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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (107-9)
IRQ 6/2013

25 October 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged murders of media professionals Messrs. **Mohamed Karim al-Badrani, Mohamed Ghanem, and Saad Zaghoul**. Mr. al-Badrani was a journalist and Mr. Ghanem was a cameraman, both working for the independent television channel Al-Sharqiya. Mr. Zaghoul was the spokesman of the governor of the Province of Ninewa and also worked at several independent local newspapers in the Province of Mosul on topics including anti-corruption, human rights and law reform.

According to the information received:

On 5 October 2013, Messrs. al-Badrani and Ghanem, affiliated with the TV channel Al-Sharqiya, were filming shoppers in central Mosul in the Sarjakhana neighbourhood. A group of unknown gunmen allegedly shot the two victims and disappeared, killing the two on the spot.

On 8 October 2013, a group of unidentified gunmen allegedly opened fire on Mr. Zaghoul and killed him outside his home in Al-Qadisiyah, Mosul. He was the spokesman of the governor of the Province of Ninewa, Mr. Atheel al-Nujaifi, and also a senior member of the Iraqi Association for Defending the Rights of Journalists. He reportedly worked with several independent local newspapers in Mosul writing on topics including anti-corruption, human rights and law reform. It is further reported that the governor's former spokesperson, Mr. Qahtan Sami, was also killed in a very similar manner in July 2013.

It is alleged that the number of media professionals killed in Mosul since 2003 has now reached 48, including 6 women journalists and no investigation has been initiated to probe these cases of killings. According to the information received, Mosul is considered one of the most dangerous cities for journalists and media professionals in Iraq with its mixture of ethnicities and sectarian allegiances.

Grave concerns are expressed that Messrs. Mohamed Karim al-Badrani, Mohamed Ghanem, and Saad Zaghoul were killed in connection with their journalistic activities. Further concerns are expressed that the lack of a safe environment for media professionals in Iraq to perform their work independently and without undue interference, harassment and threats to their physical and psychological integrity severely restrict the right to freedom of opinion and expression. Particular concern is expressed at the reported lack of investigation of the abovementioned killings of 48 media professionals in Mosul since 2003.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which "condemns in the strongest term all attacks and violence against journalists," and "calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies." It further called upon States to "put in place voluntary protection programmes for journalists, based on local needs and challenges, including protection measures that take into account the individual circumstances of the persons at risk."

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the abovementioned cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please explain what measures have been taken to ensure that all media professionals in Iraq, in particular those who report on anti-corruption and human rights

issues, can carry out their peaceful and legitimate activities without fear of violence, intimidation or any other restrictions.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to investigate all cases of killings of journalists in Mosul, and in the event that your investigations support or suggest the above allegations to be correct, to ensure the accountability of all persons responsible for the alleged violations. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders