



Committee to Protect Journalists

**CPJ Submission to the United Nations Universal Periodic Review of
the Republic of Iraq**

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Committee to Protect Journalists

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Brief description of CPJ:

1. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. A board of prominent journalists from around the world helps guide CPJ's activities.
4. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ's research staff document hundreds of attacks on the press each year.

Summary

This submission was prepared for the Universal Periodic Review (UPR) of Iraq in March 2019. In it, CPJ assesses the press freedom framework and the press freedom situation on the ground in the country.

CPJ acknowledges Iraq's commitment to improving press freedom, as shown by adopting the 2011 Journalist Protection Law, the creation of the Communication and Media Commission (CMC) as well as the country's decision to accept 5 out of the 6 recommendations concerning press freedom in the previous UPR cycle. Since Iraq's last UPR in 2015, Prime Minister Haider al-Abadi issued an order that withdrew all pending government cases against journalists and media outlets.

However, government entities continue to discriminate against journalists. At least 20 journalists have been killed in Iraq since 2015, according to CPJ research. Journalists also regularly face harassment, intimidation, and violence from a variety of actors in the course of their reporting. These risks are common in both conflict zones and in more stable areas of the country and often lead to journalists getting injured or killed. The 2011 Journalists' Rights Law contains vague wording that prohibits producing, importing, publishing, or possessing written material, drawings, photographs, or films that violate public integrity or decency, under penalty of fines and imprisonment. Several news outlets were also reportedly shut down, raided, and destroyed since 2015. Fear of violent retaliation for publishing facts or opinions displeasing to political factions forced most journalists and media outlets to self-censor, an important indicator of the limitations of press freedom in the country.

In this document, CPJ draws attention to the laws passed by the Iraqi government since 2015 that restrict the capacity of journalists to operate freely. CPJ also emphasizes violations and the attacks against journalists and news outlets.

In the final section, CPJ makes a number of recommendations to Iraq to address the press freedom concerns raised in this submission.

Legal Framework

Iraq has passed national legislation and ratified international treaties that guarantee press freedom. Among them:

- The 1968 Publications Law [allows authorities to imprison journalists for up to seven years](#) for insulting the government;
- The 1969 [penal code](#) criminalizes defamation and insult;
- Article 38 of the Iraqi [constitution](#) guarantees press freedom as long as it does not violate public order or morality;
- The Iraqi government created a press court in 2010 to adjudicate defamation, libel, and press freedom violations, despite concerns over the constitutionality of such a move, CPJ has [reported](#);
- The 2011 Journalist Protection Law purports to protect Iraqi journalists and their rights; it stipulates that families of journalists killed in a terrorist attack are eligible for a monthly pension of 750,000 Iraqi Dinars (US\$628), and also establishes free medical treatment for journalists injured by a terrorist attack while on the job;
- The Kurdistan Regional Government, controlling the Kurdish areas of the country's north, passed a Press Law in 2008, which removes prison terms as a penalty for journalists, [CPJ has documented](#). However, journalists can still be fined under the law. The law also protects journalists' right to obtain "information of importance to citizens and with relevance to the public interest" and requires officials to investigate incidents in which journalists are injured or killed as a result of their work, according to [Freedom House](#). In 2013, the KRG (Kurdistan Regional Government) passed legislation guaranteeing access to information, [according to CPJ research](#).

Main Submission

1. The following submission is drawn from research conducted by the Committee to Protect Journalists. All CPJ publications on Iraq can be found at [this link](#).
2. Of the six [recommendations](#) concerning press freedom made by other member states during its second UPR in 2014, Iraq accepted five recommendations and noted one. Most recommendations called for guaranteeing a safe environment for journalists to work in, amend the legislation to protect the freedom of speech and the press, and investigate the killings of journalists.
3. CPJ would like to raise ongoing concerns pertaining to 2nd Cycle (2014) - 20th session – [Recommendations](#): Paragraph 127.166 (France), Paragraph 127.167 (Lebanon), Paragraph 127.168 (Denmark), Paragraph 127.169 (Israel), Paragraph 127.170 (Austria), Paragraph 127.171 (Tunisia).
4. The concerns are as follows:
5. Since 2015, Iraq continues to be one of the most dangerous countries in the world for journalists, with more than 20 journalists killed for their work or while doing their jobs, according to CPJ [research](#). Despite supporting Austria's recommendation to "Investigate killings

and violence against journalists and hold perpetrators accountable,” Iraqi authorities have made little headway in this regard.

