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Attacks on the Press 2010 - Iraq

Top Developments

- New press court, politically motivated lawsuits raise alarm.
- As instability festers, five journalists, three support workers are killed.

Key Statistic

- **\$1 billion:** Damages sought by the Kurdistan Democratic Party from a newspaper that detailed alleged political corruption.

Instability festered throughout the year as political parties wrangled to form a new government after March elections and U.S. troops handed over security to Iraqi forces in August. At least five journalists and three media support workers were killed in relation to their work, reflecting a persistent level of insecurity. Government forces were holding a critical newspaper editor without apparent charge or due process.

Eight months of deadlock between the country's three main political blocs appeared to end in November when parliament finally reconvened and chose Jalal Talabani, head of the Patriotic Union of Kurdistan, to serve again as president. Talabani reappointed Nouri al-Maliki, head of the Dawa Party, as prime minister. Ayad Allawi, leader of the secular Iraqiya bloc that actually won the most seats in parliament, was to serve as head of a new National Council for Strategic Policy, and his coalition was awarded the speakership. But key slots remained open when cabinet appointments were made in December, signaling the tenuous nature of the deal.

Amid the uncertainty, journalists faced new legal threats. The Supreme Judicial Council declared in July that it would create a special press court to address media offenses such as defamation. The Journalistic Freedoms Observatory, a local press freedom group, challenged the constitutionality of the court, citing Article 95 of the Iraqi Constitution, which states that "special or exceptional courts may not be established." CPJ research shows that special press courts have historically been used to restrict and punish critical journalists. Defying widespread objections, the government quietly pressed ahead with the plan. By late September, the special press court heard its first case, a defamation lawsuit filed by the Ministry of Sports and Youth against *Al-Alam*, a Baghdad newspaper that had published a story about alleged mismanagement in the agency. The court found in favor of *Al-Alam* in October.

CPJ had urged authorities to focus their efforts not on a special court but on solving attacks on the press, hundreds of which have been carried out with impunity. Of the 145 journalists killed in Iraq since 2003, for example, at least 93 were targeted for murder,

CPJ research showed. Iraqi authorities have failed to bring a single individual to justice in these cases, making the country the worst worldwide on CPJ's Impunity Index, which calculates the number of unsolved journalist murders as a percentage of a nation's population.

As if illustrating the problem of impunity, authorities conducted an opaque investigation into a high-profile journalist murder, producing a cursory report that raised more questions than it provided answers. CPJ and local press freedom organizations challenged the credibility of the probe by Kurdish authorities into the kidnapping and murder of reporter Sardasht Osman.

Gunmen seized Osman near the University of Salahaddin in Arbil on May 4; his body, shot and heavily bruised, was found in eastern Mosul a day later. Osman, an English student at the university who also worked for independent news outlets, had been sharply critical of the Kurdish leadership. His brother, Bashar, told CPJ in May that he was convinced that Osman was killed in connection with a satirical article he wrote for the Sweden-based *Kurdistan Post* in April about high-ranking Kurdistan Regional Government (KRG) officials allegedly involved in corruption. The journalist received numerous threatening phone calls demanding that he stop writing about the KRG and its officials, according to local news reports. After Osman's death, several demonstrations were organized in Iraqi Kurdistan and Baghdad denouncing the murder and demanding justice.

On May 17, a group of veteran foreign journalists who cover Iraqi Kurdistan wrote a letter to Massoud Barzani, president of the KRG, and Iraqi President Talabani, urging them to launch an independent investigation into Osman's murder. CPJ followed with a May 24 letter to Barzani that expressed concern about deteriorating conditions for the press in Iraqi Kurdistan. Barzani soon appointed a committee to investigate the case, but the committee's members were never identified. The committee's cursory, 430-word report, issued in September, claimed that Osman had been killed by Ansar Al-Islam, an extremist group. The report alleged that the journalist had links to Ansar Al-Islam and had been killed for not carrying out unspecified work for the group. The report cited no supporting evidence for its claims. In a statement published on several websites, Ansar Al-Islam denied the report's claims.

