

May 11, 2021

Statement by the Kurdistan Regional Government Office of the Coordinator for International Advocacy (OCIA)

**Response to Amnesty International**

On 16 February the Criminal Court of Erbil sentenced five detainees to six years each in jail. After the legal papers were subjected to appeal, the Appellate Court of Erbil upheld the decision of the Criminal Court. Amnesty International has raised some concerns about the endorsement of the decision by the Appellate Court.

The court is independent of the government and apolitical. The Kurdistan Regional Government does not and will not interfere with legal processes. The convicted persons were charged for things that are irrelevant to their activism or journalistic career. They were found guilty of collecting classified information and discreetly passing it to an organization that has often been involved in terrorist activities, thus endangering lives of local and foreign politicians in the Kurdistan Region.

As defendants in the courtroom, they were represented throughout by their own lawyers. They had access to their lawyers while awaiting trial before the hearing sessions in the Criminal Court of Erbil.

The Criminal Court transferred the case papers of these five persons to the Appellate Court, which retains the discretion to reverse or alter the convictions inferred by other courts. The Appellate Court has upheld the decision of the Criminal Court on May 6, 2021. The rulings of the Appellate Court are binding. Nevertheless, following the endorsement of the decision, the defendants have 30 days to file a complaint letter, after which the General Commission of Appeal will convene to issue the final decision from the side of the judiciary. In the final resort, the Presidency of the Kurdistan Region has the authority to issue special pardons.

KRG reiterates that the courts are independent from the government, and the latter is totally constrained from interfering in, and overruling, the former's decisions. The right of defense invariably upheld throughout the legal process. Representatives from Kurdistan Parliament, media outlets, and INGOs were present during the trials. Moreover, the International Committee of the Red Cross (ICRC) and UNAMI had open access to the defendants while they were awaiting trials in detention.

The Kurdistan Regional Government is fully committed to the rule of law, to a fair and impartial legal process, and to the freedom of the media. The Government is currently working with UNAMI and the Office of the High Commissioner for Human Rights to ensure Kurdistan is fully meeting its international human rights obligations and is following international human rights best practice, in particular in respect of media freedom.

