

IRAQ

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Profile

- **Area:** 438.317 square kilometres
- **Population:** 38 million (2016)
- **Capital:** Baghdad
- **State form:** Federal parliamentary republic
- **Official languages:** Arabic, Kurdish
- **Religions:** Muslim (99.1 per cent), (0.9 per cent)



– Abstract

Following the overthrow of Saddam Hussein in 2003, Iraq quickly established a multitude of media outlets and a new constitution that guarantees press freedom and freedom of expression. However, the government regularly makes use of two inherited statutes from the former regime to prosecute critical media outlets for alleged defamation. Besides, the primary body for media licencing and content regulation is considered a censorship tool by the government. However, it is not just the state but primarily political parties and militias that are seriously threatening journalists' autonomy and lives, making Iraq one of the deadliest countries for media workers. Since a majority of media outlets is owned by political parties, news coverage is largely slanted towards governmental or oppositional viewpoints. Party affiliated militias regularly harass journalists from hostile media outlets, ranging from verbal threats to violence and murder. Fear of violence, bribery and cultural norms thus are forcing journalists to practice self-censorship and work in constant fear of death.

– Communication policy and regulations

During the Baath-Regency (1968 to 2003), the media was under total state control and instrumentalized to promote the official policy of the regime. The only aim was to bring the public opinion in line with the goals of the Baath-party (Cazes, 2003: 6-8). After the invasion lead by the U.S. army in 2003, a new constitution guaranteeing press freedom and freedom of expression was introduced in October 2005: "The State shall guarantee in a way that does not violate public order and morality: A. Freedom of expression using all means. B. Freedom of press, printing, advertisement, media and publication (...)" (Article 38).

However, in the very same article, *moral and order* are defined as limitations of this freedom without further defining these terms (Al-Jezairy, 2006: 6). Furthermore, Article 46 determines that limiting freedom of expression and the press is legal on the basis of law, as long as a "restriction does not violate the essence of the right or freedom". Again, no further definitions are given what this *essence* means. Media freedom associations are raising concerns that, "along with the already limited protection for freedom of expression in Article 38, Article 46 creates significant leeway for restrictions to be imposed which are not permitted by international law" (Article 19, 2007: 5).

Besides an inconsistent constitutional protection of freedom of expression and the press, two statutes have been inherited from the former Ba-ath regime and are still in use today: the 1968 *Publications Law* and the 1969 *Penal Code*. While the first stipulates up to seven years in prison for insulting the government (Freedom of the Press, 2016: 1-2), the latter prescribes that defamation of any public institution, official, servant or body can be sentenced with heavy fines or a prison term of up to one year. In case "such defamation is published in a newspaper or publication or other press medium, it is considered an aggravating circumstance" (Iraqi Penal Code, 1969: Article 433(1)). The government regularly makes use of these libel and defamation laws to oppress critical media outlets. In 2008, 14 journalists and media outlets were charged and tried for libel in lawsuits brought by government officials (IREX, 2009: 133, 136).

Following a group discussion conducted by IREX (2009: 135) including 12 Iraqi journalists, media lawyers and researchers, the interviewees stated "that they do not perceive the court system as a refuge for journalists seeking respite". Conversely, in 2010, the Supreme Judicial Council of Iraq created a special *Media Court* to prosecute journalists charged with libel and defamation. While some media freedom advocates view the *Media Court* as another tool for oppressing journalists (Freedom of the Press, 2016: 2), Ismael Zayer, owner and chief-editor of *Al-Sabah Al-Jadeed* newspaper calls it "a very big support for the media, (...) much better than the courts in ordinary situation". He regards the Media Court as a mix of mediator, press council and court and says that many times, the charged media outlets could defend themselves and mostly win the cases without fearing governmental revenge.

