

Peace and Freedom Organization



**The fire of words, the smoke of the law!**

Freedom of expression in Iraqi

Kurdistan Region in 2016



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## **Preface**

In the project, “Improving freedom of expression in the Kurdistan region” which is a joined project of PFOK, NPA and freedom representatives. The goal of this project is promoting freedom of expression and building capacities of those people who are related to the aspects of freedom of expressions. It explores the ways in which people can access and get to know any information under the law through the general human rights director of the Kurdistan region. The project also observes the conditions of freedom of expression in the region in order to make it better and improved. Another part of the project has been implemented in Iraq through (Peace Generation Network) and (Alliance of rights and freedom) which PFOK is in the second part of it.

*The book of Freedom* is a collection of activities of 2016 in which includes all the freedom of expression reports in the Iraqi Kurdistan. The reports have been conducted by PFOK and freedom ambassadors in different areas of the region. Also, three different studies in journalism, access to information and protesting, which were focal points of the project. The studies have been conducted in a legal framework and compare those laws to the reality to see how they have been implemented. In the end of the project, another additional study have been added on freedom of expression, even it was not a part of the project but due to its importance, we have added it.

Both, SIDA and NPA are not responsible for the content of the book.

## **Introduction**

In the Kurdistan region of Iraq, freedom of expression have been violated in different ways, under the domestic laws, boundaries have been made to restrict the rights of strike and the freedom of association, centers and unions. That is why there have been

many reports on human rights violations in the region. Despite of having many violations against the journalists and none of the journalism protection regulation have neither been implemented properly. We see journalists get killed and torched while their cases have never been revealed in the courts and the killers have not been identified. Many TV channels have been shut down, journalists have been moving away from their location due to the threats they receive. The journalists also face beating, threats, exploitation and prevention from doing their duties. We clearly see how they have been deprived from getting information.

The Non Governmental Organizations have been closed without orders from the court, their members have been kicked out from the cities and they have not been allowed to defend themselves and strike. Activists and protesters have been prevented from their rights of expression and protesting. Due to their requests for having protests, they face sexual abuse threats of their family members.

Throughout working on this report, we have gotten how the economic, political and financial crises negatively impacted the condition of freedom of expression in the Kurdistan region. We see how it has been worsen, if we had seen a violation in a day in previous years; we see two violations in a day. That means the violation have doubled due to the crises. Human rights have been violated publicly in the region intentionally with planning, and that is all due to using the power of security improperly with the journalists and activists.

Mainly, this report focuses on the conditions of freedom of expression in 2016 of the Kurdistan region. It explores the implementations of the international laws and standards of freedom of expression in the region, and how the domestic policies have been in favor

of the freedom protection. It discusses the freedom of journalism, protesting, and the wrights of association and information access. Along with some suggestions and recommendation to support and make the situation better in freedom of expression and association in the Kurdistan region.

First Section: The legal framework of freedom expression and organization in Kurdistan region.

#### **A. Implementation of International conventions of freedom expression and organization in Iraq and Kurdistan region.**

According to the international freedom conventions freedom of expression is a human right, and based on that the laws have been created to protect freedom of mankind. Those laws and conventions have been reflected on the domestic and local laws to keep the freedom of the people and respecting the public freedom.

The historical roots of freedom of expression go back to the declaration of French revolution human wrights in 1789, which in article 11 states: *“The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law”*.

The United Nations also in the universal deceleration of human wrights of 1948 on freedom of expression in article 19<sup>th</sup> says: *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to*

*seek, receive and impart information and ideas through any media and regardless of frontiers”.*

The International Covenant on Civil and Political Rights, which was issued in 1966 and implemented in 1976, Iraq is one of the countries that agreed to practice it in February 18<sup>th</sup> of 1969. It states: *“1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

*2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”.*

The 22<sup>nd</sup> article also says: *“1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.*

In the International Covenant on Economic, Social and Cultural Rights of 1966 which Iraq has agreed on in February 18<sup>th</sup> of 1969 in article 8 says: *“The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests”.*

### **B. Freedom of expression in a international level**

The European Convention on Human Rights in article 10 and 11, which was issued in Rome in Nov. 4<sup>th</sup> of 1950. It says: *“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to*

*join trade unions for the protection of his interests*". In the American Convention on Human Rights of 1969 in article 13<sup>th</sup> states; that the freedom of expression and publication should be protected.

The African charter on human and peoples rights of 1979 in article 9<sup>th</sup> also insists on the protection of freedom of expression. The European court of human rights sees the freedom of expression as one of the basic and crucial characteristics of a civilized and democratic society.

In so many other conventions and declaration, human rights and freedom of expression have been pointed out. In the Arab league committee of human rights in 2004, and UNESCO in 1978 has issues the international agreement of peace and reconciliation.

### **C. The legal framework**

Freedom of expression in Iraqi constitution:

In the 38<sup>th</sup> article of the Iraqi constitution states: *"The State shall guarantee in a way that does not violate public order and morality: A. Freedom of expression using all means. B. Freedom of press, printing, advertisement, media and publication. C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law"*. The article 46<sup>th</sup> also says: *"Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom"*.

The draft of the Kurdistan regions' constitution, which has not been proved by the Perelman due to the political crises of the region, has articles of freedom of expression. In article 19<sup>th</sup> part 10 and 11 on freedom of expressions states:

*“Every person shall have the right to freedom of expression. The freedom and diversity of the press and other media must be guaranteed. This right shall not apply to libel, infringement of others' rights, sacrilege, provocation to violence, or the incitement of hatred between the groups of the people of Kurdistan”.* On the information access the drafts also in article 19<sup>th</sup>, part 11th says: *“The right to access to information shall be guaranteed by law”.*

#### **Freedom of Expression in Kurdistan Region**

#### **The policy number 35<sup>th</sup> in 2007 of the press law:**

Second article:

*“One: The press in free and no censorship shall be imposed on it. Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and the privacy of individuals in accordance with the law, as well as being committed to the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalism, adapted by the 1954 World Congress of the International Federation of Journalists, amended in 1986, and annexed hereto”.*

The policy number 11<sup>th</sup> of 2013 in the right of access to information law in Kurdistan Region:

In the 3<sup>rd</sup> part of the 2nd article says: *“There should be a better condition of freedom of expression and publication”*. In the 4<sup>th</sup> and 5<sup>th</sup> of the same law states: *“Everyone has the right of access to any information from the public institutions”*. Moreover, The Non-Governmental Organizations Law in the Iraqi Kurdistan Region of the 1993 in the 7<sup>th</sup> article states: *“In order to register Kurdish Organization, the founding members shall submit an application to the minister of interior, the founding shall all sign the application and they should be 15 persons”*.

The policy number 1 of the Non-Governmental Organizations Law in the Iraqi Kurdistan Region in 2011 in article 10<sup>th</sup> states: *“In order to register Kurdish Organization, the founding members shall submit an application to the department responsible for registering and managing the affairs of the organization. The number of the founding members shall not be less than three persons, and the application shall be duly signed by all of them, with the bylaws attached thereto”*. The article 11<sup>th</sup> says: *“The department shall respond to the registration application within (30) days from the date of receipt of the application”*. The policy number 3 of the act for the organization of demonstrations in the Kurdistan Region in 2010 in article 3, part 2 states: *“There should be a permission for strikes by the Ministry of interior or the general directors of the areas”*.

## **Data and Methods:**

Different research tools and mechanisms have been used in the data collection on the freedom and human rights violations in the region. The three major cities (Erbil, Slemani and Duhok) are the targeted locations to evaluate the conditions. To see the violations, which have been reported or taken to the court, we have had an observer in each of the cities. All the three observers were trained and fully aware of reporting human

wrights and freedom of expression violations. They have collected the data through observing the media, such as TV channels, social media websites and direct contact with the victims. The observers have had follow ups with all of the cases, they have also been to the locations and talked to the people and local authorities on the cases. They have recorded all the details and locations properly for any future questionings on any cases on the study. The types of violations have been categorized into 3 following types:

- 1. Violations against Journalists.**
- 2. Violations towards protesters and uprisings.**
- 3. Violations on access to information and data.**

The researchers also have observed the violations against the NGOs for 8 months, which started from April 15<sup>th</sup> of 2016 to December 5<sup>th</sup> of 2016. To have a better understanding, 3 focus groups have been conducted in the cities of Erbil, Slemani and Duhok. 43 people participated in the focus group discussions in each the cities and each city held a focus group. The participants were Perelman members, government agencies, the representatives of the freedom of speech committees, activists, journalist, lawyers, academics and syndicates representatives. All of the topics that have been discussed were about freedom of expression and its aspects.

