

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# JOINT STATEMENT: IRAQI AUTHORITIES MUST CEASE CHILLING CRACKDOWN ON FREE SPEECH

We, the undersigned organizations, express our deepest concern regarding the Iraqi authorities' recent campaign to crack down on "indecent content" online. This crackdown has a chilling effect and will stifle free speech in the country. Between 10 January of this year when the authorities announced the start of this campaign and 13 February, the judge at the Third Investigative Court in Al-Karkh specialized in media and publishing issues announced that the courts had [charged 14 people](#) for publishing "indecent" or "immoral" content on social media, and already sentenced six of those individuals to prison terms ranging between six months to two years.

The judge in Al-Karkh said that those prosecuted were charged [under](#) Article 403 of the Iraqi Penal Code which criminalizes published material that "violates public integrity or decency". The AFP [reported](#) that some of the individuals who were prosecuted were known for creating content related to music and comedy. The judge [added](#) that the courts had initiated the prosecutions based on complaints referred to it by a new [committee](#) set up by the Ministry of Interior to monitor "indecent" or "immoral" content on social media platforms, as well as complaints submitted on the "[Balgh](#)" (*report* in Arabic) platform, which the Ministry of Interior launched on 10 January 2023 to [report social media content](#) that "violates public morals, contains negative and indecent messages, and undermines social stability".

According to a [statement](#) by the Ministry of Interior, over 96,000 complaints were received on the Balgh platform as of 13 February. The undersigned organizations fear that the Ministry of Interior committee and platform may be instrumentalized to crack down on legitimate and protected peaceful speech due to the wide and overly broad scope of their work, and have concerns that individuals in Iraq may start to self-censor for fear of prosecution.

Under international human rights law, including Article 19 of the ICCPR which Iraq has ratified, the right to freedom of expression is recognized as a fundamental human right, and this right, according to the UN Human Rights Committee, "[embraces](#) even expression that may be regarded as deeply offensive". Article 19 only [permits restrictions](#) on free speech under the test of legality, legitimacy, necessity and proportionality. Legitimate aims include the protection of national security, public order, public health or the rights of others. But those [restrictions must be](#) "clearly and narrowly defined and respond to a pressing social need; are the least intrusive measures available; are not overly broad, in that they do not restrict speech in a wide or untargeted way; and are proportionate in the sense that the benefit to the protected interest outweighs the harm to freedom of expression". Restrictions based on ambiguous, overly broad terms such "violating public integrity or decency" fail to meet those requirements. The vagueness of these terms opens the doors to rampant abuses, including the suppression of peaceful dissent.

The same judge at the Third Investigative Court in Al-Karkh said in the media that measures would be taken even against [content creators abroad](#), so long as their content targets the Iraqi people and Iraqi society. They will be sentenced in absentia, and extradition orders will be prepared in cooperation with Interpol should the individuals fail to turn themselves in, he said.

The Iraqi Network for Social Media (INSM) described the campaign against "indecent" content as "biased, retaliatory and deterrent", adding that "its purpose is to instil fear in bloggers criticizing the constant political failures in Iraq".

Iraq's Communications and Media Commission – a government body tasked with regulating the media – is working on a draft regulation for digital content. We call on the Commission to consult with civil society organizations as well as journalists, academics and activists on the draft law to ensure it is in line with Iraq's obligations under international law to respect and protect human rights, including the right to free speech. Since 2019, the Iraqi authorities have introduced in the parliament on multiple occasions a draft [cybercrime law](#), that would have severely [undermined](#) the fundamental right to freedom of expression. The law has since been [suspended](#) due to human rights concerns.

Iraqi authorities have an abhorrent track record of repressing the rights to freedom of speech and freedom of peaceful assembly. In the Tishreen protests which began in October 2019, Iraqi security forces, including riot police, counterterrorism forces, and factions of the Popular Mobilization Units, executed a deadly crackdown on protesters, activists, journalists, human rights defenders and anyone vocally supportive of the protest movement. At least 600 people were killed due to violent dispersal within the first few months, and many were the subject of [targeted killings and enforced disappearances](#). While accountability for violations during the Tishreen protests has stalled, prosecutions for the so-called “indecent content” have ramped up.

The new Iraqi government headed by Prime Minister Mohammed Shia’ Al-Sudani launched this crackdown on free speech only a few months into its term. Our organizations call on Iraqi authorities to end their alarming campaign to crack down on “indecent” content, drop all charges against individuals prosecuted solely for exercising their right to free speech and immediately release all those imprisoned on those charges, consult with civil society regarding draft legislation related to the regulation of speech, repeal Article 403 of the penal code, and bring Iraqi domestic law in line with its international obligations to respect the right to freedom of speech for all people in Iraq, online and offline.

Iraqis should be free to express themselves on social media platforms, whether it is to make jokes or engage in satire, criticise or hold authorities accountable, discuss politics or religious topics, share joyful dancing, or have public conversations on sensitive or controversial issues. These are behaviours protected by international human rights law, which Iraqi authorities are obligated to uphold.

## **SIGNATORIES**

Access Now  
Amnesty International  
ARTICLE19  
Electronic Frontier Foundation (EFF)  
Gulf Centre for Human Rights (GCHR)  
Human Rights Watch  
IFEX  
INSM for Digital Rights in Iraq  
Kandoo  
Masaar - Technology and Law Community  
SMEX  
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