

This Law has been translated from Kurdish into English by the Kurdistan Region Presidency.

**In the Name of God, Most Gracious, Most Merciful**

**In the Name of the People**

**President's Office - Kurdistan Region - Iraq**

Decree No. 24 of 2008

Press Law in the Kurdistan Region

Pursuant to the authorities granted to the Presidency of the Kurdistan Region in accordance with the provisions of Article 10(1) of Law No. (1) - 2005 (amended) and pursuant to the legislation enacted by the Kurdistan National Assembly - Iraq in its fourth session held during its second season on the 22nd of September 2008, we hereby issue:

Law No. 35 of 2007

## **Press Law in the Kurdistan Region**

### **Chapter One**

#### Definitions and Principles

#### **Article (1):**

The following terms shall have the meanings hereunder for the purpose of this Law:

1. Region: Kurdistan Region - Iraq
2. Syndicate: Kurdistan Journalists Syndicate
3. Chairman of the Syndicate: Chairman of the Kurdistan Journalists Syndicate
4. Journalism: the practice of journalistic work through various media
5. Journalist: someone practicing the journalism profession
6. Journal: a publication issued and distributed periodically and regularly under a specific name in subsequent issues.

## **Article (2):**

First: The press is free and no censorship shall be imposed on it. Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and the privacy of individuals in accordance with the law, as well as being committed to the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists, amended in 1986, and annexed hereto.

Second: A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest.

Third: In case of a legal suit, a journalist may keep secret the sources of information and news relevant to the suits brought before the courts unless the court decides otherwise.

Fourth: Every natural or legal person shall have the right to possess and issue journals in accordance with the provisions of this Law.

Fifth: No journal shall be closed down or confiscated.

## **Chapter Two**

### Conditions for Obtaining and Conceding the Right to Publish Journals

#### **Article (3):**

The following conditions shall be fulfilled to publish a journal:

First: the Concessionaire or Founder of the journal shall place an advertisement in two daily newspapers published in the Region, in which the name, title, nationality and place of residence of the Concessionaire or Founder of the journal is stated as well as the name of the journal and its language of publication and the name of its editor and the periods of its issuance. This advertisement shall be equivalent to an announcement for the publication of the journal.

Second: Any party concerned may oppose publication of the journal, within a 30-day period from the date of the published advertisement, at the governorate's Court of Cassation. Otherwise the journal shall be considered to be established.

Third: The Concessionaire or Founder of the journal shall forward and register the announcement of foundation at the Kurdistan Journalists Syndicate. The announcement must include the source and party financing the journal. The syndicate shall also inform the Ministry of Culture.

Fourth: A person who intends to publish a journal must be fully qualified in accordance with the law.

Fifth: It is not permitted to publish more than one journal with the same name.

Sixth: A Concessionaire or Founder of the journal shall clearly print in the journal, in a prominent place, his name and the name of the editor of the journal and the location and date of its issuance as well as the name of the printing house at which the journal is printed. For any change or amendment to the content of the foundation statement, he shall also publish an advertisement about the change or amendment within 30 days from the date of the change or amendment.

#### **Article (4):**

Every journal shall have an Editor-in-Chief supervising information published. He must fulfill the following conditions:

First: He must be a journalist and a master of the spoken and written language of journalism.

Second: The Editor-in-General and writer shall bear the civil and penal responsibility for what is published, while the Concessionaire bears the civil responsibility; and he bears the same responsibility as the Editor-in-General if he participates in editing the publication.

#### **Article (5):**

Observing the procedures stipulated in this Law, the Concessionaire shall have the right to make a partial or whole concession to others, provided that he publishes in a daily journal the notification of his intention to grant a concession before 30 days have passed after the specified date of the concession.

### **Chapter Three**

#### **Response and Correction**

#### **Article (6):**

First: In the case of the publication of false information, the concerned person or one of his heirs, or one acting on his behalf shall have a legal right to demand a correction or response to the news story or article. The Editor-in-General shall publish free of charge the correction or response in one of the two issues following the date of the arrival of the correction or response. It shall be published in the same location with the same font and size in which the article was published.

Second: Failure of the journal to publish the factual response shall result in a fine of no less than 1 million ID and no more than 2 million ID.

Third: The Editor-in-General may refuse to publish the response or correction in the following circumstances:

1. If the journal had corrected the story or article before the arrival of the response or correction.
2. If the response or correction was signed under a pseudonym or written in a language other than the one in which the story or article was written.
3. If the content of the response or article is in contradiction with the law
4. If the response or correction arrived ninety (90) days after the publication of the original story or article.

## **Chapter Four**

### **Rights and Privileges**

#### **Article (7):**

First: A journalist is free and there is no power over him in the performance of his work except the law.