6. Fighting between the Islamic State group and Iraqi forces and/or Iraqi Kurdish Peshmarga forces accounted for a considerable portion of journalist deaths in Iraq, according to CPJ [research](#), with at least 11 journalists killed by the group from 2013 until June 2016, and a further six missing. Since June 2016, at least 11 more journalists have been killed while covering military campaigns against the group, according to CPJ [research](#).
7. On October 21, 2016, manager Ahmet Haceroğlu of Türkmeneli TV was killed by a gunshot wound to the chest while covering fighting between Kurdish security forces and Islamic State militants in the northern Iraqi city of Kirkuk, roughly 175 kilometers (108 miles) south of Mosul, according to CPJ [reports](#). Two journalists for the Kurdish-language Speda TV channel, correspondent Yasser Abdul Rahman and cameraman Hajr al-Barwari, were also injured while covering the fighting.
8. CPJ also [reported](#) that media technician Ali Ghani was killed in an attack by mortar fire while reporting in Jaziret al-Khalideya, in Iraq's Anbar province on Saturday, August 20, 2016.
9. In 2017, CPJ [research](#) found that at least 47 journalists were killed that year in connection to their work, and at least eight journalists were [killed](#) in Iraq. Seven out of the eight, including Rudaw TV correspondent [Shifa Gardi](#), were killed covering Iraqi Army or Peshmarga operations to retake territory from the Islamic State group, while Kurdistan TV cameraman [Arkan Sharifi](#) was murdered by members of the Popular Mobilization Forces shortly after the group teamed with the Iraqi Army to retake the city of Kirkuk from Peshmarga forces. CPJ also [reported](#) that in July 2017 snipers from Islamic State killed Iraqi journalists Sudad Faris and Harb Hazza al-Duleimi as they covered Iraqi soldiers' push to retake a village near Mosul.
10. In addition to the documented killings of journalists in the country until 2017, there are at least 25 unsolved murder cases in Iraq until today, and the country has not participated in UNESCO's impunity accountability mechanism, CPJ [reported](#).
11. CPJ [research](#) shows that there were no journalists killed between January 2018 and the end of January 2019. However, journalists' arrests in relation to their work, as well as intimidation and harassment campaigns against journalists and other restrictions on press freedom, were reoccurring.
12. In [December 2014](#), Prime Minister Haider al-Abadi issued an order that withdrew all pending government cases against journalists and media outlets. However, government entities still harass, intimidate, and imprison journalists until today
13. In 2019, CPJ [reported](#) that between January 16 and 22, 2019, at least four Iraqi journalists were detained in connection with their work in Mosul and Erbil.