However, based on a non-transparent rule of law and a biased court system, arbitrary arrests and prolonged detentions of journalists are common, sometimes even without official charges or trials. Between 2003 and 2010, at least 30 journalists covering military conflicts were detained for several months in Camp Bucca in South Iraq, which by early 2006 "had become the biggest prison for journalists in the Middle East" (Reporters Without Borders, 2010: 11). However, these detentions were reviewed solely by an improvised military tribunal, the *Combined Review and Release Board*. It recommended whether the journalist should be released or further detained in case he posed an "imperative threat to coalition forces and Iraqi security" (ibid.). Bilal Hussein, an AP agency photographer and Pulitzer prize winner, was freed in 2008 after having served 735 days in prison (ibid.: 11) without official accusation, trial or legal advice (IREX, 2008: 15).

The *Communications and Media Commission* (CMC), the primary body of regulation of the media, was established in March 2004. While print and internet outlets are not bound by licencing, broadcasting media must acquire licenses for operating. The CMC is responsible for issuing these licenses and regularly monitors content in print, broadcasting and internet outlets based on its own code of content (CMC, 2016). In 2014, it issued a series of mandatory guidelines for media during the war on terror, "a series of vague stipulations that placed arbitrary restrictions on coverage" (Freedom of the Press, 2016: 2). Reproofs of media outlets which have allegedly breached the code, primarily Sunnite or oppositional media, are published on the CMC website, without providing further de-

tails of those supposed infringements. However, the CMC has no authority to sanction media outlets for non-compliance with its code, but can propose those sanctions to a court to initiate investigations (Wollenberg, 2016: 155-156).

Instead of sanctions, it uses its licence authority to punish critical media by regularly publishing shutdown requests of media outlets for not owning a valid license or not having paid their license fees (Wollenberg, 2016: 158). In 2014, "there were reports that the CMC and other government officials had threatened to close or revoke the licenses of critical media outlets, particularly those with foreign ties that gave a platform to Sunni politicians, carried denunciations of the government (...) or provided live coverage of the fight against IS" (Freedom of the Press, 2016: 2). Many researchers, journalists and media freedom advocates question the political independence of the CMC and regard the institution as a state instrument to censor unfavourable media outlets (Al-Rawi, 2012, 89). After all, CMC managers are appointed directly by the government without parliament approval, though being requested in the Constitution. This entanglement, as well as CMC's imbalanced reproofs and shutdown requests against critical media outlets, have ultimately led to accusations of impartiality and partisanship with the government (IREX, 2009: 136).

Until 2014, internet usage in Iraq was largely free from government restrictions, with an increasing number of citizens using social media as an alternate news source (Freedom of the Press, 2016: 4). Today, access to the internet is periodically limited and the Iraqi Ministry of Communication (MC) has repeatedly admitted to take steps to censor the internet since online content is "out of control" (IREX, 2009: 135-136). This approach is partly due to the occupation of parts of Northern Iraq in summer 2014 by the Islamic State (IS), which has closed or confiscated print, broadcasting and internet media outlets in controlled areas. In 2014, the prime minister thus ordered the MC to shut down internet service in IS-occupied regions. However, media freedom advocates regard this as a pretext to limit internet access throughout the whole of Iraq, since social media websites were also blocked intermittently in 2014. Besides, in 2015, there were reports of oppositional websites and blogs being shut down due to criticism of the government (Freedom of the Press, 2016: 2).

Freedom House rates the Iraqi press as "not free" (Freedom of the Press, 2016), Reporters without Borders (2016) regard it as "one of the world's most dangerous countries for journalists" and rank Iraq 158 out of 180 in its annual Press Freedom Index. Summing up communication policy and media regulations in Iraq, Shawkat Saib, chief-editor at *Annas radio*, states in a personal interview that the "legal framework for media is not fair, because it is issued for protecting the people in power rather than the journalists." Kholood Zayadi, correspondent at *Al-Furat* international newspaper, further concludes that "there is no real law to protect or defend the journalists, no powerful legislation to help them getting their rights."

