

Press Freedom Advocacy Association in Iraq

## A Decade of Dire Constitutional Violations

Media observatory report on the violations of the National Communications  
and Media Commission of Iraq

CMC  
2010-2020

جمعية الدفاع عن حرية الصحافة  
Press Freedom Advocacy Association

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## Introduction

The Media and Communications Commission CMC, was established with the aim of organizing the media space in Iraq, by a decision issued by the Civil Authority in Iraq in 2004, Paul Bremer, to be temporary until a law is enacted clarifying the framework and structure of the commission, in accordance with the constitution that ensures the freedom of media and journalistic work in all its forms.

Given the significant and important role played by the Iraqi Media and Communications Commission, which directly affects the media functionality in Iraq as well as on the freedom of the press and the freedom of expression of opinion, as journalists, we need to ensure that this body is effectively independent and free from political tensions that affect the nature of its performance. Closing channels, suspending licenses, and other unfair decisions that carried a clear political agenda are witnessed.

It should be noted that the lack of impartiality in the work of the Media and Communications Commission emerged with the closure of successive governments satellite channels and media outlets that were considered to be opposing to the personalities in power.

The role of the unprofessional body was clear during the demonstrations that began in October 2019, in which it played a negative role in suppressing freedom of opinion and expression, and was a soft tool in the hands of the government of former Prime Minister Adel Abdel Mahdi, in clear breach of the purpose for which it was established, which constituted a clear and explicit deviation from law No. 65, under which the Commission operates, after it issued orders to close (19) local and Arab media bodies, most of which were covering the demonstrations.

This report aims to draw the attention of media organizations, journalists and activists to the importance of monitoring the work of CMC and seeking to create the pressure needed to correct its course of action, and to be an independent and impartial institution in its dealings with the various media, which is the beginning of an effort that will continue in the near future aimed at correcting this nonconformity in one of the most important institutions affecting the course of press freedom, advertising, media and publishing in Iraq.

## Summary of violations

Through the Monitoring Group, Press Freedom Advocacy Association recorded **128** closures, suspension of license, fines, termination of assignments and freezing of employees ordered by CMC over the past 10 years.

If we start from the most important event that drew our attention to the urgency of this report, were the orders issued by CMC during the period of the October 2019 demonstrations, where it ordered the closure of **(19)** local and Arab media outlets, most of which participated in the coverage of the demonstrations, in a clear deviation from the democratic process and a flagrant violation of the Iraqi Constitution that guaranteed freedom of expression.

The years (2017-2018-2020) summed up to **(31)** cases of violations, including the closure of **(24)** local and Arab channels. While in 2016, **(7)** violations of channel closure orders, suspension of broadcasts, whereas 2015 witnessed the closure of one channel. No violations were recorded in 2014 because of the country's confrontation with ISIS; In 2012, the Commission closed **45** channels, and in 2011 large financial dues were imposed on the media bodies as spectrum fees. CMC closed all offices of Al-Baghdadia TV in 2010.

