



MISSION REPORT

# BETWEEN FREEDOM AND ABUSES: THE MEDIA PARADOX IN IRAQI KURDISTAN

REPORT FROM THE MIDDLE EAST DESK, NOVEMBER 2010

**REPORTERS  
WITHOUT BORDERS**  
FOR PRESS FREEDOM

**W**ithin the last two years, two journalists were murdered in Iraqi Kurdistan: Soran Mama Hama in July 2008, and Sardasht Osman in May 2010. Many other journalists have endured threats and assaults on a daily basis, though nothing as bad as what journalists in the rest of Iraq have suffered since 2003.

Soran Mama Hama was murdered in Kirkuk, which is not officially part of the Iraqi Kurdistan but the fact that he was living in Sulaymaniyah and working for the independent magazine *Lvin* is enough to qualify him as one of the victims of the abuses being committed against journalists in Iraqi Kurdistan.

Apart from acts of violence, journalists must deal with a widespread lack of access to information and abusive use of the Iraqi Penal Code to try press offences.

Since journalist Sardasht Osman was assassinated this past May, the distrust – even suspicion – between one element of the region's political class and some journalists, has only increased. It will be up to government leaders to work towards reconciliation with the press.



© RWB

That being said, all of the country's actors and international observers agree that remarkable progress has been made in the last ten years, from an economic and political, as well as institutional viewpoint. Having been spared the violent unrest which has been ravaging the country since 2004, Kurdistan clearly enjoys better safety conditions than the rest of Iraq. Still, Kurdistan is a young region undergoing a major transition (political, social, societal, economic, etc.) and facing a multitude of challenges.

The status of press freedom is better there than in neighbouring countries and provinces, mainly because of Kurdistan's adoption, in 2007, of a protective Law of Journalism. The Kurdish intelligent-

sia is dynamic, and the number of its media outlets has exploded in the last few years. In this area of close to 83,000 km<sup>2</sup>, the Kurdistan Journalists Syndicate boasts over 850 media (including 415 print media) among its nearly 5,000 members.

The aim of this report is to understand the paradox of media freedom in Kurdistan. It first addresses the history of Iraqi Kurdistan's media. A better understanding of the way these outlets emerged over time is essential in order to grasp the complexity of their current challenges. Originally considered as instruments of propaganda of various armed groups during an era of secrecy, the region's media are inseparably connected to its politics, hence the difficulty journalists are running into as they attempt to exert their independence. A description follows of the problems now being faced by the media. Reporters Without Borders has included in this report recommendations to the Iraqi Kurdistan authorities, as well as to the region's journalists.

# THE MEDIA AND POLITICAL PARTIES: A LONG-STANDING RELATIONSHIP



© RWB

The history of Iraqi Kurdistan's media is the product of the region's political history. In 1961, Iraqi Kurdistan's Kurds, led by Mustafa Barzani, rebelled against the Baghdad regime, waging a war which lasted until 1970. On 11 March 1970, Kurdish guerrillas negotiated a three-year truce with Baathist leaders who had assumed power by means of a coup less than three years earlier. However, the final negotiations between the two parties failed, primarily because of the Kirkuk question. The war therefore resumed in 1974 "to suddenly fall within the scope of the Cold War [...]: Iran [...] armed the Peshmerga with the support and blessings of Israel and the United States. One year later, Barzani faced a regional thaw [...].

«The history of Iraqi Kurdistan's media is the product of the region's political history.»

*Tehran withdrew its support from the Kurds and left Barzani the choice of ending the armed struggle or pursuing it without its help. [...] Barzani [...] decided to put an end to the insurrection.*<sup>1</sup> For many of the conflict's partisans, it was a slap in the face, an utter defeat of Kurdishness. A new guerrilla was formed in 1975 under the provisional leadership of the KDP (Kurdistan Democratic Party) and of the PUK (Patriotic Union of Kurdistan, headed by Jalal Talabani). A half-dozen other organisations emerged in addition to these two major groups. The struggle lasted, with few interruptions, until 1991. Throughout this period, Kurdish resistance was based in the mountains.

1- Hamit Bozarslan, *Conflit kurde, le brasier oublié du Moyen-Orient* (Paris: Eds. Autrement), pp.55–56.

## THE IRAN-IRAQ WAR: SADDAM'S DETERMINATION TO EXTERMINATE THE KURDS

Saddam Hussein's regime surrendered to Iran territories which it later attempted to reclaim by waging a devastating war against Teheran from September 1980 to August 1988. During the war, Kurdistan was ravaged and subjected to massive repression. As of early 1983, Saddam Hussein implemented an extermination policy against the Kurds and in 1988, the central government went so far as to use chemical weapons – first against a few villages, and then against the city of Halabja from 16 to 19 March 1988 – a city then only recently taken over by the PUK, with the help of Iran. Next came the "Anfal" operations perpetrated by the Iraqi Army under the orders of Ali Hassan al-Majid (nicknamed "Chemical Ali") from 1988 to 1989, which killed over 180,000 people and destroyed more than 90% of the Kurdish villages.

## THE SECOND GULF WAR: EMERGING AUTONOMY FOR IRAQI KURDISTAN

The signs of a turning point emerged in the 1990s. The new Gulf War was destined to indirectly disrupt Iraqi Kurdistan's destiny. Iraqi troops invaded Kuwait on 2 August 1990 and took control of the entire country, proclaiming it to be the 19th Iraqi province. Operation "Desert Storm" (17 Ja-

bruary to 3 March 1991) caused the Iraqi Army to withdraw from Kuwait in February 1991. The Kurds, believing that they could count on U.S. support, rebelled in March against the Baathist regime (as did the Shi'ites to the south). But this insurrection was violently quashed, triggering the exodus of over two million people towards Turkey and Iran.

Thanks to the intervention of François Mitterrand and of Turkey's President Turgut Özal, the United Nations Security Council adopted Resolution 688 of 5 April 1991, which, to protect the Kurds, declared the area north of the 36th parallel a "no-fly" zone. The Allies launched the "Provide Comfort" operation to implement that resolution. The Kurds thus acquired quasi-autonomy, but only over a small portion of their original lands. As of October 1991, northern Iraq was no longer governed *de facto* by Baghdad. The 1991 insurrection constitutes a major date in the history of Iraqi Kurdistan's nationalism.

The Iraqi Kurdistan Front, which was comprised of eight parties (all armed), provisionally governed the region. In May 1992, the first free legislative elections were held, "unanimously hailed as one of the region's most democratic."<sup>2</sup> The KDP won 45.27% of the votes, as compared to 43.82% for the PUK. The lesser parties were eliminated from the new political order. These two political parties, which structured the resistance from 1975 to 1991, exerted an evident hegemonic control over the region.

Until the 1991 uprising, "media outlets" in Iraqi Kurdistan were instruments of political propaganda used by resistance movements and the armed struggle. Force to operate clandestinely, they played a role in the movement's internal organisation, informing militants about resistance activities and promoting their allegiances. These outlets also had an external purpose: to counteract the messages publicised by Saddam Hussein's regime. An example of such media is *Baray*

*Kurdistani* (*Kurdistan Front*), which was founded in the mountains in 1988.

After 1991, all of the region's political parties continued to have their own media organisations, including local TV stations.

In 1992, a press law was introduced. Following the May elections, a gradual *de facto* polarisation of the media occurred in this region. In that same year, the PUK launched its daily *Kurdistani Nwe* (*New Kurdistan*) and its TV station *Kurdistan People TV*. For its part, the KDP resumed publishing

its daily *Brayati* (*Brotherhood*). In November, other newspapers appeared such as *Harem* (*Region*).

Some Kurdish intellectuals, among them Bakhtyar Ali, Mariwan Qani', Aras Fataha, Ismail Hama Amin, also launched a magazine called *Azadi* (*Freedom*), deemed critical of the state.

## THE CIVIL WAR: INTERNECINE CONFLICT WITH SERIOUS CONSEQUENCES

The internecine civil war between PUK and KDP partisans from May 1994 to September 1998 led to the creation of two autonomous regions. One, with its centre in Erbil, was led by the KDP. The other, in the south, was headed by the PUK and had Sulaymaniah as its capital. We observe a reinforcement of the already existing bipolarisation of the media, as well as the media's North/South territorial distribution.



«Until the 1991 uprising, «media outlets» in Iraqi Kurdistan were instruments of political propaganda used by resistance movements and the armed struggle. »

2- Hamit Bozarslan, *Conflit kurde, le brasier oublié du Moyen-Orient*, Ed Autrement, p.74



### ADVENT OF THE GORRAN: RUPTURE OR CONTINUITY?

The advent in 2009 of a source of parliamentary opposition known as the Gorran (Change) movement has had some real – although still difficult to assess – repercussions on the status of the region's media.

This impact was, first and foremost, political. While in the present context it may be difficult to believe that the Gorran movement – which made its entry into the region's political landscape by becoming the second party represented in the Kurdish Parliament – would radically change the political order in Iraqi Kurdistan, in July 2009 this movement and the Islamic parties (Kurdistan Islamic Union and the *Jama'a Islamiya*) challenged for the first time the KDP's and PUK's monopoly within Parliament. This promoted the emergence of a parliamentary political debate, which allowed

the media to play a new role. “*For the first time,*” stated a Gorran official interviewed by Reporters Without Borders, “*the media played a major role by shaping public opinion.*”

Indeed, the parliamentary opposition group did not hesitate to dialogue with journalists. For the first time outside of their traditional media, TV viewers were able to watch, on the *Kurdish News Network (KNN) Channel*, parliamentary debates focusing on budget voting prior to the July 2009 legislative elections.