– Media offers

Only in the first year after the fall of the Baath -Regime, 150 non-governmental newspapers, 80 radio stations and 21 TV stations were established (Deane, 2013: 18). This development continued during the following years and with 55 newspapers, 32 magazines, 84 radio stations, 84 TV stations in 2009 (IREX, 2009: 134), Iraq had proven to establish a truly pluralistic media sector. However, Iraqi media are still acting "as mouthpieces for their governing powers—money, business interests, and the ruling party" (ibid: 137). Thus, though being diverse in numbers, when it comes to media content, Iraqi media can easily be classified into three distinctive groups:

- > *state controlled media*
- > *party biased media* and
- > *private media* (Wollenberg, 2016: 131-143).

Except for the state controlled public broadcasting service, each group can further be sub-classified into *pro-government* or *opposition media*. While "pro-government media outlets focus on the regime's accomplishments and exclude opposition voices (...), opposition media outlets concentrate only on the government's failings without including the government's perspective" (IREX, 2009: 137).

The first group is the *state controlled media*: the public broadcasting service *Iraqi Media Network* (IMN). Established in April 2003 right after the invasion, it clearly can be assigned to pro-government media. It comprises over 20 regional TV stations as well as the national TV channel *Al-Iraqiya*, the *Republic of Iraq Radio* and *al-Sabah*, which is the highest-circulating daily newspaper in Iraq (around 30.000 daily copies, Wollenberg, 2016: 134). Though established in 2003, IMN's main goals were not defined until March 2004 by the Coalition Provisional Authority (CPA) in its *Order No. 66*. Following this order, the IMN should "educate, entertain and inform the people (...), act in accordance with (...) independence, universality, diversity and (...) [should] not be a tool of political or inappropriate outside interest" (CPA-Order 66, 2004: Section 1/1 & Section 3/2). Despite this guideline, the IMN is in fact used as a "tool of political interest" (ibid.) by the state. A Board of Governors comprising nine members nominated by the Prime Minister and confirmed by the Parliament should safeguard IMN's editorial independence and shield the network from state interventions (Sadawi, 2007: 16). However, this Board continuously fails to protect the IMN from governmental pressure and instrumentalization. As a result, IMN's media outlets are far from being editorially independent. Its national TV station *al-Iraqiya* is regarded as partisan with the Shiitic-government both by researchers (Al-Marashi, 2007; Al-Rawi, 2012) and a majority of our interviewees. Success and progress in economic and security related issues are highlighted (Al-Marashi, 2007: 75), social grievances and opinions contradicting governmental policy are concealed (Al-Rawi, 2012: 78). Following Birgit Svenson, German war reporter in Iraq, "it goes as far as Mr. Maliki [the former Prime Minister of Iraq] calling *al-Iraqiya* and asking for ten minutes of air time to convey a message."

The second group are *party biased media*, comprising mostly broadcasting outlets that are owned, operated or financed by political parties or interest groups. The isochronal establishment of political parties and private media outlets in 2003, along with slack own-

ership regulations have encouraged many parties to acquire media outlets to promote their policy (Deane, 2013: 19). This leads to extensive forms of partisanship, with each of these channels promoting the views of its affiliated party while ignoring alternative opinions. Following Shawkat Saib, "every party now has its own media outlet (...) doing marketing for the party's ideology. Politicians use media for their own interests to practice their impact on the people." Consequently, *party biased media* can either be assigned to *pro-government or opposition media*, depending on the current parliamentary position of its affiliated party. Following Wollenberg, "the annexation of a broadcasting channel to follow the party line is usually realized by appointing a leading party member as director (...). However, essential for constituting a dependency relationship is always the funding of the channel or newspaper by the party" (2016: 137). This dependency relationship is either communicated publicly or concealed. Furthermore, there is a grey area of *shadow media* which label themselves independent but can easily be assigned to a certain party policy regarding editorial slant, agenda or staff (ibid.).

