



Trials of the 9 Badinan Activists

**Iraqi Kurdistan courts accuse Badinan activists of conducting espionage
for Foreign Governments**



CPT Iraqi Kurdistan report on July 12-13, 2021 trials for Badinan activists Bandawar Ayoub, Karger Abas, Fersat Ahmad, Sleman Mousa, Sherwan Taha, Sleman Kamal, Jamal Khalil, Aamer Khalid and Masoud Ali

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Summary

On the 12th and 13th of July, two court cases were held for the Badinan activists Masoud Ali, Sherwan Taha, Karger Abas, Bandawar Ayoub, Sleman Kamal, Sleman Mousa, Fersat Ahmad, Jamal Khalil and Aamer Khalid. All 9 prisoners were arrested by security forces following a crackdown on freedom of expression in the Kurdistan Region of Iraq (KRI) in 2020. For almost a year, they have been awaiting trial.

During the recent court trials in July, the Badinan prisoners were accused of endangering national security and committing acts of espionage as they made contact with U.S., German, French consulates, the European Union representative of Baghdad, and the Federal Government of Iraq. Members of Christian Peacemaker Teams (CPT) observed these trials, both of which are now adjourned until September.

CPT is gravely concerned about the due process in both court trials, as no reasonable evidence has so far been presented to support the accusations against the 9 Badinan prisoners. All evidence used against the activists has thus far relied on testimony from one unidentified witness who was not present for the court proceedings. There is no evidence yet to suggest the witness exists or that such a witness knew the 9 Badinan prisoners. In addition to this lack of evidence from an unidentified witness, it is concerning that the defendants could be accused of committing acts of espionage as they met with consulates and government representatives. From the beginning the prisoners have been denied access to their legal representation, preventing them from discussing or passing on any evidence in their defence.

These recent court trials are a part of a larger attempt by the Kurdistan Democratic Party (KDP) at suppressing freedom of expression in Iraqi Kurdistan. Since August 2020, an estimated 76 journalists, activists and teachers from the Badinan region have been arrested by security forces and imprisoned in Erbil. Some of the first to be impacted by this escalating repression were Sherwan Sherwani, Guhdar Zebari, Eyaz Karam, Shivan Saeed, and Hariwan Essa, all of whom were found guilty of espionage and destabilizing national security on February 16. These 5 journalists and civil rights activists were all charged with conducting acts of espionage for speaking to representatives of the United States Consulate General, United Nations and International Organizations.¹ Now, the 9 Badinan prisoners are similarly being accused of conducting espionage for international consulates and governing bodies once again.

This report reviews the court proceedings and provides a chronological order of the trials which have occurred.

¹ This accusation that the prisoners spied for the U.S. consulate was eventually overturned when their case was brought before the Court of Cassation in Erbil on June 27, 2021; yet, the court maintained that the Badinan prisoners conducted espionage and sabotage without disclosing for whom they spied.

Court Proceedings

Erbil Criminal Court, 12 July 2021

The Trial of **Masoud Ali, Sherwan Taha, Karger Abas** and **Bandawar Ayoub**

Accusations:

- Planning to attack a Kurdistan Democratic Party (KDP) building and plant explosives in the car of the son of the prime minister, Arin Barzani.
- Creating a political party together called “Future Movement,” without getting permission.
- Making contact with U.S., German, French consulates, the European Union representative in Baghdad, and the Federal Government of Iraq. In order to gather support against the KRG and “Bring demonstrations from Baghdad back to Kurdistan Region.”
- Being part of Barham Salih’s² political group, “Coalition for Democracy and Justice” and working for Prime Minister Mustafa Al-Kadhimi.
- Creating an armed group together, with plans to create confusion and destabilize the KRG.

Evidence presented by the Security Council:

- Witnesses: Sleman Kamal, Sleman Mousa, Fersat Ahmad, Jamal Khalil and Aamer Khalid. They all knew one or more of the accused in some capacity but denied any knowledge of plans to use weapons to attack or undermine the KRG.
- Unnamed Secret Witness no.33 (who did not testify in court) alleged that they were part of the group with these men in which they planned to assassinate the former Governor of Duhok and plant explosives in Arin Barzani’s car.
- A WhatsApp group that all nine people were a part of and in which they allegedly planned their political group.
- An alleged recording of Masoud Ali, discussing using weapons to create disruption in the Kurdistan Region and using the German, French and United States consulates to help do this and to help them leave the country. It was also said to contain details of the plans to carry out the assassinations of the former Governor of Duhok and the son of the Prime Minister of Iraqi Kurdistan.