There was also a social impact. The emergence of the Gorran movement was also the result, among other factors, of a generation gap, with a young population who no longer identified with the two traditional political parties. Research conducted by Mahir Aziz reveals a gap between the young people's affirmation of their “Kurdishness” and their negative opinion of Kurdistan's political parties.<sup>3</sup>

3- Mahir Aziz, *The Kurds of Iraq: Ethnonationalism and National Identity in Iraqi Kurdistan* (I.B. Tauris & Co. Ltd.: 2011).



© RWB

## KURDISTAN'S 2010 MEDIA LANDSCAPE: A RELATIVE INDEPENDENCE

The status of press freedom in Iraqi Kurdistan has much improved over the past several years, and at the moment Iraqi Kurdish journalists are safer and benefit from better working conditions than reporters in bordering countries. *“There has been a real improvement in the last ten years. Today, we have more space, and little by little that space is growing,”* one journalist told Reporters Without Borders.

### THE MEDIA FIELD

#### A RECENT EXPLOSION

In the last few years, the number of media outlets has literally exploded. In this region of close to 83,000km<sup>2</sup>, there are over 850 media outlets (including 415 newspapers and magazines, according to statements made by the Kurdistan Journalists Syndicate on 27 September 2010 to the agency *AKnews*). Some 5,000 journalists are officially registered with the Journalists Syndicate and new media organisations continue to be formed.

This media boom in Iraqi Kurdistan can be partially explained by the relative ease with which groups can open new media outlets, particularly in the print media sector. For TV stations (satellite and local) and radio stations, a licence must be obtained from the Iraqi Ministry of Culture, acting in collaboration with the Ministry of the Interior and the Ministry of Communications. The cost of a licence is 500,000 dinars per year (303 euros) for a radio station, 1 million dinars per year (607 euros) for a local TV station and 7.5 million dinars (4,560 euros) per year for a satellite cable station (figures provided

«There are over 850 media outlets, including 415 newspapers and magazines... »

by Halgurd A. Muhammad Ali, General Manager of the Media Management department within the KRG Ministry of Culture and Youth). The procedure for obtaining a print media license was facilitated in 2007 after adoption of the Law of Journalism in Kurdistan. Chapter II specifies the procedure to be followed and notably stipulates the need to ask for an authorisation from the Journalists Syndicate. *“An authorisation which is virtually systematically granted,”* stated Farhad Awni, President of the Kurdistan Journalists Syndicate – an opinion shared by everyone interviewed by Reporters Without Borders.

#### KURDISHNESS: THE CORE OF THE REGION'S MEDIA IDENTITY

Iraqi Kurdistan's media communicate almost entirely in the Kurdish language. They also post news in English and/or Arabic on the Internet. *“For the generations born after 1991*







# DANGERS FACING PRESS FREEDOM IN IRAQI KURDISTAN

## THE LAW OF JOURNALISM IN KURDISTAN AND ITS APPLICATION

### THE 2007 LAW OF JOURNALISM IN KURDISTAN (LAW NO. 35): CONSIDERABLE PROGRESS

The Law of Journalism in Kurdistan now in effect in Iraqi Kurdistan constitutes considerable progress in terms of freedom of expression and press freedom, notably since it decriminalises press offences. This legislation concerns only the print media and not all means of communication. A more comprehensive project currently seems to be under consideration (see the following point).

The law is a result of efforts undertaken by the Kurdistan Journalists Syndicate. Iraqi Kurdistan's Parliament amended the bill proposed by the Syndicate in 2007, proposing negative changes. In response to protests by the Syndicate and media professionals, the suggested amendments were ultimately dropped by Parliament.

Although it constitutes a substantial improvement in terms of press freedom, this law nevertheless contains certain flaws. For example, the press offences mentioned in Article 9, Chapter V are not clearly defined. The use of vague terms leaves a wide margin for interpretations and arbitrariness.

Journalists also point out that the fines outlined the law are exorbitant, as compared to a journalist's average income. Article 9, paragraph 1, of Chapter V stipulates that a journalist who has penned an incriminating article, and his (her) chief editor, can be penalised by fines ranging from 1 to 5 million Iraqi dinars (610 to 3,050 euros). Moreover, the organisation which published the article (the newspaper) may be forced to pay a fine of 5 to 20 million dinars (3,050 to 12,200 euros), as provided for under Article 9, paragraph 2, of Chapter V. The fact that the journalist who penned the article along with the newspaper's chief editor may be ordered to pay such high fines can be considered a source of self-censorship for news professionals.

### THE MAIN DIFFICULTY WITH THIS LAW: ITS APPLICATION

While journalists emphasise the protective and innovative nature of the 2007 law, they denounce the fact that its application depends upon the whims of judges, underscoring the courts' lack of independence.