In addition to that, three studies have been conducted on freedom of expression to see the shortcoming of the freedom of expression in the region. The studies are on the laws and regulation of the Perelman on freedom of expression and strike, journalism and access to information aspects. Three researchers have conducted the studies and the recommendations and suggestions have been put in this book.

**Second Section: Reports of freedom of expression and organization violation in 2016**

A.

## **Violation reports**

### **towards journalists in the Kurdistan region:**

Journalists get killed, threatened and kidnapped; TV channels have been closed without court orders. The political parties decisions have been playing a huge role instead of the laws. Journalists have been displaced due to their work and expression in the media. The journalists' equipment have been taken, such as camera and other kinds of recording tools. What has been cleared for us (PFOK) in the reports is that the lack of freedom of expression and journalism laws implementation has been the cause of the violations.

### **Killing: Two Journalists**

-In August 31<sup>st</sup> of 2016, Wadat Hussain Ali, a journalist of Rojnews in Duhok (Malta area) have been kidnapped by unknown men. After a few hours, he was found dead close to Semil area in Duhok. His family confirms that the security forces a few times questioned him and he was threatened to leave his agency. His death was know internationlay and locally, so many activities in all around the world reacted to his death. Protests took place in the Kurdistan region. Human Wrights Watch and freelance Journalists condemned the killing. Most of those who showed their sympathy for his case asked the officials to find the responsible once and bring them to justice. Moreover, most of the NGOs and activists in the region have said that his case would be ignored and never be solved fairly. Till now, his case have not been solved in the court and the responsible once have not been arrested nor brought to justice.

-In December 1<sup>st</sup> of 2016, Shurki Zainadin, a cameraman of Kurdish News Network (KNN) have been found dead after four days of missing in Amedi area in Duhok. Till

now, no one has been held responsible to the killing and so many different scenarios have been come out for his death. No one knows how he was killed or dead.

### **Killing Journalists by ISIS: Three Journalists**

August has been a tough month in the Kurdistan region for the Journalists, a day after Wedat Hussain's death in Duhok in August 14<sup>th</sup> of 2016; Mustafa Said, a cameraman was killed by ISIS terrorist in the front line of war against the terrorist organization. He was a journalist of Kurdistan TV channel and killed in Khazir area.

In October 2<sup>nd</sup> of 2016, Ali Resan, a correspondent of Alsomaria News was killed by ISIS fighters in Abul Fishka village in Mosul. He was covering the fight in the front line of the battle.

In October 23<sup>rd</sup> of 2016, Amer Al Jburi, a correspondent of Al-Iraqia news channel was killed in Mosul by ISIS terrorists while he was covering the battle.

### **Injured Journalists by ISIS: Nine Journalists**

In October 20<sup>th</sup> of 2016, Hajar Barwari, Speda TV channel was injured by ISIS fighter in Nawaran/Duhok Area while he was covering the battle.

In October 20<sup>th</sup> of 2016, ISIS fighters injured Aryan Barwari, correspondent of War TV in Tlsqof area in Duhok while he was covering the fight.

In October 20<sup>th</sup> of 2016, ISIS fighters injured Rasti Xalid, a cameraman of War TV in Tlsqof area in Duhok while he was covering the fight.

In October 21<sup>st</sup> of 2016, ISIS fighters injured Abudlla Xalid, correspondent of War TV in Tlsqof area in Duhok while he was covering the fight.

In October 14<sup>th</sup> of 2016, Hemn Nanakali, Kurdistan TV correspondent was injured in Xazir area.

In October 21<sup>st</sup> of 2016, ISIS fighters injured Pshtiwan Hussain, correspondent of Zagros TV in Tlsqof area in Duhok while he was covering the fight.

In October 23<sup>rd</sup> of 2016, Paul Hans, a Swedish photographer was injured by ISIS fighters in the front line of Mosul.

ISIS has committed many crimes, from Yazides ethnocide to killing journalists and innocent people. It has been a threat to everyone in the area; journalists are one of the vulnerable groups that ISIS always targets; especially those who cover the front lines of the fight. The media networks are responsible for training their journalists before sending them to cover the fights professionally. They should provide them safety equipment and tools, so the journalist can be safe from those attacks and violations.

### **Threatening by shooting and killing: Five Journalists**

In June 26<sup>th</sup> of 2016, the headquarter of Rudaw news network was threatened and a bomb was thrown to the office. One of the cars' of the media was broken and 2 security bodyguard were injured. Two Islamic members of a political party were arrested for having connections to the attack.

Ibrahim Abbas, a journalist of the Kurdistan region presidency office was threatened and some shoots were fired to his house because he left the job at the office in Masif Salahddin/Erbil. He thinks that the security forces of the area are responsible for that.

In August 6<sup>th</sup> of 2016, Hemn Mamand, a correspondent of Rega TV was threatened over the phone to be killed due to his attempts to arrange protests and criticizing the KRG policies.

In August 23<sup>rd</sup> of 2016, Chyaei Bylizani, a correspondent of Rega TV was threatened over the phone in Erbil.

In October 11<sup>th</sup> of 2016, Abdulrahman Hussain, the brother of Widat Husain who was killed in Duhok was threatened by unknown phone call to be killed due to his speech on his brothers' case.

### **Arresting and Leaving: Eight Cases**

In April 14<sup>th</sup> of 2016, Awat Muhammad and Rzgar Jabbar, NRT TV channel in Chamchamal district were arrested for a while by Asaysh forces.

In May 10<sup>th</sup> of 2016, Ayaz Akram, Duaroj news correspondent in Duhok was arrested by Asaysh forces; he was released after 24 hours.

In August 2016, security forces in Duhok arrested Shorsh Shawkat Ismail, a cameraman of NRT for a day and night.

In September 21<sup>st</sup> of 2016, NRT TV team were arrested for a while in Koya.

In September 27<sup>th</sup> of 2016, Bnar Hydayat, Awena reporter was arrested by security forces.

In September 27<sup>th</sup> of 2016, Sangar Abdulrahman, Rudaw TV reporter was arrested in Ranya city by security forces for a while.

### **Violence and Beating: Twelve Cases**

A team of NRT news channel, Awat Muhammad and Rzgar jabbar in Chamchamal district were beaten by Asaysh forces in April 14<sup>th</sup> of 2016

In April 14<sup>th</sup> of 2016, Speda TV channel team faced violence in Chamchamal by Asaysh forces.

In May 13<sup>th</sup> of 2016, Rovani Rashid, a reporter of Rojnews agency was beaten and injured by unknown men in front of the Perelman office in Erbil.

In May 13<sup>th</sup> of 2016, Zhyar Muhamad, reporter of VOA in Slemani was beaten by Asaysh forces and injured. Then the security forces issued a statement and apologized for the action, they also promised a fair investigation on the matter. The statement is considered as one of the positive signs of the security forces awareness of freedom of expression because there have been many other cases without an apology.

In May 16<sup>th</sup> of 2016, Chyayi Belizani, a Rega TV reporter was beaten and threatened in Duhok area by the security forces.

In August 9<sup>th</sup> of 2016, in Twraqa/Erbil, Hawkar Abudlrahman, the Kurdsat News reporter was beaten by the local forces.

In July 8<sup>th</sup> of 2016, Payam Jala Muhammad and Abudlla Mstafa as a team of Payam TV were beaten by security forces in Slemani.

Hazhar Anwar, a KNN correspondent in August 28<sup>th</sup> of 2016 was threatened by a high ranked police officer in Erbil.

In August 8<sup>th</sup> of 2016, Avan Bazi who is a NAWroz TV new channel reporter was beaten by security forces in Slemani.

A team of NRT new in Slemani was beaten by security forces in October 27<sup>th</sup> of 2016.

Bnar Hydayat a reporter of Awena Newspaper was beaten by security forces in Slemani in September 27<sup>th</sup> of 2016.

In October 3<sup>rd</sup> of 2016, Harem Abdulla a correspondent of Westga website in Chamchamal/Slemani was beaten by the security forces. The local forces have not issued a statement in this regard.

### **Preventing from covering events, crashing journalistic equipment: 35 cases**

In April 29<sup>th</sup> of 2016, in front of the Judi Mosque in Erbil, the Asaysh forces broke the camera of the Kurdish News Network.

In April 29<sup>th</sup> of 2016, NRT news channel was prevented from covering the situation.

