Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**1595**
Land:	Irak
Kilde:	Committee to Protect Journalists (CPJ), Press Freedom Advocacy Association (PFAA), Community Peacemaker Teams og MENA Rights Group
Titel:	Iraq: the escalating crackdown on civic space. Universal Periodic Review. Report submitted to the United Nations Human Rights Council in the context of the fourth cycle of the Universal Periodic Review
Udgivet:	Juli 2024
Optaget på baggrundsmaterialet:	3. april 2025

MENA Rights Group

CPT

Press Freedom Advocacy Association in Iraq
جمعية الدفاع عن حرية الصحافة في العراق

CPJ Committee to Protect Journalists

Iraq: the escalating crackdown on civic space

Universal Periodic Review

Report submitted to the United Nations Human Rights Council in the context of the fourth cycle of the Universal Periodic Review

July 2024

1 Legal framework governing civic space

The rights to freedom of expression, assembly and association are protected by the Iraqi Constitution[1] as well as by the ICCPR, ratified by Iraq in 1971.[2] Following its last UPR cycle, Iraq supported recommendations to guarantee the full human rights of everyone as per the ICCPR,[3] and to guarantee respect for the rights to peaceful assembly and freedom of expression.[4] It also supported recommendations to promote effective reform measures by the legislature while respecting the constitutionally guaranteed freedom of peaceful demonstration,[5] and to guarantee the rights to freedom of expression, association and assembly in law and practice.[6] However, existing laws and the introduction of new legislation threaten the exercise of these rights in the country.

1.1.1 Domestic laws

In Iraq and the K-RI, a number of laws governing freedom of expression, assembly and association should be amended in order to fully comply with the requirements of international human rights law. While some contain important safeguards for civic space, Iraqi and Kurdish authorities often set aside these laws which should in principle protect acts falling under these fundamental freedoms. Instead, they apply other overly broad and vaguely worded laws with harsher penalties to restrict and suppress civic space.

Press freedom laws

In the K-RI, the Press Law[7] prohibits press censorship, guarantees the right to freedom of expression and of publication,[8] and provides important safeguards for journalists.[9] However, the Law has been criticised for containing undefined provisions which pose a threat to

[1] Constitution of Iraq of 2005, accessible here: https://menarights.org/sites/default/files/2016-11/IRQ_constitution_EN.pdf (accessed 15 May 2024), articles 38-40 and 42.

[2] International Covenant on Civil and Political Rights (ICCPR) of 1966, accessible here: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (accessed 15 May 2024), articles 19, 21 and 22.

[3] Supported: 147.204 (Jordan).

[4] Supported: 147.205 (Estonia).

[5] Supported: 147.203 (Japan).

[6] Supported: 147.194 (Australia).

[7] Press Law No. 35 of 2007, accessible here: https://legislation.krd/law-detail/?id=1849 (accessed 22 May 2024).

[8] Amnesty International, *Kurdistan Region Of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, https://www.amnesty.org/en/wp-content/uploads/2021/07/MDE1442332021ENGLISH.pdf (accessed 22 May 2024).

[9] For instance, article 7(2) provides that "opinions given, or information disseminated by a journalist may not be used as a justification to cause injury to his person or violate his rights", and article 8 provides that a journalist shall not be investigated for reasons related to the practice of his profession except in accordance with a judicial decision.

freedom of expression,[10] and imposes fines of up to 20 million Iraqi Dinars ($15,200 USD) for offenses such as libel and defamation.[11]

Similarly, the Iraqi Journalist Protection Law[12] has been criticised for containing insufficiently precise and narrow terminology.[13] Although Iraq supported recommendations to amend it with a view to removing all restrictions on the freedom of the press and ensuring full protection of journalists,[14] this has yet to be done in practice. In addition, while the Law provides some important safeguards for journalists and press freedom,[15] authorities have failed to apply them in practice,[16] as journalists and media professionals in Iraq are routinely targeted on the basis of defamation and other criminal offenses contained in other set of laws, such as the Penal Code.[17]

The KRI's Law on the Right to Information[18] guarantees the right to access to information and transparency and aims to create a favourable environment for freedom of expression and broadcasting.[19] While in theory, this law should enable journalists to consult government offices to ask for information in view of guaranteeing the accuracy of their reports, journalists have reported significant challenges in obtaining information from government authorities in practice.[20]

Laws on freedom of peaceful assembly and of association

[10] For instance, article 9(1) and (5) prohibits print media to publish materials which "sow malice and foster hatred, discord and disagreement amongst the components of society" or which constitutes "libel, slander or defamation"; article 6 prohibits journalists from publishing 'false' information and allows concerned persons to request that this information be corrected, providing for the imposition of fines on editors who do not issue such corrections; article 8(4) provides that no crime exists where a journalist publishes information about the work of a public official or representative if what he has published "does not go beyond the affairs of the profession" and is supported by proof.
See: Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq (accessed 22 May 2024).
[11] Press Law No. 35 of 2007, article 9.
[12] The Journalist Protection Law No. 21 of 2011, accessible here: https://iraqld.e-sjc-services.iq/LoadLawBook.aspx?SC=251020115230627.
[13] Article 19, *Comment on Draft Journalist Protection Law of Iraq*, May 2011, https://www.article19.org/data/files/pdfs/reports/comment-on-draft-journalist-protection-law-of-iraq.pdf (accessed 22 May 2024).
[14] Supported: 147.71 (Denmark); 147.195 (Austria).
[15] For instance, Article 10 of the Journalist Protection Law No. 21 of 2011 provides that a journalist shall not be investigated for reasons related to the practice of his profession except in accordance with a judicial decision.
[16] CPJ, *Iraq's journalist protection law doesn't protect them*, 24 January 2012, https://cpj.org/2012/01/iraqs-journalist-protection-law-doesnt-protect-the/ (accessed 22 May 2024); ILA, *IRAQ ILA Country Report*, 2015, https://internetlegislationatlas.org/data/summaries/iraq.pdf (accessed 22 May 2024).
[17] Human Rights Watch, *Human Rights Watch Submission to the UN Human Rights Committee in Advance of its Review of Iraq*, 25 January 2022, https://www.hrw.org/news/2022/01/25/human-rights-watch-submission-un-human-rights-committee-advance-its-review-iraq (accessed 22 May 2024).
[18] Law No. 11 of 2013 on the Right to Information, accessible here: https://legislation.krd/law-detail/?id=1507 (accessed 22 May 2024).
[19] Law No. 11 of 2013 on the Right to Information, article 2.
[20] Information provided by Community Peacemaker Teams – Iraqi Kurdistan (CPT-IK). See CPT-IK's website here: https://cptik.org/about (accessed 24 May 2024).

The KR-I's Law on Organising Demonstrations,[21] which enshrines the right to protest[22] while also providing some restrictions,[23] foresees penalties ranging from fines to 1 month of imprisonment.[24] In practice, authorities often fail to apply this law and resort to utilising the Penal Code to punish acts related to freedom of assembly.[25]

The KR-I's Law on Non-Governmental Organisations (NGOs)[26] and the Iraqi Law on NGOs[27] protect freedom of association. However, the NGO departments in the KR-I[28] and Federal Iraq[29] established by these laws both reportedly contribute to restricting NGOs' operations and activities in practice.[30]

Legislation undermining civic space

Iraq's Penal Code,[31] enshrines numerous vague defamation provisions which restrict civic space. It notably criminalises critiques of existing policies or officials, calling for political change, or expressing a range of other opinions,[32] and punishes these offenses with

[21] Law No. 11 of 2010 on Organising Demonstrations, accessible here: https://legislation.krd/law-detail/?id=1663 (accessed 22 May 2024).
[22] Article 2 of Law No. 11 of 2010 on Organising Demonstrations provides that demonstrations are a constitutional right and that the right to demonstrate should not be prohibited unlawfully.
[23] Article 3 of Law No. 11 of 2010 on Organising Demonstrations prohibits people from participating in protests for which the organisers have not sought advanced permission from authorities; Article 4 (4) of Law No. 11 of 2010 on Organising Demonstrations foresees that in case of non-response to the request submitted by the committee after the expiration of 48 hours from the date of submission of the request, this will be considered as approval to organise the demonstration.
[24] Law No. 11 of 2010 on Organising Demonstrations, article 10.
[25] See for instance the cases of Omed Barushky and Badal Barwari, accessible here: https://cptik.org/bp-updates (accessed 23 May 2024).
[26] Law No. 1 of 2011 on Non-Governmental Organisations, accessible here: https://legislation.krd/law-detail/?id=1870 (accessed 24 May 2024).
[27] Law No. 12 of 2010 on Non-Governmental Organisations, accessible here: https://www.icnl.org/wp-content/uploads/Iraq_12-2010-En.pdf.
[28] See website here of the Kurdistan Regional Government's Department of Non-Governmental Organisations here: https://gov.krd/dngo-en/ (accessed 22 May 2024).
[29] See website of the Iraqi federal Department of NGOs here: https://www.ngoao.gov.iq/ (accessed 27 May 2024).
[30] *Infra*., 2.4.
[31] The Penal Code, or Law No. 111 of 1969, accessible here: https://menarights.org/sites/default/files/2016-11/IRQ_Penal%20Code%201969%20as%20amended_eng.pdf.
[32] For instance, articles 202, 226, 227 and 229 of the Penal Code criminalise speech that "insults" the "Arab community or the Iraqi people or any section of the population or the national flag or the State emblem," as well as any government body or individual or "a foreign state or any international organization having an office in Iraq or that country's Head of State or its representative in Iraq or its flag or national emblem"; Article 210 and 211 of the Penal Code criminalise the act of "willfully broadcast[ing] false or biased information, statements or rumors or disseminat[ing] propaganda which, by its nature, endangers the public security, spreads panic among the population and disturbs the public peace," or "publish[ing] by any means false information or fake or forged documents or documents falsely attributed to others which, by their nature, endanger the public security or disturb the public peace"; Article 212 criminalises inciting "by any means of publication" the commission of a crime which endangers public security even "if such incitement has no effect"; Article 403 criminalises producing, possessing, obtaining, or translating any written, pictorial, or visual content that "violates the public integrity or decency with intent to exploit or distribute such material"; Articles 430-433 criminalise defamation and define it as "attributing an incident to an individual which could be punishable or bring them into contempt"; Article 434 criminalises insulting someone, defined as "the imputation to another of something dishonourable or disrespectful or the hurting of his feelings even though it does not include an imputation to him of a particular matter".

disproportionate penalties going up to 10 years of imprisonment.[33] The Penal Code also punishes the incitement or organisation of unauthorised demonstrations with up to two years' imprisonment.[34]

Iraq's Publications Law[35] prohibits insulting the Iraqi President, Prime Minister, and the government of Iraq's relationship with other Arab and allied countries,[36] and provides for up to seven years of imprisonment for publicly insulting the government, the national assembly or public authorities, or inciting violence and civil disorder.[37]

Equally concerning, Iraq's 2024 so-called "anti-LGBT law"[38] punishes "promoting homosexuality" with seven years of imprisonment and a fine between 10 million Iraqi dinars (US$7,700) and 15 million dinars (US$11,500), thereby posing a serious threat to freedom of expression.[39]

In the K-RI, the Law governing matters of national security,[40] which provides for up to lifetime imprisonment for the "intent of infringing the security, stability and sovereignty of the institutions of the Kurdistan Region in Iraq",[41] has been widely used to charge and imprison journalists, peaceful critics and protestors.[42]

Moreover, the Law to Prevent the Misuse of Telecommunications Equipment[43] authorises imprisonment and fines for, among other things, misusing cell phones and email – or more broadly, the internet – to threaten someone, use profanities, spread misinformation, share images counter to public values, or share private information, even if that information is true.[44]

---

[33] The Penal Code, or Law No. 111 of 1969, article 202.

[34] For instance, article 221 of the Penal Code criminalises inciting or "calling for a gathering in a public place or (…) organising such a gathering or participating in it while being aware of any ban on such gatherings by the public authorities".

[35] The 1968 Publications Law, accessible here: https://menarights.org/sites/default/files/2016-12/IRQ_PublicationsLaw_1968_AR.pdf (accessed 16 May 2024).

[36] MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015 (accessed 15 May 2024).

[37] International Federation of Journalists, *Breaking the Chains Middle East and Arab World Press Freedom Review*, 18 May 2010, https://www.refworld.org/reference/regionalreport/art19/2010/en/74662 (accessed 16 May 2024).

[38] The anti-LGBT law was passed by the parliament on 27 April 2024 as an amendment to Iraq's existing Law on Combatting Prostitution No. 8 of 1988.

[39] Human Rights Watch, *Iraq: Repeal Anti-LGBT Law New Law Fuels Violence, Discrimination*, 20 May 2024, https://www.hrw.org/news/2024/05/20/iraq-repeal-anti-lgbt-law (accessed 22 May 2024).

[40] Law No. 21 of 2003 Repealing Article 156 of the Iraqi Penal Code No. 111 of 1969, accessible here: https://legislation.krd/law-detail/?id=2374 (accessed 22 May 2024).

[41] Article 1 of Law No. 21 of 2003 states: "Anyone who deliberately and in any way engages in an act intended to harm the security, stability and sovereignty of the institutions of the Kurdistan Region of Iraq and causes such harm, is punishable by imprisonment for life or provisional imprisonment".

[42] See: CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 27 May 2024).

[43] Law No. 6 of 2008 to Prevent the Misuse of Telecommunications Equipment, is accessible here: https://legislation.krd/law-detail/?id=1774 (accessed 24 May 2024).

