LIBERATED AND OCCUPIED IRAQ

NEW BEGINNINGS AND CHALLENGES FOR PRESS FREEDOM

The collapse of Saddam Hussein's repressive regime in April 2003 sparked a historic media boom in Iraq in the months that followed. Hundreds of new publications and television and radio channels emerged in what turned out to be an unparalleled media free-for-all involving a broad range of Iraqi and regional media forces. A massive increase in the numbers of satellite dishes—banned under Saddam Hussein—opened Iraqis up to new sources of information. Access to the Internet, which had been tightly controlled under the Hussein regime, flourished as Internet cafes sprang up all over the country. A year after the fall of Saddam Hussein's government, media analysts estimated that more than 200 newspapers and 90 television and radio stations were operating in Iraq, representing an unprecedented diversity of media in that country. However, the quality of these new publications and media outlets has been uneven.

In this expanded, more diverse and complex media environment, the U.S.-led Coalition Provisional Authority (CPA) set into motion plans to transform and regulate Iraq's media. The CPA's first action was to issue a decree banning media activities aimed at inciting violence and spreading instability. Working with its Iraqi interim governing partners, the CPA invoked this decree a number of times, permanently shutting down a handful of publications and temporarily banning some media outlets in an attempt to balance press freedom with stability and order. U.S.-led efforts to create a new national media network faced many setbacks in late 2003 and early 2004, but by March 2004 the CPA had formally issued decrees setting up a new national media network and establishing regulatory bodies for the media.

The instability that continues to plague Iraq represents one of the greatest threats to Iraq's newfound press freedoms.

The year following the fall of Saddam was dangerous and sometimes deadly for journalists and other media professionals in Iraq—by the spring of 2004, nearly two dozen media professionals had been killed and scores more wounded in attacks. Some press casualties were the result of crossfire, while others were due to directed and politically motivated attacks. Continued uncertainty about the CPA's transfer of political authority back to Iraq, which occurred on June 28, 2004, loomed as an additional challenge for press freedom. Even post-handover, the lack of clarity about Iraq's future political and legal structures raises questions about whether the press freedoms gained since the removal of Saddam Hussein's regime will endure without strong protections, impartial regulation, and clear journalistic standards.

BEFORE LIBERATION: SADDAM HUSSEIN'S BRUTAL DOMINATION OF THE PRESS

The ouster of Saddam Hussein in April 2003 ended a reign of fear in which the Iraqi government maintained complete and brutal control over the media. For nearly three decades, official government propaganda dominated media coverage in Iraq, with few openings for voices and sources of information independent of the government.

Prior to the Baathist revolution in 1968, Iraq's media had been considered among the freest and most diverse in the Middle East. The Baathist regime brought with it censorship and restrictions on media. When Saddam Hussein took over Iraq's presidency in 1979, he moved further to crush the few political opponents and independent media voices that remained. By the mid-1980s, the ruling Baath Party and Saddam Hussein's family had established a complete

monopoly on the media. In 1986, Iraq's ruling Revolutionary Command Council issued Order Number 840, which imposed the death penalty on anyone who criticized or insulted the president. Authorities used brute force to quash independent and opposition views; appalling acts, such as cutting out the tongues of journalists who strayed from official propaganda, were common, and hundreds of journalists and authors are thought to have been killed by the regime.

Saddam Hussein's son Uday was head of the Iraqi Journalist Union, a mandatory union for all Iraqi journalists. Assuming this leadership position in 1992 at the early age of 27, Uday Hussein exercised complete control over all television and radio stations and managed about a dozen newspapers, including *Babel*, the publication with the broadest distribution in Iraq.

As Iraq's war with Iran raged from 1980 to 1988, Iraq's media grew increasingly insular, and the country lost touch with the information revolution starting to sweep over most parts of the globe. The regime banned satellite dishes, punishing violators with fines and up to six months in prison. The regime also jammed signals from broadcasters attempting to offer alternative views and information from outside Iraq.

Iraq was one of the last countries to link up to the Internet, and when the Internet was finally introduced in the late 1990s all access was controlled by the government's server. Moreover, Iraq's ministry of information blocked access to many Web sites and permitted e-mail only from Iraq-based servers that copied messages to the government. Foreign newspapers were prohibited inside Iraq. Government security services closely monitored foreign journalists and limited their independent access to the public, obscuring the scale and scope of Saddam Hussein's atrocities in reports to the outside world.

There were exceptions to the Hussein regime's total control of the media, particularly after the 1991 Gulf War. The Kurdish north, which beginning in 1991 lived under the protection of a U.S.-enforced no-fly zone that prevented Saddam Hussein from exercising control over those territories, saw a flourishing media emerge. Outside broadcasters, including Radio Sawa, Radio Monte Carlo, the British Broadcasting Corporation (BBC), and Voice of America, began to have increasing success at reaching broader segments of the Iraqi public. However, despite these limited pockets of press freedom, when the war began in 2003, most Iraqis were living in a fog of disinformation dominated by Saddam Hussein's official propaganda. As the war commenced, the Iraqi regime initiated a number of final desperate attempts to control the media, influence Iraqi opinion, and skew international coverage. Hundreds of international journalists were in Iraq to cover the war, but they remained subject to Iraqi government control and supervision. According to a report by Reporters Without Borders, Iraqi authorities arrested at least 10 journalists in late March 2003 for alleged visa irregularities.