Second: The opinion given or information disseminated by a journalist may not be used as a reason to cause injury to his person or violate his rights.

Third: A journalist has the right not to divulge the sources of his information unless a judicial decision is issued.

Fourth: A journalist has the right not to attend conferences and other general activities.

Fifth: Anyone who insults or injures a journalist as a result of the performance of his work shall be punished with the punishments decided for those who injure government employees during regular working hours or as a result of the performance of his work.

Sixth: A journalist shall have the right to terminate, of his own will, his contract with the journal if there is any radical change to the policy of the journal for which the journalist is working, or if there is a change in the circumstances under which the journalist had contracted, provided that he gives the journal 30 days notice before stopping work, without any infringement of the journalist's right to compensation.

Seventh: Press institutions and their administration shall undertake to provide a journalist with all the rights stipulated in the applicable laws and the contract ratified by the Syndicate.

Eighth: A journalist shall be paid additional compensation, not to exceed one-month payment of salary or wages, at the end of the fiscal year, if he had not received the whole or part of his regular vacation.

Ninth: The journal shall bear the cost of treatment expenses if a journalist were injured or became sick during the performance of his work or as a result of his work.

Tenth: The journal for which the journalist works shall compensate the journalist for working legal holidays by paying him the equivalent of two days of wage for each legal holiday worked.

## **Chapter Five**

### **Immunity**

#### **Article (8):**

First: The Syndicate shall be informed of any legal actions against a journalist if it were related to the practice of his profession.

Second: A journalist shall not be investigated or his house be searched for the reason stipulated in paragraph (first) of this article, except in accordance with a judicial decision. The Chief of the Syndicate, or someone acting on his behalf, shall have the right to attend the investigation.

Third: No documents, information, data, or papers in the possession of the journalist may be taken as a means of proof against him, in any penal investigation, if they were not related to the penal complaint filed against the journalist.

Fourth: No crime has been committed if the journalist has published or written about the work of an official or a person entrusted with a public service or a public representative if what he has published does not go beyond the affairs of the profession or of the public or representative service on the condition that he has provided proof supporting what he has ascribed to them.

Fifth: No legal procedures shall be taken against the journalist after (90) days from the date of publication.

#### **Article (9):**

First: The journalist and the Editor-in-General shall be charged a fine of no less than 1 million ID and no more than 5 million ID for publication of one of the following:

1. Sowing malice and fostering hatred, discord and disagreement among the components of society.
2. Insulting religious beliefs or denigrating their rituals.
3. Insulting and offending the religious symbols and sanctuaries of any religion or sect.
4. Anything related to the secrets of the private lives of individuals, even if true, if it offends them.
5. Libel, slander or defamation.
6. Anything that prejudices an investigation or trial procedures unless publication is permitted by the court.
7. Violation of the principles of ethics stated in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists, amended in 1986, and annexed hereto.

Second: A journal shall be charged a fine of no less than 5 million ID and no more than 20 million ID for publishing one of the items mentioned in paragraph (first) above.

Third: If the violation were repeated, the Court may raise the fine, provided that it not exceed double the sum of the fine described in paragraphs (first and second) above.

Fourth: The General Prosecutor and the affected person shall have the right to file suit, in accordance with law.

**Article (10):**

The provisions of article (9) shall have no effect upon publications imported by governmental institutions, universities and scientific research centers for purely scientific purposes.

**Article (11):**

Materials copied or translated from sources outside the Kurdistan Region shall not be exempt from this Law.

**Article (12):**

Any text contradicting the provisions of this Law shall not be valid. The validity of the Kurdistan Journalists Syndicate Law No. 4 of 1998 (amended) shall be observed.

**Final Provisions**

**Article (13):**

The Council of Ministers and the Competent Authorities shall implement the provisions of this Law.

**Article (14):**

This Law shall take effect as of the date of its publication in the official gazette "Kurdistan Gazette."

**Masoud Barzani****President of the Kurdistan Region - Iraq**

This Law has been issued in Erbil on the 17<sup>th</sup> of Razbari 2708 of the (Kurdish Calendar), corresponding to the 9<sup>th</sup> of October 2008 (A.D) and 10<sup>th</sup> of Shuwal 1429 (Hegira Calendar).

**Necessitating Reasons**

The press is of great value to both Kurdish and international society. It enjoys a broad scope of freedom, which requires specific legislation that organizes the press profession in a manner that keeps in tune with the spirit of this age and its developments and enables citizens to be informed of the truth. And in order to fulfill the requirements needed for practicing freedom of the press in a transparent and professional manner and to express the opinions and thoughts which contribute to the building of a civil society and bolstering the principles of democracy and human rights, this Law was enacted.