[44] Human Rights Watch, *The KRG Needs to Listen to Critics, Not Arrest Them*, 15 June 2020, https://www.hrw.org/news/2020/06/15/krg-needs-listen-critics-not-arrest-them (accessed 24 May 2024).

1.1.2 Draft laws

In addition to existing laws, Iraqi and Kurdistan Regional Government (KRG) authorities have reintroduced to parliament draft laws that, if passed, would severely curtail civic space.[45]

In May 2023, the draft Law on Freedom of Expression and Peaceful Assembly[46] was reintroduced to parliament.[47] The law had already been reintroduced in March 2020, sparking a call by human rights organisations to amend the draft law in order to bring it in line with the Iraqi Constitution and Iraq's international obligations.[48] The proposed law would notably allow the authorities to arbitrarily prosecute anyone who makes public comments that violate "public morals" or "public order"[49] and ban criticism of religious figures,[50] which would severely limit people's exercise of their right to freedom of expression.[51]

Furthermore, Iraqi authorities reintroduced a draft Cybercrime law[52] before parliament in November 2022 which could punish with life imprisonment anyone found guilty of "inflaming sectarian tensions or strife" or "undermining the country's independence, unity, and safety, or its supreme economic, political, military, or security interests" as well as those posting online content that is deemed to undermine the vaguely defined "country's supreme economic, political, military, or security interests".[53] The draft Law had already been introduced and

[45] Amnesty International, *Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly*, 18 July 2023, https://www.amnesty.org/en/latest/news/2023/07/iraq-draft-laws-threaten-rights-to-freedom-of-expression-and-peaceful-assembly/ (accessed 16 May 2024).

[46] The draft Law on Freedom of Expression and Peaceful Assembly is available on the Iraqi Parliament's website, accessible here: https://iq.parliament.iq/law/%d9%85%d8%b4%d8%b1%d9%88%d8%b9%d8%a7%d8%aa-%d8%a7%d9%84%d9%82%d9%88%d8%a7%d9%86%d9%8a%d9%86-%d8%a7%d9%84%d8%ae%d8%a7%d9%85%d8%b3%d8%a9/?frm-page-357=1 (accessed 22 May 2024).

[47] Amnesty International, *Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly*, 18 July 2023, https://www.amnesty.org/en/latest/news/2023/07/iraq-draft-laws-threaten-rights-to-freedom-of-expression-and-peaceful-assembly/ (accessed 16 May 2024).

[48] MENA Rights Group, *A coalition of ten NGOs calls on the Iraqi parliament to amend Iraq's Draft Law on Freedom of Assembly and Peaceful Demonstrations*, 16 March 2021, https://menarights.org/en/articles/coalition-ten-ngos-call-iraqi-parliament-amend-iraqs-draft-law-freedom-assembly-and (accessed 22 May 2024).

[49] Amnesty International, *Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly*, 18 July 2023, https://www.amnesty.org/en/latest/news/2023/07/iraq-draft-laws-threaten-rights-to-freedom-of-expression-and-peaceful-assembly/ (accessed 16 May 2024).

[50] The draft Law prohibits the undermining of "religions, religious beliefs, sects" and punish with up to 10 years imprisonment and a fine of up to 10,000,000 Iraqi Dinars ($7,600 USD) those caught "publicly insulting a ritual or a symbol or a person who constitutes an object of sanctification, worship or reverence to a religious sect".

[51] Amnesty International, *Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly*, 18 July 2023, https://www.amnesty.org/en/latest/news/2023/07/iraq-draft-laws-threaten-rights-to-freedom-of-expression-and-peaceful-assembly/ (accessed 16 May 2024).

[52] The draft Cybercrime law is available on the Iraqi Parliament's website, accessible here: https://iq.parliament.iq/law/%d9%85%d8%b4%d8%b1%d9%88%d8%b9%d8%a7%d8%aa-%d8%a7%d9%84%d9%82%d9%88%d8%a7%d9%86%d9%8a%d9%86-%d8%a7%d9%84%d8%ae%d8%a7%d9%85%d8%b3%d8%a9/?frm-page-357=6 (accessed 22 May 2024).

[53] Amnesty International, *Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly*, 18 July 2023, https://www.amnesty.org/en/latest/news/2023/07/iraq-draft-laws-threaten-rights-to-freedom-of-expression-and-peaceful-assembly/ (accessed 16 May 2024).

withdrawn several times[54] following pressure exerted by Iraqi and international human rights organisations.[55]

In the K-RI, in September 2022, members of the Kurdistan Regional Parliament introduced the "Bill on the Prohibition of Promoting Homosexuality."[56] The bill would suspend, for up to one month, the licenses of media companies and civil society organisations that "promote homosexuality", and anyone who advocates for LGBTQ+ rights or "promotes homosexuality" would face up to one year in prison and a fine of up to five million dinars (US$3,430).[57]

In January 2023, Iraqi Kurdish authorities reportedly attempted to pass a general amnesty bill[58] that excluded imprisoned journalists and political prisoners.[59]

Recommendations:

- Amend laws governing civic space, such as press laws, laws on demonstrations, and laws on NGOs, so as to comply with international human rights standards;
- Amend the Penal Code and laws on national security, LGBTQ+, publications, and preventing internet misuse, so as to comply with international human rights standards, and cease applying them to peaceful acts of free speech, association and assembly;
- Revoke draft laws on freedom of expression and peaceful assembly, on cybercrime, on prohibiting the promotion of homosexuality and excluding imprisoned journalists

[54] The draft Cybercrime Law was initially introduced by the Iraqi Council of Representatives introduced in 2011, then withdrawn in 2013, then re-introduced in 2020, before being suspended in February 2021. See: MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015 (accessed 15 May 2024).

[55] In December 2020, a coalition of ten organisations, including MENA Rights Group, Amnesty International and Committee to Protect Journalists, sent a joint letter to members of the Iraqi Parliament, calling on them to withdraw or sufficiently amend the draft draft Cybercrime law. See: MENA Rights Group, *Coalition of NGOs call on the Iraqi parliament to withdraw or sufficiently amend Iraq's Draft Law on Combating Cybercrime*, 17 December 2020, https://menarights.org/en/articles/coalition-ngos-call-iraqi-parliament-withdraw-or-sufficiently-amend-draft-law-combating (accessed 15 May 2024). In March 2023, MENA Rights Group and Press Freedom Advocacy Association were among 12 human rights organisations who urged the Iraqi CMC to withdraw a leaked draft Regulation that threatens digital freedom of expression in Iraq. See: MENA Rights Group, *Open letter to the Iraqi Communications and Media Commission: Drop the draft regulation of digital content and protect freedom of expression online*, 15 March 2023, https://menarights.org/en/articles/open-letter-iraqi-communications-and-media-commission-drop-draft-regulation-digital (accessed 16 May 2024).

[56] Human Rights Watch, *A Push to Silence LGBT Rights in the Kurdistan Region of Iraq: Threat to Free Expression Signals Shrinking Space for Activism*, 7 September 2022, https://www.hrw.org/news/2022/09/07/push-silence-lgbt-rights-kurdistan-region-iraq (accessed 22 May 2024).

[57] *Ibid.*

[58] The general amnesty bill is accessible here: https://www.newarab.com/sites/default/files/2023-01/General%20pardon%20bill-KRG.pdf (accessed 24 May 2024).

[59] Article 6 of the proposed law excluded from its scope offenses contained in the Law No. 21 of 2003 on national security and Law No. 3 of 2006 on Combating Terrorism, which are frequently used to charge, prosecute and detain journalists and activists in the K-RI. See: The New Arab, *Political prisoners excluded from Iraqi Kurdistan general amnesty bill*, 4 January 2023, https://www.newarab.com/news/krg-excludes-political-prisoners-general-amnesty-bill (accessed 24 May 2024).

2 The pattern of repression

2.1 Crackdown on freedom of assembly

Iraq supported 19 recommendations pertaining to freedom of assembly, including 13 regarding the human rights violations and the excessive use of force against protesters, notably in the context of the October 2019 demonstrations.[60] However, to date, perpetrators of these violations largely remain unpunished in Iraq, and Kurdish authorities have actively cracked down on freedom of assembly since the last UPR cycle.

2.1.1 Iraq

In October 2019, protests focused on government corruption, economic conditions, and abuse by security forces, also referred to as the Tishreen protests, broke out across central and southern Iraq.[61] In reaction, Iraqi security forces, including riot police, counterterrorism forces, and factions of the Popular Mobilisation Units (PMU) [62] carried out extremely violent attacks against peaceful demonstrators, which included the use of excessive and unnecessary lethal force,[63] including by military-grade tear gas canisters causing horrific lethal injuries,[64]

[60] Supported: 147.205 (Estonia); 147.203 (Japan); 147.202 (Italy); 147.201 (Greece); 147.200 (Czechia); 147.197 (Canada); 147.194 (Australia); 147.191 (United States); 147.190 (United Kingdom); 147.189 (Switzerland); 147.188 (France); 147.186 (Netherlands); 147.185 (Slovakia); 147.181 (Liechtenstein); 147.176 (Germany); 147.173 (Canada); 147.167 (Republic of Korea); 147.161 (Slovenia); 147.156 (Slovakia).

[61] MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015 (accessed 24 May 2024); Amnesty International, *Iraq: Joint statement: Iraqi authorities must cease chilling crackdown on free speech*, 3 March 2023, https://www.amnesty.org/en/documents/mde14/6511/2023/en/ (accessed 24 May 2024); Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq (accessed 22 May 2024).

[62] The PMU are a large, well-established network of militia groups and that are legally considered part of the Iraqi Armed Forces.

[63] Human Rights Watch, *Iraq: Lethal Force Used Against Protesters: Attacks on Fleeing Demonstrators, Ambulances, Media*, 10 October 2019, https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters (accessed 24 May 2024).

[64] MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015 (accessed 24 May 2024); Amnesty International, *Iraq: Joint statement: Iraqi authorities must cease chilling crackdown on free speech*, 3 March 2023, https://www.amnesty.org/en/documents/mde14/6511/2023/en/ (accessed 24 May 2024); Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq (accessed 22 May 2024).

live ammunition,[65] deadly sniper attacks,[66] and a string of assassination attempts.[67] At least 600 people were killed, and tens of thousands were injured.[68]

Additionally, Iraqi authorities closed down media outlets covering the protests, [69] and executed a crackdown on activists, journalists, human rights defenders (HRDs) and anyone involved, directly or indirectly, with the protest movement, notably through targeted abductions and enforced disappearances of individuals who remain missing to date.[70] Among them, MENA rights group notably documented a dozen cases of enforced disappearances, including 8 individuals who directly participated in protests between October 2019 and

[65] Amnesty International, *Iraq: Horrific scenes as security forces resort to lethal force to disperse Karbala protests*, 29 October 2019, https://www.amnesty.org/en/latest/press-release/2019/10/iraq-horrific-scenes-as-security-forces-resort-to-lethal-force-to-disperse-karbala-protests/ (accessed 24 May 2024).

[66] Amnesty International, *Iraq: Deadly sniper attacks and intimidation as protesters face intensifying crackdown*, 9 October 2019, https://www.amnesty.org/en/latest/press-release/2019/10/iraq-deadly-sniper-attacks-and-intimidation-as-protesters-face-intensifying-crackdown/ (accessed 24 May 2024).

[67] Amnesty International, *Iraq: End 'campaign of terror' targeting protesters*, 13 December 2019, https://www.amnesty.org/en/latest/press-release/2019/12/iraq-end-campaign-of-terror-targeting-protesters/ (accessed 24 May 2024).

[68] MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015 (accessed 24 May 2024); Amnesty International, *Iraq: Joint statement: Iraqi authorities must cease chilling crackdown on free speech*, 3 March 2023, https://www.amnesty.org/en/documents/mde14/6511/2023/en/ (accessed 24 May 2024); Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq (accessed 22 May 2024).

[69] CPJ, *Iraq media regulator orders closure of 12 broadcast news outlets*, 25 November 2019, https://cpj.org/2019/11/iraq-media-regulator-orders-closure-of-12-broadcas/ (accessed 22 May 2024); PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, 18 May 2021, https://pfaa-iq.com/?p=5071 (accessed 22 May 2024).

[70] MENA Rights Group, *Four years on, peaceful Iraqi protesters remain missing*, 2 October 2023, https://menarights.org/en/articles/four-years-peaceful-iraqi-protesters-remain-missing (accessed 24 May 2024).

[71] MENA Rights Group, *Peaceful protestor Abdel-Messih Sarkis disappeared since arrest on March 1, 2020*, 13 March 2020, https://menarights.org/en/caseprofile/peaceful-protestor-abdel-messih-sarkis-disappeared-arrest-march-1-2020 (accessed 24 May 2024); MENA Rights Group, *Protestor Mahmoud Al Shuwaili disappeared since December 2, 2019*, 28 January 2020, https://menarights.org/en/caseprofile/protestor-mahmoud-al-shuwaili-disappeared-december-2-2019 (accessed 24 May 2024); MENA Rights Group, *Iraqi activist Ahmad Al Darraji released after abduction on January 17, 2020*, 24 January 2020, https://menarights.org/en/caseprofile/whereabouts-iraqi-activist-ahmad-al-darraji-remains-unknown-after-abduction-january-17 (accessed 24 May 2024); MENA Rights Group, *Iraqi activist Khaled Al Awadi released after three-month disappearance*, 29 January 2020, https://menarights.org/en/caseprofile/iraqi-activist-khaled-al-awadi-disappeared-whilst-while-returning-home-after (accessed 24 May 2024); MENA Rights Group, *Iraqi protestor Sarmad Al Zubaidi released after four-month disappearance*, 4 March 2020, https://menarights.org/en/caseprofile/iraqi-protestor-sarmad-al-zubaidi-disappeared-november-5-2019 (accessed 24 May 2024); MENA Rights Group, *Peaceful protestor and activist Ahmed Al Zubaidi released after nearly three-month disappearance*, 13 March 2020, https://menarights.org/en/caseprofile/peaceful-protestor-and-activist-ahmed-al-zubaidi-disappeared-abduction-december-26-2019 (accessed 24 May 2024); MENA Rights Group, *Iraqi singer Melad Al Sayad subjected to enforced disappearance for three months following abduction in February 2020*, 20 March 2020, https://menarights.org/en/caseprofile/iraqi-singer-melad-al-sayad-disappeared-abduction-february-23-2020 (accessed 24 May 2024); MENA Rights Group, *Prominent activist in Dhi Qar governorate disappeared since September 19, 2020*, 15 October 2020, https://menarights.org/en/caseprofile/prominent-activist-dhi-qar-governorate-disappeared-september-19-2020 (accessed 24 May 2024).

