

DEEP DISQUIET OVER PRESS LAW - NGO

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Iraq: Deep disquiet over press law - NGO

Text of report by Basim al-Shara, Hadeel Kamil and Dhirgham Muhammad Ali published by London-based Institute for War and Peace Reporting (IWPR) website, on 29 April; subheadings added editorially.

A proposed law designed to protect the press may end up obstructing it because of a failure to guarantee access to information, journalists say.

The bill's highlights include tough penalties for those who attack journalists, and compensation for their victims. Its supporters say it will boost press freedom in what remains the world's most dangerous country for journalists.

Journalists admit the planned legislation addresses some of the threats they encounter in their work. But, they say, it ignores many of the obstacles.

Nearly 190 media workers have been killed in Iraq since 2003, according to New York-based watchdog, the Committee to Protect Journalists.

Recently, some improvement in security has reduced the risks journalists face when going about their work. At the same time, a lowering of tensions has meant that officials are not as intimidating as they once were.

Seeking answers from officials, reporters nowadays complain not so much of fear as of frustration.

"Sectarian bias"

An IWPR-trained journalist based in Baghdad, who asked not to be identified, says extracting information from government departments is extremely difficult.

"Spokesmen at certain ministries have their favourite reporters and will only release information to them," he said. "If they don't like you, they won't take your calls."

The reporter says he suspects some of the bias may be sectarian, as control of key Baghdad ministries has been allocated along sectarian and ethnic lines.

He describes another Baghdad ministry, which issues press releases but does not have a press office that will take questions.

"Questions will be answered by the minister alone, and he is a very busy man. He has not given anyone else in the ministry the authority to comment," he said.

Another IWPR-trained reporter in Baghdad says she recently visited a ministry to look into reports that officials had used forged qualifications to apply for jobs.

"I wanted to find out why there was no mechanism for checking the authenticity of the certificates," she said. "A manager told me he had nothing to say. He could neither clarify nor confirm anything."

"I tried several times but had no luck. They shut the door in my face."

No right to information

Journalists say the proposed Iraqi Journalists Protection Law will not overcome such obstacles because it doesn't give them a clear right to information. The bill does, however, grant the government the right to withhold information if it is deemed not to be "in the public interest" or if it "threatens national security".

Similar rules also exist in western democracies. But critics of the proposed press law say the Iraqi authorities are more likely to abuse these provisions to block access to sensitive or potentially embarrassing information.

"The media are dealing with Iraqi officials, not Europeans. Democracy was imported to this country and is almost non-existent in the culture here," Wathiq al-Chalabi, editor-in-chief of the independent newspaper Al-Mowqif, said.

"Journalists have always had a hard time because officials avoid giving details and only issue general statements," he said. "Now the [proposed] law is legitimising this culture."

Chalabi says Iraqi journalists find it particularly difficult to cover major corruption or murder cases because government officials are reluctant to be interviewed or otherwise assist them with their enquiries.

"Government offices treat all journalists as dangerous," he said.

Munshid al-Assadi, a presenter at state-run Al-Iraqiya television, says there is an "urgent need" for legislation that gives Iraqi journalists better access to information.

"Officials have yet to learn how to deal with journalists in a democracy," he said.

Backing for some measures

The bill, which has been seen by IWPR, is currently being reviewed by the cabinet. It is the largest single legislation addressing media rights in Iraq and remains highly controversial, despite going through several amendments. It was introduced to parliament in 2007.

Though security has improved since then, Iraq remains unstable.

Journalists largely support a clause in the new law mandating harsher penalties for those convicted of attacking their colleagues.

They also back a provision that would deliver government support to injured or disabled journalists and to the families of those killed on the job - although these benefits only apply to members of the Iraqi Journalists Syndicate - the country's biggest and most powerful press union, which has helped frame the new legislation.

Saad Muhsin, a spokesman for the body, which has some 11,000 members, says the guarantees offered under the bill may eventually be extended to those who are not union members.

Muayyad al-Lami, the chairman of the union, defends the bill as supporting "the interests of journalists". He says it strengthens journalists' right to information through a clause which allows them to appeal to a court if a request is denied.

But lawyers and media experts say Iraq's journalists are currently in legal limbo. Some fear strict Baath-era codes could be used to prosecute journalists, though these have been largely ignored since the fall of Saddam Hussein's regime.

Alarm at press curbs

Other press-related regulations adopted since the United States-led invasion have also caused alarm. A 2004 security law allows the government to curb or close media outlets that are deemed to threaten national security. Former prime minister Ayad Allawi used the law to ban Arab satellite channel Al-Jazeera.

Many journalists believe their right to access information - vital to the health of a democracy - is being sidelined as security improves.

Some even suggest the curbs on the press may in fact be linked to the decline in violence.

"The stronger the government is, the more restrictions are placed on journalists," Ziad al-Ajeely, the president of the Iraqi Journalists' Freedom Observatory, said.

According to Hashim Hassan, a media studies professor at Baghdad University, the government will use the new law "to prevent any journalist from writing on touchy issues.

"It would be better for Iraqi journalists to have no media law at all than to have one that would restrict press freedom and could prove very difficult to revise."

Basim al-Shara, Hadeel Kamil and Dhirgham Muhammad Ali are IWPR-trained reporters in Baghdad.

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