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Iraq: Drop freedom of expression-related charges against freelance journalist Samir Obeid Hassan

Amnesty International has today expressed its concern regarding the detention of freelance journalist **Samir Obeid Hassan** and calls on the Iraqi authorities to immediately drop all charges against him related to his exercise of the right to freedom of expression and release him from detention.

Samir Obeid Hassan, a dual Iraqi-Norwegian citizen, was taken from his home in Qadisiya neighbourhood in the capital, Baghdad, between 5:30 and 6pm on 22 October 2017. According to eye witnesses, armed men, accompanied by members of local authority (Brigade 54) arrived in at least five cars at the home of the journalist and asked the neighbouring house to switch off their CCTV cameras. The armed men entered the house and searched it thoroughly, confiscating a large amount of personal paperwork as well as electronics that included a personal laptop and mobile phone devices belonging to Samir Obeid Hassan. Eye witnesses said that Samir Obeid Hassan was taken away in a four-wheel-drive car with blacked-out windows.

Family members told Amnesty International:

“The entire house had been searched. Every room was turned over and some furniture was broken and damaged. Our family photos lay strewn around the house. There had been no respect or consideration for our privacy.”

Following the arrest, family members attempted to contact Samir Obeid Hassan on his mobile phone but it went unanswered and eventually appeared to be switched off at about 9pm. His relatives attempted to find out his whereabouts through contacting the authorities and security forces but to no avail. They were eventually told four days later, by the Journalists' Syndicate of which Samir is a member, that he was held by the Intelligence Apparatus in a detention centre situated within the Muthanna Airport. The representative of the Journalists' Syndicate informed the relatives of Samir Obeid Hassan that he has been arrested because of an article he had written and published on his personal Facebook page on 21 October 2017 in which he had criticized the Iraqi Prime Minister.

According to information obtained by Amnesty International, Samir Hassan Obeid had appeared before an investigative judge in Baghdad several days after his arrest and was charged with “broadcasting rumours and fake news and misleading public opinion” under article 210 of the amended Iraqi Penal Code No. 111 (1969). An eye-witnesses in court reported that Samir Obeid Hassan appeared in court in prison-issued attire and was asked to sign a written statement, without the attendance of his lawyer.

On 30 October 2017, Samir Obeid Hassan's family were informed that he would be released on bail and were summoned to the detention center in the former Muthanna Airport in Baghdad in order to pay a sum of 25Million IQD (approximately 21,000 US Dollars) until a court date would be set. After the procedure was completed, the staff members at the detention center informed members of his family that he is not to be released. This was based on instructions received by the staff members that Samir Obeid Hassan is to be charged with a different charge.

His relatives were later informed that Samir Obeid Hassan had been charged with “communicating with foreign parties” under article 164(1) of the Iraqi Penal Code because of his participation in a debate programme on an international television channel. Until that point, his court and case documents had not been seen by the lawyer his family had appointed.

On 6 November 2017, and with the aid of the Journalists' Syndicate, Samir's family were able to visit him in the detention centre situated within the Muthanna Airport. The visit lasted approximately 30 minutes and was in the presence of an interrogation officer. They were able to deliver necessary medicine to him as he suffers from diabetes and high blood pressure, as well as chronic pain of the joints in his legs which, according to his family, is a result of being subjected to torture and other ill-treatment under the pre-2003 Baa'th regime in Iraq.

On 14 November 2017, Samir Obeid Hassan appeared in the Central Criminal Court in Baghdad for a trial but the legal representative of the prosecution failed to appear in court and the court date was postponed to 22 November 2017. Eye-witnesses reported that Samir Obeid Hassan looked exhausted and weary.

Samir Obeid Hassan continues to be held in Muthanna Airport detention centre in Baghdad.

Amnesty International is concerned about the detention of Samir Obeid Hassan on these charges, which appear to have been brought against him for exercising his right to freedom of expression. These charges were brought under Article 210 of the Iraqi Penal Code, or as a result of his alleged public criticism of the Prime Minister or his participation in an international TV channel debate. Amnesty International calls for these charges against Samir Obeid Hassan to be dropped without delay and for him to be immediately released.

Background

Iraq has an obligation under international human rights law to ensure the right to freedom of expression. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Iraq is a state party, states that this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media of a person's choice. This right applies to everyone including journalists, and journalists also have a key role to play in facilitating access to and the free communication of information and ideas and in informing public opinion. Any restrictions which states place on the exercise of this right are permissible only if they are provided by law and demonstrably necessary and proportionate for the purpose of protecting specified public interests (national security, public order, or public health or morals) or the rights or reputations of others. The UN Human Rights Committee, which monitors states' compliance with their obligations under the ICCPR, has expressly underlined that heads of state and government and other public figures are legitimately subject to criticism and political opposition, and the mere fact that an expression is considered insulting to a public figure is not sufficient to justify penalties.

The Constitution of Iraq, in Article 38, guarantees freedom of expression, of press, printing, advertisement, media and publication, regulated by law. Despite this, the Parliament of Iraq has on a number of occasions attempted to introduce and vote on a draft law on freedom of expression. These attempts have led to the breakout of protests on the streets of Iraq as well as on social media.

Earlier this year in May, protests broke out in Iraq, particularly in Baghdad, after the Iraqi parliament, carried out the first reading of a new draft law that would seek to restrict freedom of expression in Iraq. The law would introduce punitive detention measures for such acts as insulting religious symbols and would put administrative and judicial obstacles on the right to peaceful assembly by requiring several days of advance notice before protests and allow the permitting body to refuse a permit on vague grounds. The Iraqi Parliament postponed a vote on the draft law in August until further notice.