Since a democratic system relies on the separation of powers, press freedom is therefore guaranteed by the judges' independence. According to Asos Hardi, Chairman of the Board of *Avene's* Directors, although some judges are independent, others are clearly appointed by political parties, citing the example of a complaint lodged against him when he was the chief editor of *Hawlati*.

Moreover, not all offences used against journalists are specified in the Law of Journalism (Article 9, Chapter V). In particular, "breaches of the peace" are not mentioned. Also, being unable to systematically base their decisions on offences defined in the Law of Journalism, judges are often obliged to refer to the 1969 Iraqi Penal Code. The latter provides for suspended prison terms for defamation offences in cases involving "breaches of the peace". Journalists have denounced the fact that judges label offences in such a way that only the repressive Iraqi Penal Code can be applied. This was recently the case with the complaint filed by Massoud Barzani against Ahmed Mira, Editor-in-Chief of *Lvin magazine*, in November 2009.

### A NEW LAW IS A SOURCE OF CONCERN FOR KRG'S INDEPENDENT JOURNALISTS

In the course of their fact-finding mission, Reporters Without Borders' representatives heard rumours about possible changes to the Law of Journalism in Kurdistan. In view of the tense situation now prevailing between political parties and media outlets, many journalists are worried that the law may be toughened, or even be brought into line with the 1969 Penal Code, that criminalises press offences.

According to Rahman Gharib, Director of the Metro Centre to Defend Journalists, "It is to be feared that they will take back concessions already made. They want a tailor-made law. However, we believe that press freedom must not be a gift granted by political parties."

« Journalists have denounced the fact that judges label offences in such a way that only the repressive Iraqi penal code can be applied. »



Rahman Ghareeb, Director of the Metro Centre to Defend Journalists. © RWB

*"I seriously believe that we are in danger today. It is clear that Massoud Barzani plans to change the law's existing Article 9 in order to return to a situation in which prison sentences could be imposed on journalists and the authorities could resort to closing down a media outlet," confided Ahmed Mira, Editor-in-Chief of Lvin magazine.*

The Kurdistan Journalists Syndicate, on the other hand, denies that there is any such political plan. Farhad Awni, its President, stated *"We have met with the President of the KRG. He assured us that no code limiting journalists' freedom would be signed. The Journalists Syndicate will allow no such infringement to occur. Why should we agree to lose everything which we have fought so hard to protect?"*

During an interview with Reporters Without Borders, Kawa Mahmoud, the KRG Spokesperson and Minister of Culture and Youth, raised the possibility of implementing a general information



Kawa Mahmoud, KRG Spokesperson and Minister of Culture and Youth. © RWB

code which would apply to the media as a whole, and not just to the print media. In his view, the law currently governing the media is not constitutional inasmuch as it does not respect the fundamental principle of equality among all citizens. He pointed out the many differences between the Law of Journalism in effect in Kurdistan and the 1969 Iraqi Penal Code. He underscored how unjust it was for citizens to risk mandatory imprisonment for insulting someone, while journalists would only be ordered to pay fines. He added that the fines provided for in the 2007 Law of Journalism are not dissuasive enough: *"A fine of five million dinars is inadequate. Anyone can insult anyone else and write anything about people's private lives."*

Kawa Mahmoud says two options are currently being discussed: either to amend the Law of Journalism to bring it in line with the Iraqi Penal Code, or to amend the Iraqi Penal Code so that a citizen and a journalist would incur the same sanctions,

along with a significant increase in the fines imposed. He indicated his decided preference for the latter option.

Dr. Barham Salih, the current Prime Minister, stated: *"I want a free press, but the current situation is tantamount to anarchy, and that could be used against press freedom. What is necessary is to regulate the current system."*



Dr Barham Salih, KRG Prime Minister. © RWB

In September 2010, Muhammadi Mala Qadr, a member of the KDP's Politburo, specifically mentioned in the weekly newspaper *Al-Dustour (The Constitution)* the intention to amend the Law of Journalism: *"The law currently in effect does not guarantee the same rights to ordinary citizens and to journalists. Freedom should be the same for all. With this law, freedom is guaranteed only for journalists. The latter should not be able to write whatever they please."*

Yet many Kurdish MPs feel that the Law of Journalism, though not perfect, should remain unchanged. Among them is Zana Rauf, a lawmaker representing the Gorran movement. *"The existing law has numerous flaws. But it has the merit that it exists. First and foremost, the government needs to enforce it. It is now evident that the authorities want to amend it in order to limit freedom of expression. I fear that if we start to debate it, we will only weaken the guarantees that we have obtained, rather than improve them. The problem is that the two main ruling political parties think that they can adopt any law they wish."*

Thus the question of a potential revision of the Law of Journalism seems to have been raised. Will it lead to real reform and, if so, to what extent? Should a tougher position on the part of the authorities be feared? Possibly, based upon what Reporters







© RWB

## DISTRUST AND MISUNDERSTANDING: OBSTACLES TO PRESS FREEDOM

**R**eporters Without Borders observed genuine distrust – even suspicion – on the part of politicians with regard to the media, and vice-versa. There is a flagrant lack of mutual understanding of the roles played by both sides in a democratic political system.

