

URGENT ACTION

JOURNALISTS FACE ADDITIONAL PRISON TIME

Journalists Sherwan Sherwani and Guhdar Zebari, imprisoned in the Kurdistan Region of Iraq (KR-I) since October 2020 following a grossly unfair trial, are facing new spurious charges. Guhdar Zebari was scheduled to be released on 16 August but was informed on the same day that he has been charged with another offence. Sherwan Sherwani was due to be released on 9 September, but on 20 July, a court sentenced him to an additional four years in prison. The journalists were initially sentenced to six years in prison by the Erbil Criminal Court in February 2021 along with three activists. The three activists were released on 16 March 2023. Sherwan Sherwani and Guhdar Zebari must be immediately released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Dr. Dindar Zebari

*KRG Coordinator Office for International Advocacy
Erbil, Kurdistan Region of Iraq
Email: dindar.zebari@gov.krd*

Dear Dr. Zebari,

*I am writing to demand the immediate release of journalists **Guhdar Zebari** and **Sherwan Sherwani**, who have been imprisoned since October 2020 following a grossly unfair trial. As their release dates became imminent, the prosecution charged them with additional spurious crimes intended to keep them behind bars. Before their arrest, Sherwani and Zebari's journalism focused on human rights, freedom of expression and corruption issues in the Kurdistan Region of Iraq.*

Guhdar Zebari was scheduled for release on 16 August but was informed that day by the KR-I's primary security and intelligence agency, the Asayish, that he was being detained on new charges. He began a hunger strike on the same day but has since ended it. On 23 August, the Asayish informed him that he was being charged for possession of an unlicensed weapon, in violation of Article 15 of Law No.2 which was passed in 2022. Zebari's lawyers told Amnesty International that security agents found an unlicensed antique hunting weapon in his sister's home at the time of his arrest, but the lawyers also noted that it was not illegal at that time for the weapon to be unlicensed.

Sherwani was scheduled for release on 9 September, but on 20 July, the Erbil Criminal Court sentenced him to an additional four years in prison on charges related to falsifying Zebari's signature on a petition to the Erbil Adult Reform Prison, where Sherwani and Zebari are currently being held, while Zebari was in solitary confinement. The petition requested that the prison authorities disregard a prior request for conditional release because they believed the request would be unlikely to succeed. At Sherwani's hearing, Zebari confirmed that he had given Sherwani consent to sign the petition on his behalf.

Both journalists have been imprisoned since 7 October 2020 and were sentenced in February 2021 to 6 years imprisonment along with three other activists on charges of espionage based on overbroad and vaguely defined laws. Their trial was marred by serious fair trial and due process violations. In February 2022, KR-I President Nechirvan Barzani commuted half of Sherwani's sentence and sixty per cent of the sentences of Zebari and the three activists. The other three activists, Hariwan Issa, Ayaz Karam and Shvan Saeed, were released in March of this year.

I urge you to immediately release Sherwan Sherwani and Guhdar Zebari, respect the right to freedom of expression and ensure that journalists are able to do their jobs without fear of arbitrary arrest, prosecution and imprisonment.

Yours sincerely,

ADDITIONAL INFORMATION

The Asayish, the KR-I Government's primary security and intelligence agency, arrested Sherwan Sherwani, Guhdar Zebari, Hariwan Issa, Ayaz Karam and Shvan Saeed in October 2020. On 16 February 2021, the Erbil Criminal Court sentenced the five defendants to six years imprisonment in a grossly unfair trial on charges including: "spying on account of foreign actors; of having supplied the Kurdish Workers Party (PKK) with sensitive information; placing the lives of senior Kurdistan regional authorities and foreign officials at risk by gathering information about them; and collecting arms with the intention of supplying them to an unidentified armed group."

Amnesty International reviewed a copy of the verdict which stated that all five men were sentenced to prison based on the provisions of Article 1 of Law No. 21 of 2003 issued by the Parliament of the Kurdistan Region and Articles 47, 48 and 49 of the 1969 Iraqi Penal Code. These laws contain vaguely defined and overbroad language allowing for prosecutions over actions that are not recognizable crimes under international law.

The trial in 2021 was marred by serious violations of the right to a fair trial, including allegations of torture that were not investigated, the use of torture-tainted confessions to convict the defendants, and a refusal allow defense lawyers timely access to the case files. Using information obtained from Sherwani's electronic devices, the main evidence brought against him in court was the creation of a messenger group, which he was accused of creating for espionage purposes and for sharing sensitive governmental information. KR-I Prime Minister Masrour Barzani had previously claimed that the five defendants were "spies" and accused them of working for foreign governments to plot terrorist attacks.

On 28 April 2021, the Court of Appeal upheld the six-year prison sentence against the five defendants. In its ruling, the Court rejected the defendants' claims of torture and other ill-treatment, citing lack of evidence, while also confirming the charges brought against them by the prosecution.

On 2 March 2022, Nechirvan Barzani, President of the KRG, reduced the sentences of the journalists and activists. Issa, Karam and Saeed were released in March of this year. Sherwani's sentence was reduced by half, and he was scheduled to be released on 9 September 2023. Zebari's sentence was reduced by 60% and he was initially scheduled to be released on 16 March. However, prior to his release, the court sentenced him to an additional seven months' imprisonment for allegedly altering the logo on his car from a Daewoo to a Toyota, in violation of Article 279 of the Penal Code. Zebari's lawyers made a statement to the media that the logo alteration was done prior to Zebari's purchase of the vehicle and the charge was an "excuse" to sentence him to further prison time.

PREFERRED LANGUAGE TO ADDRESS TARGET: Kurdish, Arabic, English
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 19 October 2023
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Sherwan Sherwani (he/him), Guhdar Zebari (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde14/4099/2021/en/>