



## **Iraqi Kurdistan: No safe haven for human rights defenders and independent journalists**



Mission Report  
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## I. Introduction

Many see Iraqi Kurdistan, an autonomous region in Northern Iraq, as a safe haven, a place of relative calm away from the terror and chaos that exists in much of the rest of Iraq. This is not the position for independent journalists and human rights defenders. The internal political tensions raging in the region have resulted in impunity for attacks against them which include murder and arson. Human rights defenders, working on such issues as women's rights or conditions in detention, face violence from within the community. Many journalists say that they self-censor; they know where the "red lines" exist around issues such as religion, corruption and social inequality, lines that must not be crossed.

The political history of the Kurdish Regional Government (KRG) dates back to the formation of the first Parliament in 1992 following the no-fly zone imposed to protect the Kurdistan Region from the violence of Iraq's former Ba'ath regime. The fourth regional elections took place in 2013 when no party won a majority and a coalition was formed between the Kurdistan Democratic Party (KDP) and the Movement for Change, or Goran, forming the biggest blocks, the Patriotic Union Party (PUK) having lost more than a third of its seats. Both Islamist parties and socialists made gains. The KDP is led by Massoud Barzani, with at least fifteen members of his family assuming key positions, including that of Prime Minister and military chief. The PUK is led by Jalal Talabani, the ex-President of Iraq, and is dominated by his family with at least eleven members holding key positions including the Chief of Anti-Terror forces, Finance Minister and Chief of Public Organisations. Goran is a breakaway party of the PUK and commentators are waiting to see if it will become something genuinely democratic and new or if it will be a copy of its parent party. Corruption is rife in the area, with Iraq being ranked 171<sup>st</sup> out of 177 countries in Transparency International's Corruption Perception Index.<sup>1</sup>

The independent Kurdish journalist Kamal Chomani, writing in the online daily newspaper *Kurd Net* in 2012, sums up concerns about the governance system:

"The sons and offspring of Kurdish leaders have occupied almost all important government institutions and external offices along with monopolising the economy in the region. Why talk about democracy when just two families decide on every policy? This is nothing but a new kind of tribe system in a modern form. Nation building cannot be like this."<sup>2</sup>

In this report, the Gulf Centre for Human Rights (GCHR) documents the restricted environment in which civil society and the media operate in Iraqi Kurdistan, and looks at individual cases of journalists and human rights defenders who have suffered as they carry out their legitimate and peaceful work. This report was written following a mission to Iraqi Kurdistan carried out from 2 to 16 September 2014.

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<sup>1</sup> [http://www.transparency.org/country#IRQ\\_DataResearch](http://www.transparency.org/country#IRQ_DataResearch)

<sup>2</sup> <http://www.ekurd.net/mismas/articles/misc2012/6/state6289.htm>

## II. Civil Society Under Threat

GCHR met with many civil society organisations in Sulaimaniya and Erbil during the course of the mission to Iraqi Kurdistan in September 2014. The fact that there are thousands of officially registered organisations in existence conducting important work, for example in the areas of women's rights, minority rights advocacy and press freedom, is impressive and gives cause for optimism. The Iraqi Constitution in Article 45 requires the state "to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law."

However, it was widely asserted by those interviewed that the majority of civil society organisations are linked to one or other of the major political parties. This assertion is backed up by a National Democratic Institute report published in 2011 which showed that 57% of civil society organisations interviewed reported having partnerships with political parties. This political dependency means that many of these organisations do not fit the standard definition of a civil society organisation, that of autonomous organisations who provide a space for non-state action and dialogue on issues of public importance. In some instances these unofficially-political organisations can hinder the expression of independent views.<sup>3</sup> A policy for cooperation between public authorities and civil society organisations was ratified by Parliament in June 2013 with the aim of giving NGOs a greater voice in policy formation. It is too early to tell if this will be a significant development.

