

Kurdistan Regional Government

Presidency of the Council of Ministers

Office of the Coordinator for International Advocacy (OCIA)



Commentary on United Nations Assistance Mission for Iraq (UNAMI) and United Nations Office of the High Commissioner for Human Rights (OHCHR) Report on the Status of Freedom of Expression and Speech in the Kurdistan Region

May 2021

The present response report contains findings of the *KRG Office of the Coordinator for International Advocacy* after careful follow-up with the relevant governmental entities on the issues raised in UNAMI/OHCHR report.

Introduction

A free media is important for its own sake and is an essential element in a well-functioning democracy. The Kurdistan Regional Government is proud that Kurdistan has a vibrant media, and Kurdistan has long been recognised as a regional exemplar of freedom of expression and freedom of the media. The KRG recognises that there are always improvements to be made, and is committed to making improvements where they are needed.

Local and international cooperation

The KRG is working with a range of partners to protect and strengthen media freedoms in the Kurdistan Region.

- We have invited the OHCHR and UNAMI to help us to improve legal processes in Kurdistan.
- The KRG has a longstanding agreement with the International Committee of the Red Cross granting ICRC representatives unrestricted access without advance notice to any place of detention in Kurdistan, and has recently offered the same access to UN human rights officials. Under this arrangement UNAMI has made 14 visits to detention facilities and interviewed 60 prisoners.
- We have invited European Union member states to support legal and judicial reforms in Kurdistan.
- Senior government ministers have been holding consultations with local advocacy groups, in particular the Metro Centre for Journalists' Rights and the Kurdistan Journalist Syndicate, to address concerns regarding media freedoms and rights.
- The KRG is working with the UK to train local judges.

Improvements in media freedoms

The Metro Centre, which monitors and campaigns for journalists' rights in Iraq recently reported that allegations of violations against journalists in Kurdistan had fallen by more than half in the past five months when compared to 2020. The authors of the UNAMI/OHCHR report do not mention this finding by Iraq and Kurdistan's own journalist rights experts.

Extraordinary challenges

In the past year the COVID-19 pandemic has presented some extraordinary challenges to the KRG. In response the government has taken steps which restricted individual freedoms, but which it considered essential for the protection of public health. In particular the KRG restricted mass public protests and – only after repeated warnings - took action to prevent some media outlets from calling for the public to ignore COVID prevention measures and to attend unlawful mass protests. Some of the protests referred to in the report became violent: security forces were fired on, security force personnel and civilians were injured, and there was widespread damage to property. Most governments around the world have taken extraordinary restrictive measures to slow the

spread of the disease. The KRG believes its actions were correct in the circumstances, and were consistent with its human rights obligations under international law. As in other countries, the government looks forward to lifting restrictions as the situation allows.

Individual cases

The UNAMI/OHCHR report makes a series of claims about alleged cases of violation of the rights of journalists in Kurdistan. In most instances the report does not provide enough detail for the KRG to identify the specific cases and address the concerns raised. Where specific concerns are raised, we will investigate them. But we have no evidence that anyone has been detained arbitrarily or unlawfully. Apart from brief detentions within the powers granted by law, all detentions are on the basis of judicially issued warrants. And the KRG stands absolutely against torture. We condemn all forms of torture. We have seen no evidence of torture from independent ICRC reporting. And we are expanding access to prisoner to other trusted actors to increase protections against mistreatment.

Where the report does identify specific cases there are some clear gaps in the authors' processes and the presentation of their conclusions.

One example is reporting of the 16 February conviction of five men for national security offences by the Criminal Court of Erbil.

The case against the men has no place in a report on media freedom. The men were not convicted for activity related to journalism. They were found guilty of gathering classified and sensitive information and passing it covertly to the PKK. The PKK has been responsible for the assassination of a foreign diplomat and senior security officials in Kurdistan in the last two years. The information the men passed to the PKK directly put at risk the lives of senior Kurdish and foreign officials in Kurdistan.

The report goes on to raise concerns about aspects of the men's trials. The KRG takes these seriously. But the Criminal Court of Erbil is independent of the government and the government cannot and will not interfere with judicial processes. The defendants were represented throughout by their own lawyers and had access to their lawyers while awaiting trial. The trials were observed by representatives of international non-governmental organizations, the Kurdistan Parliament, and the media. And the ICRC and UNAMI had access to the defendants while they were in detention. The Erbil Appellate Court has now ruled to uphold the men's convictions and sentences.

The Prime Minister has already written personally and in detail to the UN High Commissioner for Human Rights about this case. The UNAMI/OHCHR report does not mention this or reflect the information provided in that correspondence.

Conclusion

The KRG is engaged with UNAMI and OHCHR on media freedom – both on broader policy and legal change and on individual cases – and remains committed to this relationship. We and UN representatives discussed the UNAMI/OHCHR report in draft, and while we do not feel the report fully captures the situation in Kurdistan we are grateful for the UN’s commitment to dialogue. It is important that all parties’ understanding of the situation in Kurdistan is based on engagement with journalist rights organisations on the ground, and on rigorous analysis and assessment of the information they receive.

We take the recommendations of the UNAMI/OHCHR report seriously. We will study them carefully and work our international partners to implement them. We will continue to defend and advance media freedoms in the Kurdistan region.