

Iraq establishes special court to prosecute journalists

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Iraq is seeking to extend the powers of the state over the media, with the announcement earlier this month of the creation of a special court to try journalists.

On July 11, the Supreme Judicial Court stated that the new institution would focus solely on charges such as defamation, libel and violations of press freedom.

Little further detail has been made available, but a spokesman said the new court was in line with the Judicial Organisation Law which allows for the Supreme Judicial Court to “establish special courts in accordance with the public interest.” However, critics have pointed out that its establishment could violate Iraq’s own constitution, article 95 of which states that “Special or exceptional courts may not be established.”

The announcement of the new court has led to protests from journalists. The Journalistic Freedoms Observatory, which is an Iraqi-based organisation that monitors media freedom, noted that government claims to be seeking to protect the media were not credible, particularly since many of the laws which restricted freedom of speech under the Saddam Hussein regime remain in force. This referred especially to the 1969 penal code, under which journalists, editors and publishers can still be charged and imprisoned.

Mohamed Abdel Dayem, the Middle East and North Africa Coordinator for the New York-based Committee to Protect Journalists (CPJ) commented, “A specialized press court is hardly the solution to the problems Iraqi journalists face on a daily basis. Historically, special press courts have been used for restriction rather than protection. We are alarmed by this decision and we urge the Iraqi authorities to disclose all details related to the proposed court.”

Brian Whitaker noted in the *Guardian* that the Iraqi proposal appears to be modelled on a similar measure brought in last year by Yemen in order to suppress

criticism of the war against insurgents in the south of the country. Whitaker said that the Yemeni court had been based on the country’s anti-terrorist laws, and allows for journalists to be charged on the grounds of “threatening the country’s security and stability”.

Indeed, journalists in Iraq continue to suffer harsh repression. Since the US-led invasion of 2003 at least 77 journalists have been kidnapped, resulting in 24 deaths. Reports also document frequent and persistent attacks on the media by the state security forces.

In a case which gained international coverage, Muntadhar al-Zaidi was sentenced to three years in prison in March 2009, after throwing his shoes at then US President George W. Bush during his last visit to Iraq in December 2008. His sentence was reduced to one year on appeal. Although later released after serving nine months of his sentence, Al-Zaidi suffered severe beatings at the hands of the Iraqi security forces, and said that he had been forced to take “unknown substances” whilst in jail.

Al-Zaidi was charged in a criminal court, something which the new law will now prevent.

Even the US state department, which has done so much to promote Iraq as a flourishing democracy under its occupation, was forced to admit in its human rights report for 2009 published earlier this year that journalists engaged in “self-censorship due to fear of reprisals by the government, political parties, and insurgent and sectarian forces.”

The report cited a June 2009 letter to Prime Minister Nouri al-Maliki from the CPJ which read, “high-ranking government officials have used lawsuits as a political tool to obstruct and silence the news media.”

In Kurdistan, often cited by the US and its allies as a more stable region of the country, 44 lawsuits against media workers were documented throughout the year.

Frequent causes of such action included the exposure of corruption within the KRG (Kurdistan Regional Government), and criticism of ministers and public officials. The KRG also intimidated opposition news outlets in the lead-up to regional elections, with armed personnel engaging in a number of attacks against television stations and newspapers in July 2009.

As well as legal action, newspapers and television stations have been threatened with closure, and there were widespread reports of journalists being barred from polling stations during the January 2009 provincial elections. Media workers attempting to cover the vote were subjected to violence from state officials.

In one case, three journalists working for the Ifaq satellite channel were beaten and detained for five hours. In response, journalists based in the province of Babil held a protest against the incident, noting that the journalists involved had been driving a vehicle clearly marked with press designators.

The US report went on to note that despite a number of murders of journalists during 2009, no prosecutions were brought against any of the perpetrators.

The decision to establish a special court for journalists underscores that the 2003 war and the ongoing occupation has only led to the installation of a puppet regime, completely subservient to the major imperialist powers and hostile to the democratic rights of the population.



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