In April 29<sup>th</sup> of 2016, Payam TV news channel was prevented from covering the prayers strike.

In April 14<sup>th</sup> of 2016, security forces in Chamchamal did not allow NRT news channel and Speda TV to cover.

In May 30<sup>th</sup> of 2016, the committee of the economic reform conference in Saad Abudlla hall did not allow Rega TV to cover the event.

In May 3<sup>rd</sup> of 2016 in Duhok/Zalka Alqosh, Rega TV, Rudaw, KNN and NRT were prevented from covering by Asaysh forces.

In May 16<sup>th</sup> of 2016, the Asaysh forces did not allow Rega TV to cover the border between the Rojava region of Syria and Kurdistan region of Iraq.

In June 10<sup>th</sup> of 2016 in Slemani/Tawar Hall, Rudaw news was prevented from covering.

In June 16<sup>th</sup> of 2016 in Duhok, NRT, Rega Tv and Kurdsat were prevented from covering while some other channels were allowed.

In June 26<sup>th</sup> of 2016, the checkpoint security forces prevented reporters of KNN, Rega TV, War TV, NRT, Payam TV, Speda and Al-Jazeera.

In August 9<sup>th</sup> of 2016, the security forces in Erbil did not allow Kurdsat to cover.

In August 3<sup>th</sup> of 2016, the PUK headquarter forces did not allow the K24 new channel and Dwaroj news from coverage.

In August 8<sup>th</sup> of 2016 in Slemani/Chra community, NRT news was prevented from covering.

In September 21<sup>st</sup> of 2016, Karwan Ibrahim; a Rojnews agency reporter and Avan Bazi; a Nawroz TV reporter were prevented from converge by the security forces.

In September 21<sup>st</sup> of 2016, the PUK headquarter forces did not allow the NRT news reporter in Erbil to cover the area.

In September 2<sup>nd</sup> of 2016, the bodyguards of Qubad Talabani, deputy of the KRG did not allow NRT to cover in Koya city at the same time in Erbil too.

In September 10<sup>th</sup> of 2016, Karwan Rahman , reporter of Kurdistan24 news channel was prevented from cover the Dabashan/Slemani area.

In September 20 and 21<sup>st</sup> of 2016, NRT news channel was prevented form coverage in Halabja city.

In September 27<sup>th</sup> of 2016, Hemn Ali, a reporter of Rega TV was not allowed to cover by the Asaysh forces.

In September 27<sup>th</sup> of 2016, in Ranya city, the Rega TV, NRT, Rudaw, Speda and Rojnews networks were not allowed to cover the situation by the Asaysh forces.

In September 27<sup>th</sup> of 2016, in Slemani Bnar Hydat, Awena reporter and NRT and Payam TV teas were prevented from covering.

In October 18<sup>th</sup> of 2016, Payam TV channel team was not allowed by the security forces in Erbil checkpoint to go to cover Mosul operation.

In Duhok, KNN office was closed and notified to not work anymore in October 18<sup>th</sup> of 2016.

In October 18<sup>th</sup> of 2016, the reporters of KNN (Zeravan Bargarayey and Hadi Muhammad) were not allowed to cover the Mosul operation in Duhok area by the Asaysh forces.

KNN correspondent was not allowed to get into Erbil by the checkpoint forces in October 18<sup>th</sup> of 2016.

In October 3<sup>rd</sup> of 2016, the ministry of Peshmarga banned NRT from covering the frontlines of the battle against ISIS.

Zeravan Bargaraeye and Hadi Muhammad, the reporters of KNN were prevented from covering the fight against ISIS in Shexan/Duhok in October 20<sup>th</sup> of 2016.

In November 19<sup>th</sup> of 2016, the teachers, employers and civilians in the city of Slemani protested against their late payments, the security forces prevented NRT TV news from covering the strike. Their equipment were taken by the police, then given back after a while.

In November 19<sup>th</sup> of 2016, Rezan Majid, Rojnews reporter was arrested and his equipment was taken by the police but given back after a while. She tried to cover the protests of the government employees and teachers in Slemani city/ Salm Street.

In November 1<sup>st</sup> of 2016, the police due to security reasons prevented Baxtyar Xalefani, a journalist in Soran city from taking photos. His permission of taking pictures was taken back by the police in the city.

In November 8<sup>th</sup> of 2016, the KRG president Nechirvan Barzani's bodyguards did not allow NRT TV news coverage in a conference.

In November 16<sup>th</sup> of 2016, Goran Debagaeye and Zana Xalid were beaten by Zeravani forces physically and psychology. They are Rega TV reporters while they were covering a protest of the Maxmur camp residents. Their cameras were broken and taken.

In November 27<sup>th</sup> of 2016, Renas Ali; a correspondent of the NRT news channels was prevented from covering a conference about violence against women.

In December 1<sup>st</sup> of 2016, Selmani security forces did not allow KNN team to cover the strike of the people and teachers in Slemani, their cameras were taken and the reporters was arrested for a while.

### **Shutting down TV channels: 11 cases**

In October 10<sup>th</sup> of 2016, Kurdish News Network KNN was closed by a political decision of KDP in Erbil, seven members of the staff were forced to leave the capital city of Erbil to Slemani city by Asaysh forces. Both Erbil and Duhok offices were closed. Till now, both of the offices are closed. In December 9<sup>th</sup> of 2016, they were allowed to reopen again.

### **Closing 10 Channels:**

To eradicate the ISIS radical ideology in the Kurdistan region, ten Islamic media channels were closed. According to PFOK follow ups in the region; most of them were closed by an order of the Ministry of Religious affairs of the KRG. And the Ministry of Interior supported the orders. Mariwan Naqshbandi, the head of the general director of the tolerance and religious coexistence affairs in the ministry of religious affairs states:

*10 media channels are closed; most of them were Islamic backgrounder. Moreover, most of them were allowed by the Iraqi central government not the KRG, so we ordered their closing.* The closing of those channels was a part of an operation in the Kurdistan region

for eradicating radical ideologies. A committee was established to oppose the radicals after ISIS war, so no one can be radicalized through those networks. The last closing of a channel was in May 13<sup>th</sup> of 2016, and those actions were legal because none of them had permission from the KRG.

**Opening court cases for 30 channels:**

According to PFOK team of observing and conducting data on the KRG policy implantations, the ministries of religious affairs along with the ministry of intellectual affairs have based new committee to close some other channels. They have planned to close more Islamic supported channels and PUK and KDP backed channels but all of them have work permission so that needs a court order. That is why it has not happened yet.

**Preventing 700 books from publishing:**

The high ranked personals of the ministry of Endowment and religions affairs of the KRG have picked some channels to close and organize the religious speeches at the mosques in the region. In the operation, to decrease radicalization in the region, they did not allow 700 books in the Erbil International Book Fair in 2016.

Mariwan Naqshbani also told the PFOK team that in the 12<sup>th</sup> book fair in Erbil, 700 books in different backgrounds were prevented from selling. This prevention is not supported by any law, but a policy from Kurdistan regional government to reduce the radical ideology. And we cannot share those documents now; we do that to not let ISIS ideology in the region.

Moreover, Muhammad Gardi, the general director of the publishing in the ministry of culture and youth in the KRG told PFOK team that they are not notified on the closing

the 10 channels. And no one has ever consulted with them in this regard. He states that they work by the policy number 1 of 2014 in which the opening TV channels and radio stations in Kurdistan region. The policy clears the duties and wrights of the channels very well, they have to be obligated to the law and never do something that is not in favor of the people. But, we have a joint committee with the ministry of religious affairs to fight radial ideology; we will be more active in the future to make the efforts better. We also have put conditions on the new channels to have permission from the ministries of transportation and interior before they get frequencies.

Our team in PFOK has gotten that the policies of media in the Kurdistan region are problematic because some people complain about but some not. Its not clear who is in charge of implementing the policies and sometimes the laws get used by the political parties to their agendas to against the oppositions.

### **Journalists and Law:**

In general, laws are for protecting human wrights. For journalists, it's more special due to their sensitive work and duties. Despite having the policy number 35 of 2007 of Journalism in Kurdistan region, our team has found that journalists get judged without this policy and unfairly. The Iraqi laws, the laws of different crimes, prosecute them. The last violation against journalists was reported in August 12<sup>th</sup> of 2016 when the head of journalists syndicate questioned AgaPress website director for having an article. He brought the agency to the court; the judge prosecuted him without the policy number 35 of 2007 on journalism. He stated that the website has violated the laws and used the media for inappropriate matters.