The overall situation deteriorated in the northern provinces under the administration of the KRG. In addition to the abduction and murder of Osman, independent journalists complained about a rise in harassment and politically motivated lawsuits filed by the ruling parties. "The situation for the press is getting worse in Iraqi Kurdistan," Kemal Rauf, editor-in-chief of the independent twice-weekly *Hawlati* newspaper, told CPJ. "There are attempts to restrict the semi-freedom that we have." On March 4, for example, Kurdish security forces known as *asaish* raided Radio Dang, a newly established station in Kalar district, interrupting its programming and confiscating its equipment. Authorities claimed Radio Dang did not have a license to broadcast, an assertion disputed by the station. After an outcry by press freedom groups, the *asaish* returned the equipment and allowed the station to resume broadcasting. Radio Dang was the first independent radio station to broadcast in the area.

Although a press law passed by the Kurdistan regional parliament in 2008 has been lauded, its implementation has been haphazard and its future was in doubt. The law does not authorize prison penalties or the closing of news outlets, but journalists told CPJ that authorities have abused the legal system to pursue critical journalists. Initially, after the law's passage, authorities repeatedly charged journalists under provisions of the much harsher 1969 Iraqi penal code, which remains on the books and provides for extended prison sentences for numerous violations. After CPJ and other groups decried the move, plaintiffs began to file lawsuits under the 1969 Iraqi civil code, also still on the books. CPJ documented a series of politically motivated lawsuits that sought disproportionate damages intended to silence critical journalists. The Kurdistan Democratic Party (KDP), for example, filed several civil suits in 2010 against publications that scrutinized its activities.

Fazil Mirani, secretary of the KDP's politburo, filed the first of those cases in July: a

US\$1 billion defamation lawsuit against *Rozhnama* newspaper, affiliated with the main Iraqi Kurdish opposition group Gorran. The paper had published a report claiming that the two ruling parties, the KDP and the Patriotic Union of Kurdistan, had made millions from illicit oil sales. In the following weeks, Mirani filed lawsuits against other newspapers over stories critical of the KDP, each of which demanded 500 million Iraqi dinars (more than US\$400,000) in damages.

KRG officials made a number of public comments reflecting a desire to change the 2008 press law to make its provisions more restrictive. In a July interview with the KDP-affiliated *Gulan* magazine, Barzani said journalists had "negatively taken advantage of this law and have crossed all limits. Now it is up to the parliament to review it, because all the freedoms should be regulated by law." Mohamed Mala Qadir, a member of KDP's politburo, offered similar comments to the private newspaper *Destur* in September: "Freedoms should not be available for journalists to use them any way they want." No formal legislation had been presented in parliament as of late year.

Iraqi government forces seized at least two journalists, one of whom remained in custody when CPJ conducted its annual worldwide census of imprisoned journalists on December 1. Police and military officials took Saad al-Aossi, editor-in-chief of the critical weekly *Al-Shahid*, from his home in central Baghdad on April 14, according to press reports. Subsequent news reports said he was being held at a facility administered by the Counter-Terrorism Force, an elite unit reporting directly to Prime Minister al-Maliki. The editor was detained just six days after publishing an opinion piece criticizing the prime minister for lack of transparency in filling high-level government positions. In a letter to al-Maliki, CPJ said the circumstances strongly suggested that al-Aossi was targeted for his critical reporting. No charges against al-Aossi had been publicly disclosed by late year.

On June 3, counterterrorism forces arrested veteran journalist Riyadh Qassim, a spokesman for the Iraqi Supreme Judicial Council told the privately owned AK News. The journalist was held on terrorism-related charges, although authorities didn't disclose any details. He spent 25 days in custody before the Al-Karada Investigative Court in Baghdad ruled that there was insufficient evidence to hold him. Qassim worked for the Baghdad-based *Al-Mada* newspaper at the time, but later launched his own paper, *Al-Youm*.