As a third group of Iraqi media outlets, *private media* are neither state run nor party affiliated but based on private funding and advertising revenues instead. Since most of these independent media outlets are *oppositional media* run by ambitious individuals criticising the government, "independency in this context should by no means be equated with impartiality, but understood as a synonym for an oppositional agenda" (ibid.) The financial situation of these private media outlets, however, is precarious since purchasing advertising in Iraq is primarily used as political leverage by authorities to pursue their goals (Al-Jezairy, 2006: 16). The government is the largest customer on the advertising market (over 60 per cent market share) and can easily disadvantage critical or unfavourable media outlets in their advertising purchases (Wollenberg, 2016: 142). Some of these *private media* outlets are funded from abroad to promote specific news coverage. Especially Iran (predominantly Shia) and Saudi Arabia (predominantly Sunni), are using the Iraqi media landscape to fight a confessional war. In fact, "many Iraqi experts think that Iran and Saudi Arabia are the main instigators of sectarian hatred in Iraqi society by their direct and indirect support of certain media channels and political parties" (al-Rawi, 2010: 65). For instance, satellite channel *al-Sharqiya* is based in Saudi-Arabia and provides pro-Sunni and anti-government news coverage (Cochrane, 2006), while the daily newspaper *Al-Adalah* is partly financed by the Iran government and provides pro-Shiitic and pro-government opinions.

Besides, most *newspapers* can be assigned to the group of *private media*. They are privately run and have established themselves as a "spearhead of oppositional journalism" (Wollenberg, 2016: 140). Despite financial shortcomings and threats from both radical Islamists and authorities they "adhere to the ideal of critical journalism and, at least formally, provide proof of the possibility of party independent news reporting in Iraq" (ibid.). However, despite a rising literacy rate of 79.7 per cent (CIA, 2017), only 3 per cent of Iraqis state they regularly read daily newspapers as a source for news and current events (IREX, 2010: 8). Thus, except from the IMN newspaper *al-Sabah*, most Iraqi newspapers' circulations range from 3.000 to 5.000 copies a day. While the number of national newspapers reached 180 after the overthrow of Saddam Hussein's regime, it fell to only 25 in 2011 (Svenson, 2011: 18). Another problem is that there is no countrywide print distribution system in Iraq. Besides, TV remains the major news source for Iraqi people, as confirmed by Ismael Zayer: "TV is much more popular. Newspaper is for intellectuals, for businessmen, for the diplomats and the policy makers and for writers and poets."

Despite steady increases since 2003, internet usage is still marginal in Iraq. Poor infrastructure and regular electrical power outages make Iraq's internet penetration rate one of the lowest in the Middle East (Freedom of the Press, 2016: 4), with only 4.9 million internet users or around 13 per cent of the population in 2016 (Internet Live Stats, 2016).

Summing up media offers in Iraq, journalist and IREX panellist Rand Talal "agreed that while the country has a plurality of news sources, no plurality of viewpoints exists within any one media outlet. As a result, viewers must watch more than one television channel in order to pick and choose credible information from among the news broadcasts" (IREX, 2009: 138). [/su_list]

– Journalists' autonomy

There are roughly 17.000 journalists registered in Iraq (IREX, 2009: 134), though exact numbers are hard to find since many reporters are working without registration. Following Wollenberg (2016: 165), there are two generations of journalists currently present in Iraq:

- › the *old generation* who had already worked in journalism under Saddam Hussein and whose reputation depends on their previous hierarchical standing (the higher and closer to the Baath regime, the worse), and
- › the *young generation*: "politically ambitious autodidacts, spurred by freedom and blessed with talent, dominating the editorial office" (ibid.)

Notwithstanding the talent of a number of Iraqi journalists, the *lack of professionalization*, caused by insufficient training opportunities, is still an ongoing concern. One reason was the desperate need for new writers and editors after the fall of the Baath regime in 2003, as described by Dana Asaad, chief-editor at independent newspaper *Awene*: "In 2003, journalism became a job for the jobless people. Whoever could read or write could become a journalist. So many people became journalists without any professional background or academic skills."