Closing news and cultural channels without court orders, beating and threatening journalist exist in the region. None of the responsible have been brought to justice who have killed and beaten journalists. There have been people who spy on journalists and they have never faced justice. The Kurdistan region struggles with those issues and always the free speech is in danger.

### **Journalists and Court:**

According to the judicial council/Erbil Court, department of statistics and planning; in 2015, so many journalists have been questioned in the court. Their cases have been the followings:

Personal Cases: 25 journalists have had cases in the courts, 17 of them were punished with the policy number 9 in the 17<sup>th</sup> law of journalism. The results were: two of them were got fogginess, one had to pay, five were released, one got agreement with the client, 10 of them were refereed and 5 of them were closed.

Personal Cases/Public Prosecutor: Seven journalista have been prosected by the publicc, thir cases have been dicated on, they are the following: 3 of them paid, one have been punished by the 247<sup>th</sup> law of punishment, 2 of them by the law of 35<sup>th</sup> of jounalism and 4 of them were reffered.

Accoring to the Erbil court, from December 1<sup>st</sup> of 2015 to June 30<sup>th</sup> of 2016, to jounalista have been proscuted by the law of 35<sup>th</sup> of jorulanism in the region. In May 1<sup>st</sup> of 2016 to June 30<sup>th</sup> of 2016 four other cases were soved in the court. That way, in the six months of the year, six cases of jourlanists were solved in the court. Contratry, jounalista have not prosected anyone in the court beucase they do not think that the laws and courts are in favor of themselves.

Hemn Mamand, a correspondent of Rega TV is one of the journalists that has faced violations. He told PFOK team he has not prosecuted anyone for the violations. He says who and how can he bring those to justice? Most of those who violated my rights were from the high ranked political and security forces, none of those can be brought to justice because they are supported by the government. Even if I make a case in the court, the would not come.

Hazhar Anwar, KNN reporter told PFOK team that he requested prosecution in Erbil court but none of those cases have been answered nor brought the responsible once to the court. when we go to the court or police stations to make cases, we feel how they ignore us and never help us to bring our rights back. We have killing cases but they come and help sometimes for the broken cameras. We can not do much in this regard.

Hawre Kurdi is also one of the activists who has faces violations. He told PFOK team that he was kidnapped and beaten, then went to the police but they did not take his request to the court.

Soran Omar, the head of the human rights committee in Kurdistan region Perleman stated that some channels have been closed and some have not allowed to work without any legal reason. He also says that they have taken the cases to the public prosecution, but none of them have been solved with proper legal procedures. He has given 300 cases to the courts but only some of them have been responded, most of them have not. And that is due to the high routine in the procedures in the region and political parties interventions. That is why most of the courts are not independent and people do not bring their cases to the court because they do not believe in their work. That is where the laws

do not get implemented well and journalists and people do not trust and take their cases to the courts.

### **Economic Crisis, Unequal Opportunities for the Media Networks**

Economic crisis in the Kurdistan region has left a major impact on the freedom of journalism and media networks because there is not an equal opportunity for all of them to compete. Those, which are supported by the major political parties, run without any issues while others face closing due to the lack of funding. Poverty, high unemployment rates, and occurring social problems in the region are the main outcomes of the crises along with closing channels. People think that those closings decrease the freedom of media and expression. So many journalists have been left behind and jobless.

Statistics show that 800 channels and agencies have been closed in the Kurdistan region due to the economic crises. Most of them were supported by the major rich political parties but still observers consider those closings as a major threat to the freedom of expression in the region. What is clear is that the major political parties have focused on their media very well and have closed the minor ones, so many other journals and newspapers have been shut down. They only support their huge networks that support their agendas.

Muhsin Adib, author and college lecturer told PFOK team: *the private media is not in a good shape due to the unequal distribution of financial resources. Some of them news networks get a lot while some face closing. The situation has made the inequality in the region, those who are in power have occupied the public sphere. This plays a negative role in making a fake awareness in the region.*

Majid Salih, author and junior advisor of the Kurdistan Perelman told PFOK team: *our media and journalism system is not stable, it reflects the political system for the most and those who are rich and powerful have the most influential channels in the region. We see how some journalists lose their dignity through working with those unethical networks.*

#### **An analysis for the violations against journalists:**

Through our focus group discussions on freedom of expression, we have found many violations against journalists, which we have written above. Now, we can provide some conclusions based on the discussed point:

#### **The impact of crises on the freedom of expression:**

Most of the participants on the discussions emphasized on that the raising of the crises has left a major rate of violations, such as using security forces with school principals, journalists and activists. That makes the crisis more deep and complicated. Ali Mahmud, a journalist and activist told PFOK team: *Before the crisis, journalist had a chance to work but now with all the issues in the region, things got worse. For instance, KNN channel was closed, whenever the government feels a pressure, they put more sanctions on the media especially those, which are not in favor of their agendas. The experience of our neighboring courtiers has shown how in crisis the volitions come out for the journalists and media specifically.*

Some people think that after the 90es, the freedom of expression came along with the political transformations but still they make pressure on the activists and limited the free speech. As Muhsin Adib, a college lecturer and author told PFOK team: *This freedom that we have gotten was found and created by the elite when they were fighting for us, but*

*now they have controlled everything and year by year, they control more and sanction our freedom of expression.*

Taman Shakir, an author women and journalist told the team: The violations against freedom of expression in our region changes based on the interests of the political parties, if a strike takes place in Erbil against Slemani officials, they would allow but not vise versa. When people protests Haydar Al-Abaddi's visit to Slemani, forces did not allow doing so. That is how they use everything for their political agendas.

The Kurdistan region of Iraq has been facing a vidision since the civil war between KDP and PUK parties. It started form the 1990es, both zones were independent somehow, still can be felt in the region. That included the activists, civil activities, and journalists, and those activists sometime have been used by the major powers of the region. Soran, a reporter of Rojnews agency told PFOK team: *in all cities, Erbil, Slemani and Duhok, our freedom is taken and under threat. Widat Hussain was our correspondent; he was killed due to his opinions. They do those violations in all cities but in different forms, otherwise, they are all the same in content.*

On the other hand, others think that those freedoms of expression issues go back to the social and economic problems in the Kurdistan society. As Ali Halo, a Perelman member of KDP in Duhok tells PFOK: *the political, social and religious systems in our region weaken our freedom, we still have a political system that does not believe in freedom and does not respect it.*

Hamid Muhammad, a journalist also told PFOK team: *the political crisis has weaken the freedom of expression, we see attempts to decrease the freedom and free speech in the region. We saw an effort to edit the law of 35<sup>th</sup> of journalism to even make the situation*

worse in favor of the government legally. We see how people do not take their cases to the court and do not believe in the system, that is why the rate of violations, which are reported, has been less and less.

Rahman Gharb, the head of the Metro center states: *in the beginning of the uprising in 1990es, there were only political parties networks, the parties treated the channels differently because they were in their favor. But, now we have a different situation, the private and independent media came out with different perspectives. That is when the issues occur with the media and they want to pressure them.*

Judge Azad Hamadamin, the head of the Journalists Syndicate on the Kurdistan region thinks that despite having violation, but the condition of journalists in the region has been improved. He tells the team: *the conditions of freedom in general are improved because we have laws and policies that protect journalists compare to the 90es. However, we still have issues and violations but that does not mean we are in a bad condition.*

Journalists and activists in the region always complain about the police and security forces because they have been treating journalists badly, some of the high ranked police personals take that seriously and thin that the officers should respect journalists more.

Abdulakhaliq Taalat, the director of the Erbil Police department tells PFOK team: *There are so many people who are not happy about our freedom in Erbil, yes we have freedom and we are proud of that. We have the safest city in the area; see those journals and newspapers that have been sold in the city. We only banned KNN and NRT due to their unethical coverage in the city; they wanted to make issues for us so we banned them. Those who want to take advantage our city would be kicked out.* He also continues and talks about the closing of the headquarters of the Kurdish connection organization in

Erbil say: *By the law, if anyone spy on our people or try to violate any regulation in the city, we have the power to expel them.*

### **How journalist killer can escape from justice?**

The Kurdistan region government has been blamed for not arresting and bringing the killers of journalists to justice. Activists and journalists say when a terror attack takes place, the forces find the responsible once in a matter of days but they can never find someone who kills a journalist? Why the courts and public prosecutions never implement the law in a way they are? Till now the killers of Sardasht Osman, Kawa Garmiani, and Widat Hussain have never been found.

