



Political Rule above the Rule of Law

Christian Peacemaker Teams – Iraqi Kurdistan condemns the final decision of Erbil’s judiciary to deny justice to Badinan activists and journalists.



*Graphic shows Sherwan Sherwani, Qaraman Shukri, Shivan Saeed, Omed Barushky, Eyaz Karam, Hariwan Essa, and Guhdar Zebari

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Sulaimani, Iraqi Kurdistan • cptiraq@cpt.org • Tel: +964 770 291 6487
www.facebook.com/cpt.ik • www.cptik.org

On June 27, 2021, the Court of Cassation in Erbil announced that it upholds the unjust sentencing of the five journalists and civil rights activists Sherwan Sherwani, Guhdar Zebari, Eyaz Karam, Shivan Saeed, and Hariwan Essa, all of whom are from the Badinan region.

With the decision to uphold six-year prison terms for each of the Badinan prisoners, the court confirmed the concerns shared by many national and international organizations and institutions in regards to this case: political rule in Iraqi Kurdistan stands above the rule of law.

The Badinan journalists and civil rights activists have been criminalized for speaking to consulates about the state of human rights in Iraqi Kurdistan, criticizing and reporting on the government corruption, and participating in nonviolent protests. Since the Badinan prisoners were arrested without warrants in August-October 2020 to their trial on February 15, 2021, they have been denied regular contact with their family members and they have been interrogated without the presence of their lawyers. During their detention, the Badinan prisoners were allowed to have only one family members' visit on January 6, 2021. The visit lasted only five minutes and was observed by the Asaish officers. On February 16, 2021, the Criminal Court in Erbil sentenced five of the Badinan journalists and activists to six years in prison on trumped up charges of conducting espionage and conspiring to commit sabotage and crimes against national security.

Members of Christian Peacemaker Teams - Iraqi Kurdistan (CPT-IK) observed this trial as it lasted for only two days. During the trial, the prosecution presented insufficient evidence for these charges¹ of conspiracy and sabotage. In violation of the Articles 126 and 127 of Iraqi Criminal Procedure Code no. 23 (1971), the judge dismissed Sherwan Sherwani's claim that he was tortured, and the judge also dismissed that Sherwan's wife Rugash was threatened with sexual violence. Instead of suspending the trial to investigate these acts of violence, the judge disregarded Sherwan's testimony of experiencing torture and threats of violence. After the trial, the security council that interrogated Sherwan filed a legal complaint against him for "defamation," disregarding the defendant's right to testify to a court.²

The ruling of the Criminal Court and its confirmation by the Erbil's Court of Cassation on May 6, 2021 has been condemned not only by Iraqi Kurdistan's civil society, but also from international organizations and diplomats, as the Court has ruled that meetings about civil rights between Iraqi Kurdistan citizens and foreign diplomats are criminal acts of espionage.

¹ More details about the trial can be found in the CPT-IK's report [Freedom of Expression Under Threat](#) (March 2021)

² More details can be found in the report published by the United Nations High Commissioner for Human Rights [Freedom of Expression Increasingly Curtailed in Kurdistan Region of Iraq](#) (May 2021)

The final decision of the appellate court on June 20, 2021, which was made public on June 27, has maintained charges against the Badinan journalists and activists for committing espionage and sabotage. The only part of the court ruling that has been overturned is the accusation that the Badinan prisoners spied for both the U.S. and Germany consulates. Yet, the court's ruling still maintains that the Badinan prisoners conducted espionage and sabotage without disclosing for whom they spied, further demonstrating how much this process has been led by political motives instead of the Kurdistan Regional Government's obligation to uphold justice and civil rights. This has become even more evident in the light of the statement made about the Badinan journalists and activists by the Iraqi Kurdistan Prime Minister Masrour Barzani ahead of the February trial, "*They were neither journalists nor civil rights activists... they were spies of foreign governments and saboteurs.*"

In the last week two additional people have been criminalized for practicing freedom of speech in Iraqi Kurdistan: Omed Barushky and Qaraman Shukri.

Omed Barushky, a freelance journalist, who was arrested together with the Badinan activists and journalists, was sentenced to one year in prison for three charges, including one for the "misuse of electronic communication." Omed is currently awaiting trial for three additional charges later in July.

Qaraman Shukri, who has also been a journalist in Badinan and has been held in Asaish jail since January 27, was recently sentenced to seven years in prison. According to Qaraman Shukri's relatives, the trial and sentencing took place without anyone from the family being informed, and in the absence of a defense lawyer that Qaraman could choose.

CPT-IK is gravely concerned about the power that Iraqi Kurdistan political entities exercise over courts to punish journalists and civil society activists for exercising their right to freedom of expression.

On the 5th and 12th of July, nine other civil rights activists from Badinan will be tried by the Criminal Court in Erbil. CPT-IK would like to invite local and international human rights organizations, representatives of diplomatic missions, media, and all concerned constituents to participate in observing these upcoming court trials.

The Kurdistan Region Judiciary has failed in its role to uphold justice for Sherwan Sherwani, Shivan Saeed, Guhdar Zebari, Hariwan Essa and Eyaz Karam. At this moment, the only remaining recourse to uphold their rights is a pardon that the President of the Kurdistan Region of Iraq can grant. President Nechirvan Barzani has stated repeatedly that freedom of expression and civil society need to be respected. Christian Peacemaker Teams - Iraqi Kurdistan calls on President Nechirvan Barzani to grant amnesty to Sherwan Sherwani, Shivan Saeed, Guhdar Zebari, Hariwan Essa, and Eyaz Karam.