Today, though journalistic study programs exist at universities in Bagdad, Basra and Duhok, there are still no specific journalism schools. To fill this gap, international NGOs offer workshops for practical editorial training, though they are mostly carried out by non-specialized institutions and coaches eliding the real working situations of Iraqi journalists. Consequently, all of our interviewees

perceived these workshops as unrealistic and ineffective. Birgit Svenson states that “many had a feeling that these trainings and workshops failed to take reality into account. They [the American NGOs] took the people [the journalists], inculcated them with information for three days in Kurdistan and then they returned and found totally different conditions.” Hence, “many journalists are simply not skilled enough to work professionally.” Al-Rawi (2012: 65-66) concludes that the main reasons for this lack of professionalization, and thus lack of journalistic quality, are the “dominance of autodidacts, partisanship of the media, skills shortage and out-dated educational standards at universities”.

Though there is a professional *code of ethics* for the Iraqi media stipulating principles like objectivity, impartiality, rightfulness and integrity (Wollenberg, 2016: 163-164), most journalists “are not really abiding to the ethics of journalism” (Shameem Rassam). Since reporters usually receive very low or no wages or are not even salaried at all, *bribery* is common among Iraqi journalists. At press conferences, many journalists regularly received cash envelopes by politicians or government officials in exchange for uncritical reporting. (Al-Rawi, 2012: 66). Al-Rawi names the insecure labour conditions in the media sector as main reason for the journalists’ proueness to bribery (ibid: 101).

As a consequence of bribery, lacking quality and political partisanship, Iraqi journalists are perceived very negatively by the Iraqi public, as described by Birgit Svenson: “Being a journalist in Iraq is not very highly regarded in Iraq. The profession is not respected. Today, journalists are defamed because it is said they are not investigating properly and are too populist.” Despite mainly supporting that opinion of the journalists’ current stand in society, Ali Marzook is “very optimistic about the future of media in the coming 5 or 10 years because there is an understanding that media is really acting as the fourth estate in Iraq and it is not biased when things are related to the safety of the country.”

Following Birgit Svenson and Shameem Rassam, there are two types of *journalistic self-perception* currently present:

- › Firstly, there are the *realists*, who regard their profession “simply as breadwinning, a job like anyone else” and “who are following just the basics in being a journalist.
- › Secondly, the *idealists*, who see a certain message behind all this” and who “have this eagerness to find out what is unknown”.

Iraq is still *one of the deadliest and most dangerous countries for journalist*, with 266 media workers being killed between 2003 and 2016:

- › 111 journalists were murdered in direct reprisal for his or her work.
- › 66 journalists were killed in crossfire during combat situations or while carrying out dangerous assignments like live coverage of a street protest (CPJ, 2016).

Investigations are scarce or unsuccessful and most of the time, “there is unlimited impunity for assassins and shooters” (Wollenberg, 2016: 160). Since 2003, only one per cent of the 111 murder cases have obtained convictions (CPJ, 2016). In an interview, Birgit Svenson states that “you have to expect being murdered, if you expose something” and Ismael Zayer reports to having survived an assassination attempt.

Besides, Iraqi journalists regularly face intimidation and harassment “ranging from verbal threats to physical violence” (Freedom of the Press, 2016: 3). Especially militias connected to parties or sectarian groups pose a serious menace to media workers and can be considered the main source of violence against reporters (al-Rawi, 2012: 65-69). According to CPJ, 71 per cent of journalist murders are committed by political groups or militias, followed by 15 per cent being committed by military officials (CPJ, 2016). Interviewee Zuhair Al-Jezairy reports that “three news have been raided last week [2013] by a group of militias (...).They brake their instruments, computers and even their reporters”. He further concludes that is in fact this subliminal, indirect “censorship of militias and parties that is the most dangerous for journalists. Because you cannot tell who is behind this.”

Iraqi journalists receiving threats react in different ways: Some flee the country, some continue writing under different names or anonymously and try to keep their profession a secret (Wollenberg, 2016: 162). But even those reporters who have never been menaced or harassed yet are affected psychologically by this imminent threat situation. In a group discussion, Iraqi journalists describe a working atmosphere shaped by fear and despair, with every editorial work step being traded off against possible consequences of retaliatory persecution (IREX, 2008: 14). This results in two-levels of avoidance behaviour, as depicted by journalists questioned by Kim & Hama-Saeed (2008):

- › Firstly, avoidance of media coverage on issues where the relation between riots/conflicts and militias or politicians is all too obvious, especially on a local level.
- › Secondly, avoidance of reporting from geographical no-go-areas where journalists are regularly kidnapped or killed (ibid: 586).

