

Annex III

From: Dindar Zebari <[REDACTED]>
Sent: 20 May 2020 08:58
To: Belkis Wille <[REDACTED]>
Subject: Re: Request for information linked to new report on Freedom of Speech

Dear Ms. Belkis,

I hope this email finds you well and safe.

Practicing journalism in the Kurdistan Region is sorted out by law. As indicated by Law No. 35 of 2007, a journalist can be held in custody just by an order from the court, in corresponding with an endorsement from the Kurdistan Journalists Syndicate. In instances of maligning, spreading violence, vandalism, Iraqi Penal Code No. 111 of 1969 will be executed.

As you may already know, the social-distancing lockdown judicial authorities has been recently lifted in a precautionary manner. The directorates and departments under the jurisdiction of the judicial branch are gradually re-operating now following the successful containment of Coronavirus outbreak in the Kurdistan Region. In fact, most of them are still under lockdown. The criteria you presented in the inquiry require precise data organized and interpreted by legal experts in the judiciary-a process which is by enlarge painstaking and demands a lot of time. Nevertheless, in consultation with the judicial authorities and in coordination with the Kurdistan Journalists Syndicate, we are illustrating the following responses for the questions you presented in a preliminary way. We will update you once the cases are sorted out according to the laws you set forth.

According to the Kurdistan Journalists Syndicate, three journalists have been prosecuted on the basis of the Law of Bad Use of Electronic Devices in 2019: Azad Osman Muhamad, the Director of Deng Radio, was jailed by the Garmyan court as he published a report in 2015. After some hours of staying in detention, he was released by a warranty. A week later, a trial was held as he was prosecuted by the Law of Bad Using of Electronic Devices. He was sentenced but was released in a short while. Ahmad Mustafa, NRT correspondent, reportage about a patient's death in one of the hospitals of Erbil, the Doctors Syndicate complained against him in the court. He was arrested. He was punished by the Law of Bad Usages of the Electronic Devices. Then, he was released on bail. Finally, Mohammed Rauf,

Fazil Hama, Rafaat, Namiq Rasul, Nyaz Abdullah, Hemn Mamand, Rzgar Kochar from Draw Media, After publishing a reportage in Draw media about the killing of a Turkish diplomat in Erbil, there was a complaint against them in Erbil court. They were arrested by the Law of Bad Usages of Electronic Devices. Then released on bail.

On January 15, 2020, the Deputy of Kurdistan Regional Government's Prime Minister (Qubad Talabany) presided a meeting, where Mr. Mohammed M. Saeed, the Minister of Culture, the representative of judiciary, attorney general, Kurdistan Journalists Syndicate, Metro Center and Dr. Saman Fawzi, who is a specialist in this field, and Mr. Majeed Salih, the consultant of Parliament, Azad Othman, Manager of Deng Radio. This was an important meeting and all showed eagerness to the rule of law, especially the Prime Minister, who reiterated that, the cases of journalists have to be dealt with distinctly, and the prison is not place of the journalists, it is better refuge to soft answer with the cases of the thought and viewpoints at the courts.

It is evident to a good extent that KRG is committed to the preservation of journalists' rights. The current data shows a clear tendency in this direction. Kurdistan Journalists Syndicate emphasized that tendency too in their last report. KRG endorses journalism principles and conceives them as the cornerstones of democratic practices.

As we mentioned earlier, the process of sorting out cases according to the laws requires a legal consensus between the judges and an immense data-processing of the cases in the governorates and municipalities. We have sent the request in this regard to the relevant judicial authorities. We will share the answers with you as soon as they arrive, so you can rely on them for your future reports.

Attached are the 2017 and 2018 data of Kurdistan Region court cases (Kurdish version).

Sincerely,

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Dr. Dindar Zebari
KRG International Advocacy Coordinator
Council of Ministers