



Annual Report: 21 Martyrs and 286 violation cases against Journalists in Iraq in 2013

Threats of killings, activation of inherited laws and governmental ignorance,
all this brings back immigration of journalists.

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2003 witnessed an unusual methodology of targeting journalists in different locations in Iraq, and especially in Ninawa Province which is abandoned by most of journalists, the sum of victims was the most since 2007, more than 21 journalist were killed 17 of which were killed due to the nature of their work.

The Press freedom advocacy association in Iraq registered more than 286 cases of violation against journalism between kidnappings and abducting, bullying and preventing coverage, it also registered more than 700 trial cases in the court of “publication and media” alone, all the cases were regarding “Crimes of libel and defamation” of the Iraqi law 1969, some of the inherited laws of the previous era which is re used in the so called “protecting journalists law” which was drafted by the parliament in 2011.

Although the most noticeable issue in 2013 was targeting journalists, but the legislative challenge is most dangerous challenge against the freedom of press, given that both legislative and executive powers is a band of draft laws not only threatens press and media but the whole transformation to democracy in Iraq. The association delivered the first proposal of revision for “journalist rights law” to the parliamentary committee of culture and media in September 2013 and till now it has not been listed for the parliament’s agenda.



Martyrs



نبراس النعيمي



اسعد زغلول

بشار النعيمي



عادل محسن حسين



مهند محمد



محمد كريم



كاوه كرمياني



موفق العاني



تحطبان سامي

محمد غانم



ياسر الجميلي



وضاح الحمداني



علاء ادور

21 journalist were martyred in different places in Iraq, Ninawa got the most number of victims and was the dangerous

- The assassination of the veteran journalist “Hameed Rasheed Abbas” in south west Baghdad by gunmen on the 6th February 2013.
- The assassination of the TV reporter “Mufaq Al Anni” by gunmen in Mansoor district in west Baghdad on the 6th May 2013



- The finding of the journalist corpse “Zamil Ghanim” after one day of kidnapping him by gunmen in Washash area in Baghdad on the 9th June 2013.
- The assassination of the writer and official spokesperson for Ninawa provincial council “Qahtan Sami” in Mosul, Ninawa on the 8 July 2013.
- The assassination of Sharqiya TV network reporter “Mohammed Kareem” and his colleague cameraman Mohammed Ghanim in Mosul, Ninawa on the 8th October 2013.
- The assassination of reporter and spokesperson of Ninawa province “Saad Zaghlool” in Mosul on the 8th October 2013.
- The assassination of Al Mosiliya TV network cameraman “Bashar Al Naiemy” in Mosul on the 24th Oct 2013.
- The assassination of reporter and photographer “Ala’a Adwar” near his house in Mosul on the 24th November 2013.
- The assassination of Baghdad TV reporter “Wadah Al Hamdani” in Basra due to random firing on the 27 November 2013.
- The assassination of writer and journalist “Adil Mouhsin Hussein” by gunmen in Mosul on the 2nd December 2013.
- The execution of Iraqi Reporter “Yassir Al Jumaily” in Syria by Al Nusra front on the 3rd December 2013
- The assassination of journalist “Kawa kirmiyani” by gunmen in Kalar area in Kurdistan on the 5th December 2013
- The assassination of TV anchor in Mosilyia TV network “Nibras Al Naiemy” near her house in Mosul on the 15th December 2013.
- The killing of journalist “Muhanad Mohammed” due to explosion in Dora area Baghdad on the 19th December 2013.



- The martyr of 5 staff of Salahadin TV network in Tikrit after their building was invaded by Al Qaida gunmen on the 23rd December 2013.
- Martyr of journalist Omar Al Faraji by sniper during his work in Ramadi, Anbar province on the 31st December 2013.

Escaping punishment

The association sees that the continuing of targeting journalist in Iraq is not only due to the bad security situation but it is more of a systematically targeting of reporters and journalists by terrorism and militias.

And this continuity comes due to the criminals are always escaping from punishment, the security forces are not taking the situation seriously enough in capturing criminals, which encouraged many parties to make use of the silence and ignorance of governmental authorities especially that relevant authorities have not taken any measures to capture criminals neither it uncovered the responsible parties behind it since 2003.

None of the criminals have been captured, except for what the authorities in Kurdistan announced regarding the capturing of the criminals who killed the journalist “Kawa Kirmani” without announcing any further details. There is no sufficient belief towards what the authorities announced after capturing one of the criminals who declared his crime of killing Nawras Al Naimy and that his motive for killing her was to steal her purse and this is what the association is not convinced of especially with the programmatic killings in Ninawa.

The return of threats and escalating of violations

The association registered 36 cases of killings of reporters and journalist in different places in Iraq, one of them was the head of “Al Alem Al Jadeed” newspaper Firas Saadon,



journalist Muhanad Dawood who currently resides in a nearby country. Reporter of Fayha TV in Basra “Ahmed Abdul Samad”. 12 reporters had to leave the country while others had to leave his province and his work for a while waiting for the threats to end but it is really disappointing to know that some have decided to leave their job for good.

