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[Home](#) > Iraq

Iraq

Country:

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Year:

2016

Press Freedom Status:

Not Free

PFS Score:

71

Legal Environment:

23

Political Environment:

32

Economic Environment:

16

Overview

Although the constitution of Iraq protects freedoms of speech and expression, related legislation is unclear and often contradictory, and the unstable security situation undermines many legal protections for journalists. Ongoing violence and repression make the country one of the world's deadliest places for journalists, and political tensions as well as the broader conflict severely undermine their ability to carry out independent reporting. Media workers face assault and harassment in the course of their work, and are also subject to retaliatory attacks for their reporting.

Key Developments

- Some journalists faced severe interference while covering newsworthy events, including demonstrations in Baghdad in August, and several were killed while covering the conflict against the Islamic State (IS) militant group.
- Iraq had one of the highest murder rates for journalists in the world. Among those killed were Thaeer al-Ali, editor in chief of the Mosul newspaper *Rai al-Nas*, and Jalaa al-Abadi, a cameraman for the Nineveh Reports' Network.

- Although IS militants lost control of the cities of Tikrit and Ramadi, they maintained a hold on most of northwestern Iraq and the media infrastructures located within, implementing a strict censorship regime.
- Fears about heightened self-censorship eased slightly amid an absence of threats by the Communications and Media Commission (CMC) to shutter outlets that violated its 2014 emergency guidelines for reporting.

Legal Environment: 23 / 30

Iraq's constitution protects freedoms of speech and expression, but vague and redundant laws govern the media. The 1968 Publications Law prescribes up to seven years in prison for insulting the government, and the 1969 penal code criminalizes defamation and insult. In 2010, the Supreme Judicial Council created a special court to prosecute journalists despite a ban on the creation of special courts in Article 95 of the constitution. In June 2015, the Court for Media and Publications ruled against Ibrahim Zaidan, a journalist accused of defaming the character of a Ministry of Electricity official, and awarded the plaintiff 3 million Iraqi dinars (\$2,500) in damages.

In December 2014, Prime Minister Haider al-Abadi issued an order that withdrew all pending government cases against journalists and media outlets. However, government entities initiated a number of new cases in 2015. In April, authorities brought charges against freelance journalist Nasser al-Hajjaj, a resident of Lebanon, for criticizing the governor of the southern province of Basra on social media platforms.

In areas under the control of the Kurdistan Regional Government (KRG) in northern Iraq, the 2008 Kurdistan Press Law protects journalists' right to obtain "information of importance to citizens and with relevance to the public interest." Under the law, officials are required to investigate incidents in which journalists are injured or killed as a result of their work, although few journalists' deaths have been investigated. Although the press law abolishes imprisonment as a penalty for defamation, journalists can face high fines. Moreover, public officials have often brought libel and insult suits against journalists using the Iraqi penal code, undermining the protections inscribed in the Kurdistan Press Law.

Iraq lacks national legislation guaranteeing access to government information, and journalists struggle to obtain official documents. The KRG passed legislation guaranteeing access to information in 2013, but critics note that the law contains vague language and vast exceptions, and is rarely used by journalists because of poor implementation.

The government-controlled Communications and Media Commission (CMC) is the primary body responsible for regulating broadcast media. After the government declared a state of emergency amid the Islamic State (IS) offensive in 2014, the CMC issued "mandatory" guidelines for media "during the war on terror"—a series of vague stipulations that placed arbitrary restrictions on coverage. One provision required the media to "hold on to the patriotic sense" and to "be careful when broadcasting material that ... may express insulting sentiments" or does "not accord with the moral and patriotic order required for the war on terror." Another forbade the broadcasting or publishing of material critical of the security forces and instead obliged journalists to focus on their accomplishments. These

guidelines led to inaccurate reports on the course of the fighting. Media in Iraqi Kurdistan received similar guidelines.

Political Environment: 32 / 40 (↑1)

The Iraqi news media are diverse and collectively present a range of views, but most outlets are owned by or affiliated with political parties and ethnic factions, often leading to sharply partisan coverage. Outlets also face various forms of pressure from the authorities, and reporters are regularly denied access to sensitive events and officials. Fear of reprisals—from fatal violence to criminal defamation suits—makes self-censorship among journalists common. The 2014 CMC guidelines had sparked fears about increasing self-censorship. During that year, there were reports that the CMC and other government officials had threatened to close or revoke the licenses of critical media outlets, particularly those with foreign ties that gave a platform to Sunni politicians, carried denunciations of the government of then prime minister Nouri al-Maliki, or provided live coverage of the fight against IS. Such threats seemed to have decreased in 2015, slightly easing concerns about heightened self-censorship.

The conflict with IS has restricted journalists' ability to access the affected areas and led to large-scale shutdowns of media and internet services. Shortly after the militant group gained control of Mosul in June 2014, the prime minister's office ordered the Ministry of Communications to shut down internet service in IS-occupied provinces, ostensibly to prevent the group from using social media to plan attacks and release propaganda. Access to websites such as Facebook, YouTube, and Twitter was blocked intermittently throughout the whole of Iraq for the rest of the year. In 2015, there were reports of shutdowns of local websites and blogs that were critical of the central government. Meanwhile, IS itself has closed or confiscated media facilities in areas it controls.