### ORIGINS OF THIS DISTRUST

According to the Editor-in-Chief of *Rudaw*, Ako Mohamad, “*politicians do not grasp the importance of the media.*” Conversely, many journalists do not understand the importance of the politicians’ role.

The lack of understanding stems from the attitude of the KRG’s political class (the “Old Guard”) inherited from the clandestine era. It can be attributed to the fact that politicians have only recently had to explain or defend their decisions publicly. A lack of professionalism on the part of certain media outlets has also amplified the problem.

« The lack of understanding stems from the attitude of the KRG’s political class inherited from the clandestine era. »

Ako Mohamad, Editor-in-Chief of *Rudaw*. © RWB

### **A young region in the midst of a transition**

One of the reasons invoked by Bedran A. Habeeb, General Director of the press agency *AKnews*, is the lack of information available to the administrations. “*Kurdistan is a young region. It is evident that all administrations are not capable of providing certain information merely because they do not have it.*”

Although the KDP and PUK governments have been in place some thirty years, Iraqi Kurdistan’s constitution was only officially recognised in 2005, with both administrations merging in 2006.

Kurdistan's Prime Minister, Dr. Barham Salih, clearly explained to Reporters Without Borders' representatives the importance of acknowledging the fact that Iraqi Kurdistan is now going through a transition phase. *"Transition from a revolutionary movement to a Rule of Law. Transition from a society based upon tribal values to a society founded upon modern principles. It is confronted with countless challenges, particularly economic and cultural ones."*

### Politicians' attitudes forged in secrecy

Numerous journalists believe that the region's politicians have an attitude strongly influenced by totalitarianism, even though their discourses tend to change and show the contrary. Asos Hardi stressed that the political leaders who now govern the KRG, regardless of their political backgrounds, still think that they should continue to decide what needs to be published. *"None of them has fully renounced this totalitarian ideology. Some, as individuals, have given up this way of thinking, but not the parties."* He added, *"Even if it is not true of them all and if certain ministers are willing to answer our questions, as a rule the region's politicians are firmly convinced that they do not have to answer journalists' questions."*

The fact that these politicians emerged in a clandestine and secretive environment also has an impact on their relations with the media. *"Let us not forget that most of today's public figures were underground when Saddam Hussein was in power. Today, they continue to behave in the same way, as if everything were a secret and should remain so,"* commented Bedran A. Habeeb. *"In the KRG, everything is secret,"* concluded another journalist, also referring to the political parties' initial underground nature.

During an interview granted to Reporters Without Borders' representatives, Kawa Mahmoud, the KRG Spokesperson and Minister of Culture and Youth, confirmed this attitude: *"I feel that journalists do not need to know everything. There is information which they have the right to have, and other information which they don't. Journalists – though obviously not all of them – think they are MPs."*

### Lack of training for journalists

All of the individuals whom Reporters Without Borders' representatives met, particularly news professionals, stressed the journalists' lack of professionalism, notably due to inadequate training. A review of the region's current publications clearly indicates that some journalists do not know the difference between opinion and information, or criticism and defamation. *"Street language and media language are the same,"* stated Rahman Gharib,

Director of the Metro Centre to Defend Journalists. And it is this very lack of professionalism which has resulted in many press offences.

Most of the journalists originated from among the ranks of political groups and therefore have not had any journalistic training.

*"The media have mushroomed to the detriment of quality, and any amateur can claim to be a journalist (...). As a result, 97% of our journalists are not professionals. They have no concept of ethics or of moral obligations. What is more, there is no training in this area,"* objected Farhad Awni, President of the Kurdistan Journalists Syndicate (KJS), in an interview for the news website InfoSud, on 17 September 2010 (<http://www.infosud.org/spip.php?article8396>). Radwan Badini, Head of the University of Erbil's Media Department, explained that in 2000, only four people working as journalists had a diploma in this field. *"Initially, we were not journalists, but writers,"* remarked Asos Hardi, an instructional engineer. *"We became journalists on the job,"* related Standard magazine's Editor-in-Chief, Masud Abdulkhaliq, who is a university graduate in mathematics.



Massoud Abdulkhaliq, Editor-in-Chief of Standard. © RWB

« Initially we were journalists, but writers. [...] We became journalists on the job. »



Bedran A. Habeeb, General Director of the press agency AKnews. © RWB

Concerned that their words would be misconstrued, politicians are reluctant to make statements to the media. Moreover, to guard against misinterpretations, more and more political figures are asking to receive the questions in advance, and respond to them in writing. Some have even resorted to filming their own interviews.