March 2020,[71] 2 individuals who had provided medical assistance to protestors,[72] 2 freelance photographers and 1 journalist covering the protests,[73] 1 individual who had expressed support for the protests online,[74] and 1 human rights lawyer who had represented several demonstrators arrested in connection with the protests.[75]

In terms of accountability for the excessive use of force during the protests, the authorities established a fact-finding committee as well as judicial investigative committees in each demonstration-affected governorate.[76] However, UN experts have held that these steps have been undermined by the lack of public reports on the actions taken by the fact-finding committee, the limited progress made on investigations, and the fact that only a handful of

[71] MENA Rights Group, *Peaceful protestor Abdel-Messih Sarkis disappeared since arrest on March 1, 2020*, 13 March 2020, https://menarights.org/en/caseprofile/peaceful-protestor-abdel-messih-sarkis-disappeared-arrest-march-1-2020 (accessed 24 May 2024); MENA Rights Group, *Protestor Mahmoud Al Shuwaili disappeared since December 2, 2019*, 28 January 2020, https://menarights.org/en/caseprofile/protestor-mahmoud-al-shuwaili-disappeared-december-2-2019 (accessed 24 May 2024); MENA Rights Group, *Iraqi activist Ahmad Al Darraji released after abduction on January 17, 2020*, 24 January 2020, https://menarights.org/en/caseprofile/whereabouts-iraqi-activist-ahmad-al-darraji-remains-unknown-after-abduction-january-17 (accessed 24 May 2024); MENA Rights Group, *Iraqi activist Khaled Al Awadi released after three-month disappearance*, 29 January 2020, https://menarights.org/en/caseprofile/iraqi-activist-khaled-al-awadi-disappeared-whilst-while-returning-home-after (accessed 24 May 2024); MENA Rights Group, *Iraqi protestor Sarmad Al Zubaidi released after four-month disappearance*, 4 March 2020, https://menarights.org/en/caseprofile/iraqi-protestor-sarmad-al-zubaidi-disappeared-november-5-2019 (accessed 24 May 2024); MENA Rights Group, *Peaceful protestor and activist Ahmed Al Zubaidi released after nearly three-month disappearance*, 13 March 2020, https://menarights.org/en/caseprofile/peaceful-protestor-and-activist-ahmed-al-zubaidi-disappeared-abduction-december-26-2019 (accessed 24 May 2024); MENA Rights Group, *Iraqi singer Melad Al Sayad subjected to enforced disappearance for three months following abduction in February 2020*, 20 March 2020, https://menarights.org/en/caseprofile/iraqi-singer-melad-al-sayad-disappeared-abduction-february-23-2020 (accessed 24 May 2024); MENA Rights Group, *Prominent activist in Dhi Qar governorate disappeared since September 19, 2020*, 15 October 2020, https://menarights.org/en/caseprofile/prominent-activist-dhi-qar-governorate-disappeared-september-19-2020 (accessed 24 May 2024).

[72] MENA Rights Group, *Female human rights defender Saba Al Mahdawi subjected to reprisals after providing medical assistance to anti-government protestors*, 14 November 2019, https://menarights.org/en/caseprofile/female-human-rights-defender-saba-al-mahdawi-subjected-reprisals-after-providing (accessed 24 May 2024); MENA Rights Group, *First aid volunteer Ahmed Bukli secretly detained for nearly a week*, 21 November 2019, https://menarights.org/en/caseprofile/first-aid-volunteer-ahmed-bukli-forcibly-disappeared-november-16-2019 (accessed 24 May 2024).

[73] MENA Rights Group, *Freelance photographer Zaid Al Bahadeily disappeared during demonstrations*, 13 December 2019, https://menarights.org/en/caseprofile/freelance-photographer-zaid-al-bahadeily-disappeared-during-demonstrations (accessed 24 May 2024); MENA Rights Group, *Freelance photographer Osama Al Tamimi disappeared since January 2, 2020*, 21 January 2020, https://menarights.org/en/caseprofile/freelance-photographer-osama-al-tamimi-disappeared-january-2-2020 (accessed 24 May 2024); MENA Rights Group, *Freelance Journalist Basim Al Za'ak abducted while broadcasting protests and disappeared since October 2021*, 7 June 2022, https://menarights.org/en/case/basm-mhmd-bd-allh-slman-alzak (accessed 24 May 2024).

[74] MENA Rights Group, *Former intelligence officer, Nizar Al Jabari, disappeared since abduction on January 22, 2020*, 3 April 2020, https://menarights.org/en/caseprofile/former-intelligence-officer-nizar-al-jabari-disappeared-abduction-january-22-2020 (accessed 24 May 2024).

[75] MENA Rights Group, *Human rights lawyer Ali Jaseb Hattab Al Heliji disappeared since arrest in Amarah on October 8, 2019*, 23 October 2019, https://menarights.org/en/caseprofile/human-rights-lawyer-ali-jasib-hattab-al-heliji-disappeared-arrest-amarah-october-8-2019 (accessed 24 May 2024).

[76] UNAMI, OHCHR, *Update on Accountability in Iraq*, June 2022, https://iraq.un.org/sites/default/files/2022-07/OHCHR%20UNAMI%20Update%20on%20Accountability%20in%20Iraq_12%20July%202022%20ENG.pdf (accessed 29 May 2024).

prosecutions have been undertaken.[77]

2.1.2 Kurdistan region of Iraq (KR-I)

In August 2020, widespread protests erupted in the KR-I, mainly in Sulaimaniyah, Duhok and Erbil, demanding an end to corruption, better public services, and the payment of overdue salaries of government employees.[78] In response, the Internet was blocked,[79] media outlets covering the protests were raided and closed down,[80] and a significant number of security forces were deployed to suppress demonstrations, resulting in many protesters being injured.[81]

KRG authorities also launched a mass campaign of arrests against activists, protesters and journalists covering the protests under the pretext of preserving "national security".[82] Security forces reportedly arrested over 100 individuals in Duhok governorate alone.[83] Amnesty International notably documented the cases of 14 individuals[84] from Badinan who were arbitrarily arrested, detained, and in some cases disappeared, by *Asayish*[85] and *Parastin*[86]

[77] Committee against Torture, *Concluding observations on the second periodic report of Iraq*, 9 May 2022, UN Doc. CAT/C/IRQ/CO/2, para. 32.
[78] Amnesty International, *Kurdistan Region Of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, https://www.amnesty.org/en/wp-content/uploads/2021/07/MDE1442332021ENGLISH.pdf (accessed 22 May 2024).
[79] The Washington Post, *Protests flare in Iraq's Kurdish north, adding new front in national crisis*, 12 December 2020, https://www.washingtonpost.com/world/middle_east/iraq-kurdistan-protests-north/2020/12/12/72e75066-3be4-11eb-aad9-8959227280c4_story.html (accessed 24 May 2024).
[80] For instance, Kurdish security forces raided broadcast media outlet NRT's offices in Duhok and Erbil in August 2020, as well as its headquarters in Sulaymaniyah in December 2020, and they were suspended, during a period when the media outlet was covering demonstrations occurring in parts of Sulaymaniyah. See: CPJ, *Iraqi Kurdish security forces raid NRT headquarters, suspend broadcasts*, 8 December 2020, https://cpj.org/2020/12/iraqi-kurdish-security-forces-raid-nrt-headquarters-suspend-broadcasts/ (accessed 24 May 2024); CPJ, *Iraqi Kurdish authorities shutter NRT offices in Erbil and Duhok; 1 journalist still held*, 20 August 2020, https://cpj.org/2020/08/iraqi-kurdish-authorities-shutter-nrt-offices-in-erbil-and-duhok-1-journalist-still-held/ (accessed 24 May 2024).
[81] Al Jazeera, *Iraq's Kurdish region is not a model for free speech*, 25 September 2020, https://www.aljazeera.com/opinions/2020/9/25/iraqs-kurdish-region-is-not-a-model-for-free-speech (accessed 27 May 2024).
[82] Amnesty International, *Kurdistan Region Of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, https://www.amnesty.org/en/wp-content/uploads/2021/07/MDE1442332021ENGLISH.pdf (accessed 22 May 2024); The Washington Post, *Protests flare in Iraq's Kurdish north, adding new front in national crisis*, 12 December 2020, https://www.washingtonpost.com/world/middle_east/iraq-kurdistan-protests-north/2020/12/12/72e75066-3be4-11eb-aad9-8959227280c4_story.html (accessed 24 May 2024).
[83] Rudaw, *At least 100 arrested in Duhok ahead of protest against government wage delays: lawmaker*, 16 May 2020, https://www.rudaw.net/english/kurdistan/160520201 (accessed 22 May 2024); Al Jazeera, *Iraq's Kurdish region is not a model for free speech*, 25 September 2020, https://www.aljazeera.com/opinions/2020/9/25/iraqs-kurdish-region-is-not-a-model-for-free-speech (accessed 27 May 2024).
[84] The 14 individuals included 3 journalists and 11 civil society and political activists.
[85] *Asayish* are the Kurdistan Regional Government (KRG)'s primary security and intelligence agency.
[86] *Parastin* are the intelligence agency of the Kurdistan Democratic Party (KDP).

forces, between August and October 2020.[87]

Recommendations:

- Guarantee full respect for the right to peaceful assembly, in law and in practice;
- Conduct prompt, independent and effective investigations into the excessive use of force against protesters;
- Hold accountable officials alleged to have violated the rights of peaceful protestors and individuals in connection to peaceful protests;
- Cease the targeting of individuals and media outlets for their involvement in or coverage of peaceful protests;
- Ensure that those whose human rights have been violated in relation to their involvement in peaceful protests are provided with access to effective remedies and reparation.

2.2 Targeting of journalists and restrictions on freedom of the press

Iraq supported 9 recommendations pertaining to freedom of the press and of the media, and the protection of journalists and media professionals, including 2 recommendations specifically referring to the killings of journalists.[88] However, practice has shown that Iraq has failed to implement these recommendations.

Press Freedom Advocacy Association (PFAA) has documented 373 cases of violations perpetrated against journalists and media professionals and outlets in Iraq and the K-RI in

[87] All 14 individuals were held incommunicado for periods ranging between a few days to five months; six were subjected to enforced disappearance for periods of time ranging between 10 days to over three months. Three were released but went into hiding for fear of renewed reprisals and one went into hiding after receiving threats; five remained in detention without charge or known charges; and five individuals were sentenced to six years in prison following an unfair trial. Amnesty International further documented four instances of harassment or intimidation of family members of these individuals in detention or hiding, including by arrest and verbal threats. See: Amnesty International, *Kurdistan Region Of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, https://www.amnesty.org/en/wp-content/uploads/2021/07/MDE1442332021ENGLISH.pdf (accessed 22 May 2024).

[88] Supported: 147.197 (Canada); 147.195 (Austria); 147.193 (Argentina); 147.188 (France); 147.186 (Netherlands); 147.185 (Slovakia); 147.183 (Maldives); 147.177 (Greece); 147.71 (Denmark).

[89] Violations included 4 killings (3 of which occurred after the start of the October protests), 45 death threats, 2 abductions, 32 cases of arrest and detention, 15 injuries of media professionals while on duty, 210 cases of physical abuse and obstruction of journalistic coverage, 26 armed attacks against journalists and media offices, 20 closures of media entities, and 19 cases of summoning, lawsuits or issuances of arrest warrants. PFAA recorded the highest number of violations in Baghdad, with 109 cases, followed by Basra, with 48 cases, and Mosul with 44 cases. In the K-RI, a total of 17 violations were recorded, including 6 in Sulaymaniyah, 6 in Dohuk, and 5 in Erbil. PFAA's 2019 annual report is accessible here: https://pfaa-iq.com/?p=3758 (accessed 23 May 2024).

2019,[89] 305 cases in 2020,[90] 233 cases in 2021,[91] 388 cases in 2022,[92] and 256 cases in 2023.[93]

2.2.1 Iraq

Iraq is ranked 6th in CPJ's Global Impunity Index 2023, with 17 unsolved murders of journalists, and is one of the few countries to have been on the Index every year since its inception in 2007.[94] According to Reporters Without Borders (RSF)'s 2024 annual World Press

[89] Violations included 4 killings (3 of which occurred after the start of the October protests), 45 death threats, 2 abductions, 32 cases of arrest and detention, 15 injuries of media professionals while on duty, 210 cases of physical abuse and obstruction of journalistic coverage, 26 armed attacks against journalists and media offices, 20 closures of media entities, and 19 cases of summoning, lawsuits or issuances of arrest warrants. PFAA recorded the highest number of violations in Baghdad, with 109 cases, followed by Basra, with 48 cases, and Mosul with 44 cases. In the K-RI, a total of 17 violations were recorded, including 6 in Sulaymaniyah, 6 in Dohuk, and 5 in Erbil. PFAA's 2019 annual report is accessible here: https://pfaa-iq.com/?p=3758 (accessed 23 May 2024).