Two of the most important civil society organisations, the Democracy and Human Rights Centre (DHRC) and the Association for Crisis Assistance and Solidary Development Cooperation (WADI) in Sulaimaniya, continue to provide strong independent advocacy and support services, primarily in the field of women's rights. DHRC is an advocacy and support organisation working on legal issues including women's rights and prisoners' rights.

Most organisations interviewed by GCHR reported that they were able to carry out work in their chosen areas but that they had to proceed with caution. In particular it was understood that criticism of certain government figures was unacceptable and would result in threats and bullying. Several people reported having criticised government policy and as a result had received telephone calls and visits from political figures asking them to retract statements and asking them how they would feel if something bad was written about their families. GCHR was asked not to publish the names of the political figures concerned. The threats also included suggestions that something unspecified but bad could happen, and that the authorities would be unable to offer protection.

Several of the organisations concerned with women's rights had armed guards outside the premises in order to protect them from violent attacks by the families of women to whom they had offered shelter or for whom they had provided advocacy. Several women's rights activists reported that they received multiple threats from unknown sources after making public statements on high profile women's issues, in particular in relation to honour killings. Many had received death threats from the extended families of women they had helped.

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<sup>3</sup> *Conflict, Democratisation, and the Kurds in the Middle East*, by David Romano and Mehmet Gurses.

Sardasht Abdulrahman Majeed of DHRC wrote an article in 2012 examining the issue of torture in KRG detention centres. She was approached directly by a Kurdish politician and asked to retract the article and indirect threats were made against her and her family.

Bahar Munzir is the General Director of the People's Development Organisation and coordinator of the Zhiyan Group, which lobbies and advocates on the issue of honour killings. The Zhiyan group was formed as a response to the murder of Nigar Rahim by her brother on 15 July 2012. Nigar Rahim had been raped and made pregnant by another brother and consequently taken into custody<sup>4</sup>. She was murdered shortly after her release. Honour killings and the related issue of self-immolation by women is very prevalent in Iraqi Kurdistan. Munzir estimates that there are in the region of 300 cases of self-immolation per year. Although these honour killings are contrary to the Law No. 8 Against Domestic Violence, the law is frequently not implemented sufficiently or at all. The Nigar Rahim case is an exception to this rule. Following the advocacy of the Zhiyan Group and the high profile media coverage, the perpetrator of this murder received a sentence of 20 years in jail. The high profile criminal trial following the murder, by her father, of Mamosta Sakar Hamdamin in 2012 followed a more predictable pattern; the father was released from custody after some weeks under a general amnesty law.

Munzir and other staff at the People's Development Group face high levels of abuse and threats in relation to their advocacy in these cases. Munzir estimated she received approximately 500 individual threats after the Mamosta Sakar Hamdamin case. Many of these were threats to kill her.

Hemn Farid is General Manager of the Kurdistan Volunteers Organisation and a lawyer. In accordance with the rules surrounding demonstrations, he attempted to register a protest in February 2012 to commemorate the anniversary of the large protests in 2011. Two days later, five cars followed his car and forced him to stop. He was badly beaten and assaulted with an electric shock to the neck. A television station was called to the scene and recorded the aftermath of the attack, the torn clothes and disarray. The story of his attack was the top news story of the evening. A parliamentary committee has investigated the incident, but there has been no resolution of the case. GCHR was shown photographs of his injuries and of the damaged car with slashed tyres and dents.

Ghanim Latif, founder of the shelter [Asuda](#) for Combating Violence against Women, the first refuge for women in the Kurdish region of Iraq, explains that there is a lot of suspicion about their work. She says that they have a good working relationship with some government departments but that in general there is a lack of support from government because the authorities often fear that the organisation acts as means of communication of criticism to international organisations. In 2010, an extremist Islamic cleric published a booklet calling for five women activists (including Ghanim Latif) to be killed for their pro-women stance. Latif took this threat seriously, yet the cleric involved was not sanctioned for issuing this threat. Staff at ASUDA continue to work to provide safe haven for victims of gender based violence but have to be constantly vigilant.