14. In addition, on January 26, 2019, Asayish security forces aligned with the region's ruling Kurdistan Democratic Party in the city of Dohuk detained NRT television journalists, cameramen, and drivers and confiscated their broadcasting equipment, and on the following day barred entry to NRT's offices there, CPJ [reported](#).
15. CPJ also [reported](#) that freelance journalist Sherwan Amin Sherwani, a Kurdish journalist and outspoken critic of the region's ruling Kurdistan Democratic Party, was arrested by party-affiliated security forces in Dohuk on January 28, 2019, and was accused by the Asayish intelligence service of committing acts against the security of the state. Despite the KRG region's press law, Sherwani was arrested under Section 165 of the Iraqi Penal Code rather than the Kurdistan Press Law, CPJ [reported](#).
16. In February 2018, CPJ [reported](#) on the arrest of Iraqi freelance journalist and political commentator Samir Obeid. Men who identified themselves as Iraqi security forces arrested Obeid at a checkpoint on the outskirts of Baghdad on February 2 while he was on his way to visit relatives in the south-central city of Najaf.
17. This was not Samir Obeid's first arrest by Iraqi Armed Forces. CPJ [reported](#) that they previously arrested him at his Baghdad home on October 22, 2017, a day after Obeid had published an article to his Facebook page criticizing Iraqi Prime Minister Haider al-Abadi.
18. Between July 14 and September 6, 2018, at least seven Iraqi journalists were assaulted or detained while covering protests over government corruption and the lack of basic services in several cities across Iraq, and the offices of two local media outlets were set on fire, CPJ [reported](#). CPJ has also [documented](#) militia groups working with the Iraqi government and backed by Iran assaulting and threatening journalists.
19. On May 29, 2018, [according](#) to CPJ, Iraqi authorities harassed Hossam al-Kaabi, an Iraqi correspondent for the Sulaymaniyah-based independent broadcaster NRT Arabic, and issued a warrant for his arrest on criminal charges of stealing documents from the board of directors at the local al-Najaf al-Ashraf International Airport.
20. Additionally, CPJ [reported](#) that in March 2018, Kurdish security forces assaulted at least seven journalists and detained at least two while they were reporting on anti-austerity protests that began in Kurdistan during that month.
21. CPJ [reported](#) that, in August 2017, Iraqi authorities threatened the pro-Kurdish broadcaster NRT and political satirist Ahmed al-Basheer. In a letter NRT received on August 10, the Iraqi Communications and Media Commission inquired whether the broadcaster's Arabic-language channel would continue airing al-Basheer's program and threatened to pursue "legal action" if the show's "violations" continue.

22. Moreover, in July 2017, CPJ also [reported](#) that five armed men physically beat journalist Ibrahim Abbas in the northern Iraqi city of Erbil.
23. Besides harassing journalists to restrict their capacity to practice their profession, Iraq has also restricted press freedom in the country through an administrative crackdown on news outlets, while scattered attacks against physical offices have further intimidated journalists.
24. CPJ [reported](#) that on January 2, 2018, unknown assailants set fire to the satellite news channel Dijlah TV's Baghdad bureau, located in the Al-Rusafa neighborhood. No one was injured but the attack destroyed all equipment as well as the bureau's new building, which was scheduled to open on January 4.
25. On August 28, 2017, local Kurdish authorities in Erbil blocked NRT's local broadcast signal for one week ahead of a regional referendum on Kurdish independence. Kurdish authorities said the news outlet violated distribution regulations and licensing procedures, and aired material from a channel that was not legally registered, CPJ [reported](#).
26. CPJ [documented](#) that Al-Jazeera received a letter in April 2016 from the Iraqi Commission of Media and Communications (CMC) saying its license had been withdrawn for violating "official codes of conduct and broadcasting rules and regulations."

Recommendations for the Iraqi Government

27. Iraqi authorities must amend the 2011 Journalists' Rights Law and ensure that it is not written in vague language that is subject to interpretations that may harm journalists.
28. Iraqi government and Kurdish authorities should state unequivocally that journalists must be allowed to work freely and that violations against them will be unacceptable, and should hold their security officials accountable for arrests, attacks, and intimidation of journalists.
29. The Kurdish Government must ensure that the Press Law is fully enforced. Journalists should not spend time in behind bars, as the law prohibits it.
30. Both the Iraqi and Kurdish governments must have an open and transparent credentialing process that would allow all reporters--including those affiliated with independent and opposition parties--to get equal and fair access to cover government activities both inside the country and overseas.
31. Iraqi government must hold any and all groups responsible for harassing, intimidating, and killing journalists to account.

Annex 1: Relevant recommendations from 2nd Cycle (2014) – 20th Session

1. Accepted - 127.166 Guarantee respect of freedom of opinion and expression, by safeguarding the security of journalists and the independence of the media (France);
2. Accepted - 127.167 Continue to adopt legislation that guarantees freedom of media (Lebanon);
3. Accepted - 127.168 Revise the existing legislation, in particular the "Protection of Journalists Law number 21" with a view to remove all restrictions on the freedom of the press and to ensure full protection of journalists and other media-workers (Denmark);
4. Noted - 127.169 Grant protection and allow journalists, as well as the general public, to exercise their freedom of speech (Israel);
5. Accepted - 127.170 Investigate killings and violence against journalists and hold perpetrators accountable (Austria);
6. Accepted - 127.171 Guarantee and create an enabling environment to the activities of the journalists and human rights defenders and civil society (Tunisia).