The relatives of those journalists who have been killed never believe in the police and interior forces because they think that the investigations are not independent and reliable. What always makes people to be suspicious on the investigations is that the detectives always issue statements even before the final results of the investigations. They even issue statements before the court hearings finish, that is why those are questionable and police is under suspicious by the people.

#### **Widat Hussain's case as an example:**

Hemn, the spokesmen of the Duhok city police department told PFOK team: *His case is still under process, from the first day of the killing, with the law of 406 in Iraqi law the case have been opened and we are searching. What we think is that he was not outspoken person and he never could influence the public, that is why we think he was not killed because if his work as a journalist.*

On the other hand, Abudlrahman Hussain, brother of Widat Hussain told PFOK team: *There is no doubt, the local authorities have questioned my brother, Duhok Asaysh also*

*questioned him many time and we think he was killed by them. We as a family of Widat want to know how he was kidnapped in the middle of a city in daytime, how he was killed with barbaric ways and his body was found dead. How known car plate numbers used in killing him and still the police have not found those who did it. We doubt every single investigation because we think they are not fair and independent.*

## **Second: The wright of access to information**

The Kurdistan region policy of wright of access to information in article 1<sup>st</sup>, 8<sup>th</sup> part states: *“Any verbal, written, documented, statistics, pictured, recorded or kept things are data. The wright of access to information should be protected by the government and the people can get access to any of those kept data”.*

Access to information in a country usually depends on how democratic and not corrupted the country is. And how the people share the power with each other to serve all not an elite. The Kurdistan Perelman in June 5<sup>th</sup> of 2013 under the pressure of the media and NGOs issued the law number 11<sup>th</sup> of access to information in the region. After three years of issuing the law, still has not been implemented.

In the article 21<sup>st</sup> of the access to information law in Kurdistan region states: *The KRG government should coordinate with the general committee of human wrights to issue new regulation to implement the law properly.* Yet, after three years of issuing the law, it has not been practiced. In 12<sup>th</sup> January of 2016, the KRG government along with the general committee of human wrights sat down and approved the law of access to information.

### **Violating the wright of access to information: 5 cases**

In May 9<sup>th</sup> of 2016, PFOK team called the Erbil governorate personals to get data on protest allowance and rejection in the city, but they did not answer nor provide the data.

In June 12<sup>th</sup> of 2016, PFOK team contacted and requested the Kurdistan General Asaysh office to see the numbers of rejections and allowances of strikes in the city but they neither provide the data nor let us to interview.

K24 channale reporter, Munir Salim in May 7<sup>th</sup> of 2016 requested the directors of Slemani Airport to have data. His request was rejected.

Xendan Website reporter, Haval Muhammad in August 7<sup>th</sup> of 2016 requested the directors of Slemani Asaysh office to have data. His request was rejected.

In September 22<sup>nd</sup> of 2016, journalist Elham Muhammad went to the general office of health affairs in Slemani to get data and statistics; she was rejected not given any data.

### **The obstacles in the wright of access to information:**

Even thought, the law of access to information was issued lately in the region, but still the main issue is that the institutions do not practice it and freedom of expression have been violated. Throughout PFOK team interviews on the conditions of freedom of expression in the Kurdistan region, many journalists, activists, Perelman members and lawyers think that the law has not been implemented properly and access to information is still hard for the people. Even the KRG issued the policy number 11 in 2013 but not changed the condition to a positive path.

After the shut down of the Perelman by the KDP forces in Erbil, the conditions have been worse because the members of Perelman are not able to follow up the governments' work in any aspect. This has left a major impact on the wright of access to information beucase there are still question on the public budget distribution and corruption scandals in the

region. Still the NGOs and media channels cannot have the data that they need from the KRG.

Tavga Omar, the general director of the committee of human rights in the Kurdistan region in April 28<sup>th</sup> of 2016 told PFOK team: *the law of access to information has not been implemented, that is a violation, all the ministries and government agencies should practice. They all have to send their reports every four months, thus the people can be aware of what the government is doing. Yet, we have not received any reports, the Kurdistan Parliament and presidency have showed their willingness to have a joint committee to help us to set up the process but not done yet.*

Azad Hamadamin, judge and the head of Kurdistan journalists syndicate tells PFOK team: *Most of the time, journalists say and complain in an unfair way, they have complained on that they do not get access to information but now we have the law. They can prosecute those institutions, which do not help or provide them data. Since the Parliament issued the law, no journalist has ever been to the court to complain about that. Unfortunately, neither one the journalists nor the government used the law in favor of themselves. The law is clear and meets the international standards, but we need a committee along with the human rights committee to observe the implementation. There also has to be a budget for that matter in all ministries of KRG. So we can see which one does not obey, the journalists or the government.*

In addition to that, the government institutions sometime differentiate between the news channels in access to information, those who are supported by the KRG officials can get access easier than the independence ones. Most of those who were interviewed by PFOK team confirmed that the government does not allow the channels equally and they allow

parties channels more frequent to have the access. When there is a new conference, their media would be informed soon but the others not. The independent media even sometime do not get allowed to cover.

Haval Muahammad, Xendan reporter tells PFOK team: *the main problem is with the implementation of the law of access to information, most of the government institutions are not aware of what the law is about. Moreover, the government agencies also differentiate between the journalists; some of them publicly tell us that they have banned us from getting anything from them. This is can be called a major threat to the freedom of expression and media in the region.*

Also, Farouq Muahammad, the head of the Xamter organization that is dedicated to protect journalists tells PFOK team: *Most of the reported violations are about access to information, those who are affiliated with a political party can access easily while the others not.*

Qasim Hussain, the head of Islamic Union media and journalist in Duhok tells PFOK team: *one of the issues we face in journalism carrier in the region is that the officials do not treat us equally, those who are affiliated have been treated better. The political parties use media for their interest and never treat all of us equally, which we consider that as a lawlessness action.*

Sipan Amedi in Duhok who is the head of NRT new office tells PFOK: *there are obvious violations against news channels here, especially where the KDP is in power. We even are not allowed as the same as their channels to cover the fight against ISIS. We always want to cover and pass the truth for our audience, but we see how they banned us from coverage in Sinjal and Duhok area because we are not affiliated with them.*

The stories of not giving or allowing the reporter to have data in-between the journalists is common, Chyai Belizany who is a reporter of RegaTv in Duhok and Star Taha who is a K24 reporter show how they can not access information in the cities of Duhok and Slemani.

Chyai Belizany, RegaTv reporter tells PFOK team: freedom of journalism in Duhok has been limited; *those who are with the KDP can work easily. But, those who are not a part of their agenda, cannot work and have been kicked out. We have been told to be “threats” to the security of the city, we have been told to stay away from coverage otherwise we would be beaten and kicked out.*

ZaKi Qablan, the head of Badinan Radio in Duhok tells PFOK team: *we have a paralyzed freedom in the region; most of the journalists have not been able to express what want to say. The law of access to information has been issued but not used yet. There are some channels that can do whatever they want to but some not. The conditions of journalists in our city can be seen, some get arrested or killed and threatened. It is a lie if we say we have freedom of journalism in our city.*

### **Third: Violation against street protests:**

Protesters killed, face violence, kidnapping, and made up scandals. Those are the headlines of the most stories in nowadays in the region. Those violations started in the beginning of establishing the KRG. After issuing the law number 11 of 2010 in which the right of strike have been restricted, most of the protests face arresting and killing. Till now the shooters of February 17<sup>th</sup> of 2011 and 2015 have not been brought to justice and they are free. The conditions of protesters are the same and have not been changed to a positive path.

### **Violations of the right of strike: 42 cases**

In June 15<sup>th</sup> of 2016, in Erbil, some NGOs tried to collect signatures to re-activate the Perelman but prevented from doing it.

In August 1<sup>st</sup> of 2016, in Erbil, activists of NGOs tried to have a strike to condemn the explosions of Qamishlo city but the police denied their request and did not let that take place.

In September 30<sup>th</sup> of 2016, the police and Asaysh in Erbil arrested a group of activists. Hawre Kurdi, Daroon Abbas, Haysam Fouad and Fryad Manaf due to their attempt to have a strike without permission but then released after a while.

In September 9<sup>th</sup> of 2016, some activists were not allowed to enter Erbil city by the security forces in the checkpoint. They suppose to come to a protest.

In September 21<sup>st</sup> of 2016, in Prde checkpoint between Erbil and Kerkuk, Saman Hussan was denied to enter the city that is the head of disabled organization.

