It was openly repressive in nature and contravened the principles of the constitution and Iraq's international obligations. Parliament finally overhauled it in February 2013.

### **Growing government hostility towards critical media**

The Maliki administration is becoming more and more open in its hostility towards media that criticize its policies. Officials have no hesitation about using all the resources at their disposal including the Communications and Media Commission (CMC).

Established in 2003, shortly after US-led intervention in 2003, the CMC's official mandate is to regulate the media sector. Its powers included granting and withdrawing media licences, assigning broadcast frequencies, issuing a charter of ethical and professional conduct and setting prices for networks and services.

It is supposed to be an independent administrative agency but has operated in a totally opaque manner for years. It is overseen by a director who is appointed directly by the prime minister and it is influenced if not dictated to by the communication ministry. Its regulatory decisions and the rules it imposes show that it is subservient to the government.

A good example was its June 2012 decision to close down the operations of 47 radio and TV stations on the grounds that they did not have the required licences to operate in Iraq. It concerned both local and foreign stations such as *BBC*, *Voice of America*, *Radio Monte Carlo*, *Radio Sawa*, *Al-Baghdadia TV* and *Al-Sharqiya News*. As many of those targeted were either independent or often critical of the government, it was seen as an attempt to gag the media.

In response to the ensuing outcry, the interior ministry [extended the deadline](#) for these media to comply with the CMC's regulations. At the same time, the fees required for licenses are exorbitant and do not encourage pluralism. According to the online newspaper *Elaph*, the fees demanded by the CMC last year ranged from 180,000 to 1.5 million dollars (145,000 to 1.1 million euros).

On 28 April 2013, the CMC suspended the licences of 10 foreign-based satellite TV channels for "inciting violence and sectarianism." Nine of the ten were Sunni-financed. They included

Qatar-based [Al-Jazeera](#) and Dubai-based *Al-Sharqiya*, which is owned by a rich Iraqi businessman. The other stations were *Baghdad*, *Al-Sharqiya News*, *Al-Fallujah*, *Babylonian*, *Salah Al-Din*, *Al-Tagheer*, *Al-Gharbiya* and *Anwar 2*.

As the stations are all based abroad, the Iraqi government could not prevent them from broadcasting, but their Iraq-based crews were no longer able to cover events and move about the country. In January 2014, the authorities banned the printing and distribution in Iraq of *Al-Sharq Al-Awsat*, a Saudi-owned pan-Arab daily newspaper, for similar reasons.

The government also clearly tried to control the production and dissemination of news reports about the fighting in Al-Anbar province in early 2014 between the regular army and militias affiliated to Al-Qaeda and tribal groups. The few reports coming out of the region were all from government sources.

### **Journalists targeted**

The worsening security climate for journalists is another source of concern. Iraq's journalists have paid a high price since 2003 for their fight for the right to report the news. Many have been the targets of bloody attacks and they continue to be targeted.

No fewer than 14 journalists have been killed in connection with their work in the past five months. [Six of them were personally targeted](#), five were killed in a [suicide attack on Salaheddin TV](#) in Tikrit in December, and three were the collateral victims of suicide bombings or car bombs. Impunity reigns supreme in Iraq, to the benefit of those responsible for these appalling crimes.

Five journalists were gunned down in the northern city of Mosul alone in the last quarter of 2013. They were *Al-Sharqiya TV* reporter **Mohamed Karim Al-Badrani** and his cameraman, **Mohamed Al-Ghanem**, *Al-Mosuliya* cameraman **Bashar Abdulqader Najm Al-Nouaymi**, *Nineveh Al-Ghad* cameraman **Alaa Edward Boutros** and *Al-Mosuliya* presenter **Nawras Al-Nouaymi**.

Militias and other armed groups, above all the jihadi group Islamic State in Iraq and the Levant (ISIS), systematically target journalists and news media. ISIS uses all possible means to control news coverage and to silence journalists and media that do not share its ideology. Threats, murders and bombings – ISIS rules out nothing in order to impose its reign of terror.

ISIS claimed responsibility for the suicide bomb attack on the headquarters of *Salaheddin TV*, a local station in the northern city of Tikrit, on 23 December. The bomb killed chief news editor **Raad Yassin Al-Badi**, producer **Jamal Abdel Nasser**, editor **Ahmad Khattab Omar**, presenter **Wissam Al-Azzawi** and archives manager **Mohamed Abdel Hamid**.

This deadly trend has not spared the autonomous region of Kurdistan, despite its reputation for being more stable than the rest of Iraq. The latest victim was **Kawa Germyani**, the editor of the magazine *Royal* and a correspondent for the newspaper *Awene*, who knew he was in danger and was murdered on 5 December 2013. He had been threatened for years in connection with his revelations about corruption within Kurdish institutions.

Two other journalists based in Iraqi Kurdistan have been murdered since 2008. **Saran Mama**

**Hama**, the magazine *Living's* bureau chief in Kirkuk, was killed in connection with his reporting in July 2008. Freelance journalist **Sardasht Osman**'s body was found in Mosul on 6 May 2010, two days after he was abducted in Erbil. Both of these murders remain unpunished. The authorities have never conducted proper investigations.

Iraqi journalists and media continue to be the frequent victims of violent attacks related to the political tension. *Al-Mosuliya TV* cameraman **Salah Nezal** was badly injured by a bomb planted in his car in Mosul on 12 January 2014. Six days later, *Sharqiya News* reporter [Saïf Talal](#) came under fire from unidentified gunmen near Baqubah, the capital of Diyala province.

The central Baghdad headquarters of the *Al-Sabah Al-Jadid* newspaper was the target of a bomb attack that caused a great deal of damage but no injuries on 10 February, five days after it published a [controversial cartoon](#) of Iran's supreme leader, Ayatollah Khamenei. It illustrated an article that referred to demonstrations to mark the 35th anniversary of Iran's Islamic Revolution and criticized Mohammed Hidari, an Iraqi mullah who supports the Iranian regime. Part of the population and many politicians regarded the cartoon as an insult to Iran and Iraq's Shiite community.

Iraqi journalists are often threatened, especially when they cover stories involving corruption and armed violence, and some have to flee to other cities or flee abroad. They include **Houssam Mahmoud Farj** and **Salim Mohamed**, who received death threats after satellite TV station *Al-Etejah* broadcast a documentary by them at the end of October 2013 called "The reign of chaos," in which they criticized corruption in state institutions. Farj had already been threatened in connection with his reporting in the past.