Journalists regularly face harassment, intimidation, and violence from a variety of actors in the course of their reporting; these factors are prevalent in conflict zones and in more stable areas or Iraq as well. Beginning in July 2015, a series of demonstrations took place in Baghdad and Iraq's southern provinces against government corruption and failure to deliver public services. Journalists covering the demonstrations were harassed in several locations, with local and international organizations documenting dozens of cases ranging from verbal threats to physical violence. In August, during demonstrations in Baghdad, unidentified assailants attacked the crews of Al-Baghdadia TV and Al-Sharqiya TV, damaging their equipment; security forces present at the demonstrations reportedly did not intervene. Separately, several journalists were killed in 2015 while covering the conflict against IS. Ali al-Ansari, a journalist with the Al-Ghadeer TV station, was killed in January during a battle in the northern Diyala province, and Majed al-Rabi'i, an Al-Masar TV journalist, died in May from injuries sustained while covering a battle in the central Anbar province.

Retaliatory violence is also prevalent. Iraq had one of the world's highest murder rates for journalists in 2015, with at least five killings confirmed by the Committee to Protect Journalists (CPJ) as of December 1. However, CPJ has cautioned that this number is likely a low estimate due to the extreme difficulty of collecting information in IS-held territory. By late 2015, the militant group was reportedly holding several journalists

prisoner, with estimates ranging from 10 to 20. IS also executed journalists during the year. Thaeer al-Ali, editor in chief of the Mosul newspaper *Rai al-Nas*, was killed in April after being held by IS for nearly three weeks. Jalaa al-Abadi, a cameraman for the Nineveh Reports' Network, was abducted from his home by IS in June and executed in July for allegedly spying on the group's forces in Mosul.

Other entities, including security forces and paramilitary groups, also targeted journalists for their work in 2015. In April, Ned Parker, the Reuters bureau chief in Baghdad, published a report documenting human rights violations conducted by the Iraqi police and allied militias during the battle to liberate Tikrit from IS earlier in the year. Parker was forced to flee Iraq amid death threats after a television channel affiliated with a paramilitary group broadcast his photo and called for his expulsion from the country.

Journalists in Iraqi Kurdistan, particularly those working for independent or opposition outlets, sometimes face a hostile environment away from the conflict zone. A wave of protests began in Iraqi Kurdistan in October over the region's economic crisis, overdue salaries of public employees, and the continuing rule of KRG president Masoud Barzani, who remained in power despite the expiration of his mandate in August. A number of journalists were injured when the gatherings turned violent, with some of them facing deliberate attacks by civilian mobs. Security forces intervened in the ability of some media workers to access demonstration sites. Additionally, in the KRG capital of Erbil, officials blocked Facebook access for a day during the demonstrations.

Tensions within the KRG affect media outlets and workers. Barzani's Kurdistan Democratic Party (KDP) is predominantly in control of Erbil, and the Patriotic Union of Kurdistan (PUK) retains a political base in the city of Sulaymaniyah. Independent media or media affiliated with the PUK or the opposition Gorran movement face a hostile environment in KDP-dominated areas. Following the wave of protests in October 2015, security forces attached to the KDP raided the offices of the NRT TV and KNN TV stations in Erbil, Dohuk, and Soran, closing both stations and briefly detaining six NRT TV employees.

The 2013 killing of Kawa Garmyane, editor in chief of the magazine *Rayel* and a correspondent for the newspaper *Awene*, remains unresolved; observers have pointed to a possible connection between his death and his reporting on alleged corruption within the PUK. In January 2015, a KRG court exonerated PUK military commander Mahmud Sangawi, who was charged in 2014 with ordering the killing.

Economic Environment: 16 / 30

Hundreds of privately owned television, radio, and print media outlets have opened since the overthrow of Saddam Hussein's regime in 2003, with publications in languages including Arabic, Kurdish, Syriac, and Turkmen. However, political parties and ethnic factions fund most media outlets. The government controls the Iraqi Media Network, a holding company that owns the Al-Iraqiya television station, Republic of Iraq Radio, and the newspaper *Al-Sabah*. Satellite dishes are legal and common. More than 30 satellite networks transmit into Iraq, including Al-Sharqiya, an Iraqi-owned station that broadcasts from Dubai; Qatar's Al-Jazeera; and the Saudi-owned Al-Arabiya. IS retained control of a

number of seized media outlets in 2015, and has established its own communications infrastructure in the territories under its control. The group operates its own television station, Dabiq, and an online magazine of the same name.

Commercial advertising revenues alone are too small to sustain Iraq's private media, and the government shapes the editorial content of some outlets by manipulating public advertising or pressuring private advertisers. Journalists have also reportedly slanted the news in return for bribes from officials, who offer money, land, and other rewards. In KRG areas, independent media suffer from lack of advertising and are unable to compete with outlets that are subsidized by the major Kurdish parties.

Until the crisis created by the IS offensive in the summer of 2014, the internet had largely operated without government restriction, and usage had steadily increased since 2003. A growing number of Iraqis turn to digital and social media to spread information and consume news. However, poor infrastructure and sporadic access to electricity continue to make Iraq's penetration rate for terrestrial internet access one of the lowest in the region, leading the majority of Iraqi users to use wireless technology. The overall internet penetration rate stood at 17 percent in 2015.

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