On February 10, the U.S. military released Iraqi photographer and cameraman Ibrahim Jassam after holding him without charge for 17 months in Iraq. Jassam, a freelancer who contributed to Reuters, was arrested on September 2, 2008, by U.S. and Iraqi forces during a raid on his home in Mahmoodiya, south of Baghdad. Although the Iraqi Central Criminal Court concluded in November 2008 that there was no evidence to charge Jassam with a crime, U.S. military forces continued to hold him for more than a year.

"I was treated badly," Jassam told CPJ in September. "Initially, I was held in a one-square-meter room painted in black for 21 days." He said that he was interrogated about his work and whether he was photographing in Sunni or Shiite areas. Jassam's release appeared to close a regrettable chapter in the U.S. involvement in Iraq – the prolonged detention of Iraqi journalists without charge or due process. During the course of the conflict, at least 13 Iraqi journalists were held by the U.S. military for weeks or months without charge, CPJ research showed. All were eventually released without charges ever being corroborated.

In early April, the website WikiLeaks disclosed a U.S. military video showing a July 2007 attack by U.S. forces in Baghdad that resulted in the deaths of several people, among them Reuters photographer Namir Noor-Eldeen and assistant Saeed Chmagh. In April, CPJ sent a letter to U.S. Secretary of Defense Robert Gates, reiterating previous calls for a comprehensive, impartial, and public inquiry into the killings of Noor-Eldeen, Chmagh, 15 other journalists, and two other media support workers by U.S. forces in Iraq since 2003. Gates did not respond.

Although deadly violence remained far below the historic levels of 2003 through 2008, journalists continued to be targeted for attack. Riad al-Saray, a presenter of religious

programming for state-run Al-Iraqiya television, was killed when a group of unidentified gunmen opened fire on his car in western Baghdad on September 7, according to news reports. Amar Hassan, an Al-Iraqiya colleague, said that al-Saray was on his way to Karbala in southern Iraq when he was gunned down in the early morning. At least 14 other Iraqi Media Network staffers have been killed since the U.S.-led invasion of 2003, the highest death toll for any media organization in Iraq during that period, CPJ research showed.

A day later, Safa al-Din Abdel Hamid, a presenter for the privately owned Al-Mosuliya television, was shot in front of his Mosul home by unidentified gunmen as he was leaving for work in the morning. Abdel Hamid presented a program called "Our Mosques," which detailed the history of religious landmarks in Mosul, his producer, Mohamed al-Malaki, told CPJ. And on October 4, freelance cameraman Tahrir Kadhim Jawad was killed in Garma. He was on his way to deliver footage to Baghdad, about 50 miles away, when a bomb attached to his car exploded, according to local press freedom groups and online news reports.

A suicide bomber driving a minibus attacked the offices of Al-Arabiya in Baghdad on July 21, killing three support staffers. *The New York Times* reported that Al-Qaeda in Mesopotamia claimed responsibility for the bombing, which took the lives of security guards Aysar Mahmoud Hamid Zankana and Mohamed Abd al-Kareem Hadi al-Bayati, and cleaning person Amira Hatem. According to a statement issued by Al-Qaeda in Mesopotamia, the attack was in response to a program called "The Death Industry," which focused on the human toll of terrorism, *The New York Times* reported.

The Islamic State of Iraq, an Al-Qaeda-affiliated group, claimed responsibility for a December suicide attack in Ramadi that killed Omar Rasim al-Qaysi, an anchor for Al-Anbar TV, news accounts said. At least 13 were killed and 40 others wounded when a car bomb detonated at the gate to a government compound. The bombing, which came amid a series of attacks, occurred as Iraqi leaders were struggling to form a new government.

In November, the Communications and Media Commission closed Al-Baghdadia's Baghdad and Basra offices after the Cairo-based satellite channel aired the demands of gunmen who attacked a Christian church. An hours-long standoff ended when Iraqi security forces stormed the church; in all, 58 people were killed and 75 were wounded.

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