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## Narrative

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- 1- On 1/11/2010: CMC closed all Al-Baghdadiya offices in the country and Froze its performance under the excuse that it was “violating the rules and regulations of the media broadcasting measures and of public order and threatening it”.
- 2- On 9/2/2011: CMC imposed large financial sums on media bodies as rental fees of the spectrum targeting all Media broadcasting bodies (Radio and TV) using the spectrum in the country.
- 3- On 8/4/2012: CMC threatened to shut down al-Sumeriya satellite channel and promised sanctions, suspending its broadcasting license and function in Iraq. CMC published an official statement on its website in which it warned the Sumeria satellite channel from continuing the broadcast of the program "Aku Fad Wahid" and the program "Talk Leaks" adding: "otherwise the commission will be forced to take harsher penalties that may amount to the suspension of the broadcast license of the channel and stop its work in Iraq."
- 4- June 2012: Iraqi Authorities stopped the BBC English broadcast and allowed only for the Arabic Radio to broadcast saying that CMC has insufficient frequencies.
- 5- On 17/12/2012: Iraqi Authorities closed down Al-Baghdadia channel and Almahabba Radio, under the pretext that the latter failed the payment of its financial dues to CMC.
- 6- On 23/6/2012: CMC issued a warrant by which it suspended the work of the national and international media outlets: (Alrafidain, Alzahraa, Alsharqia news, Alnaiim, Ahlulalbait, Alhayat MCP, Albabiliya Satellite, Diyala, Almutahida, Alhaneen, Albaghdadia, KNN, Piyam, Kirkuk, Alwahda, Alshaab, Alanbar, Aldiyar) in addition to a number of Radio channels (Alsamawa, Sawt Aliraq, Alhayat, Almustaqbal, BBC English, Alraiya Alaam, Alkawthar, Alnour, Almultaqa, Sawt Aljnoub, Alsafeer, Albasra province, Albasra Investment Commission, Jamiatuna, Alnas, Alquraan Silkarim from the Abbasi Endowment, Karbalaa Province, Maysan, Alsada, Alajyal, Alabrar, Almakfoufin, BBC, Monte Carlo); unregistered frequencies as a justification.
- 7- On 28/4/2013: CMC suspended ten satellite channels claiming that they adopt a sectarian attitude: ( Baghdad, Alsharqiya, Alsharqiya News, Albabiliya, Salahudin, Alanwar 2, Altaghyir, Alfallouja, Aljazira, Algharbiya)

- 8- On 14/9/2013: Interior Ministry forces closed the Baghdad office of al-Baghdadia TV channel and confiscated the SNG transmitter, under the pretext of implementing instructions issued by CMC, to cut the broadcast.
- 9- On 30/11/2013: CMC closed the Media College radio station on the pretext of non-payment of spectrum fees, although it is an experimental radio station used for training.
- 10- At the beginning of May 2015, CMC ordered the closure of Baghdad satellite channel because of the dues that accumulated to \$400,000.00
- 11- On 12/2/2016: CMC threatened Alalam Aljadid newspaper with withholding and prosecution for publishing a report implicating the head of the commission in financial irregularities, a reason of which its employees were prosecuted.
- 12- On 16/3/2016: security forces closed down the offices of AlBaghdadiya channel according to a decision issued by CMC in 2014.
- 13- On 26/3/2016: CMC threatened Alalam Aljadid newspaper with withholding and prosecution for publishing a report implicating the head of the commission in financial irregularities, as a result of which its employees were prosecuted.
- 14- On 26/3/2016: Police forces prevented journalists, satellite channels and news agencies from covering the demonstrations that started in Diwaniyah on the pretext of having a book from CMC which prevents certain media channels from covering any activity that may occur inside the province.
- 15- On 3/4/2016: The journalist Montadher Nasser was terminated on the recommendation of CMC for violating article 20 of the Iraqi Media Network Law No. (26) of 2015, as he was the Editor-in-Chief of an independent electronic newspaper.
- 16- On 26/4/2016: CMC issued a decision to suspend the broadcast of the program "Bashir Show", which airs on the German Channel DW and

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AlSumria for one week on the pretext of "violating professional and ethical standards".

17- On 28/4/2016: CMC ordered the closure of al-Jazeera's Baghdad office, "against the background of repeated and deliberate violations of al-Jazeera, and the Board of The commission discussed the measures taken against the channel's violations of the media codes and rules of professional conduct, and decided to close both al-Jazeera's Arab and English offices in Iraq, and granted it the right to apply for reconsidering the decision, after reviewing and evaluating its speech towards Iraq in the future."

18- On 21/11/2016: CMC ordered the closure of al-Jazeera's Baghdad office, "against the background of repeated and deliberate violations of al-Jazeera, and the Board of The Authority discussed the measures taken against the channel's violations of the media codes and rules of professional conduct, and decided to close al-Jazeera's offices in Iraq for both Arab and English offices, and granted it the right to apply for a review of the decision, after reviewing and evaluating its speech to Iraq in the future."

19- On 21/11/2016: CMC announced prohibiting the activities of Alsharq Alawsat Newspaper in Iraq and closed its office in Kurdistan on the background of publishing a fabricated report.