In September 21<sup>st</sup> of 2016, unknown men threatened and told Sardazr Azad to be killed in Erbil due to his request to have a strike.

In September 2016, Shwan Sabir, threatened to be killed who is an author and activist in Erbil due to his outspoken actions.

In September 21<sup>st</sup> of 2016, phone number (07502025450) used and called Ali Mahumud to be killed and his legs would be broken. He is an activist in Erbil and wanted to participate in protest in the city.

In September 26<sup>th</sup> of 2016, Bnaslaw Asaysh arrested Hemn Abdulxaliq who is a Gorran movement activist. The forces beat and shaved his hair and eyebrows. Then they kicked him out from Erbil to Slemani because he tried to make people to strike in Erbil.

In September 27<sup>th</sup> of 2016, the Asaysh forces arrested Hawre Kurdi, an activist in Erbil. He was injured with a knife and threatened to be killed because he tried to have a strike in Erbil.

In April 24<sup>th</sup> of 2016, some retired Peshamrgas in Duhok tried to strike due to their late payments, but when they arrived to the governorate building; the police came and prevented them from protesting.

In May 16<sup>th</sup> of 2016, a committee of KNK along with some independent persons tried to protest the closing of border between Rojava and Kurdistan region but the police in Duhok did not allow them to do that.

In the night of 9/10 of August 2016, some people in Amdei/Duhok came to the streets to condemn the bad electricity services. They stayed two hours and closed the main roads, but the police used violence and arrested 12 of them.

In the night of 21/22 of August 2016, the residents of Chra community in Duhok protest due to the lack of basic services and closed the main Erbil-Duhok Road. After an hour, the police forced them leave the area.

In August 22<sup>nd</sup> of 2016, more than 100 workers and employees of Havszbwn Company had a protest, which is a company of cleaning in Duhok and has 428 workers. They were asking for their eight last month's salaries, one of the workers named Sleman Hashm faced violations during the protest by the employer.

In April 14<sup>th</sup> of 2016, some people who have lost their beloved once protested in Sleamni to have their salaries on time but the police forced them to finish it right away.

In June 8<sup>th</sup> of 2016, some of the refugees of Iranian Kurdistan tried to protest in front of CDO organization in Slemani to make pressure on the government to recognize their

status as refugees in the region. But, the police came and arrested women and children and did not allow them to stay.

In June 8<sup>th</sup> of 2016, a refugee of Iranian Kurdistan named (Rahim Fayzwlla) was arrested in the strike by the police but then released after a while.

In July 8<sup>th</sup> of 2016, some of the Chaviland owners tried to have a protest near the ChaviLand office to have their payments on time, but Asaysh forces arrested 4 of them. They were (Dler Hussain Hassan, Hemn Rasul, Hawber Rauf and Muhammad FARhad). After 8 hours staying at the police station released.

In July 19<sup>th</sup> of 2016, when Nuri Al-maliki, the head of Islamic Dawa Party came to Halabja, two citizens of the city (Barez Salih and Ardalan) tried to stop him from coming to the city. But, the Asaysh forces for doing that arrested them.

In August 8<sup>th</sup> of 2016, people came to the streets in the region to condemn Abudlla Ocalan's arresting. While some adults tried to have it in Slemani, the police did not allow them and arrested (Sartip Faisla & Azad Muahhamd). They were beaten and put in jail for 7 hours then released.

In September 20<sup>th</sup> of 2016, some of NGO activists tried to meet different people in different locations in Slemani, so they went to Penjwen but were arrested in the checkpoint by Asaysh forces. They were (Awat Hassan, Hawraman Nimat, Mustafa Hassan Gawra, Adl Hassan and Dilshad Muhammad), they were released under the pressure of the NGOs in the region.

In September 24<sup>th</sup> of 2016, some gunmen kidnapped two teachers and activists in Slemani. They were (Awat Hassan and Adil Hassan), Awat was released soon but Adil

was released after 24 hours. The police and Asaysh forces in Slemani beaten them and violated their rights.

In September 24<sup>th</sup> of 2016, Communist Party in Slemani city requested a permission to have a protest to condemn the bad situation in the region but the governorate of the city rejected and did not allow them to have in the city.

In September 27<sup>th</sup> of 2016, most of the cities and districts in the Kurdistan region protested to have a better life and basic services and salaries, but in Qaladza city some of them protests were arrested and beaten. After a while, the police released them.

In September 27<sup>th</sup> of 2016, most of the cities and districts in the Kurdistan region protested to have a better life and basic services and salaries, but in Slemani city some of them protests were arrested for 8 to 48 hours by the Asaysh forces with any court orders. One of them was Nzar Muhammad, who was arrested for 48 hours, then was released in a village nearby Slemani city.

In September 27<sup>th</sup> of 2016, in Saydsadiq area, people were protesting, the Asaysh forces arrested some of the youths of the area; they were released after a while.

In October 24<sup>th</sup> of 2016, some of the public employees of Slemani area protested against their late payments, some of them were arrested. (Hazha Salar, Aso Xalil, Bryar salar and Dilshad Omer) were among the protesters arrested by Asaysh but after 4 hours released and their promise was taken to not do that again.

In November 1<sup>st</sup> of 2016, Latif Faraj; author and journalist tried to be take part in the protests of Slemani, he was denied to get into Slemani in Tasloja checkpoint. He was coming from Chamchamal area.

In November 1<sup>st</sup> of 2016, Saman Muhammad, religious Islamic man wanted to come to Slemani to participate the protest, but in Tasloja had to wait for a few hours to get into the city.

In November 19<sup>st</sup> of 2016, in the city of Slemani, Asaysh forces arrested three youths. They were protesters and then released under other protesters pressure.

In November 26<sup>st</sup> of 2016, Hastyar Hushyar, an employee of Slemani court has written some scandals on the court and judge. The judges and those who were part of the scandal prosecuted him. A few days later, he dismissed and till now no one knows about him.

In November 27<sup>st</sup> of 2016, in a lately night, unknown men burned the car of one of the protest leaders in Slemani. (Awat Hassan) went to the court to find those who did not but no one has been guilty for that yet.

In November 27<sup>st</sup> of 2016, in a lately night, unknown men burned the car of (Gulala Said), one of the protest leaders in Slemani. No one has been arrested for that, she has requested the court to find those who did it.

In November 28<sup>st</sup> of 2016, four protests were transferred to Duhok from slemani as a punishment for their protests. They were (Ali Maulud, Fatima Abdulla, Zana Mahmud, and Dlshad Omar).

In November 5<sup>st</sup> of 2016, in Erbil, the Asaysh forces told the protests to go away and not protest to support HDP Perelman member in Turkey. They were also told bad words so they leave do not do the protest that was arranged by some NGOs in Erbil.

In November 16<sup>st</sup> of 2016, some of the Salahaddin university students were threatened if they have a strike to get their accommodations from the university.

In December 1<sup>st</sup> of 2016, Awat Hassan, one of the main leaders of protests in Sleman was arrested for 10 hours. Asaysh forces arrested him at Kurdsat area in the city.

In December 1<sup>st</sup> of 2016, Gulala Said, one of the main leaders of protests in Sleman was arrested for 10 hours. Asaysh forces arrested her in front of her house.

In December 1<sup>st</sup> of 2016, Osman Muhammad, one of the protests of Slemani city was arrested for 8 hours without any court orders by Asaysh forces.

In December 1<sup>st</sup> of 2016, two protesters, Saman Tahir and Azad Hamafaraz were arrested in Slemani for their protests by Asaysh forces. They were released, after a while,

In December 1<sup>st</sup> of 2016, two citizens of Halabja were arrested by Asaysh forces without any court orders but were released in 2 hours.