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<sup>4</sup> <http://www.iraqicivilsociety.org/archives/1325>

Hogr Shekha, Chair of the Board of Trustees of the Public Aid Organisation (PAO), a development organisation based in Erbil, says there are threefold challenges for NGOs in Iraqi Kurdistan. Firstly the organisation's policy and rules are not implemented. The levels of bureaucracy are high with each project having to be separately registered. There is a great deal of suspicion from the authorities, he says, that the PAO is simply passing on criticism of the authorities to international organisations, a concern echoed by other organisations. The second biggest problem identified by Shekha is that of access to information. The basic facts and figures of public services are either not recorded or not in the public domain. It is very difficult to advocate for the improvement of a service if reliable data remains unavailable. The third problem, identified by everyone that GCHR spoke to, is that of undue political influence with every politician having a coterie of NGOs around them. Shekha says independent NGOs have no support and no back up. An example was when the KRG dug a ditch along the border with Syria. Five NGOs were against this ditch and protested. This resulted in the arrest of the staff and closure of the organisations.

Shekha also identifies the misuse of the judiciary as a major problem and gives the example of PAO board member Sham Sabir being arrested and detained for three days in 2013 for criticising on Facebook how court cases were delayed and unprocessed, sometimes for many years.

He believes that all NGO work is monitored by the authorities and everyone has to be very careful about what they do and say. "I could be arrested at any time," warns Shekha.

### **III. Minority Rights**

In the summer of 2014, the largest city in northern Iraq fell swiftly to the forces known as the Islamic State or the Islamic State of Iraq and al-Sham (ISIS). The proclamation of the Caliphate/Islamic State was followed by ethnic cleansing of the religious communities of Yazidi and Christians in the Province of Nineveh. No report dealing with the human rights violations in this region this year can fail to highlight the genocide which was committed against these communities at the hands of militants of the Islamic State in July and August.

The Kurdish region has traditionally been a tolerant home for a rich diversity of peoples including Arabs, Chaldeans, Assyrians, Turkmen as well as the Kurds themselves. Many organisations are working hard to support the large numbers of internally displaced people and refugees who are now in the cities of Duhuk, Sulaimaniya and Erbil, amongst others, as a result of the conflict and attacks on minority groups. Some people GCHR spoke to felt that the Yazidi population had been abandoned by the authorities and that more could have been done. They say there are outstanding questions that need to be answered in relation to the genocide in Sinjar in July and August of 2014. It is difficult to explore these questions when there are significant restrictions on press freedom as set out in the following section.

## IV. Restrictions on Free Expression: Media and Journalists Targeted

Iraq is a party to all the major United Nations Human Rights Conventions and in particular, the International Covenant on Civil and Political Rights, and it therefore has an obligation to protect rights to freedom of opinion and expression.<sup>5</sup> The UN Human Rights Committee, which is tasked with interpreting the covenant, has stated that “All public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition,” and that there is a need for “uninhibited expression” in public debate concerning public figures.<sup>6</sup>

The Iraqi Kurdistan region as a federal region of Iraq is subject to the Iraqi Constitution of 2005. In article 38, the Constitution provides the following guarantees in relation to freedom of expression:

*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.*

Within the Kurdistan Region, freedom of the press is further guaranteed in Law no. 35 of 2007, which states:

*The press is 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...*

From all the reports GCHR has received, the judicial system in the Kurdistan region appears to have been harnessed to try to stifle investigations into allegations of corruption, and to arbitrarily limit discussion and criticism of the major political families. During its mission, GCHR heard credible allegations of baseless charges, protracted court processes, and repeated court hearings at different levels of court to extend the period of time that people have charges hanging over them. The Courts appear to be engaged in a deliberate attempt to restrict rights of journalists to freely exercise their profession in breach of both domestic and international obligations. The laws as written are in conformity with international standards but the problems lie in the implementation of these laws. It appears to GCHR that for this reason it is imperative that the judiciary and all arms of the criminal justice system be fully trained and conversant with the current laws and how they should be applied.