[90] Violations included 4 killings, 2 death threats, 74 cases of arrest and detention, 10 injuries of media professionals while on duty, 14 armed attacks against journalists and media offices, 167 cases of physical abuse and obstruction of journalistic coverage, 31 closures of media entities, and 3 cases of summoning, lawsuits or issuances of arrest warrants. PFAA recorded the highest number of these violations in Baghdad, with 71 violations, followed by Kirkuk, with 58 recorded violations. PFAA's 2020 annual report is accessible here: https://pfaa-iq.com/?p=4754 (accessed 23 May 2024).

[91] Violations included 1 assassination attempt, 1 abduction, 34 cases of arrest and detention, 9 death threats, 8 raids of journalists' homes or media offices, 13 injuries of media professionals while on duty, 139 cases of physical abuse and obstruction of journalistic coverage, 8 cases of summoning, lawsuits or issuances of arrest warrants, 15 closures of media outlets or arbitrary lay-offs, and 5 other forms of pressure or restriction imposed on journalists and media professionals and outlets. PFAA recorded the highest number of violations in Baghdad, with 66 cases of violations, followed by the K-RI, with 53 recorded violations, and Kirkuk with 35 cases. PFAA's 2021 annual report is accessible here: https://pfaa-iq.com/?p=5711 (accessed 23 May 2024).

[92] Violations included 2 death threats, 62 cases of arrest and detention, 9 injuries of media professionals while on duty, 12 raids and armed attacks against journalists and media offices, 260 cases of physical abuse and obstruction of journalistic coverage, 1 closure of a media entity, 28 official limitations, 9 cases of summoning, lawsuits or issuances of arrest warrants, and 5 other forms of pressure or restrictions imposed on journalists and media professionals and outlets. PFAA recorded the highest number of these violations in Baghdad, with 71 violations, followed by Kirkuk, with 58 recorded violations. PFAA recorded the highest number of violations in Baghdad, with recorded 80 cases, followed by Erbil in the K-RI with 75 violations, Basra with 41 cases, Kirkuk with 33, Mosul with 30, Sulaymaniyah and Karbala with 27 cases each, PFAA highlighted that violations against Iraqi journalists were also recorded outside the country, with 2 cases against the crew of Al-Iraqiya channel in Beirut took place by an Iraqi government official. PFAA's 2022 annual report is accessible here: https://pfaa-iq.com/?p=6608 (accessed 23 May 2024).

[93] Violations included 1 death threat, 52 cases of arrest and detention, 8 injuries of media professionals while on duty, 19 raids and armed attacks against journalists and media offices, 159 cases of physical abuse and obstruction of journalistic coverage, 15 cases of summoning, lawsuits or issuances of arrest warrants, and 2 other forms of pressure or restrictions imposed on journalists and media professionals and outlets. PFAA's 2023 annual report is accessible here: https://pfaa-iq.com/wp-content/uploads/%D8%A7%D8%B3%D8%AA%D8%A8%D8%AF%D8%A7%D9%84-%D8%A7%D9%84%D8%B1%D8%B5%D8%A7%D8%B5-%D8%A8%D8%A7%D9%84%D9%82%D8%B6%D8%A8%D8%A7%D9%86-%D9%88%D9%85%D9%88%D8%A7%D8%B5%D9%84%D8%A9-%D9%85%D9%86%D9%87%D8%AC%D9%8A%D8%A9-%D8%A7%D9%84%D8%AA%D8%B6%D9%8A%D9%8A%D9%82-%D9%88%D8%A7%D9%84%D8%AA%D9%85%D8%B3%D9%83-%D8%A8%D9%82%D9%88%D8%A7%D9%86%D9%8A%D9%86-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D8%A7%D8%A8%D9%82-2.pdf (accessed 23 May 2024).

[94] CPJ, *Haiti joins list of countries where killers of journalists most likely to go unpunished*, 2023, https://cpj.org/reports/2023/10/haiti-joins-list-of-countries-where-killers-of-journalists-most-likely-to-go-unpunished/ (accessed 11 July 2024).

Freedom Index, Iraq is ranked 169th out of 180 countries.[95]

In Iraq, the Communications and Media Commission (CMC) and its guidelines pose a serious threat to freedom of expression and freedom of the press.[96] The CMC is the regulatory body for broadcasting and telecommunications established by the Iraqi Constitution,[97] and is directly linked to the parliament.[98] The CMC's guidelines, issued in June 2014 to regulate media "during the war on terror"[99] before being updated and renamed the "Media Broadcasting Rules" in May 2019, restrict freedom of the press to the point of requiring pro-government coverage.[100] The CMC's guidelines and operations fail to abide by international human rights standards,[101] and Human Rights Watch has stated that it was unable to determine its legal basis,[102] thereby rendering the CMC's decisions arbitrary and unlawful.[103]

In practice, the CMC has been criticised for being highly politicised and often retaliating against critical media outlets.[104] In April 2020, the CMC suspended Reuters' license for three months in addition to a fine of 25 million Iraqi Dinars (US$21,000) for publishing an article alleging that the number of confirmed Covid-19 cases in the country was much higher than

[95] RSF, *Iraq*, 2024, https://rsf.org/en/country/iraq (accessed 23 May 2024).
[96] Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq (accessed 20 May 2024).
[97] Constitution of Iraq of 2005, articles 103.
[98] While the CMC is characterised as a "financially and administratively independent institution", its members are appointed by the Prime Minister and approved by a majority of parliament.
[99] Human Rights Watch, *The Communication and Media Commission Guidelines for the Management of Iraqi Mass Media During the War on Terror*, 2 July 2014, https://www.hrw.org/news/2014/07/02/communication-and-media-commission-guidelines-management-iraqi-mass-media-during-war (accessed 22 May 2024).
[100] For instance, article 1(2) of the guidelines forbids the media from broadcasting or publishing material that promotes the Baath party, promotes illegal acts that "may be interpreted as being against the security forces," includes a statement from an opposition armed group or an interview with one of its members, targets the democratic process, or provokes conflict between parties or tribes or within society.
[101] In its General Comment No. 34 on the right to freedom of expression, the United Nations Human Rights Committee clarified that general state systems of registration or licensing of journalists are incompatible with freedom of expression. See: UN Human Rights Committee, *General Comment No. 34, Article 19: Freedoms of Opinion and Expression*, 12 September 2011, UN Doc. CCPR/C/GC/34, https://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf (accessed 22 May 2024), paras. 39 and 44.
[102] In April 2014, a senior CMC official admitted to Human Rights Watch that the CMC had no legal basis for suspending ten media outlets. See: Human Rights Watch, *World Report 2014*, 2014, https://www.hrw.org/world-report/2014/country-chapters/iraq (accessed 22 May 2024).
[103] Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq (accessed 22 May 2024).
[104] Freedom House, *Freedom of the Press 2017 – Iraq*, 1 November 2017, https://www.refworld.org/reference/annualreport/freehou/2017/en/118919?prevDestination=search&prevPath=/search?keywords=iraq&order=desc&page=1&sm_document_source_name=Freedom+House&sort=score&result=result-118919-en (accessed 22 May 2024).

official statistics were stating.[105] In August 2023, the CMC issued a directive ordering all media outlets to replace the term "homosexuality" with "sexual deviance" in their published and broadcast language and banning use of the term "gender."[106]

In May 2021, PFAA conducted a survey completed by a number of journalists and media professionals,[107] among which 95 journalists and media professionals reported that the CMC directly violated their rights or restricted or interfered their work, notably by banning them from publishing or broadcasting any opinions deemed critical of political parties and threatening them of denying their broadcasting license.[108]

Iraqi authorities have also suppressed press freedom by preventing media outlets from covering protests.[109] In the beginning of the demonstrations which began in October 2019, armed and masked gunmen, some in military uniform, raided offices of the news outlets Al Arabiya, Dijlah, NRT, Al Hadath and TRT, stealing equipment and assaulting employees.[110] In November 2019, in the context of the same protests, the CMC ordered the closure of eight television broadcasters and four radio stations for three months for allegedly violating media licensing rules as outlined in their guidelines, and issued a warning to five other broadcasters

[105] The CMC in its statement accused Reuters of relying on vague and untrue sources to fabricate news about Covid-19 in Iraq and of endangering public safety and hindering the government's efforts to prevent the spread of the virus. Authorities lifted the suspension on April 19. See: Reuters, *Iraq has confirmed thousands more COVID-19 cases than reported, medics say*, 2 April 2020, https://www.reuters.com/article/us-health-coronavirus-iraq/iraq-has-confirmed-thousands-more-covid-19-cases-than-reported-medics-say-idUSKBN21K2GQ/ (accessed 22 May 2024); CPJ, *Iraqi regulator suspends Reuters' license for 3 months over COVID-19 report*, 3 April 2020, https://cpj.org/2020/04/iraqi-regulator-suspends-reuters-license-for-3-mon/ (accessed 23 May 2024); Alsumaria TV, *The Media Authority decides to suspend the license of the "Reuters" office for three months and fine it 25 million dinars*, 2 April 2020, https://www.alsumaria.tv/news/%D9%85%D8%AD%D9%84%D9%8A%D8%A7%D8%AA/340266/%D8%A7%D9%84%D8%A7%D8%B9%D9%84%D8%A7%D9%85-%D9%88%D8%A7%D9%84%D8%A7%D8%AA%D8%B5%D8%A7%D9%84%D8%A7%D8%AA-%D8%AA%D9%82%D8%B1%D8%B1-%D8%AA%D8%B9%D9%84%D9%8A%D9%82-%D8%B1%D8%AE%D8%B5%D8%A9-%D9%85%D9%83%D8%AA%D8%A8-%D8%B1%D9%88%D9%8A%D8%AA%D8%B1%D8%B2-%D9%84%D8%AB%D9%84 (accessed 22 May 2024); Reuters, *Iraq lifts suspension of Reuters licence*, 19 April 2020, https://www.reuters.com/article/us-iraq-reuters/iraq-lifts-suspension-of-reuters-licence-idUSKBN2210LB (accessed 22 May 2024).

[106] Amnesty International, *Iraq: Authorities must immediately reverse media ban on the terms "homosexuality" and "gender"*, 9 August 2023, https://www.amnesty.org/en/latest/news/2023/08/iraq-authorities-must-immediately-reverse-media-ban-on-the-terms-homosexuality-and-gender/ (accessed 22 May 2024).

[107] The survey gathered data from 359 participants: 99 program presenters, 88 news editors, 82 correspondents, 64 cameramen, 15 directors and 11 others (employees and media graduates). 149 were electronic media workers, 124 other visual media workers, and 55 print media workers, and 31 audio media workers. The survey is accessible here: https://pfaa-iq.com/?p=5071 (accessed 22 May 2024).

[108] Participants also reported that most of the media institutions that had been shut down were forced to do so because of their inability to pay large fines they had been arbitrarily imposed, and that when the institutions closed down, workers were frequently released without prior notice nor any financial compensation. See: PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, 18 May 2021, https://pfaa-iq.com/?p=5071 (accessed 22 May 2024).

[109] Human Rights Watch, *Iraq: Lethal Force Used Against Protesters*, 10 October 2019, https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters (accessed 23 May 2024).

[110] CPJ, *Unidentified assailants raid 4 broadcasters in Baghdad, assault staffers*, 7 October 2019, https://cpj.org/2019/10/four-baghdad-broadcasters-raided-staffers-assaulte/ (accessed 23 May 2024); Human Rights Watch, *Iraq: Lethal Force Used Against Protesters*, 10 October 2019, https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters (accessed 23 May 2024).

over their coverage of the protests.[111] Furthermore, as demonstrations were occurring in Baghdad in August 2022,[112] Iraqi security forces arrested, assaulted, injured and confiscated equipment from journalists with local and international outlets covering the protests.[113]

A number of journalists covering protests in Iraq have been killed or faced assassination attempts.[114] Among them, Ahmed Muhana al-Lami, who had been covering the October 2019 protests, was shot and killed in December 2019,[115] reporter Ahmed Abdul Samad and camera operator Safaa Ghali, who were covering protests in Basra with Dijlah TV, were shot and killed in January 2020,[116] and Nizar Thanoun, chief executive officer of Al-Rasheed TV, was shot and killed in February 2020.[117]

Iraqi authorities have also targeted journalists through enforced disappearances. MENA rights group notably documented the enforced disappearances of 2 freelance photographers and 1 journalist covering the October 2019 protests.[118] As of May 2024, CPJ reported that the fate and whereabouts of at least 9 journalists remain unknown.[119]

Among them, Bassem al-Zaak, a freelance journalist and civil society activist, was abducted in October 2021, presumably by members of the PMU, while he was livestreaming a sit-in in

[111] CPJ, Iraq media regulator orders closure of 12 broadcast news outlets, 25 November 2019, https://cpj.org/2019/11/iraq-media-regulator-orders-closure-of-12-broadcas/ (accessed 22 May 2024); PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, 18 May 2021, https://pfaa-iq.com/?p=5071 (accessed 22 May 2024).

[112] Protests broke out in Baghdad's Green Zone, home to government institutions and foreign embassies, by supporters of Iraqi Shiite cleric Muqtada al-Sadr on 29 August 2022, after he announced his decision to retire from politics.