### **What those statistics and violations tell us?**

Bewar Abdulaziz, university leacuture and activists tell PFOK team on the statistics and violations: *we can take a look of the data in two directions: Firstly, we clearly can see that our society has improved and now more aware of it's wrights. Second: we have a political system that only runs by the political major parties. They have controlled every thing in the region; they do not accept any freedom or different point of views. We would see in the future how the gap between the officials and the people gets long and they get withdraw by the people from power. They have been trying to limit every single aspect of freedom but that won't last so long.*

Hoger Chato, an activist tells PFOK team on that and says: There are three reasons that perpetuate the violations against journalists and freedom of expression:

*First: There is not a political effort to protect human wrights in the region.*

*Second: Throughout the history of the violations, we have not seen any prevention or effort to make it less. Most of the time, the authorities cover the truth. It is all around the world, when someone commits a crime, there are laws to punish. What we see if is not fair and those who do that never brought to justice.*

*Third: we do not have pressure from the civil NGOs, political parties, Perelman and the government to reduce the violations and create a society that all of the citizens are safe and sound equally.*

Dr. Frsat Sofi, a Perelman member from KDP tells PFOK team: *The number of protests and strike that we have cannot be seen in anywhere in the world. We have no issues with the protests nor the allowance to strike. There are 2 factors that create issues for the protests: one is the awareness of those who protest, second is the awareness of the authorities. Both should raise their awareness levels.*

Soran Omar, the head of the human wrights committee in the Kurdistan region Perelman and a member of Islamic Union Party tell PFOK: *The law of strike in the region prevents people from protesting, it does not only organize but prevents. According to the law, if a group wants to protest, they should take permission from the local authorities, which is unfair because the group may protest against them. Then they would not give the permission to a strike against themselves. In our term in the Perelman, we have tried to edit the law, changed the word of permission to warning so people can strike without permission. But, the former president has rejected it, which is why we could not change it. The Asaysh and police do most of the violations, we have sent those documents to the court but have never been responded. We see how the police attack the protests in the*

*region, but we can do nothing because they take commands from the presidency not Perelman.*

The conflict between the political parties in the region has left a negative impact on the civil activities and protests in the region. Some of the parties find those civil activities as excuses to their goals, the sometime made-up arguments to prevent them from doing it. That is why the conditions of freedom of expression is in danger.

Abdulxali Taalat, the head of the Erbil Police tells PFOK team: *Protesting has its laws and policies; we have to have those laws. Any protest should be regulated and a permission should be given by the local authorizes so the location and time be decided on. We also have to be careful when a protest takes place because they get high jacked by the political parties. In 2015, we had 98 protests in Erbil without any issues, but most of those protests were took place without permission. From December 1<sup>st</sup> of 2015 till June 21<sup>st</sup> of 2016, 36 protests have been done in Erbil without any issues because they have requested permission. We always not let those to protest that become a threat to the security of the city. Some of those strikes were supported to make the security of the city bad but we found and did not let them to do the strike. If someone who cares about the region and city comes to take permission to protests, we give and support unconditionally. We have the law and people should obey, out of 36 protests, only 16 of them were allowed legally.*

Some of the activists and protest managers mention that they need permission sometime immediately but the local authorizes are not at their offices all the time. Thus, some of those protests get delayed or not allowed due to the permissions. That can be seen as a threat to the freedom in the region.

Hoger Chato, an activist tells PFOK team: *There are two tips that we should remember:*

***First:** the right of protesting is one of the basic rights of human beings to express what they want to say. The state should provide that rights and let people do their protests. According to our law of protesting, those who take permission to have a strike take responsibility too, that is a problem. When protesters come to streets to against a decision by the government or political party, and they attack public buildings, they government should take responsibility not the protest because they should not be allowed to do that. **Second:** Both the Kurdistan region and Iraq should practice the international laws of protesting. The country has signed and Kurdistan should obey too. The state should protect its citizens and gives them the right of strike. They should not neither prevent them nor criminalize them when they strike. That is their right and they can practice it.*

Bewar Abdulaziz, a university lecturer and activist tells PFOK team: *we are all created freely and should be free. No one has the right to take our freedom. We see some violations here in Kurdistan when people go to the streets for a protest, but that should not happen. We see those violations only when all the agencies have been monopolized and they want to limit every single protest in the city.*

The majority of people, activists and Perelman members think that the problem we have with the law of strike is that the law limits the boundaries of protesting, so it should be edited and that should be a must. Parwa Ali, a member of the Kurdistan Perelman and civil affairs committee tells PFOK: *this law has lots of issues; some of the parts of the law are against the freedom of expression. We, in this term in the Perelman tried to edit it but the former president rejected our request. The law allows the police and other forces to*

*use weapons in response to the protests. That makes the violation worse and more vulnerable to happen. We also have lots of issues now in the region, so yes we expect violence and strikes due to the lack of services.*

#### **Four: Violations against activists and NGO**

The teams of PFOK have reported and recorded violation against the NGOs in the region, such as closure of the offices without court orders, making their daily work harder, beating and violating the law number 1 of 2011 which protects the NGOs in the region. In most of the violations that our teams have reported, it is clear that the NGOs and their members have been attacked due to their participation in the peoples' activities in the streets. The law of number 1 in 2011 insists on the protection of the NGOs but it defiantly has not been implemented well. In June 5<sup>th</sup> of 2016, Asaysh forces closed the headquarter of RPAK organization in Erbil, which works on the connection of Kurdish women. The closure was without a court order, then their members and staff were returned to Slemani. Roza Tatani, a member of staff in the RPAK organization tells PFOK team: without any clarification, in June 5<sup>th</sup> of 2016 at 09:00 AM, an Asaysh force came and closed the office. They were very disrespectful, they had no court orders, and they arrested and dropped out in Degala checkpoint [Degala is a checkpoint that divides the Kurdistan region into 2 parts between the KDP and PUK, it was found in the civil war era]. We were three women and we have a legal permission since 2014 from the KRG.

Some NGOs in Erbil have told PFOK teams that when they hold an activity or gathering, the Asaysh forces come without any legal orders question them. They ask the NGOs for the permission, most of the conferences and meeting; the Asaysh would come and intervene. Moreover, in Duhok city, every single NGO should be reigisted in the city too,

otherwise; they would not be allowed to work. The forces now use security excuses to limit the freedom frames, they use ISIS as a threat and always downsize the civil activities.

Bahar Ali, an activist and the head of EMA organization tells PFOK team: *even though we have special security circumstances and the government should be restricted but neither with the NGOs nor activists. Some of the restriction took place in a wrong way; the government has controlled some of the NGOs and they follow what the government says. Unfortunately, this action harms the region, we have had many good NGOs that improved the region in many ways, now we are losing those which is bad.*

Farman Rashad, the head of programs in Standard organization tells PFOK that: *we have been to Asaysh and requested them to have a permission for our activities, but we have had times when we had to wait and go through many routines; we just did not do the activities. We suppose to have a conference in Peshawa Hall in Erbil in October 11<sup>th</sup> of 2016, but a night before the ministry of culture and youth called and canceled. That was a clear message from a political party to us to not do that conference.*

The security forces in Kurdistan region always treat and respond the NGOs independently, Asaysh and Police never refer to the laws, which sometime makes issues because they have to go by the laws of the NGOs that KRG has issued.

Akram Jamo, the head of the non-government organization affairs from KRG tells PFOK team: *according to the laws, when an NGO violates a law, they get notified and 15 days to hold it. If they do not do that, their work permission would be hold for 30 days. Those violations that have been in place by Asaysh forces are unacceptable, and we are not fully aware of them. RPAK NGO staff came to us 10 days after the closing their office,*

*they should have come to us sooner than that. What have been done to them is not acceptable. What have been told PFOK team is not true for all of them; some of the NGOs never come to us and request help. We help every single NGO that comes and faces violations, we are here for that and the Asaysh forces should respect them.*

**Legal obstacles among the unions, centers and syndicates:**

Currently, in the Iraqi Kurdistan, center, unions and syndicates work by the law of number 18<sup>th</sup> in 1993. The law in article 7 insists that in order to establish unions or center or NGO, founders should request the ministry of interior. That is an issue of establishing new NGOs. We see how policy the laws are, and they treat NGOs in a militarily way. Our team has found a team that wants to have an NGO but have not been responded for 2 years.

Wishyar Malo, an activist tells PFOK team: *We have tried to have a new law for the NGOs in the region; a draft is ready called ICNL. We have worked on it based on the 2009 laws and given to the civil affairs committee in the Perelman but they are closed now and not able to work on it. In fact, the law should be edited in two levels, one is their registry information and the second level is their financial status. There also have to be laws to the NGO, which want to make new connections with international and external NGOs to facilitate. What we have now makes their connections difficult with outsiders. When they want to do something, they have to prove the Asaysh all the details and names. They have to go through so many routine procedures that make the members either leave the Ngo or close it.*

**Individual victims of freedom of expression violations:**

1. A true story of an activist:

Name: Nzar Muhammad

Occupation: Activist

Age: 51 years old.