A joke circulating in media circles in Iraqi Kurdistan is that the political parties tell journalists that they are free to write whatever they want, but that they, the political parties, are also free to arrest journalists whenever they want. Sadly this joke understates the reality of the situation for journalists, who are not only arrested on a regular basis but have suffered assaults by the police, by unknown people and have on some occasions paid with their lives.

The KRG authorities have arbitrarily tried, convicted and imprisoned journalists with impunity. This despite a Press Law of 2007 which purports to give protection to the right of journalists to obtain information of “importance to citizens” and “relevant to the public interest.”

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<sup>5</sup> Article 19(2) ICCPR

<sup>6</sup> UN Human Rights Committee General Comment 34 para 38.

The criminal law is the tool most frequently used against journalists, often for stories about corruption. In 2012, the Ministry of Justice and the Ministry of Endowments and Religious Affairs sought to promulgate a law criminalising insults to religious and political figures. The passage of the law has so far been blocked by the Kurdish Parliament's Legal, Human Rights and Civil Affairs Committees, but if passed it would represent a serious infringement of freedom of expression and could prevent the media from playing any role in holding political and religious figures to account.

The state of the media in Iraqi Kurdistan is, like the political situation, highly complex. Media figures described a classification of the three main types of media in the following terms:

1. The independent or private media, which are answerable to no one: This is a very small group, one can count them on the fingers of one hand.
2. The shadow media: These news outlets present themselves as independent but are in reality funded fully or in part by individual officials from political parties. In effect they give the news from the perspective of that individual. Thus individual political agendas can be served under the guise of independence which creates an extremely complex and difficult context within which the populace can attempt to understand what is happening around them.
3. The party media: These outlets are directly and openly connected to any one of the political parties.

Many journalists and media figures described to GCHR how the red lines are well known to anyone working in the media. Investigative articles concerning high profile figures, in particular if they concern corruption, articles concerning matters of a sexual nature, and anything that comments on the family of the President are out of bounds for public discussion. Journalists who have dared to engage in these areas have lost their lives.

On 21 July 2008, gunmen killed Kurdish journalist Soran Mama Hama in the disputed area of Kirkuk. He had written articles about corruption for the independent Kurdish magazine *Lvin*.

On 5 May 2010, Sardasht Osman, 23, a student and independent writer and contributor to *Awene*, *Hawlati* and *Lvin*, was killed by unidentified gunmen. He had written a satirical poem speculating how different his life would have been if he had been born into an elite family; how perhaps he could have become the son-in-law of the president. He subsequently received threatening phone calls telling him to stop writing. He was then abducted and later found dead, having been shot in the head. The poem can be found here.<sup>7</sup> The authorities claimed that he had been involved with an armed group and had been killed by them. This has been hotly disputed by all who knew him.

On 5 December 2013 Kawa Garmyani, a reporter for the weekly *Awene* and editor of *Royal Magazine*, was shot and killed in front of his home in Kalar city. He had written several articles about corruption in Iraqi Kurdistan.

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<sup>7</sup> <http://www.ekurd.net/mismas/articles/misc2010/5/state3816.htm>

It had been widely reported in the local media that Garmyani had been threatened by the PUK politburo member Mahmud Sangawi. A recording of an alleged telephone conversation between, Kawa Germyani and Mahmoud Sangawi was uploaded on You Tube<sup>8</sup> on 24 July 2014 exposing an exchange in which Sangawi appears to be threatening to kill the journalist. A Kalar Court issued an arrest warrant for Mahmoud Sangawi, of the PUK's politburo, who has been sued by the Garmyani family. Sangawi was briefly arrested but not charged and maintains his innocence.

None of these murders have been adequately investigated and this general failure to investigate raises serious questions over Iraqi Kurdistan's claims to be an open democratic society.

The murders referred to above represent the tip of an iceberg of violence and threats against journalists. Every journalist that GCHR spoke to had experienced some degree of threat or had suffered an unexplained violent attack which they believed related directly to the nature of articles they had published.