20-On 23/2/2017: CMC informed Alsharqiya office in Baghdad that its work is banned on Iraqi Grounds since it is unauthorized.

21-On 30/7/2017: CMC threatened NRT in a statement that stipulated to adopt legal measures, demanding that it exposes the nature and type of contract signed with Albashir Show.

22-On 44/12/2017: C MC freezes the work of three employees on the working for Alsabab Aljadid newspaper on the background of publishing a false news article and submitting a formal apology afterwards.

23-On 16/12/2017: The governor of Anbar has ordered the closure of al-Sharqiya TV offices in the province, following a book issued by the CMC in previous years, prohibiting its work inside Iraqi territories.

24-On 23/7/2018: CMC ordered ending ( Hadith Alnas) program that was presented by Majid Salim and broadcasted by Huna Baghdad satellite channel, saying that it encourages people to demonstrate.

- 25-On 1/11/2018: CMC has exceeded its purely regulatory duties by generally directing licensed media not to mention "national symbols". The book stipulates that any abuse against national and religious symbols should be stopped, objectivity and transparency in the transmission of events and adherence to the principles of the profession and the codes of practice issued by the commission should apply.
- 26- On 2/9/2019: CMC suspended the licenses of Alhurra offices operating in Iraq for three months and “suspend their activities till they amend their attitude in dealing with Iraqi Affairs.
- 27- On 25/10/2019: CMC stopped the broadcast of Dijla satellite channel under the pretext of not adhering to the broadcasting code of regulations.
- 28- On 26/10/2019: CMC closed down the Hurra channel office and SAWA Radio.
- 29- On 24/11/2019: CMC issued a decision to close nine satellite channels (Al-Arabiya al-Hadath, NRT, anb, Dijla, Alsharqia, Fallujah, Al-Rasheed, Huna Baghdad) for three months, the closure of radio stations (Alnas Radio, Sawa, Alyoum Radio, Nawa, Alhurra Iraq), as well as issuing final warnings to (Sumeria, Asia, Rudaw, Sky News, Ur channel) under the pretext of "violating professional codes of conduct".
- 30-On 26/11/2019: CMC issued an order that a joint security force from the Interior and National Security along with a team from the commission to raid Dijla channel and detach all its broadcasting equipment.
- 31- 27/1/2020: A force from the Ministry of Interior, accompanied by a representative of CMC raided the Office of the Dijla channel in Baghdad, hours after the Jordanian government decided to suspend the channel's operation in Amman for a month, and the raiding force asked employees and guests of after midnight news to leave the channel, and not to reopen it.

32- On 4/2/2020: The crisis cell decided to invite the CMC, the Journalists' Union and the Islamic Broadcasting Union to determine the exclusion of journalists, media professionals and media workers, and this is an explicit legal violation.

33- On 3/4/2020: CMC suspended Reuters Action for three months. A fine of 25 million dinars was imposed after the agency broadcasted different figures of that revealed by the Iraqi government concerning the cases of Covid-19.

34- On 24/6/2020: CMC has closed at least 22 local radio stations in Baghdad and the provinces on the grounds of the debts incurred have not been paid. On the other hand, the Authority allowed dozens of other Radios to keep functioning despite the existence of financial debts for seemingly political considerations.

### **Conclusion**

Most of the commission's decisions were based on political interests and agendas, and the mood is reflected in most of the decisions made against the media by governments opposing their approach.

It is also noted that the commission has exceeded its own order (65) issued by the civil governor Paul Bremer, which was written temporarily until a law was enacted for the commission, but the Iraqi legislator was very slow in enacting a law for this body that entered the tunnel of political quotas, party interests, economic committees, and mobile phone licensing contracts that were supposed to be the task of the Ministry of Communications and not the Communications and Media Commission.

According to all of the above, the Commission has formed a cordon upon the freedom of media and journalistic work in Iraq, and has been one of the instruments of breaching the constitution rather than a tool to protect the Constitution and press freedoms by regulating rather than restricting Journalistic Freedoms, and closing media outlets according to political agendas.