It is clear today that by publishing, on 1 August 2010, an interview challenging Mullah Mustafa Barzani's role in Kurdistan's history, *Lvin magazine* was manipulated. It was the editorial staff's responsibility to check the background of this so-called "PhD student" working on Kurdish modern history, and to substantiate his allegations. Irfan Qani' Fard is not a PhD student, let alone in the United States. This individual with close ties to leaders of the Islamic Republic of Iran took the trouble of calling the *Khabat* (a KDP newspaper) editorial staff before the *Lvin* issue came out to refute the content of that interview. He then recontacted *Lvin* to deny his statements in *Khabat*.

However this does not excuse the subsequent hate campaign unleashed against the newspaper and its journalists.

In order to curb their contributors' lack of professionalism, the chief editors of some media editorial offices have developed a sort of internal code of ethics. For example, *Awene's* maxim is *"Public trust in Awene depends upon your keyboard."*







### Physical violence against journalists

Numerous journalists have complained about being assaulted, primarily by uniformed police officers, government security forces (*Asayesh*), or even the PUK or KDP security forces. The latter, which have no recognised legal status, have been known to operate as a militias, “*which constitutes a genuine threat to democracy,*” one journalist said. Numerous incidences of assault were reported during the March 2010 election campaigns.

Certain journalists are even the target of assassination attempts, as was the case for Ahmed Mira, who was attacked on 17 April 2007 and again in 2008. The perpetrators were arrested and are now serving a seven-year prison term.

Several initiatives have been launched to bring an end to the abuses endured by journalists. In 2007, the Kurdistan Journalists Syndicate formed the Committee to Protect Journalists Rights, whose task is to collect information about attacks on press freedom. The data concerning the incidents are generally transmitted by the media to the Syndicate, which substantiates them and compiles them into reports published every six months.

According to Anwar Hussein Bazgr, the Committee’s Secretary, most of the cases tracked can be imputed to security forces, the police, or the *Asayesh*. In three of the cases recorded to date in 2010, the journalists had violated the Law of Journalism in Kurdistan, he explained.

The journalists met during the mission all praised the work done by this Committee. Some of them, however, highlighted the Syndicate’s political dimension, while others regretted that all violations are not listed in the report. In 2009, *Lvin* and the American organisation IREX jointly bestowed their prize – which rewards organisations for their efforts to promote freedom of expression – to the Committee to Protect Journalists Rights for its reports.

Nearly all of the interviewees agreed that, although these reports have some merit, they also have little impact on the authorities’ attitude. “*This Committee has no executive power. It can only make recommendations,*” objected Ako Mohammed – a statement contested by Anwar Hussein Bazgr. Indeed, after the release of the latest six-month report on 3 July 2010, Massoud Barzani asked to meet with some Committee members in order to create police services responsible for ensuring the liaison between the police and the judges in cases involving acts of violence against journalists.

Other initiatives were started, such as the Metro Centre to Defend Journalists created in August 2009 thanks to funding from the Institute for War and Peace Reporting (IWPR), which merged in July 2010

with the Journalism Freedom Observatory based in Baghdad. *Hawlati* Editor-in-Chief Kamal Rauf also plans to publish reports on violations of fundamental freedoms committed in Kurdistan. A Press Centre was opened in July 2010 in Erbil, following the murder of Sardasht Osman. Its managers also intend to denounce press freedom violations, particularly those in Erbil.

### TWO JOURNALISTS MURDERED WITHIN TWO YEARS: A REALITY

#### **Soran Mama Hama, 22 July 2008**

On 22 July 2008, journalist Soran Mama Hama was murdered in Kirkuk. A native of Kirkuk, Soran, 23, grew up in Sulaymaniyah, where his family had found refuge. Two years after his death, the murderers and those who hired them are still on the loose. To date, the authorities have been unable to provide any information to his family about possible progress in the inquiry.

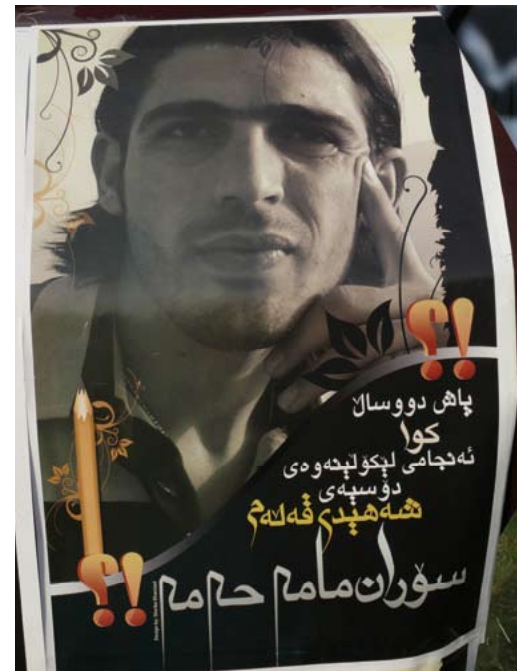
On 21 July, Reporters Without Borders’ representatives participated in the ceremony held to pay tribute to this journalist.