[113] CPJ, *Iraqi security forces assault, detain journalists covering Baghdad protests*, 31 August 2022, https://cpj.org/2022/08/iraqi-security-forces-assault-detain-journalists-covering-baghdad-protests/ (accessed 23 May 2024); CPJ, *Iraqi journalists injured by security forces while covering Baghdad protests*, 2 August 2022, https://cpj.org/2022/08/iraqi-journalists-injured-by-security-forces-while-covering-baghdad-protests/ (accessed 23 May 2024).

[114] Between 2019 and 2023, PFAA recorded eight killings and one assassination attempt of journalists and media professionals.

[115] CPJ, *One journalist killed, another missing amid protests in Iraq*, 9 December 2019, https://cpj.org/2019/12/one-journalist-killed-another-missing-amid-protest/ (accessed 11 July 2024).

[116] CPJ, *Gunmen open fire on car, kill 2 Dijlah TV journalists at Iraq protest*, 10 January 2020, https://cpj.org/2020/01/dijlah-tv-journalists-killed-protest-basra/ (accessed 11 July 2024).

[117] PFAA, *Assassination of the general supervisor of Al-Rashid Satellite Channel*, 11 February 2020, https://pfaa-iq.com/?p=3907 (accessed 23 May 2024).

[118] MENA Rights Group, *Freelance photographer Zaid Al Bahadeily disappeared during demonstrations*, 13 December 2019, https://menarights.org/en/caseprofile/freelance-photographer-zaid-al-bahadeily-disappeared-during-demonstrations (accessed 24 May 2024); MENA Rights Group, *Freelance photographer Osama Al Tamimi disappeared since January 2, 2020*, 21 January 2020, https://menarights.org/en/caseprofile/freelance-photographer-osama-al-tamimi-disappeared-january-2-2020 (accessed 24 May 2024); MENA Rights Group, *Freelance Journalist Basim Al Za'ak abducted while broadcasting protests and disappeared since October 2021*, 7 June 2022, https://menarights.org/en/case/basm-mhmd-bd-allh-slman-alzak (accessed 24 May 2024).

[119] CPJ, *9 Journalists missing in Iraq between 2019 and 2024*, https://cpj.org/data/missing/?status=Missing&cc_fips%5B%5D=IZ&start_year=2019&end_year=2024&group_by=location (accessed 22 May 2024).

Baghdad, in his capacity as a journalist, to protest the parliamentary election results.[120] Tawfiq al-Tamimi, a journalist and editor of regional news for the government-affiliated daily Al-Sabah, who had voiced support for the Iraqi protests, and had called for the release of a publisher who had recently disappeared, was abducted in March 2020 by unidentified gunmen.[121] Both individuals' fates and whereabouts remain unknown to date.

As for the method of judicial harassment, freelance journalist Suadad al-Salhy received an arrest warrant over allegations of "defamation"[122] in October 2020.[123] She had written for several global news organisations, including Al-Jazeera[124] and the New York Times,[125] covering politics and security matters in Iraq,[126] and had written about anti-government protests in Middle East Eye a month prior to the issuance of the warrant.[127] Al-Salhy regularly received threats from multiple sides and was subjected to attempts of kidnapping and assassination since 2003.[128] Similarly, in June 2022, an arrest warrant was issued against Sarmad al-Taei, a freelance writer, for criticising Iraq's judicial system and the leadership of Iran in an interview broadcasted on TV.[129]

According to data gathered by PFAA in 2021, 184 journalists and media professionals reported that they and their institutions are subjected to political pressure to alter their

[120] MENA Rights Group, *Freelance Journalist Basim Al Za'ak abducted while broadcasting protests and disappeared since October 2021*, 7 June 2022, https://menarights.org/en/case/basm-mhmd-bd-allh-slman-alzak (accessed 24 May 2024); Amnesty International, *Irak : Les autorités doivent faire la lumière sur le sort réservé à un journaliste disparu : Bassem al Zaak*, 15 December 2023, https://www.amnesty.org/fr/documents/mde14/7478/2023/fr/ (accessed 23 May 2024).

[121] MENA Rights Group, *Iraqi journalist, Tawfiq Al Tamimi, abducted after criticising the government on social media*, 7 April 2020, https://menarights.org/en/caseprofile/iraqi-journalist-tawfiq-al-tamimi-abducted-after-criticising-government-social-media (accessed 22 May 2024); CPJ, *Unknown gunmen abduct Iraqi journalist Tawfiq al-Tamimi in Baghdad*, 17 March 2020, https://cpj.org/2020/03/unknown-gunmen-abduct-iraqi-journalist-tawfiq-al-t/ (accessed 22 May 2024).

[122] Defamation is punishable under article 433(1) of the Iraqi Penal Code, which foresees detention in combination with a fine, or by one of those penalties. Under this provision, the publication of such "defamation" in a newspaper or publication or other press medium constitutes an aggravating circumstance.

[123] MENA Rights Group, *Iraqi journalist Suadad Al Salhy threatened with arrest over critical reporting*, 19 November 2020, https://menarights.org/en/caseprofile/iraqi-journalist-suadad-al-salhy-threatened-arrest-over-critical-reporting (accessed 23 May 2024).

[124] Al Jazeera, *Suadad al-Salhy*, https://www.aljazeera.com/author/suadad_al_salhy_201452581615770636/ (accessed 23 May 2024).

[125] See Suadad al-Salhy's article in The New York Times, accessible here: https://archive.nytimes.com/atwar.blogs.nytimes.com/author/suadad-al-salhy/ (accessed 23 May 2024).

[126] These matters included the role of militias and the country's relations with Iran. See Suadad al-Salhy's articles in Middle East Eye, accessible here: https://www.middleeasteye.net/news/baghdad-raid-put-kadhimi-and-kataeb-hezbollah-collision-course (accessed 23 May 2024); https://www.middleeasteye.net/news/iran-khamenei-iraq-attacks-us-interests-end (accessed 23 May 2024); https://www.middleeasteye.net/news/iraq-iran-kadhimi-trip-stake-claim-sovereignty (accessed 23 May 2024); https://www.middleeasteye.net/news/iraq-iran-retreating-political-scene-pressure (accessed 23 May 2024).

[127] Middle East Eye, *Power and protest: Who ordered the killing of Basra's activists?*, 10 September 2020, https://www.middleeasteye.net/news/iraq-basra-assassinations-who-ordered-shootings-activists-shahmani-yacoub (accessed 23 May 2024).

[128] MENA Rights Group, *Iraqi journalist Suadad Al Salhy threatened with arrest over critical reporting*, 19 November 2020, https://menarights.org/en/caseprofile/iraqi-journalist-suadad-al-salhy-threatened-arrest-over-critical-reporting (accessed 23 May 2024).

[129] CPJ, *Iraqi authorities threaten charges against journalists Saadoun Damad and Sarmad al-Taei, seek al-Taei's arrest*, 8 June 2022, https://cpj.org/2022/06/iraqi-authorities-threaten-charges-against-journalists-saadoun-damad-and-sarmad-al-taei-seek-al-taeis-arrest/ (accessed 23 May 2024).

media and broadcasting content, 100 stated that their work or services were terminated without any prior notice, 99 reported coverage and duty obstruction, 84 reported having been subjected to arrests and detention for their work, 69 stated their place of work had been threatened with closure, 45 reported that their institutions had already been closed down.[130]

It is noteworthy that there used to be a specialised Publications and Media Court in Iraq, which seemingly offered more safeguards for journalists than the current landscape. Established in July 2010, this court was competent in media, publishing, and press issues[131] but was abolished in April 2017[132] due to a lack of a legal basis.[133] For this reason, Iraqi authorities have held that the court could not be reinstated, despite similar specialised courts remaining in place.[134]

In 2022, judges with "specialised" competence over media and publishing matters were appointed within existing courts, which has led to a misleading narrative that the specialised court had been reinstated.[135] However, human rights organisations, including PFAA,[136] argue that the specialised court offered greater protection for journalists, imposing at most fines rather than the lengthy prison sentences now possible under ordinary courts,[137] and that this shift has resulted in increased repression of press freedom.[138]

In 2024, CPJ and PFAA continue to monitor the cases of at least seven journalists that cannot be made public due to journalists' fear of retaliation by authorities, notably through lawsuits, arrests, detentions, bans, and threats to their lives.

---

[130] PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, 18 May 2021, https://pfaa-iq.com/?p=5071 (accessed 22 May 2024).

[131] World Socialist Web Site, *Iraq establishes special court to prosecute journalists*, 31 July 2010, https://www.wsws.org/en/articles/2010/07/iraq-j31.html (accessed 21 May 2024).

[132] PFAA, *Campaign Launched to Revive Publication Court in Iraq*, 12 April 2022, https://pfaa-iq.com/?p=5934 (accessed 21 May 2024).

[133] Article 95 of the Constitution prohibits the establishment of special or extraordinary courts.

[134] See for example the specialised Commercial Court: https://www.researchgate.net/publication/361828887_Terms_of_Reference_of_The_Iraqi_Commercial_Court (accessed 27 May 2024).

[135] See for example: Akkad Journal of Law and Public Policy, *Terms of Reference of The Iraqi Commercial Court*, December 2021, https://alarab-co-uk.cdn.ampproject.org/c/s/alarab.co.uk/%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D9%86%D8%B4%D8%B1-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%A3%D8%B9%D9%84%D9%89-%D8%AE%D8%B5%D9%85-%D9%88%D8%AD%D9%83%D9%85?amp (accessed 21 May 2024).

[136] Press Freedom Advocacy Association (PFAA) is a non-governmental organisation composed by a group of Iraqi journalists and media professionals defending and monitoring human rights violations against journalists and media professionals. See website of Press Freedom Advocacy Association (PFAA) here: https://pfaa-iq.com/.

[137] PFAA, *Campaign Launched to Revive Publication Court in Iraq*, 12 April 2022, https://pfaa-iq.com/?p=5934 (accessed 21 May 2024).

[138] For instance, the judge specialised in media and publishing issues at the Third Investigative Court in Al-Karkh, Amer Hassan, has been at the forefront of the ongoing "indecent content" campaign launched in January 2023. See *infra*, 2.3.1.

2.2.2 Kurdistan region of Iraq (KR-I)

In the K-RI, a large number of journalists perceived as critical of the authorities are subjected to harassment and intimidation, and some have been prosecuted and sentenced to lengthy prison terms.[139]

In 2023, the Metro Center[140] recorded 37 arrests of journalists and 27 incidents of journalists facing attacks, threats, and insults.[141] Between 2020 and 2024, *Asayish* security forces reportedly detained, raided, and harassed dozens of journalists.[142] Between January and March 2024, Amnesty International documented that the KR-I authorities detained or summoned at least 10 journalists in relation to their journalistic work, while others are already serving prison sentences after grossly unfair trials.[143]

In February 2021, 5 individuals among the so-called "Badinan prisoners",[144] including 3 journalists, Sherwan Sherwani, Eyaz Karam and Guhdar Zebari, and 2 activists, were sentenced to six years in prison.[145] Based on proceedings marred by serious violations of fair trial standards as well as high-level political interference,[146] they were all found guilty of "espionage" and "conspiracy to commit acts that destabilise national security and stability".[147]

[139] Amnesty International, *Iraq: Authorities in the Kurdistan Region of Iraq must immediately end their assault on press freedom*, 2 May 2024, https://www.amnesty.org/en/latest/news/2024/05/iraq-authorities-in-the-kurdistan-region-of-iraq-must-immediately-end-their-assault-on-press-freedom/ (accessed 24 May 2024).
[140] The Metro Center is an organisation working on the protection of journalists' rights in the KR-I. See website of Metro Center, accessible here: https://www.metroo.org/english/ (accessed 22 May 2024).
[141] Amnesty International, *Iraq: Authorities in the Kurdistan Region of Iraq must immediately end their assault on press freedom*, 2 May 2024, https://www.amnesty.org/en/latest/news/2024/05/iraq-authorities-in-the-kurdistan-region-of-iraq-must-immediately-end-their-assault-on-press-freedom/ (accessed 24 May 2024).
[142] CPJ, *Iraqi Kurdish Asayish security forces arrest journalist Shakar Star after smuggling reports*, 21 May 2024, https://cpj.org/2024/05/iraqi-kurdish-asayish-security-forces-arrest-journalist-shakar-star-after-smuggling-reports/ (accessed 27 May 2024).
[143] Amnesty International, *Iraq: Authorities in the Kurdistan Region of Iraq must immediately end their assault on press freedom*, 2 May 2024, https://www.amnesty.org/en/latest/news/2024/05/iraq-authorities-in-the-kurdistan-region-of-iraq-must-immediately-end-their-assault-on-press-freedom/ (accessed 24 May 2024).
[144] The "Badinan priosners" are a group of journalists and activists from the ethnic Badinani group who were arrested in the wake of 2020 anti-government protests. See: CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 22 May 2024).
[145] CPT-IK, *Freedom of Expression Under Threat*, 6 March 2021, https://cptik.org/reports/2021/3/3/freedom-of-expression-under-threat (accessed 22 May 2024).
[146] The trial included allegations of torture and other ill-treatment that were not investigated, the reliance on torture-tainted confessions, and a refusal to allow defence lawyers timely access to the case files. See: Human Rights Watch, *Human Rights Watch Submission to the UN Human Rights Committee in Advance of its Review of Iraq*, 25 January 2022, https://www.hrw.org/news/2022/01/25/human-rights-watch-submission-un-human-rights-committee-advance-its-review-iraq#_ftnref66 (accessed 23 May 2024).
[147] They were charged and convicted on the basis of under Article 1 of Law No. 21 of 2003 governing matters of national security. See CPT-IK's detailed documentation of the February 2021 trial, accessible here: https://static1.squarespace.com/static/59a826c98419c278e3fc88a4/t/6042b4a8ec455708bc361834/1614984594141/CPT-IK+Report+-+Freedom+of+Expression+Under+Threat.pdf (accessed 22 May 2024)

