



July 29, 2021 witness statements for the Prosecution as recorded by CPT in the trial of Badal Barwari and Omed Barushky.

Court started with the Prosecution asking the Security Council if the Asaish would request compensation for defamation to their character. The Asaish representative said, “We want compensation since they want to ruin the reputation of the KRG.”

Defense stated that the Asaish was arresting anyone who was in a specific WhatsApp group and there is no evidence against the defendants in this case.

Representative for the Asaish stated that Sherwan Sherwani had named **Omed Barushky and Badal Barwari** in his sworn confession and that is why the Asaish obtained a court order and arrested the defendants.

Defense cited a statement from Sherwan Sherwani on transcript page no. 5 and 6, where Sherwan Sherwani stated in a prior trial that Badal and Omed were not a part of any organized group.

The Prosecution and Security Council stated that they had five witnesses to appear before the court and a statement from a “secret witness.”

Defense asked that the “secret witness” also be brought before the court but this request was rejected. Five witnesses were then called to testify on behalf of the Prosecution.

Below are the witness testimonies for July 29, 2021 called by the Prosecution in this case.

Testimony of Sherwan Sherwani:

(After being sworn in, the judges read his confession aloud naming the defendants, and asked if this confession was his.)

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Sherwan: “This is not my speech. I will not give any testimony against them.”

“They are brave activists. I know them through the media.”

“I have known them for about 4 years.”

“I only know them through the media. I have seen their activities. They were working with civil society.”

“I don’t have any information. This is only a scenario that the security forces are creating.”

“I have also rejected this confession in front of Judge Masood.”

Asaish: We have his signature. We would like the court to investigate if this signature is his.

Defense: “The process of obtaining his confession was illegal and we reject this process!”

Sherwan: “They forced me to sign over 50 pages while I was being beaten and they were threatening to sexually assault my wife. I wasn’t even allowed to read them. I said I have a right to read them. Then a representative from the court said, “Don’t you trust us?” and got angry and refused to allow me to read the documents.”

(Judge then read the transcript of a phone conversation between Badal and Sherwan where they were arguing. Sherwan was asking him to help plan a demonstration.)

Sherwan: “Why is it a crime to plan to have a peaceful protest? There is no information that says we are planning to spy. It’s not a crime for me and Badal to have this disagreement.”

Defense: “I have evidence to prove what Sherwan is saying.”

(The court decided to hear other witnesses before allowing evidence to be presented. Sherwan Sherwani was dismissed and Shvan Saeed was called as the next witness for the Prosecution.)

Testimony of Shvan Saeed:

(Court read Shvan’s confession and then asked how Shvan knew Badal Barwari and Omed Barushky.)

Shvan: “Badal is an activist. Everyone knows him.”

(Shvan rejected that the confession read was his statement.)

“I am not testifying against them. They have not planned to act against the government.”

“They were publishing posts on a public Facebook group that was open to everyone. Everyone can publish there. Sometimes we were posting about planning protests.”

“They are very gentle men. They are not planning sabotage.”

(Shvan was dismissed and Eyaz Karam was called as the next witness for the Prosecution.)

Testimony of Eyaz Karam:

(Court read Eyaz’s written confession aloud and asked if this was his confession.)

Eyaz: “It is not mine.”

Eyaz then pointed toward the Security Council and addressed the court audience: “They forced me to sign this document. We didn’t have any rights!”

(Eyaz was asked to only address the court.)

Judge: “Is this yours?”

Eyaz: “No. It is not mine.”

“I know Badal as a teacher. I am a journalist. He would sometimes give me statements.”

Judge: “Do you believe they did any actions to harm the national security of Kurdistan?”

Eyaz: “No, they haven't done anything.”

“I was an NRT journalist and did interviews with Badal while he was speaking as a teacher.”

“It is a lie that we exchanged information.”

(Eyaz was dismissed and Guhdar Zebari was called as a witness for the Prosecution.)

Testimony of Guhdar Zebari:

(Court read the signed confession of Guhdar Zebari.)

Guhdar: “The only thing I can confirm is that Badal said, ‘Let’s plan a demonstration,’ but there were no slogans that suggested violence. It was published on Facebook and not a secret.”

(Judge asked how long Guhdar knew the defendants.)

Guhdar: “I have known them for about a year.”

(Judge asked if they were a part of any groups.)

Guhdar: “What type of groups? We only had a group chat as activists. You as judges perhaps have a group chat.”

Judge: “What was the name?” [of the group]

Guhdar: “It was a very diverse group with journalists and activists.”

“I only witness that these two are innocent.”

Defense to the judge: “There are many online chat groups. Why are you saying that these groups are illegal?”

(Guhdar was dismissed and Hariwan Issa was called as a witness for the Prosecution.)

Testimony of Hariwan Issa:

(Hariwan’s statement was read by the court.)

(Judge asked how Hariwan knew the defendants.)

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Hariwan: “I only know Badal. I knew Badal was trying to organize a protest. I do not know Omed. I don’t have any evidence. This is my confession.”

(Hariwan was dismissed.)

The Prosecution and the Security Council then announced to the court they could bring two **additional witnesses** who could provide evidence against Badal and Omed. When asked by the judge where these witnesses were and why they were not present, the Security Council said they didn’t have time to organize transportation for the witnesses from the Duhok Prison, where they are currently being held.

The judge suggested that the trial be adjourned until the Prosecution’s witnesses could be brought to the court.

The Defense asked that the court continue, arguing that additional witnesses will testify the same way as the previous witnesses have.

The court decided to adjourn until September 30.

The court trial was adjourned.

Police escorted Badal Barwari from the courtroom. Omed Barushky began to speak with a lawyer near him. One of the two representatives for the Security Council quickly grabbed Omed’s arm and dragged him away from the lawyer, handing him to the police. As he was being escorted from the courtroom, Omed turned to the audience of Parliamentarians and international observers and shouted, **“I have been in prison for a year and haven't seen my lawyer yet!”**