Ceremony for Soran Mama Hama, 21 July 2010. © RWB



Soran Mama Hama’s sister, during the ceremony. © RWB



© RWB

#### **Sardasht Osman, 4 May 2010**

*(See boxed text)*

# Facts on the Sardasht Osman case

**Sardasht Osman, 23, a student in the University of Erbil's Department of English Literature, was the author of many articles, and had notably written an opinion piece entitled "Ah, if only I were Massoud Barzani's son-in-law," for the *Kurdistan Post*. He was abducted on 4 May 2010 around 8:20 a.m. in front of the university by men dressed in civilian clothes. He was found two days later in Mosul with a single bullet to the head.**

On 7 May, numerous Kurdish media outlets published articles denouncing his murder and readily accused the KDP of the crime, specifically implying that Massoud Barzani and his son, Masrour Barzani, were involved, inasmuch as the KDP controls the Erbil region and Masrour Barzani heads the latter's security forces. Executive editors and editors-in-chief were immediately summoned. Ako Mohamad of *Rudaw* commented: "*I was summoned following what we had published about Sardasht Osman's murder. But the article was highly factual.*" Masud Abdulkhaliq of the *Standard* shared that he had been interrogated for four hours to determine on what evidence he had based his article. "*As if we were the criminals.*"

On 8 May, a march took place in front of the university. Many journalists, students and freedom of expression advocates participated. Following this murder, the editorial staffs of the three so-called independent publications (*Awene, Hawlati and Lvin*) jointly launched a campaign to protest the dangers confronting independent journalists, and to remind the public of the impunity enjoyed by those who murder them.

In reaction to the lack of transparency and to the harassment of the independent media, the magazine *Standard* decided, three weeks after the murder, to suspend its publication until the authorities have arrested and tried the real guilty parties.

## THE INQUIRY: CREATION OF A SPECIAL COMMISSION

Public outcry against this murder was unanimous beyond Kurdistan's borders: chancelleries from Paris to Washington denounced this "revolting act." In view of the reaction's magnitude, KRG President Massoud Barzani, decided to entrust the inquiry to a special commission under the supervision of the Ministry of the Interior.

During their mission, nearly three months after the murder, Reporters Without Borders' representatives met with the journalist's family, who informed them of their anger and dismay over the inquiry's lack of progress.



Campaign launched by *Awene, Hawlati, Lvin*. © RWB



Campaign launched by *Rojname*. © RWB

## AUTOPSY REPORT

Many questions remain as to how Sardasht was murdered. Tariq S. Rasheed, a Ministry of the Interior senior official interviewed by Reporters Without Borders, stated that the forensic report had been written by Mosul Hospital's Department of Legal Medicine, which conducted the autopsy on the body. This report was sent to the KRG's Ministry of the Interior, along with the victim's remains.

## HERE ARE SOME FACTS...

Sardasht Osman was found with his hands tied by a piece of cloth behind his back. Autopsy findings show that he was probably killed by a bullet which entered his forehead when he was kneeling, in view of the bullet trajectory through the cranial cavity (the bullet was found in the nape of the young man's neck). The bullet used by the murderers was identified as a special type ammunition, which caused major damage on impact. The plastic bag found over Sardasht's head was placed there after the murder, as it contains no bullet hole. The date of the murder is not mentioned in the autopsy

report. However, Tariq S. Rasheed doubts that the young man was killed in Erbil because of the noise the discharge would have made. The body presented no sign of injury other than marks left by the piece of cloth used to bind him after his abduction.

The victim's family contested the autopsy's findings. They claim that Sardasht was killed by a bullet through his mouth.

Further, the family points out that the young man's mobile phone was left on until 2:00 p.m. on 4 May, six hours after the abduction, and they are wondering why the police have not asked the telephone company to assist in locating the phone. Tariq S. Rasheed stressed that legally, for privacy reasons, only a judge can ask a mobile telephone company to provide such information. In this instance, there was insufficient time to submit this request to a judge.

## THE INQUIRY COMMISSION'S LACK OF TRANSPARENCY

Sardasht Osman's family asked Massoud Barzani to dissolve this inquiry commission in order to form another one that would be independent. Interestingly, one of the victim's brothers, a member of the security forces, was a member of this commission before he resigned from it.

During their mission in Kurdistan, Reporters Without Borders' representatives tried to learn more about the inquiry's progress by attempting to meet – unsuccessfully – with members of this same commission. None of the various people whom they managed to meet (Tariq S. Rasheed; Fayaq Tofiq, the deputy KRG's Minister of the Interior; General Adil Botani, Deputy Chief of the KRG's Internal Security service (*Asayesh*); and different advisors to Kurdistan's Prime Minister), either were unable or unwilling to provide Reporters Without Borders with the name of a single member of the special commission responsible for investigating the murder. In Reporters Without Borders' opinion, this a flagrant lack of transparency.