Outcome: The Judges declared they were too tired to continue and adjourned the case. It was later announced it would be held on 6 September 2021.

² The current President of Iraq. He created this political party before becoming president and subsequently dissolved it.

Erbil Criminal Court, 13 July 2021

The Trial of **Sleman Kamal, Sleman Mousa, Fersat Ahmad, Jamal Khalil** and **Aamer Khalid**

Accusations: The accusations were the same as for the trial of Masoud Ali, Sherwan Taha, Karger Abas and Bandawar Ayoub.

In addition to the aforementioned accusations, Masoud Ali was accused of trying to make a statement against the KRG because of a Turkish military bombing. Fesrat Ahmad and Sleman Kamal were both accused of trying to organize a demonstration against a bombing the Turkish military conducted in Akre.

Evidence presented by the Security Council: The evidence was the same as for the trial of Masoud Ali, Sherwan Taha, Karger Abas and Bandawar Ayoub.

- Witnesses: Masoud Ali, Sherwan Taha, Karger Abas and Bandawar Ayoub. They all knew one or more of the accused in some capacity but denied any knowledge of plans to use weapons to attack or undermine the KRG.

Outcome: The Judges stopped the trial and announced it would be adjourned until 20 September 2021.

Condition of Detainees

Two of the defendants refused to have a lawyer to represent them in their court trials. A family member of one of these defendants reported to CPT that this is because the defendant was threatened and harassed by security forces to not have legal representation. The lawyers who are representing defendants have been refused any contact with their clients. The defendants through being denied contact with their legal representation have been unable to pass on any evidence in their defence. One of the defendants reported that he was threatened that his wife would be raped if he did not confess to the accusations brought against him in court.

Family members are also granted limited access to meet with their loved ones in prison—some have been able to meet their families once since their incarceration. These families are also concerned about their loved ones' health.

The family of Sleman Kamal reported to CPT that his body had become very weak while he was in prison—Sleman himself reported that he was not receiving enough food to eat in prison. CPT observed in court that many of the defendants have lost weight and appear malnourished since their incarceration in Asaish prison.

Conclusion

Since August 2020, the Kurdistan Regional Government has escalated its suppression of freedom of expression, incarcerating numerous civil rights activists and journalists who have been critical of the government. The 9 Badinan prisoners put on trial on the 12th and 13th of July have been implicated in this crackdown on public criticism. All of the activists are accused of endangering national security with planning armed assaults and assassinations and committing espionage for international consulates and representatives. The defendants deny all of these accusations. These accusations depend primarily on an unidentified witness who did not testify during either court trial. CPT suspects that the cases of the 9 Badinan prisoners is politically motivated, as the KDP seeks to punish those who criticize government corruption in court trials pervading with insufficient and fabricated evidence.

Furthermore, the ill-treatment that the prisoners and their families have endured throughout this legal process also demonstrates the governments' intention to deter and inhibit the activities of other civil activists in Iraqi Kurdistan.

It is especially concerning that human rights activists and journalists from the Badinan region continue to be accused of spying for foreign governments and representatives. This continual accusation against Badinan activists and journalists by the Security Council in court is a dangerous precedent for members of civil society in Iraqi Kurdistan as well as for consulates, as they are implicated in acts of espionage by the KRG.

The cases of the 9 Badinan prisoners and their families is a critical concern for the Kurdistan Region. Freedom of expression, as it stands, is under trial in Iraqi Kurdistan. Any sentencing of the 9 Badinan activists sets precedent in the Iraqi Kurdistan region for freedom of expression to be criminalized, further suppressing civil society's ability to hold governing bodies accountable.

Recommendations

Christian Peacemaker Teams recommends the following:

- The immediate release of Masoud Ali, Sherwan Taha, Karger Abas, Bandawar Ayoub, Sleman Kamal, Sleman Mousa, Fersat Ahmad, Jamal Khalil and Aamer Khalid, based on the lack of evidence outlined in this report.
- The presence of foreign governments and organizations to observe upcoming court trials for the prisoners, especially on the 6th and 20th of September.

- The Consul Generals present in Iraqi Kurdistan and representatives of international organizations to press for the release of the Badinan journalists and activists and to denounce threats against those who speak out about human rights abuses.
- The Kurdistan Security Council allows family members and human rights organizations to regularly visit or make phone calls with the prisoners.

Record of Trials for Badinan Activists