Their cases sparked international outrage by human rights organisations[148] and global media outlets,[149] and UN experts have deemed their detention to be arbitrary.[150]

Sherwan Sherwani, accused of being a leader of the group,[151] is an independent Iraqi Kurdish journalist who investigated and denounced human rights violations, social injustice and political corruption in the K-RI.[152] Arrested and detained since October 2020, he was scheduled to be released in September 2023, but was sentenced to an additional four years in prison in July 2023 on baseless charges.[153] He remains detained to date, and he is reportedly awaiting trial for additional baseless charges.[154]

Guhdar Zebari is an independent journalist and civil rights activist who exposed government corruption and advocated for human rights.[155] Before his imprisonment, Zebari had been routinely targeted for his journalism and activism, including through threats, harassment and abductions.[156] Finally released in February 2024 after over 3 years of imprisonment,[157] he and his family have continued to be subjected to threats and harassment in a continued effort to

[148]Human Rights Watch, *Kurdistan Region of Iraq: Flawed Trial of Journalists*, Activists, 22 April 2021, https://www.hrw.org/news/2021/04/22/kurdistan-region-iraq-flawed-trial-journalists-activists (accessed 22 May 2024); Amnesty International, *Iraq: Journalists Face Additional Prison Time*, 24 August 2023, https://www.amnesty.org.uk/urgent-actions/journalists-face-additional-prison-time (accessed 22 May 2024); CPJ, *Iraqi Kurdish court upholds 6-year jail terms for journalists Sherwan Sherwani and Guhdar Zebari*, 6 May 2021, https://cpj.org/2021/05/iraqi-kurdish-court-upholds-6-year-jail-terms-for-journalists-sherwan-sherwani-and-guhdar-zebari/ (accessed 22 May 2024).

[149] Al Jazeera, *Condemnation after Iraqi-Kurd journalists given 6 years in jail*, 20 February 2021, https://www.aljazeera.com/news/2021/2/20/condemnation-after-iraqi-kurd-journalists-given-6-years-in-jail (accessed 22 May 2024).

[150] UN Working Group on Arbitrary Detention, *Opinion No. 71/2021 concerning Sherwan Amin Naou, Kahdar Hammad Amin Zebari, Ayaz Karam Rachid, Hariwan Issa Mohammad and Mulla Shafan Saeed Omar Brushki (Iraq), 15 December 2021*, UN Doc. A/HRC/WGAD/2021/71, https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_71_Iraq_AEV.pdf (accessed 22 May 2024).

[151] CPT-IK, *Freedom of Expression Under Threat*, 11 March 2021, https://static1.squarespace.com/static/59a826c98419c278e3fc88a4/t/6042b4a8ec455708bc361834/1614984594141/CPT-IK+Report+-+Freedom+of+Expression+Under+Threat.pdf (accessed 22 May 2024).

[152] MENA Rights Group, *Journalist Sherwan Sherwani arbitrarily detained for his media coverage in the Kurdistan Region of Iraq*, 17 May 2021, https://menarights.org/en/caseprofile/journalist-sherwan-sherwani-arbitrarily-detained-his-media-coverage-kurdistan (accessed 22 May 2024).

[153] See CPT-IK's detailed documentation of Sherwan Sherwani's July 2023 trial, accessible here: https://cptik.org/reports/2023/7/23/cpt-iraqi-kurdistans-report-on-sherwan-sherwanis-trial-on-july-20th-2023 (accessed 22 May 2024).

[154] CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 22 May 2024); CPJ, *Imprisoned journalist Sherwan Sherwani given additional 4-year sentence in Iraqi Kurdistan*, 20 July 2023, https://cpj.org/2023/07/imprisoned-journalist-sherwan-sherwani-given-additional-4-year-sentence-in-iraqi-kurdistan/ (accessed 22 May 2024).

[155] CPT-IK, *CPT Iraqi Kurdistan's Report on Guhdar Zebari's Trial on October 1st 2023*, 4 October 2023, https://cptik.org/reports/2023/10/3/ks1sks6i3221iot7b22nzurr20relu (accessed 22 May 2024).

[156] *Ibid*.

[157] While Zebari was scheduled for an early release in August 2023, the authorities sentenced him to another six months on additional spurious charges, before his release in February 2024. See: Amnesty International, *Iraq/KRI: Further Information: Journalist Released After Three Years' Imprisonment: Guhdar Zebari*, 26 February 2024, https://www.amnesty.org/fr/documents/mde14/7732/2024/en/ (accessed 24 may 2024).

[158] CPJ, *Iraqi Kurdish journalist Guhdar Zebari is free from prison, but not from threats*, 30 April 2024, https://cpj.org/2024/04/iraqi-kurdish-journalist-guhdar-zebari-is-free-from-prison-but-not-from-threats/ (accessed 24 May 2024).

silence Zebari.[158] Fearing for their safety, many journalists have fled the KR-I.[159]

In a separate case, Qaraman Shukri, a journalist whose work was notably critical of Kurdish authorities' handling of Turkish air strikes in the KR-I, was arrested in January 2021 and sentenced to 7 years in prison in June 2021 on the basis of the national security law,[160] following a grossly unfair, secret trial.[161] Prior to his imprisonment, Shukri had faced repeated arrests for his journalistic work.[162] He remains detained to date.

Similarly, Omed Barushky, a journalist working with the Metro Center[163] who covered government corruption and violations by security forces, was arrested after participating in the August 2020 demonstrations.[164] Convicted on charges of defamation,[165] gathering with the intent to commit a crime,[166] espionage and sabotage,[167] he was sentenced to one year in prison in June 2021, sentenced to another year in September, and received 6 more months in October.[168] He was released from prison in February 2022.[169]

[158] CPJ, *Iraqi Kurdish journalist Guhdar Zebari is free from prison, but not from threats*, 30 April 2024, https://cpj.org/2024/04/iraqi-kurdish-journalist-guhdar-zebari-is-free-from-prison-but-not-from-threats/ (accessed 24 May 2024).

[159] For instance, one journalist who had collaborated with Sherwan Sherwani on corruption and social issues told Amnesty International that he fled the K-RI in 2020 after the Asayish and the intelligence agency of the Kurdistan Democratic Party, the Parastin, arrested him 11 times, without ever presenting him with an arrest warrant. See: Amnesty International, *Iraq: Authorities in the Kurdistan Region of Iraq must immediately end their assault on press freedom*, 2 May 2024, https://www.amnesty.org/en/latest/news/2024/05/iraq-authorities-in-the-kurdistan-region-of-iraq-must-immediately-end-their-assault-on-press-freedom/ (accessed 24 May 2024).

[160] Qaraman Shukri was convicted on charges of "joining an unlicensed organisation in the [Kurdistan] region, cooperating with it, and spying for its benefit on the security and party apparatuses, the Peshmerga [armed forces of the KR-I government] forces, and the internal security forces" as well as "transmitting audio recordings of officials in the region to members of the organization as well as elements supportive of the organization, and capturing pictures and video clips of Peshmerga and security services locations, and sending them to the banned organization" on the basis of Law No. 21 of 2003 Repealing Article 156 of the Iraqi Penal Code No. 111 of 1969, which governs matters of national security. See: Amnesty International, *Iraq/KRI: Free Journalist Qahraman Shukri*, 24 April 2024, https://www.amnesty.org/fr/documents/mde14/7909/2024/en/ (accessed 24 May 2024).

[161] Amnesty International, *Iraq/KRI: Free Journalist Qahraman Shukri*, 24 April 2024, https://www.amnesty.org/fr/documents/mde14/7909/2024/en/ (accessed 24 May 2024); CPJ, *Iraqi Kurdish court sentences photojournalist Qaraman Shukri to 7 years in prison in secret trial*, 28 June 2021, https://cpj.org/2021/06/iraqi-kurdish-court-sentences-photojournalist-qaraman-shukri-to-7-years-in-prison-in-secret-trial/ (accessed 24 May 2024); CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 24 May 2024).

[162] CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 24 May 2024).

[163] See website of Metro Center, accessible here: https://www.metroo.org/english/ (accessed 22 May 2024).

[164] CPT-IK, *Punishment Without Evidence: CPT IK Statement Regarding the Observation of Badal Barwari and Omed Barushky's Trial*, 3 August 2021, https://cpt.org/2021/08/03/iraqi-kurdistan-punishment-without-evidence (accessed 24 May 2024).

[165] Shukri was convicted on charges of defamation under Article 2 of Law No. 6 of 2008 to Prevent the Misuse of Telecommunications Equipment in the Kurdistan Region.

[166] Shukri was convicted on charges of organising a gathering with the intent to commit a crime under article 222 of the Iraqi Penal Code, or Law No. 111 of 1969.

[167] Shukri was convicted on charges of espionage and sabotage under Article 1 of Law No. 21 of 2003 Repealing Article 156 of the Iraqi Penal Code No. 111 of 1969, which governs matters of national security.

[168] CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 24 May 2024).

[169] *Ibid*.

KR-I authorities also arrested Syrian journalist Sleman Ahmed,[170] who works for the local news agency Roj News, while crossing from Syria to Duhok in October 2023. Forcibly disappeared for 6 months, CPJ and MENA Rights Group filed a submission to the UN Committee on Enforced Disappearances in April 2024.[171] Following the filing, KRG officials informed CPJ that he has been charged with espionage and is detained in prison awaiting trial.[172]

Kurdistan Regional authorities have increasingly used their legal and security apparatus to target media organisations, notably as reprisals for covering protests.[173] For instance, Kurdish security forces raided and suspended broadcast media outlet NRT's offices[174] and headquarters,[175] and NRT's chief executive officer was arrested.[176] In December 2020, the Director General of Media Printing and Publishing threatened three other media outlets with legal proceedings if they broadcasted violent images of the demonstrations, warning them against inciting their audiences to commit violent acts.[177]

[170] CPJ, *Syrian journalist missing after arrest on Iraqi Kurdistan border*, 1 November 2023, https://cpj.org/2023/11/syrian-journalist-missing-after-arrest-on-iraqi-kurdistan-border/ (accessed 10 June 2024); MENA Rights Group, *Syrian Kurdish journalist disappears in Iraqi Kurdistan*, 16 April 2024, https://menarights.org/en/case/sulaiman-mohammed-ahmad (accessed 10 June 2024).

[171] CPJ, *CPJ, MENA Rights Group file Urgent Action to UN on disappearance of Syrian journalist in Iraqi Kurdistan*, 30 April 2024, https://cpj.org/2024/04/cpj-mena-rights-group-file-urgent-action-to-un-on-disappearance-of-syrian-journalist-in-iraqi-kurdistan/ (accessed 10 June 2024).

[172] Sleman Ahmed was charged for espionage under Article 1 of Law No. 21 of 2003 governing matters of national security. His trial, initially set to take place on 30 June 2024, was postponed to 29 July 2024. He faces up to life imprisonment.

[173] UNAMI, OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/Freedom-of-Expression-in-the-Kurdistan-Region_En.pdf (accessed 23 May 2024).

[174] The Duhok office was raided on 19 August, and the Erbil office on 20 August 2020. See: CPJ, *Iraqi Kurdish authorities shutter NRT offices in Erbil and Duhok; 1 journalist still held*, 20 August 2020, https://cpj.org/2020/08/iraqi-kurdish-authorities-shutter-nrt-offices-in-erbil-and-duhok-1-journalist-still-held/ (accessed 23 May 2024);

[175] The Sulaymaniyah headquarters were raided on 7 December 2020. See: CPJ, *Iraqi Kurdish security forces raid NRT headquarters, suspend broadcasts*, 8 December 2020, https://cpj.org/2020/12/iraqi-kurdish-security-forces-raid-nrt-headquarters-suspend-broadcasts/ (accessed 23 May 2024). During the raid, broadcasting equipment was damaged or removed from the premises by security forces, and was reportedly not replaced nor returned.

[176] On 25 December 2020, the chief executive officer of the NRT media outlet was arrested by Kurdistan Regional security forces, upon his arrival into the Kurdistan Region at Erbil International Airport. Authorities reportedly verbally informed him of a case against his company but did not provide details. He was detained for three hours and then released without formal charge. See: UNAMI, OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/Freedom-of-Expression-in-the-Kurdistan-Region_En.pdf (accessed 23 May 2024).

[177] UNAMI, OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/Freedom-of-Expression-in-the-Kurdistan-Region_En.pdf (accessed 23 May 2024).

In May 2023, the KRG Ministry of Culture and Youth released a directive outlining new media regulations in the K-RI.[178] The directive tightened licensing procedures for K-RI-based media outlets, increased license fees, asserted control over what individuals in the K-RI could say on social media, and authorised the ministry to monitor published content and restrict the material outlets could broadcast.[179]

Recommendations:

- Guarantee and protect press freedom and journalists and media workers' right to freedom of expression, online and offline;
- Immediately and unconditionally release journalists and media professionals detained for the legitimate exercise of their fundamental freedoms or for their journalistic work;
- Ensure that journalists and media workers whose human rights have been violated are provided with access to effective remedies and reparations;
- Take credible steps to create a conducive environment where journalists and media professionals can carry out their work safely and freely;
- Cease targeting journalists and media workers through legal threats, criminal charges or detention;
- Cease using overly broad and vaguely worded criminal offenses with harsh penalties to target journalists and media workers;
- Conduct prompt, independent and effective investigations into the abuses committed against journalists, ensure that the perpetrators are prosecuted and that the victims or their families receive full redress, and take action to break the record of impunity against journalists.