Consequently, *self-censorship* is common and widely spread in Iraq and force media outlets to avoid investigating political scandals or governmental failures. Some journalists report that “the government’s efforts to restrict journalists, under pretexts of protecting national security and applying ethical standards on behalf of society, are tantamount to outright censorship” (IREX, 2009: 135). Birgit Svenson describes the current situation of Iraqi journalists as “a constant struggle. Offices are being closed, sometimes they try to thwart or prevent media coverage. Pressure is exerted on journalists, on reporters if one realizes that it is being investigated.” She concludes that “there used to be one censor, being Saddam Hussein. Now we have a hundred.”

Iraqi journalists' associations like the *Iraqi Union of Journalists* (IUJ) or the *Federation of Iraqi Media Professionals* (FIMP) are failing miserably in safeguarding journalists' autonomy and safety. Following the IREX panellists, both organisations "have aligned themselves more closely to the government in exchange for financial privileges, while ignoring harassment and assaults targeting journalists. At the same time, the government is working to gain influence over the journalists' associations in order to control the media by extension" (IREX, 2009: 139-140). This view is also supported by all our interviewees, who regard these associations as government affiliates: "It has nothing to do with the rights of the journalists, because it [the IUJ] is regarded as one of the offices attached to the council of ministers; this creates a crisis of confidence between the syndicate and the journalists" (Shawkat Saib). Ali Marzook says that journalists perceive IUJ as "a negative role, [since] it acts as a front to the government, it does not seek the interests of the journalists or media workers, it reflects the ideology of the ruling power. Many decent journalists condemn its stance against the journalists in a time it is supposed to line up with them." In fact, the IUJ has repeatedly supported the state's anti-media attitude and has been involved in several deals with the government, which has led many Iraqi journalists to lose confidence and quit the union.

Beside the fear of violence and reprisals, Iraqi journalists are influenced by societal and cultural norms that prevent them from excoriating government's failures, even in circumstances when their liberal rights are guaranteed. Following Shameem Rassam, these cultural, societal and religious taboos are causing journalists to practice self-censorship: "We have cultural censorship, religious censorship. One grows with it, one knows what it means, limitation. So you have this kind of consent – you have to promote your Arabians, your nationality, you can support the Palestinians and you can criticise Israel, this is number one. This is inherited in the culture." This national sense of consciousness is also mentioned by Ismael Zayer, who reports that "sometimes we have stories, that we cannot publish, because we know, they will create a problem, clashes in the country."

– Sources

This country report is largely based on a seminar paper composed by Julian Illi, Franziska von Malsen and Marieke Reimann at Ludwig-Maximilians-University Munich in 2013. All interviews have been conducted by them between January and April 2013. The author thanks Mr. Illi, Mrs. Malsen and Mrs. Reimann for their work, without which this country report wouldn't have been possible.

Interviewed experts (Interviewed by Julian Illi, Franziska von Malsen and Marieke Reimann via Skype, telephone and written questionnaires, January until April 2013)

- > Ali Marzook, Baghdad office manager at MICT media academy
- > Birgit Svenson, German war reporter
- > Dana Assad, chief-editor at independent media outlet *Awene Online*
- > Ismael Zayer, owner and chief-editor of the newspaper *Al-Sabah Al-Jadeed*
- > Kholood Zayadi, news editor at ANB satellite channel
- > Shameem Rassam, executive producer of *Alhurra-Iraq* at *Middle East Broadcast Networks* in Washington D.C.
- > Shawkat Saib, editor-in-chief at *Annas* radio
- > Zuhair Al-Jezairy, editor in chief at *Answat al-Iraq*

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