Location: Slemani, Sarchnar

Marital Status: Married

Nzar Muhammad is one of the civil activists in the city of Slemani, he has participated in all of the activities that take place in the city. That is why the Asaysh and security forces in the city follow him so they can force him to get away from those activities. In October 27<sup>th</sup> of 2016, when the protest took place in Slemani by the employees, teachers and citizens of the city in front of the education agency headquarter; Nzar was there as a normal citizen to support the protesters. Asaysh forces tried to finish the protest soon and arrested some of the people there, he was one of them that was taken. He tells the story of arresting and taking him to Asaysh station in Slemani:

*They took my phone from me and put a blanket on my head so I can see nothing. They picked me up with a car of Asaysh and brought me to an Asaysh station. They put me in a room; no one came to interrogate me so I can know why I am arrested. They brought me meal and blanket; I had to stay there the night. I was really in need of going to a WC due to my diabetes, but they did not allow till the next morning. 6 o'clock in the morning, they came and opened the door for me and allowed me to use the bathroom. I asked them to see why am I here? They did not respond me, so I decided to not eat. They brought me food every meal but I rejected 48 hours to eat, and then they put me back to the room again. A day later, around 7 in the evening, they came and put a blanket on my head and picked me up. I felt that they were transferring me somewhere, we went to somewhere*

*and they dropped me off. When the left, I opened my eyes and saw nothing but a place outside of the city where is like a valley. Then I went to see where I could reach help, I got a public road. I went through it till I got a place where people were in it. But I was afraid from there so I went more till I got some houses around. I asked someone to see where I was; someone told me that it is the village of Welayara. Then I asked for a taxi, but the guy told me to go more and there is a company that provides taxis. Then I took a taxi and went home, after a week of releasing, they gave me back my phone.*

## **2. The story of a killed journalists' brother**

Widat Hussain, a journalist who was killed in August 13<sup>th</sup> of 2016, till now his case is ambiguous. Abdulrahman Hussain Ali, a brother of the journalist tells the story in which he faced threats:

*I am single and a Peshmarga in the environment unit. From the first day of Widat's killing, we as a family have been going under questioning and going to the police. Unfortunately, we still don't know how and who killed my brother and we will never ever forgive those who did it. The only doubt we have now is the authorities of this area because he was questioned and asked to go to Asaysh stations in his city. The Asaysh force abused him physically before his killing, which is why we are suspicious about the Asaysh forces. We as a family, ask for a fair investigation to see how our boy in daytime was kidnapped and then killed. How the known men with clear car plates could do that in the middle of the city. We have the right to know and would always publicly speak on that matter, we want to know how and why he was questioned by Asaysh forces before that. Why did they tell him to step down from his work and get a way from journalism?*

*Since my brother has been killed, I have been receiving threats and text messages from unknown numbers. I have been to the police and tried to let them now I am under threat but they never believed me and said that I had to prove which was hard for me. I have received phone calls, they say that I have to be quite on my brothers' case and never give statement to the news channels. I get texts, such as; "if you do not get quite, we will kill you, you would be killed" Or "If you are not going to be silent, we are going to make you silent".*

### **3. Abusing as a way of violating individual freedom:**

Name; Hemn Abdulkhaliq

Age: 35 Years Old

Location: Erbil, Bnaslawwa

Gender: Male

Marital Status: Married

Occupation: Peshmarga

Hemn Abdulkhaliq is a resident of Erbil city in Bnaslawwa area. As usual, he came home and was having dinner with his children. While they were having dinner, someone knocked the door with Asaysh forces. When they opened the door, they saw the forces and asked him to go with them.

Hemn says: *someone who manages the area was with Asaysh forces; he helped them to find my house. They told me bad words and very disrespectfully treated me. The forces tried to take him while his kids were trying to not let them to take him but they resisted and took him from home. His wife was pregnant but lost the baby during those chasing with Asaysh forces. Then they take Hemn and his 15 years of son with themselves to a*

*checkpoint between Kerkuk and Erbil (Sherawa). On the way to the checkpoint, they blinded them completely. When they arrive, an Asaysh officer shaves Hemn's head and eyebrows. Then his wallet was taken and they were freed to leave the city of Erbil. He was also notified to leave the city as soon as possible. Then he went to Slemani from Kerkuk. Hemn says that he has been to the court and sued KDP leader since he says that he defends the people and a very pro reform person. That is why he go punished and kicked out form the city.*

#### **4. Attacking and injuring a young man in the city of Erbil:**

Name: Hawre Abdulla Sabir

Nickname: Hawre Kurdi

Occupation: Civil Activist and head of Yakbwn organization

Age: 23 years old

Educational level: High School

Marital Status: Marries

Number of Children: 1

Hawre Kurdi is one of the civil activists in Erbil, he has been beaten, threatened and injured in Erbil for his civil activities. He tells PFOK team his story and says:

*It was around 7:00 to 8:00 PM in September 27<sup>th</sup> of 2016, I was about to go s tore, a Nissan Pickup with a black windows stopped. Four men got out from the car and told me that they have a message for me. They came out from the car and put guns on my head and told me to be quite or they are going to kill me. The people around me tried to see and come to help but they told them to stay away from him. Then they took me behind the car and started beating me. They beat me for 10 minutes and I was so tired and could not*

*fight back. They broke my phone, and put their shoes on my mouth. My left leg hurt so much; I went home and could not sleep the night due to the extreme pain. I went to a doctor; he told me that my left shoulder has been injured with a knife. This was not my first time, I remember in 201 when they asked me to help them but I rejected and said I would never work for them. Then they called me to go to city center and I went, 2 men came and took me to Ankawa. They told me to stay away from activities or I am going to be killed like Sardash Osman. I know a friend spied on me and told them about me.*

In February 1<sup>st</sup> of 201, when Beri Bazyan the deputy secretary of the Perelman was arrested, we were some activists came to the street to speak up. But, the police arrested me and told how a child can ask for freedom. Then I told them to arrest me because I did not have money to go back home. They took me to the Erbil police station, and then released me. In April also I was with some other friends protesting in front of the Perelman asking for salaries and justice; the police attacked some journalists. I asked why they did that, they told me to be quite. Then they arrested me and took me to Asaysh. The abused me and told me bad word. Then they signed me an agreement that I would be away from those activities. I was released with the help of my family. Finally, we had a strike against the Turkish government when he threatened Rojava/Syria. The police allowed us but when we started the protests, they came after 5 minutes and said that they want to make troubles for the protest. They told us that we were not allowed to do something against Erdugan and never try to something similar.

## **Suggestions and Recommendations:**

-The law of number 11 of 2010 should be edited which is about protests and strike in the Kurdistan region. It should meet the international standards. Especially, when it does not allow immediate protests in article 3, part 2 which indicate that the protesters should take permission form the local authorizes. This part should be changed to a warning instead of the permission. And the law should protest the protesters form violence or any other threats, and should allow strikes at any time and circumstances.

-Striking and gathering are two totally different actions, so there has to be a differentiation between the two so we can know what is protest and what is not.

-The police and those forces that go to the streets to protect the people should be trained and more aware of the wrights of strike so they can treat them fairly.

-There has to be an urgent plan to arrest and bring all of those who killed journalists and protests to justice. Those who violated and inured the civil activists should also face justice.

-The power of law should be protected and public prosecution be independent. No any major powers should interview from the court affairs.

-An environment should be provided to all of the NGOs to take part in issuing new laws or regulations.

-There has to be a law that guarantees a support for independent media networks.

-Strengthen the role or syndicates and NGOs in observing freedom of expression.

Till now, the Kurdistan region uses the law of 18<sup>th</sup> of 1993 that is about unions and syndicates, and in article 7<sup>th</sup> says: in order to establish a syndicate or union, founders should request a letter to the minister of interior". This shows how restricted the law is

and how militarized the law is. The law should be moved from the ministry of interior to the NGO affairs of KRG.

-The freedom of expression law should be implemented well, such as; the law of 35<sup>th</sup> in 2007 of journalism, the law number 11<sup>th</sup> in 2010 of protesting and strike, and the law of 11<sup>th</sup> in 2013 of access to information. And the law of number 1 in 2011 of the NGO in Kurdistan region.

-Taking out the political parties' ties with the duties of Peshmargas, and police, so they can be independent.

### **About PFOK:**

Peace and Freedom Organization is a non-governmental organization that was founded 2013 .

It is currently officially registered in the NGO Directorate office of the Kurdistan Regional Government of Iraq.

The organization works along two main tracks:

- Peace-Building and Protection of Diversity
- Protection of Human Rights and Strengthening Freedoms

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