

HUMAN RIGHTS WATCH

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Annex I

April 29, 2020

H.E. Muhammad al-Hakim
Minister of Foreign Affairs
Baghdad, Iraq

Upcoming Human Rights Watch Report on Freedom of Expression in Iraq

His Excellency,

Thank you for your continued assistance to Human Rights Watch. We very much appreciate your team's willingness to maintain an open line of communication to discuss human rights challenges in Iraq and recommendations for how to overcome them. We are particularly grateful for your willingness to engage with the findings of our human rights investigations and to provide your input and information.

We write now to request information in connection with research that Human Rights Watch has carried out on freedom of expression in Iraq, which we plan to publish in June 2020. I am writing to seek your response to several questions, set out below. In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by May 20, 2020 so that we can reflect your views and comments in our forthcoming report.

For this upcoming report, Human Rights Watch has examined the ways in which authorities have taken legal action against their critics, using vaguely worded defamation and incitement provisions in the Penal Code and other laws. We examined a total of 33 cases brought against journalists and activists between 2016 and 2020. In 17 of these cases authorities detained and charged individuals. In four of these 17 cases, authorities later dropped the charges and released the detainees. In a further 16 cases examined by Human Rights Watch, authorities detained

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individuals but released them without charge. Of the 33 cases examined for the report, 13 were linked to individuals covering and supporting protest activities and seven cases were linked to individuals writing about state corruption in mainstream or social media.

Although few individuals have served prison time on defamation charges, the criminal process itself can act as a punishment and intimidation, they said. Interviewees told Human Rights Watch they thought public officials brought repeated legal suits for this purpose even though they knew these cases would likely get dismissed.

While in most of the cases we examined authorities relied on the Penal Code, they have also invoked the Communications and Media Commission's "mandatory" guidelines to regulate the media "during the war on terror."

We also have concerns about the potential passage of the Information Technology Crimes Bill, were the text to remain as drafted in 2019.

All 14 journalists and four of the activists interviewed said that because of their work or activism, they regularly received threats, usually from anonymous sources by phone or over social media, and sometimes from members of security forces or government officials. For some the threats instilled fear and disrupted their daily lives. Some victims of attacks and threats said they contacted the authorities to no avail.

Based on those considerations, we would appreciate receiving your responses to the following questions:

1. How many people have been charged under the following Penal Code provisions between 2017 and 2020, and can you please share basic details about each case including the charges, the fact pattern, and the sentence given: articles 156, 202, 210, 212, 225, 226, 227, 229, 240, 372, 403, 433, 434?
2. What legal basis underpins enforcement of the Communications and Media Commission's "mandatory" guidelines to regulate the media?
3. What legal basis underpins enforcement of the Communications and Media Commission's licensing decisions?
4. Please list the individuals and outlets that have been sanctioned by the Communications and Media Commission. Please include what kind of action was taken and the reasons .

5. Does the government plan to request parliament to pass the Information Technology Crimes Bill? If so, please share with Human Rights Watch the most up-to-date draft that the government supports.
6. Please detail any specific measures the government has taken to limit attacks on government critics who come under attack solely for exercising their right to free expression, whether from private individuals or government representatives or institutions.

Please direct your response and any questions to my colleague, Senior Crisis & Conflict Researcher Belkis Wille, via email or phone at [REDACTED] or [REDACTED].

Sincerely,

Adam Coogle
Deputy Director
Middle East and North Africa
Human Rights Watch