The association also registered many violations which reflect the mentality of authorities and its view towards media and journalists especially the Baghdad operation command does not allow any journalism activity unless it has been approved by security and the clearance is usually given according to the mood of security forces and not according to defined regulations, the main violations registered are:

1. 35 cases of detains and prison in different places in Iraq
2. 188 cases of beating and attacking to journalists and reporters by security forces
3. 15 cases of targeting to media outlets by security forces and gunmen.
4. The closure of 13 media outlet 10 of which had the licenses withdrawn by “media and communications” department most of cases happened without any court order. The department seeks to control all published media outlets by imposing the regulations of having a license in order to impose a specific editorial policy and this is against the Iraq constitution and any democratic system

The legislative challenge

The law of protecting journalist that was legislated by parliament in August 2011 is still a big challenge and real danger against the freedom of journalism and free expression in general especially that the law contains 5 articles inherited from the previous era and these are:

1. Article 4: First: **the reporter has the right to obtain information, news, data and statistics (unclassified) from its sources and has the right to publish it within the limits of law.** The condition of unclassified information and publishing it within the limits of law draws the article of its content and does not ensure any new right for the reporters in obtaining information, the laws that should be respected regarding



classifying information or restricting publishing is the same laws inherited from the Saddam Era which was legislated by oppressive regimes.

2. Article 5, Second: “the journalist has the right to track what he sees appropriate to clarify his opinion regardless of the differences with other opinions and thoughts and within the limits of law” this article also brings back the inherited laws because the term within the limits of law means all the previous and new laws.
3. Article 6, First: “the journalist has the right to view reports, information and official data and the relevant authority must facilitate that unless declaring the information might harm the public order and/or breaks the law”. This also brings back the previous laws because it prevents from publishing any information regarding administration of financial corruption.
4. Article 7: “it is not allowed to abuse the tools of a reporter, except within the limits of law”. This article does not provide any legal cover and it also brings back the previous laws which can confiscate the tools for many reasons and according to the mood and behavior of security personnel.
5. Article 8: “it is not allowed to question the journalist of the opinion he declares or information he publishes and this should not be a reason for damage as long as what he does is not against the law.” And this also does not provide any protection because practicing a free journalism is against the laws of the previous dictatorship era which are:
 - Iraqi Penal code 111 year 1969
 - Publishing law number 206 year 1968
 - Media ministry law year 2001
 - Monitoring workbooks and movies law number 64 year 1973
 - Journalists syndicate law for year 1969



In addition to that, the orders of the CPA number 14 year 2003 which is related to prohibited media activity which allows the prime minister to close any tool or media outlet and confiscate its office or money and also prison their staff. Also the inherited laws not only allows the government to monitor or interfere in the editorial policies but also to nationalize the media and newspapers and it is mentioned clearly in the previous laws that all media outlets should be owned by the government, and for that the association, hundreds of journalists and tens of local NGOs sees that the this law threatens the freedom of press and reproduces the media of power once again.

The association presented the first revised “law to protect journalists rights” to the parliamentary committee of culture and media in September 2013, but and until now it has not been listed in the parliament agenda to be read and voted upon. Also this proposal has been supported by more than 800 Iraqi reporter and journalist.

In addition to “law to protect journalists rights” the parliament has a number of draft laws threatens the freedom of press and free expression in its general understanding, as a clear challenge to the Iraqi constitution and all international agreements signed by the Iraqi government and these draft laws are:

Draft laws in parliament waiting to be ligeslated:

1. Draft law of free speech and peaceful demonstration: this draft has been read once and twice but not voted upon, the association sees the draft as a way to squeeze free speech and expression and the right to obtain information and the right to peacefully demonstrate until death, especially that the draft law conditions having a license or approval before demonstrating. The law also restricts free expression which should remain in its constitutional frame and international standards as written in article 38 of the constitution: it is not allowed to draft a law to organize the work of media or the free expression, the state guarantees what does not affect the public order and ethics:

First: freedom of expression in all ways possible

Second: freedom of press, publishing, advertising and media.

Third: freedom of meeting and demonstrations to be organized by law. Which means the constitution allows a law for demonstrations and it shouldn't be restricted to having a license or approval to demonstrate.



2. Draft law for information crimes: although the parliament has responded to the requests of the association and many other local and international NGOs about suspending the draft law from the parliament agenda and cancel it, it still remains a threat especially that the Iraqi constitution does not allow the parliament to annul a draft law coming from the executive authority, which means that the executive authority “government” can activate it whenever it wants. The law contains 31 articles and tens of paragraphs that provided penal codes, between life sentences and high fines made the draft law one of the punishable laws since 2003. Also many articles contradict with the constitution.
3. Law of communications and information
4. Iraqi media commission law
5. Commission of media and communications law
6. Ministry of communications and information technology law

The only side that was bright in providing protection for the freedom of press and expression was the announcement made by the parliamentary committee for culture and media in October 2013, which was proposing a suggestion “the right to get information” law, but quickly that hope was taken away after the executive authorities withdraw the suggestion and imposed the parliament to discuss a new draft from the “State consultative council” which does not allow the journalist or people to obtain any information that seems important.