2.3 Repression of activists, human rights defenders and social media figures

Iraq supported recommendations to protect HRDs, to guarantee their freedom of expression and opinion, and to investigate all disappearances and death of human rights activists and bring perpetrators to justice.[180] Iraq also supported recommendations to protect freedom of expression online.[181] However, in practice, Iraqi and Kurdish authorities have failed to effectively implement these recommendations.

[178] Directive No. 1 of 2023 of the Ministry of Culture and Youth on media work in the Kurdistan Region, accessible here: https://govkrd.b-cdn.net/Ministries/Ministry%20of%20Justice/Kurdish/%D8%A8%DA%B5%D8%A7%D9%88%DA%A9%D8%B1%D8%A7%D9%88%DB%95%DA%A9%D8%A7%D9%86/%D9%88%DB%95%D9%82%D8%A7%D9%8A%D9%94%D8%B9%DB%8C%20%DA%A9%D9%88%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86/301-350/%D9%88%DB%95%D9%82%D8%A7%DB%8C%D8%B9%DB%8C%20%DA%A9%D9%88%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86%20%DA%98%D9%85%D8%A7%D8%B1%DB%95%20305.pdf (accessed 23 May 2024).

[179] U.S. Department of State, *Iraq 2023 Human Rights Report*, https://iq.usembassy.gov/wp-content/uploads/sites/103/2024/04/IRAQ-2023-HUMAN-RIGHTS-REPORT.pdf (accessed 24 May 2024), p. 30-31.

[180] Supported: 147.198 (Chile); 147.193 (Argentina); 147.157 (Netherlands).

[181] Supported: 147.205 (Estonia); 147.197 (Canada).

2.3.1 Iraq

In Iraq, HRDs, activists and dissidents have increasingly been targeted, notably through enforced disappearance and judicial harassment. The situation of HRDs has deteriorated considerably since the last UPR, particularly in the context of the October 2019 demonstrations.

In October 2019, Ali Jaseb Hattab al-Heliji, a human rights lawyer representing demonstrators arrested in connection with the October 2019 anti-government protests, was abducted and forcibly disappeared while he was on his way to meet one of his clients.[182] A few days before his disappearance, he had faced harassment and death threats in his home from armed members of the PMU, who pressured him to stop speaking out about the killing of protesters and accusing certain PMU factions of these killings.[183] In March 2021, al-Heliji's father, who actively advocated for his son's release and sought criminal sanctions against those responsible for his disappearance, was assassinated.[184]

Women HRDs have been subjected to smear campaigns on social media due to their participation in protests and have been specifically targeted through abduction and killing, particularly in Basra.

In August 2020, unidentified gunmen opened fire on a car carrying Lodya Remon Albarti, a defender of women's and environmental rights, who had previously been subjected to a long smear campaign.[185] Two days later, Riham Yaqoub, a doctor and defender who also advocated for the rights of women to exercise in public and use sports facilities, was killed by two unidentified gunmen riding a scooter as she drove through the centre of Basra.[186]

The same year, Hisham al-Hashemi, a well-known academic and expert on jihadist groups, was shot dead outside his Baghdad home in July 2020 by gunmen on motorcycles.[187] It was initially reported that the people allegedly responsible for his killing were linked to the Kataeb Hezbollah militia, which Hashemi had criticised in his writings and media commentary. Initially sentenced to death, the main suspect was acquitted and released in 2024.[188]

---

[182] MENA Rights Group, *Human rights lawyer Ali Jaseb Hattab Al Heliji disappeared since arrest in Amarah on October 8, 2019*, 23 October 2019, https://menarights.org/en/caseprofile/human-rights-lawyer-ali-jasib-hattab-al-heliji-disappeared-arrest-amarah-october-8-2019 (accessed 27 May 2024).

[183] *Ibid*.

[184] UN Special Procedures, *Iraq: UN experts appalled by killing of disappeared human rights defender's father*, 26 March 2021, https://www.ohchr.org/en/press-releases/2021/03/iraq-un-experts-appalled-killing-disappeared-human-rights-defenders-father (accessed 27 May 2024).

[185] OHCHR, *UN experts call on Iraq to investigate attacks on women human rights defenders*, 2 October 2020, https://www.ohchr.org/en/press-releases/2020/10/un-experts-call-iraq-investigate-attacks-women-human-rights-defenders (accessed 30 may 2024).

[186] *Ibid*.

[187] France24, *Iraq court sentences to death killer of academic Hisham al-Hashemi*, 7 May 2023, https://www.france24.com/en/live-news/20230507-iraq-court-sentences-to-death-killer-of-academic-hisham-al-hashemi (accessed 30 May 2024).

[188] The New Arab, *Iraq: Killer of researcher Hisham al-Hashimi has conviction annulled, raising concerns over militia influence*, 2 January 2024, https://www.newarab.com/news/iraq-annuls-conviction-killer-prominent-researcher (accessed 30 may 2024).

Among other forms of attacks on HRDs, Ali al-Bayati faced judicial harassment[189] as reprisal for his human rights work as a former commissioner of the Iraqi High Commission for Human Rights (IHCHR),[190] despite the immunity he was entitled to in his position.[191] In February 2022, he was investigated for defamation over TV statements about the IHCHR's work documenting claims of torture and denials of access to detention centres. In March 2022, he received a letter from Iraqi authorities demanding he refute statements against the administration of the governorate of Kirkuk under the threat of facing judicial proceedings, accusing him of inciting "disobedience, violation of the law, and sabotaging the peaceful coexistence of the people." In April 2022, Iraqi security forces attempted to visit his home in Baghdad, but he was not present.[192] UN experts urged the Iraqi authorities to protect him from reprisals due to his human rights work.[193] Fearing further acts of reprisal, al-Bayati fled Iraq.

Furthermore, online freedom of expression in Iraq has been severely restricted, and artists, activists and social media figures have increasingly been targeted through arrests, prosecutions, and sometimes killings. In January 2023, the Ministry of Interior initiated an "indecent content" campaign,[194] on the basis of Article 403 of the Penal Code which criminalises published material that "violates public integrity or decency".[195] The Ministry set up a committee to monitor "indecent" or "immoral" content on social media,[196] and launched a "Balgh" (report in Arabic) platform,[197] to report social media content that "violates public

[189] MENA Rights Group, *Intimidation and reprisal against Commissioner of Iraq's High Commission for Human Rights*, 5 May 2022, https://menarights.org/en/case/ali-al-bayati (accessed 27 May 2024).
[190] The IHCHR is Iraq's National Human Rights Institution (NHRI).
[191] Both the Paris Principles relating to the Status of National Institutions and the Law No. 53 of 2008 establishing the IHCHR provide that members and staff of such institutions are protected from both criminal and civil liability for acts undertaken in good faith in their official capacity.
[192] Al-Bayati's judicial harassment garnered global attention by rights organisations, as well as by the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia Pacific Forum (APF) of National Human Rights Institutions. See: GANHRI, *GANHRI and APF gravely concerned about case of intimidation and reprisal against Commissioner of Iraq's High Commissioner for Human Rights*, 18 March 2022, https://ganhri.org/ganhri-and-apf-concerned-about-case-of-intimidation-and-reprisal-against-commissioner-of-nhri-iraq/ (accessed 27 May 2024); Human Rights Watch, *Drop Complaint Against Iraq Human Rights Commission Member*, 10 March 2022, https://www.hrw.org/news/2022/03/10/drop-complaint-against-iraq-human-rights-commission-member (accessed 27 May 2024); FIDH, *Iraq: Judicial harassment of Dr Ali Akram al-Bayati*, 1 March 2022, https://www.fidh.org/en/issues/human-rights-defenders/iraq-judicial-harassment-of-dr-ali-akram-al-bayati (accessed 27 May 2024).
[193] UN Special Procedures, *AL IRQ 2/2022*, 31 March 2022, https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27181 (accessed 27 May 2024).
[194] Amnesty International, *Iraq 2023*, https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/iraq/report-iraq/ (accessed 16 May 2024).
[195] According to Article 403 of the Penal Code: "Any person who produces, imports, publishes, possesses, obtains or translates a book, printed or other written material, drawing, picture, film, symbol or other items that violate public integrity or decency with the intent to exploit or distribute such material is punishable by a period of detention not exceeding two years plus a fine not exceeding 200 dinars or by one of those penalties. The same penalty applies to any person who advertises such material or displays it in public or sells, hires, or offers it for sale or hire even though it is not in public or to any person who distributes or submits it for distribution by any means. If the offense is committed with intent to degrade, it is considered to be an aggravating circumstance."
[196] Iraqi News Agency, *Ministry of Interior: Forming a committee to monitor content on social media sites and hold their creators accountable*, 16 January 2023, https://www.ina.iq/175883--.html (accessed 16 May 2024).
[197] SMEX, *Iraq's Controversial "Ballegh" Platform for "Combating Indecent Content"*, 15 February 2023, https://smex.org/iraqs-controversial-ballegh-platform-for-combating-indecent-content/ (accessed 16 May 2024).

morals, contains negative and indecent messages, and undermines social stability".[198]

Within one month, the platform received over 96,000 complaints,[199] and fourteen people were charged for publishing "indecent" or "immoral" content on social media, six of whom were sentenced to prison terms ranging between six months to two years.[200] Some of the individuals who were prosecuted were known for creating content related to music and comedy.[201] The campaign continued, with an additional 13 people charged under Article 403 between April and December 2023.[202]

Human rights organisations, including Amnesty International and Human Rights Watch, expressed concerns that the campaign could suppress legitimate and protected peaceful speech and lead to self-censorship.[203] Among specific cases, in February 2023, TikTok user Ahmed Ali was arrested and detained for three days because one of his videos criticised the KRG's internal security forces.[204] TikTok user Aboud Skaiba was arrested for posting a video where he was singing with an English accent, and received a one-year suspended prison sentence in June 2023.[205] The same month, TikTok influencer Assal Hossam was sentenced to two years in prison after posting videos of herself reportedly wearing form-fitting clothing.[206]

In September 2023, Noor Alsaffar, a 23-year-old TikToker known to hundreds of thousands of followers as Noor BM, was shot dead.[207] Alsaffar, who identified as a male and posted

[198] Iraqi Ministry of Interior Facebook Account, 10 January 2023, https://www.facebook.com/ministry.of.interior.iraq/posts/pfbid02iqqrQV1hnn7pjSmNMvUXewkLto8arEYSFYGNuGmmvYThbhk91wKW6kjG4qxA847Nl (accessed 16 May 2024).

[199] Shafaq News, *The Interior Ministry receives 96,000 reports of "degrading content" and threatens officers with ties to "bloggers"*, 13 February 2023, https://shafaq.com/ar/%D9%85%D8%AC%D8%AA%D9%80%D9%85%D8%B9/%D8%A7%D9%84%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9-%D8%AA%D8%AA%D9%84%D9%82%D9%89-96-%D9%84%D9%81-%D8%AE%D8%A8%D8%A7%D8%B1-%D8%B9%D9%86-%D9%85%D8%AD%D8%AA%D9%88%D9%89-%D9%87%D8%A7%D8%A8%D8%B7-%D9%88%D8%AA%D8%AA%D9%88%D8%B9%D8%AF-%D8%B6%D8%A8%D8%A7%D8%B7%D8%A7-%D8%B9%D9%84%D9%89-%D8%B9%D9%84%D8%A7%D9%82%D8%A9-%D9%85%D8%B9-%D8%A8%D9%84%D9%88%D8%BA%D8%B1%D8%A7%D8%AA (accessed 16 May 2024).

[200] Iraqi News Agency, *The judiciary reveals the details of combating substandard content, the numbers of defendants, and discloses an expected list for publication on social media sites*, 13 February 2023, https://www.ina.iq/178165--.html (accessed 16 May 2024); Amnesty International, *Iraq: Joint statement: Iraqi authorities must cease chilling crackdown on free speech*, 3 March 2023, https://www.amnesty.org/en/documents/mde14/6511/2023/en/ (accessed 16 May 2024).

[201] France24, *TikTokers jailed as Iraq targets 'decadent content'*, 16 February 2023, https://www.france24.com/en/live-news/20230216-tiktokers-jailed-as-iraq-targets-decadent-content (accessed 16 May 2024).

[202] The majority were released on bail or after charges against them were dropped, but at least one person was convicted and sentenced to a prison term of three months and 10 days. See: Amnesty International, *Iraq 2023*, https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/iraq/report-iraq/ (accessed 16 May 2024).

[203] Amnesty International, *Iraq: Joint statement: Iraqi authorities must cease chilling crackdown on free speech*, 3 March 2023, https://www.amnesty.org/en/documents/mde14/6511/2023/en/ (accessed 16 May 2024).

[204] Freedom House, *Freedom of the Net 2023: Iraq*, https://freedomhouse.org/country/iraq/freedom-net/2023#footnote7_fm6nr92 (accessed 24 May 2024).

[205] *Ibid*.

[206] The Sun, *TikTokers jailed as Iraq targets 'decadent content'*, 16 February 2023, https://thesun.my/world/tiktokers-jailed-as-iraq-targets-decadent-content-OD10645957 (accessed 24 May 2024).

