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IRAQ

UNFAIRLY JAILED JOURNALISTS FACE ADDITIONAL PRISON TIME

Journalists Sherwan Sherwani and Guhdar Zebari, imprisoned in the Kurdistan Region of Iraq (KR-I) since October 2020 following a grossly unfair trial, are facing new spurious charges.

Guhdar Zebari was scheduled to be released on August 16, but was informed on the same day that he has been charged with another offence. Sherwan Sherwani was due to be released on September 9, but on July 20, a court sentenced him to an additional four years in prison.

The journalists were initially sentenced to six years in prison by the Erbil Criminal Court in February 2021 along with three activists. The three activists were released on March 16, 2023. Zebari and Sherwan must be immediately released.

Write to the KRG Coordinator for the Office of International Advocacy urging him to:

- Immediately release Sherwan Sherwani and Guhdar Zebari
- respect the right to freedom of expression and ensure that journalists can do their jobs without fear of arbitrary arrest, prosecution and imprisonment.

Write to:

Dr. Dindar Zebari
KRG Coordinator Office for International Advocacy (OCIA)
Erbil
Kurdistan Region of Iraq
Email: dindar.zebari@gov.krd
Salutation: Dear Dr. Zebari,

And copy:

Mr. Haidar Radi Nasir NASIR
Minister & Chargé d'affaires, a.i.
Embassy of the Republic of Iraq
189 Laurier Avenue East
Ottawa, ON K1N 7N3
Tel: (613) 236-9177
Email: info@iqemb.ca

ADDITIONAL INFORMATION

The Asayish, the Kurdistan Government's primary security and intelligence agency, arrested Sherwan Sherwani, Guhdar Zebari, Hariwan Issa, Ayaz Karam and Shvan Saeed in October 2020. On February 16, 2021, the Erbil Criminal Court sentenced the five defendants to six years imprisonment in a grossly unfair trial on charges including: "spying on account of foreign actors; of having supplied the Kurdish

Workers Party (PKK) with sensitive information; placing the lives of senior Kurdistan regional authorities and foreign officials at risk by gathering information about them; and collecting arms with the intention of supplying them to an unidentified armed group.”

Amnesty International reviewed a copy of the verdict which stated that all five men were sentenced to prison based on the provisions of Article 1 of Law No. 21 of 2003 issued by the Parliament of the Kurdistan Region and Articles 47, 48 and 49 of the 1969 Iraqi Penal Code. These laws contain vaguely defined and overbroad language allowing for prosecutions over actions that are not recognizable crimes under international law.

The trial in 2021 was marred by serious violations of the right to a fair trial, including allegations of torture that were not investigated, the use of torture-tainted confessions to convict the defendants, and a refusal allow defense lawyers timely access to the case files. Using information obtained from Sherwani’s electronic devices, the main evidence brought against him in court was the creation of a messenger group, which he was accused of creating for espionage purposes and for sharing sensitive governmental information. KR-I Prime Minister Masrour Barzani had previously claimed that the five defendants were “spies” and accused them of working for foreign governments to plot terrorist attacks.

On April 28, 2021, the Court of Appeal upheld the six-year prison sentence against the five defendants. In its ruling, the Court rejected the defendants’ claims of torture and other ill-treatment, citing lack of evidence, while also confirming the charges brought against them by the prosecution.

On March 2, 2022, Nechirvan Barzani, President of the KRG, reduced the sentences of the journalists and activists. Issa, Karam and Saeed were released in March of this year. Sherwani’s sentence was reduced by half, and he was scheduled to be released on September 9, 2023. Zebari’s sentence was reduced by 60% and he was initially scheduled to be released on March 16. However, prior to his release, the court sentenced him to an additional seven months’ imprisonment for allegedly altering the logo on his car from a Daewoo to a Toyota, in violation of Article 279 of the Penal Code. Zebari’s lawyers made a statement to the media that the logo alteration was done prior to Zebari’s purchase of the vehicle and the charge was an “excuse” to sentence him to further prison time.