# Facts on the Sardasht Osman case *(continued)*

## **DISPUTED FINDINGS**

On 15 October 2010, the inquiry commission set up by Massoud Barzani issued its initial findings. It stated in a press release that Sardasht Osman's murder was totally unrelated to his activities as a journalist, and that he was allegedly murdered because he refused to cooperate with the radical Islamic movement Ansar al-Islam, a group linked to Al-Qaeda.

One person involved in the young man's abduction has allegedly been arrested: Hisham Mahmoud Ismail, a driver and mechanic from in the Beji district. The latter supposedly admitted to investigators that he did drive Sardasht from

Shargat (near Tikrit) to Mosul. He claimed to have been unaware that Sardasht was going to be murdered. According to his confession, two men committed the crime.

In a press release published on 15 September, the journalist's brother, Baker Osman, stated: *"Not only do we reject this inquiry's conclusions, but we condemn this action and express our outrage over these attempts to make him look like a terrorist cooperating with Ansar al-Islam."* He added, *"Anyone who knew Sardasht, or read his articles, knows that he was a layman and far removed from terrorist ideology."*

On 23 October, Ansar al-Islam denied any involvement in the murder.

## **Recommendations to authorities :**

- Demand that genuinely independent, impartial and transparent inquiries be opened into the murders of Soran Mama Hama and Sardasht Osman and prosecute the perpetrators and those who hired them.
- Give instructions to ensure that the police (and the *Asayesh*) stop assaulting journalists. Hold training sessions that will make police officers also understand the importance of the media's role in Iraqi Kurdistan;
- Guarantee journalists access to information within all public administrations, and draw up a list intended for media professionals, of individuals authorised to respond to questions from the media.

# CONCLUSION

**I**f Kurdistan is to become a democratic society, it must have an independent judiciary to guarantee against impunity for press freedom offenders. Impunity promotes anger and constitutes a very real threat for a country where civil war is still a recent memory. The fact that Kurdistan is now going through an important transition should not serve as a pretext for a lack of justice.

Sardasht Osman's murder has generated a climate of fear and tension within the profession. "*It is risky today to be an independent journalist in Iraqi Kurdistan,*" one *Lvin* journalist stated.

Kawa Mahmoud, the KRG Minister of Culture and Youth, emphasised the fact that protecting journalists requires pacifying relations between the political sphere and the media.

The KRG's Prime Minister, Dr. Barham Salih, who met with Reporters Without Borders' representatives, agreed: "*We also need to improve the relations between the media and the authorities. My solution is not to increase censorship, but to improve the quality of training.*"

There remains a profound lack of understanding between the authorities and media professionals. Neither camp understands the role of, or necessity for, the other. "*Since Sardasht Osman's murder, the solution has lain in the hands of the government, the authorities. This murder came as a sort of electroshock. It is important for the perpetrators to be identified,*" one *Awene* journalist remarked.

Writer and political scientist Shwan Ahmed said: "*We are at the crossroads – anything is possible. Kurdistan can become an open and democratic country with a free press, or we can head in the direction of the Afghan situation. Everything depends upon what political choices will be made.*"

With regard to the current situation, Reporters Without Borders agrees to monitor the Kurdistan Journalists Syndicate's efforts to revise the Law of Journalism in Kurdistan. Should the government amend the Law, the Organisation will make itself available to the parties concerned to provide advice through its Legal Committee comprised of international experts.

In addition, Reporters Without Borders will support journalist training initiatives by acting as a liaison between the institutions and specialised NGOs, and by helping with the formulation of proposals for an improved code of conduct for journalists.

Furthermore, Reporters Without Borders will support any action aimed at achieving a better understanding between the political sphere and the non-partisan media sphere.

Lastly, the organisation will support the efforts being made by the two journalists' families to reveal the truth and see to it that justice will be served.



International Secretariat  
**REPORTERS WITHOUT BORDERS**  
 47 rue Vivienne  
 75002 Paris - France  
 Tel. 33 1 44 83 84 84  
 Fax. 33 1 45 23 11 51  
 Web : www.rsf.org  
 E-mail : rsf@rsf.org  
 Soazig Dollet - Middle East Desk : middle-east@rsf.org  
 Telephone : 00 33 1 44 88 84 78

**REPORTERS WITHOUT BORDERS** is an international press freedom organisation. It monitors and reports violations of media freedom throughout the world. Consisting of a team of 12 journalists and a network of 140 correspondents worldwide, Reporters Without Borders analyses the information it obtains and uses press releases, letters, investigative reports and recommendations to alert public opinion to abuses against journalists and violations of free expression, and to put pressure on politicians and government officials.