

Statement by the KRG Office of Coordinator for International Advocacy on the Trial Proceedings of a Case in the Third Criminal Court of Erbil

On July 23, 2023, the Office of the Coordinator of International Advocacy in the KRG issued a statement in response to the trial of Sherwan Sherwani, which was addressed in a report released on July 21, 2023, by the Committee to Protect Journalists (CPJ). The report raised concerns about the legal procedures and trial process conducted by the Third Criminal Court of Erbil.

Following the submission of requests for conditional release by each of the prisoners - Ayaz Karam Rashid, Hariwan Isa Mohammed, Sherwan Amin Nao, Shvan Saeed Omar, and Gohdar Mohammed Amin - the process for granting conditional release commenced. Sherwan Amin Nao, one of the convicts, made a request on behalf of all five convicts to withdraw their previous applications for conditional release. The request was forwarded by an anthropologist to the Director of Adult Corrections, who subsequently referred it to the Law Department and the Prosecutor General of the Correctional Institution.

During the investigation, two prisoners, Shvan Saeed Omar and Guhdar Mohammed Amin, claimed that someone else had forged their fingerprints on the release request, prompting the Erbil Elders Correctional Facility to call for legal action against the responsible party.

After conducting an inquiry into the matter, the prosecutor general initiated legal action against the individual responsible for the forgery, highlighting their obligation to safeguard public rights. As a result, the case was transferred to the Erbil Plain Investigation Court.

During the preliminary investigation held in the presence of UNAMI representative, the head of the Independent Commission for Human Rights, the prosecutor general, and several lawyers representing Sherwan Sherwani, the case was subsequently referred to the Third Criminal Court of Erbil.

Following due process, the court charged Sherwan Sherwani with forgery and the use of forged documents under specific articles (298/289) and (298/295) of the Iraqi Penal Code, respectively, based on Article 142 of the penal code.

The evidence presented during the trial demonstrated that Sherwan Sherwani had written the petition of repentance for their conditional release in his own handwriting and had falsely attributed the fingerprints to Sherwan Said Omer and Guhdar Mohammed Amin.

On July 20, 2023, the trial concluded, and Sherwan Sherwani was sentenced to a total of four years in prison: two years and six months under Article 295 of the Iraqi Penal Code for forgery of ordinary manuscript and one year and six months under Article 298 of the Iraqi Penal Code for utilizing the forged documents. The verdict remains open to review.

As per the legal statutes and principles governing the Criminal Court, engaging in forgery, using false fingerprints or signatures, and submitting applications on behalf of someone else are strictly prohibited and deemed unlawful.

Office of the Coordinator of International Recommendations

Kurdistan Regional Government

July 23, 2023