It is not just individual journalists who are at risk. The first independent radio and television station, owned by Nalia Satellite Television, was the victim of an arson attack on 17 February 2011, 48 hours after it broadcast coverage of a large pro-democracy demonstration in Sulaimaniya. Again, the perpetrators have not been identified or prosecuted.

On 26 October 2013, the station's owner, Shaswar Abdulwahid was shot in the leg whilst in his car. He is no longer in the country. Two weeks prior to GCHR's visit, the television station again received threats by telephone that unspecified staff would be killed.

Dana Asaad, Editor-in-Chief of one of the leading independent papers, *Awene*, had received a court summons on the day of his meeting with GCHR in September 2014. It was in connection with an article he had published but did not specify which one. He described how it was not uncommon for the judge in such cases to openly revert to the old law and to hold journalists in prison as a matter of course. He related this to the general crisis in Iraqi Kurdistan. He said that there could be periods of calm when the press was relatively free but in moments of crisis, for example when there are political protests, freedom of expression is a casualty. General stories are acceptable, but when the story becomes more specific and identifies particular individuals, the attacks begin. "Then," said Asaad, "you are in real danger." He was referring to his journalist Kamal Garmyani, mentioned above, who was killed in 2012. He says that the identity of the perpetrator is well known but that he will never be brought to justice because of his important position in the military.

Asaad makes it clear that journalists are not just under threat of death, and subject to judicial harassment, if they overstep the mark, but furthermore it is not uncommon for the police to harass journalists on the street, to physically attack them and to break all their equipment. The police, who like everyone else, are affiliated with the political parties, do this with impunity.

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<sup>8</sup> [https://www.youtube.com/watch?v=cQBMeRfZ2\\_s](https://www.youtube.com/watch?v=cQBMeRfZ2_s)

When GCHR met Sherwan Sherwani, independent journalist and Editor-in-Chief of *Bashur* magazine, he had been in court that September morning. The case, one among many against him, was in relation to a story he had written about regional politicians connected to the Barzani family, alleged to be running an illegal detention centre for political prisoners. It was the fifth hearing in the case that had started about a year earlier. Sherwani considers that his life is in danger as a result of this article and he never stays in one place for any length of time. Two weeks prior to the meeting with GCHR, for example, his car was hit by another car in what seemed like a deliberate collision.

Niyaz Abdullah, a journalist and activist based in Erbil, described in detail her arrest on 4 April 2011 whilst reporting on a political demonstration. She was dragged by the hair and threatened with sexual assault. In April 2013, she was subject to a death threat by a masked gunman in the street in Erbil. She has received numerous threats of violence and of sexual assault, and these continue to date.

Nareen Shammo is an independent Yazidi journalist who is concentrating on the widely reported crisis facing the Yazidi minority at this time and in particular the thousands of women who have been kidnapped, raped and forcibly married to Islamic State fighters. Many of the women, she said, had been sold as slaves to countries in the Arabian Gulf and subject to multiple rapes and other abuses. Shammo has been pivotal in disseminating information about the plight of the Yazidi and has come under some indirect pressure to keep quiet.

Diar Shareef worked as a journalist at the independent *Hawlati* newspaper in 2000 when it was first launched. Since then he has observed the development of the independent media in the Iraqi Kurdistan. He describes the difficulties of maintaining an independent stance. He recalled how one employer had asked him if he could describe himself as neutral rather than independent because this would be considered less inflammatory to the local politicians. He has nevertheless maintained his principled stand and now works alone as a freelance journalist. He says, "I assure you that being independent, culturally and politically, in Kurdistan is very difficult and you are always waiting to be threatened and marginalised by political authority and its shadows."

The media advocacy group [Metro Center to Defend Journalists](#), based in Sulaimaniya, has recorded in detail nearly 700 attacks on journalists since 2011, including threats, harassment, beatings, detentions, intimidation, and arson. Most of the attacks have gone unpunished.