[207] CNN, *Prominent Iraqi TikToker fatally shot in Baghdad amid crackdown on LGBTQ community*, 28 September 2023, https://edition.cnn.com/2023/09/27/middleeast/iraq-lgbtq-shot-intl/index.html (accessed 24 May 2024).

content as a model and makeup artist, had faced online harassment and threats about sexuality and gender.[208]

In April 2024, Ghufran Sawadi, Iraqi TikTok star known to hundreds of thousands of online followers as Om Fahad, was shot dead by an unknown individual in a late-night attack outside her home in Baghdad, while she was sitting inside.[209] In January 2023, she had been sentenced to six months in prison on charges of "publishing derogatory content" after posting videos of herself singing and dancing.[210]

The judge specialised in media and publishing issues at the Third Investigative Court in Al-Karkh, who has been at the forefront of the "indecent content" campaign, stated that measures would also target content creators abroad, with plans for extradition orders in cooperation with Interpol for those who failed to turn themselves in.[211]

2.3.2 Kurdistan region of Iraq (KR-I)

KRG authorities have increasingly weaponised vaguely worded laws[212] to bring criminal charges against dissenting voices.[213] Between August 2020 and July 2021, an estimated 76 journalists, activists and teachers from the Badinan region were arrested by security forces and imprisoned in Erbil.[214]

CPT closely documented the cases of 25 individuals, referred to as "Badinan prisoners",[215] who were arrested between August 2020 and October 2021 and imprisoned as reprisals for expressing opinions deemed critical of the authorities in trials marred by serious violations of due process and fair trial standards.[216]

---

[208] *Ibid*.

[209] Al Jazeera, *Iraqi TikTok star Om Fahad shot dead in Baghdad night attack*, 27 April 2024, https://www.aljazeera.com/news/2024/4/27/iraqi-tiktok-star-om-fahad-shot-dead-in-baghdad-night-attack (accessed 24 May 2024).

[210] Freedom House, *Freedom of the Net 2023: Iraq*, https://freedomhouse.org/country/iraq/freedom-net/2023#footnote7_fm6nr92 (accessed 24 May 2024).

[211] Iraqi News Agency, *The judiciary reveals the details of combating substandard content, the numbers of defendants, and discloses an expected list for publication on social media sites*, 13 February 2023, https://www.ina.iq/178165--.html (accessed 16 May 2024).

[212] Laws which are routinely used to prosecute activists and government critics in the K-RI include but are not limited to: the Iraqi Penal Code, or Law No. 111 of 1969 (accessible here: https://menarights.org/sites/default/files/2016-11/IRQ_Penal%20Code%201969%20as%20amended_eng.pdf); Law No. 21 of 2003 Repealing Article 156 of the Iraqi Penal Code No. 111 of 1969, which governs matters of national security (accessible here: https://legislation.krd/law-detail/?id=2374); and Law No. 6 of 2008 to Prevent the Misuse of Telecommunications Equipment (accessible here: https://legislation.krd/law-detail/?id=1774).

[213] Human Rights Watch, *The KRG Needs to Listen to Critics, Not Arrest Them*, 15 June 2020, https://www.hrw.org/news/2020/06/15/krg-needs-listen-critics-not-arrest-them (accessed 24 May 2024).

[214] CPT-IK, *Trials of the 9 Badinan Activists*, 3 August 2021, https://cptik.org/reports/2021/8/2/trials-of-the-9-badinan-activists (accessed 22 May 2024).

[215] The "Badinan prisoners" are a group of journalists and activists from the ethnic Badinani group who were arrested in the wake of 2020 anti-government protests.

[216] See: CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 22 May 2024).

Among them, five individuals arrested in December 2020 in Duhok were imprisoned for two years for having criticised the KRG of corruption and lack of transparency.[217] They were convicted for having committed "acts prejudicial to the security, stability and sovereignty of the Kurdistan region of Iraq".[218] Four other Badinan prisoners, who were arrested in Duhok between August and September 2020, were jointly tried in November 2021, convicted on charges of "anti-state activities", and sentenced to prison sentences ranging from one year and two months to three years and six months.[219]

Recommendations:

- Guarantee and protect activists, HRDs and social media figures' right to freedom of expression, online and offline, in law and in practice;
- Immediately and unconditionally release activists, HRDs and social media figures detained for the legitimate exercise of their fundamental freedoms or for their journalistic work;
- Take credible steps to create a conducive environment where activists, HRDs and social media figures can exercise their right to freedom of expression safely and freely, including when critical of government authorities;
- Cease targeting activists, HRDs and social media figures through legal threats, criminal charges or detention;
- Cease using overly broad and vaguely worded criminal offenses with harsh penalties to target activists, HRDs and social media figures;
- Conduct prompt, independent and effective investigations into the killings of HRDs and social media figures;
- Cease the "indecent content" campaign;
- Ensure that activists, HRDs and social media figures whose human rights have been violated are provided with access to effective remedies and reparation.

2.4 Curtailment of freedom of association

Iraq has supported recommendations to respect and protect the right to freedom of association.[220] However, authorities have failed to implement these recommendations in practice.

[217] They had publicly shared their concerns about the Turkish cross-border bombardments in the K-RI and protested against the presence of Turkish military bases in Shiladze and the K-RI. See: CPT-IK, *The Badinan Prisoners: Updates and Biographies*, https://cptik.org/bp-updates (accessed 22 May 2024).
[218] According to Article 1 of Law No. 21 of 2003: "Anyone who deliberately and in any way engages in an act intended to harm the security, stability and sovereignty of the institutions of the Kurdistan Region of Iraq and causes such harm, is punishable by imprisonment for life or provisional imprisonment".
[219] See cases of Masoud Ali Haji, Bandawar Ayoub, Sherwan Taha, and Karger Abas, accessible here: https://cptik.org/bp-updates (accessed 27 May 2024).
[220] Supported: 147.202 (Italy); 147.194 (Australia); 147.189 (Switzerland); 147.185 (Slovakia).
[221] See website of the Iraqi federal Department of NGOs, accessible here: https://www.ngoao.gov.iq/ (accessed 27 May 2024).

2.4.1 Iraq

In Iraq, NGOs must register with and report to the Iraqi federal Department of NGOs,[221] established in 2010[222] and currently headed by Ashraf al-Dahan.[223] In practice, Iraqi NGOs have highlighted a seeming political will to limit their work, evident through increasing requirements and restrictions imposed on them.[224] For instance, NGOs are reportedly subjected to overly lengthy and cumbersome procedures with short deadlines,[225] and authorities can dictate their internal structure, mandate, [226] and even their choice of name. [227] In March 2024, al-Dahan stated that certain organisations work "against Iraq", and announced plans to amend the NGO law so as to restrict the activities of organisations "compromising the country's security" and its "social customs and traditions".[228]

2.4.2 Kurdistan region of Iraq (KR-I)

Similarly, NGOs in the K-RI face increasing restrictions, particularly since Barzan Akram Mantik was appointed head of the KRG's Department of Non-Governmental Organisations[229] following Masrour Barzani's appointment as Prime Minister in 2019.[230] The KRG's NGO

[221] See website of the Iraqi federal Department of NGOs, accessible here: https://www.ngoao.gov.iq/ (accessed 27 May 2024).
[222] The legal basis for the Iraqi federal Department of NGOs can be found in Law No. 12 of 2010 on Non-Governmental Organisations, accessible here: https://www.icnl.org/wp-content/uploads/Iraq_12-2010-En.pdf.
[223] https://mofa.gov.iq/2022/31211/ (accessed 27 May 2024).
[224] In 2021, a group of Iraqi civil society organisations condemned the restrictive policies imposed by the NGO Department, citing violations of the NGO law, the Iraqi constitution, and international human rights standards. See: Al Jazeera Net, *Demands to amend the law on non-governmental organizations in Iraq*, 29 March 2024, https://www.aljazeera.net/politics/2024/3/29/%D9%85%D8%B7%D8%A7%D9%84%D8%A8-%D8%A8%D8%AA%D8%B9%D8%AF%D9%8A%D9%84-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A7%D8%AA-%D8%BA%D9%8A%D8%B1 (accessed 27 May 2024).
[225] One NGO has reported that the NGO Department requires from NGOs the submission of annual financial reports since the date of establishment until the present day, as well as the approval of the reports by the Board of Financial Supervision or the Accountants Syndicate, within a 10-day deadline.
[226] An official from the NGO Department reportedly told one NGO that Iraq was already "enjoying democracy and human rights" and questioned the "need and benefit" of registering an organisation focused on those matters. See: U.S. Department of State, *Iraq 2023 Human Rights Report*, https://iq.usembassy.gov/wp-content/uploads/sites/103/2024/04/IRAQ-2023-HUMAN-RIGHTS-REPORT.pdf (accessed 24 May 2024), p. 36.
[227] NGOs have reported that if the name of their organisation pertained to human rights or democracy, registrations could take longer than one year. See: U.S. Department of State, *Iraq 2023 Human Rights Report*, https://iq.usembassy.gov/wp-content/uploads/sites/103/2024/04/IRAQ-2023-HUMAN-RIGHTS-REPORT.pdf (accessed 24 May 2024), p. 36.
[228] Al Jazeera Net, *Demands to amend the law on non-governmental organizations in Iraq*, 29 March 2024, https://www.aljazeera.net/politics/2024/3/29/%D9%85%D8%B7%D8%A7%D9%84%D8%A8-%D8%A8%D8%AA%D8%B9%D8%AF%D9%8A%D9%84-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A7%D8%AA-%D8%BA%D9%8A%D8%B1 (accessed 11 June 2024).
[229] The Kurdistan Regional Government's Department of Non-Governmental Organisations is an official body responsible for registering, organising, and monitoring all non-governmental organisations in the region. See website of the Department, accessible here: https://gov.krd/dngo-en/ (accessed 22 May 2024).
[230] On 10 July 2019, Masrour Barzani was appointed as Prime Minister of the 9th cabinet of the KRG. Prior to his appointment, Mr Barzani acted as the chief of intelligence and security forces in his quality as Chancellor of the Kurdistan Region Security Council. See: https://gov.krd/english/government/the-prime-minister/ (accessed 24 May 2024).

Department has reportedly made registration and license renewal procedures extremely cumbersome.[231] For example, the Community Peacemaker Teams – Iraqi Kurdistan (CPT-IK),[232] which supports journalists and activists, were denied their administration order for two years (2021-2023) and faced threats and severe restrictions.[233] As a result of this climate imposed on civil society, many NGOs were closed down or left the K-RI.

Iraqi Kurdish civil society actors have reported that Mantik's appointment marked the beginning of widespread targeting of NGOs working on freedom of expression and human rights, including women's rights and LGBTQ+ rights.[234] In May 2023, a court ordered the closure of Rasan Organisation over "its activities in the field of homosexuality",[235] because its its rainbow-coloured logo,[236] stating that the latter was "a complete expression of its activities in the field of homosexuality".[237] The closure followed a complaint to the head of the NGO Department and a lawsuit filed against Rasan in February 2021 by member of the Kurdistan Parliament Omar Gulpi, who accused Rasan of "promoting homosexuality," and "engaging in activities that defy social norms, traditions, and public morality".[238] Local police then issued arrest warrants for 11 LGBTQ+ rights activists associated with Rasan based on article 401 of the Penal Code, which criminalises "public indecency."[239]

Recommendations:

- Guarantee and protect the right to freedom of association, in law and in practice;
- Guarantee the establishing of associations upon notification;
- Take credible steps to create a conducive environment where NGOs and civil society can exercise their right to freedom of association and expression safely and freely.

[231] U.S. Department of State, *Iraq 2023 Human Rights Report*, https://iq.usembassy.gov/wp-content/uploads/sites/103/2024/04/IRAQ-2023-HUMAN-RIGHTS-REPORT.pdf (accessed 24 May 2024), p. 35-36.
[232] Community Peacemaker Teams (CPT) is an international human rights organisation registered in the USA as a faith-based 501(c)(3) non-profit and in Iraqi Kurdistan as an international nongovernmental organisation (INGO). See CPT's website, accessible here: https://cptik.org/about (accessed 24 May 2024).
[233] For instance, whenever CPT-IK staff requested authorities to renew their administration order, they were told, "go ask Badinan prisoners to give you the administration order." They were threatened, severely restricted in their work, and essentially told they would no longer be allowed to work.
[234] Information provided by CPT-IK.
[235] Human Rights Watch, *Kurdistan Region of Iraq: LGBT Rights Group Shuttered*, 6 July 2023, https://www.hrw.org/news/2023/07/06/kurdistan-region-iraq-lgbt-rights-group-shuttered (accessed 22 May 2024).
[236] The court stated that the "the logo of the organisation is a complete expression of its activities in the field of homosexuality". See logo of Rasan Organisation here: https://www.hrw.org/video-photos/photograph/2023/06/30/202306mena-iraq-lgbt-logo (accessed 22 May 2024).
[237] Human Rights Watch, *Kurdistan Region of Iraq: LGBT Rights Group Shuttered*, 6 July 2023, https://www.hrw.org/news/2023/07/06/kurdistan-region-iraq-lgbt-rights-group-shuttered (accessed 22 May 2024).
[238] Rudaw, *LGBT+ activists slam 'immoral' lawsuit against Sulaimani organization*, 22 February 2021, https://www.rudaw.net/english/kurdistan/220220212 (accessed 22 May 2024).
[239] Human Rights Watch, *"Everyone Wants Me Dead" Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq*, 23 March 2022, https://www.hrw.org/sites/default/files/media_2022/03/iraq_lgbt0322_web_0.pdf (accessed 22 May 2024).