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Freedom of the Press 2010 - Iraq

Status: Not Free

Legal Environment: 22

Political Environment: 27

Economic Environment: 16

Total Score: 65

Iraq was a less dangerous place for journalists in 2009 than in previous years, but both security conditions and government restrictions on the media continued to pose significant challenges. Iraq's 2005 constitution guarantees freedom of the press, the right to peaceful assembly, and freedom of opinion, as long as they are exercised in a way that "does not violate public order and morality." The constitution also outlines a legal framework for the creation of an independent National Communications and Media Commission to regulate broadcast media. However, old laws that restrict the press remain on the books, including articles in the 1969 penal code that criminalize libel, defamation, the disclosure of state secrets, and the spreading of "false news." These provisions set harsh penalties for press-related offenses, including fines and up to seven years in prison for anyone who insults the parliament, the government, or public authorities. Orders left over from the U.S.-led Coalition Provisional Authority prohibit demonstrating support for the Ba'ath party; inciting violence, rioting, or civil disorder; and demonstrating support for altering Iraq's borders through violence. Such legal constraints contribute to widespread self-censorship.

In several instances during 2009, high-ranking officials used lawsuits or threats of lawsuits to intimidate journalists. In April, a lawsuit was filed against Al-Diyar television for broadcasting interviews with employees of the Ministry of Transportation who claimed they had been unjustly fired. In May, the Iraqi National Intelligence Service filed a lawsuit against Britain's *Guardian* newspaper for quoting an unnamed source as saying that the prime minister was "increasingly autocratic"; the paper was fined US\$86,000 in November, but the decision was under appeal at year's end. Also in May, the trade minister filed three defamation suits against the daily newspaper *Al-Mashriq* after it published articles alleging corruption in the ministry. Officials filed a number of additional cases against both local and international outlets during the year.

A group of independent experts, including journalists and academics, completed a draft law in 2009 that was designed to safeguard freedom of access to information. However, media watchdog groups criticized the draft for failing to include an individual's right to appeal to an independent administrative body when access to information is denied. It was not clear when the proposed law would be considered by the parliament. In June, Iraqi journalists sent a letter to Prime Minister Nouri al-Maliki, asking him to suspend or amend laws that restrict media freedom, publicly condemn violent acts against journalists, pressure the U.S. military to respect Iraqi court decisions to release journalists, direct government agencies to halt politically motivated lawsuits against journalists, and order the military to stop preventing journalists from doing their work.

In August, hundreds of Iraqi journalists, academics, and human rights activists protested against draft legislation that would tighten restrictions on print and online media, including censorship of publications, blocks on websites that are deemed offensive, and a rule prohibiting journalists from "compromising the security and stability of the country."

According to the Committee to Protect Journalists, four journalists were killed in Iraq in 2009, down sharply from 11 in 2008 and 34 in 2007. Nevertheless, Iraq remained a dangerous place for the press, due to general ongoing security challenges as well as direct threats to specific journalists. The most prominent attack occurred in November, when gunmen shot and wounded Emad al-Ebadi, director of Al-Diyar television. Al-Ebadi had exposed corruption in the presidential office and criticized the Iraqi security forces, which he accused of acting illegally and outside the Iraqi constitution. In another incident, Nabaz Goran, an editor of the independent Kurdish-language magazine *Jihan* who has been critical of the Kurdistan Democratic Party, was brutally beaten in October as he left the magazine's offices in Erbil.

Iraqi journalists have repeatedly called on al-Maliki's government to investigate assassinations of journalists, but little progress has been made. The prime minister issued an order to investigate the 2008 killing of Shihab al-Tamimi, president of the Iraqi journalists' syndicate, but family members complained in 2009 that the case had been quietly forgotten. The International Federation of Journalists said in November that it was concerned about what it called a pattern of neglect on the part of the government when it came to investigating murders of media workers. Of the four journalists killed in 2009, one, cameraman Orhan Hijran of Al-Rasheed satellite television, appears to have been deliberately targeted by a bomb that exploded in front of his home in Kirkuk, while the others were apparently killed in bombings directed at others. Many more have narrowly escaped assassination attempts, including a June incident in which two journalists from Al-Iraqiya television were injured by a bomb attached to their car in Baghdad.

Iraqi journalists also protested the continued detention of Reuters cameraman Ibrahim Jassam, who was arrested by U.S. soldiers in 2008 and was still in detention without charge at the end of 2009. The Journalistic Freedoms Observatory (JFO) has logged dozens of instances of assault and harassment of journalists by security forces. In February 2009, a crew from Al-Itijah satellite television was beaten by Iraqi soldiers after refusing to obey orders not to enter the southern town of Karbala. Cameraman Majeed Imadedin was assaulted in March by police at a checkpoint while on his way to cover a religious ceremony in Samara. Security forces associated with the governor of Diyala province shut down a local radio station in July after it aired citizens' complaints against the government. Despite these adverse conditions, four Iraqi journalists received JFO Press Courage Awards for investigative pieces that uncovered corruption in Iraq's government and police, including al-Ebadi of Al-Diyar. Other positive steps in 2009 included the September release of Muntazer al-Zaidi, the journalist jailed in late 2008 for throwing his shoe at then U.S. president George W. Bush during a news conference.

Hundreds of print publications and dozens of private television and radio channels operate all over the country, but most are associated with a political party, ethnic group, labor syndicate, or social organization. In addition, most print outlets suffer from precarious finances, meaning their circulations remain extremely small and they do not publish regularly. Traditional, independent journalism is spearheaded by successful outlets such as *Assabah al-Jadeed* and *Hawlati*, and the news agency Aswat al-Iraq. The government-controlled Iraqi Media Network includes Al-Iraqiya television, the newspaper *Al-Sabah*, and radio stations throughout the country. Among the largest Iraqi television stations is Al-Sharqiya, which broadcasts from Dubai and features news, soap operas, and satire. An estimated 40 percent of Iraqis had access to foreign satellite television in 2009. Media infrastructure has improved with the spread of digital communication technologies and new printing presses in Baghdad and Basra. However, many journalists remain poorly trained, resulting in a lack of balanced journalism and greater reliance on transnational satellite television channels, such as Al-Jazeera or Al-Arabiya, for comprehensive and accurate news.

Only slightly more than 1 percent of Iraqis had access to the internet in 2009, though online access has been relatively free in recent years, unlike in many other countries in the region. However, in August 2009, authorities announced plans to increase censorship of websites and online content, and to require internet cafes to register or face closure.

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