The highest numbers of attacks occurred in 2011, when journalists covered the large scale pro-reform protests that took place in Erbil and Sulaimaniya. In the violent clashes that ensued, ten people, including two members of the security forces, were killed, according to hospital and government officials. At least four journalists were shot and wounded. That year, the Metro Center documented an unprecedented 359 attacks on journalists and media organisations. In 2012 and 2013 the number of attacks was lower, but still high at 132 and 193 respectively.

Rahman Gharib, Director of the Metro Center, was himself assaulted during a protest march on 17 February 2012 marking the one-year anniversary of demonstrations against the KRG government. He was the only journalist wearing a press jacket and had thought that this would give him some protection. Unfortunately this was not the case and he was arrested and beaten by security forces.

Gharib reports that he has suffered a constant campaign to discredit him since 2012. This has been an online campaign using Facebook and other social media. He says that his contacts list was accessed and those on it were subjected to harassment. He says, "They try to kill our spirit through these assaults on our reputation, but we will not be beaten. We never say that we have no freedom. We do, and there is protection under the law. It's just that this freedom is severely restricted and we have to know where the lines are drawn. And sadly the law is not implemented, as it should be. We need international support. We should not be alone with this."

## **V. Conclusion**

The Gulf Centre for Human Rights (GCHR) recognises that this is a sensitive time for the international community to level any criticism against the Kurdish Regional Government (KRG), given that it is providing a bulwark against the barbarities of the Islamic State. Yet that connection also provides a valuable opportunity to influence the government and to build on the existing institutions and laws to help the population of Iraqi Kurdistan attain the type of liberties that can be taken for granted in many of the nations presently supporting the Kurdish military efforts.

## VI. Recommendations:

Against this background, the GCHR calls on the KRG authorities to:

1. Issue a public statement in support of journalists and the media, and the need to permit them to carry out their work without undue political interference.
2. Institute a programme of training for police forces and the judiciary across the region to equip and motivate them to protect freedom of expression and defend the rights of journalists to carry out their work without fear of arrest or assault.
3. Ensure that all attacks on journalists and human rights defenders are thoroughly investigated, that the results of all such investigations are published, and the perpetrators of such attacks who are identified are brought to trial and if convicted, punished appropriately.
4. Publish the results of the inquiry into the murder of journalist Sardasht Osman in 2010.
5. Institute an inquiry into the arson attack on Nalia Radio and Television in 2011.
6. Ensure that independent NGOs are able to operate without interference and surveillance by the authorities.
7. Investigate threats against NGO workers and offer protection to them, particularly in cases of women's rights defenders who are themselves threatened with violence for their work calling for justice in the cases of women victims of violence.
8. Allow legal, peaceful demonstrations to take place without interference and violence from security officers, nor the arrest of demonstrators, journalists and photographers.
9. Issue an invitation to the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to visit the region, to report and to make recommendations.

## VII. Methodology

The essential method of investigation was meeting and speaking to human rights defenders and journalists in Sulaimaniya and Erbil, followed up with a review of the KRG's laws by a lawyer working with GCHR. The combination of limited resources and the security situation, both in the region and in the bordering areas occupied by ISIS rendered such an approach impossible.

The verification of the accounts reproduced in this report was undertaken in three ways. First, the accounts were compared with the information set out in previous reports by respected organisations<sup>9</sup>. Second, the narrators' account was examined for internal credibility, to see if the facts being relayed were described consistently and plausibly. Third, the accounts were compared with one another. At the conclusion of this process, GCHR has concluded that the accounts set out within this report are credible, consistent and in large part un-contradicted by other accounts in the public domain.

This report focuses on the experience of human rights defenders themselves in the Kurdistan region rather than on the substantive issues with which they are dealing. Whilst other very important topics such as the treatment of women in the region and human rights abuses in the neighbouring territory currently held by ISIS are touched upon, they are not the focus of this report and cannot be done justice by a single visit in the difficult circumstances that currently prevail in this region.

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<sup>9</sup> The US State Department, Human Rights Watch, Amnesty and Front Line Defenders