The official Iraqi media operated intermittently during the war, broadcasting messages favorable to Saddam Hussein and seeking to cast doubt on the effectiveness of the Coalition forces' military campaign. Perhaps the Hussein regime's most infamous attempt to influence public views on the war came from regular press conferences held by Iraqi Information Minister Mohammed Saeed Al-Sahaf, who achieved cult status for his denials and often nonsensical statements contradicting reality. Despite credible reporting from multiple sources that Coalition forces had reached Baghdad, Al-Sahaf continued to make statements such as, "I triple guarantee you—there are no American soldiers in Baghdad." Though the Iraqi military for the most part offered limited and sporadic resistance during the war, Al-Sahaf once said, "We're giving them a real lesson today. Heavy doesn't accurately describe the level of casualties we have inflicted." Al-Sahaf's press conferences and statements became an anachronistic symbol of a regime that continued to try to control information in its dying days.

IRAQ'S MEDIA BOOM OF 2003–2004

Iraq enjoyed an unprecedented media boom in the months that followed the collapse of Saddam Hussein's regime in April 2003, with a spike in the number of satellite dishes, people with Internet access, and media outlets. Analysts estimate that more than 200 newspapers and magazines appeared in Iraq, although according to the BBC less than half of those publications survived the first year. Iraq also had more than 90 television and radio stations a year after Saddam Hussein's removal from power.

These new media outlets reflected the broad array of opinions and views that previously were either crushed or

co-opted by Saddam Hussein's government. Sunni and Shiite clerics, Kurdish activists, communists, democratic liberals, unaffiliated satirists, and other voices not heard for decades set up new newspapers and magazines. Around the country, local television and radio stations sprang up, with those in the holy cities of Najaf and Karbala placing greater emphasis on religious programming.

In the context of this newfound freedom, two main criticisms emerged in the immediate postwar period. First, several critics pointed to a dearth of independent and objective sources of information; many of the new media outlets were set up by new political groups and parties, and their reporting was biased in favor of promoting their parties' leaders and achievements rather than objectively reporting on events. Second, several media observers noted that the new Iraqi press suffered from a lack of clear journalistic standards. The quality of reporting in several Iraqi publications and media outlets was uneven, with sensationalist tabloids reporting unsubstantiated rumors and conspiracy theories that at times had the potential for inflaming passions and sparking violence.

This is not to say that all of the new Iraqi media were plagued by partisan views or low professional standards. Numerous examples exist in which responsible reporting by Iraqi journalists contributed positively to public debate and greater transparency. For example, in January 2004, *Al-Mada*, a small Baghdad-based newspaper with a circulation of about 5,000, gained credibility for naming dozens of individuals who allegedly received oil bribes in return for supporting Saddam Hussein.

In addition to the massive increase in the number of Iraqi publications and media outlets, regional media forces entered the fray. Two regional Arab satellite television channels, Al-Arabiya and Al-Jazeera, garnered a great deal of attention inside and outside Iraq, presenting the CPA and interim Iraqi governing officials with many challenges related to balancing press freedom with responsible reporting.

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Iranian-sponsored media outlets have gained greater prominence as well. The official Islamic Republic of Iran Broadcasting Radio Channel can be heard in Baghdad, and the Arabic language Voice of the Mujahideen (Holy Fighters) of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), an Iraqi Shiite group, receives support from Iran. In addition, two Iranian television stations, Sahar and Al-Alam, have joined the ever-growing list of media options for ordinary Iraqis.

Entering the media competition, the United States in February 2004 established a regional satellite television station named Al-Hurra—a publicly funded, 24-hour Arabic-language news and information channel. Meanwhile, entrepreneurs have seen the expanding press freedom and open system as a good business opportunity. For example, in the spring of 2004, Naguib Sawiris, an Egyptian media magnate, announced plans to start Al-Hawa, a private television channel, to compete with other broadcasters.

CHALLENGES IN REBUILDING IRAQ'S MEDIA AND SETTING UP A NEW REGULATORY FRAMEWORK

Responsibility for overseeing postwar reconstruction in Iraq fell into the hands of the newly created CPA, headed by former U.S. Ambassador L. Paul Bremer III. The efforts to rebuild Iraq's media and set up a new regulatory framework encountered problems similar to those faced in other areas of Iraq's reconstruction. They were hampered by ongoing instability and violence in the country, ambiguity about the CPA's longer-term vision for the country, uncertainty about Iraq's future political structures, and wrangling between different Iraqi political forces.

Though a lack of clarity existed as to how the CPA was legally constituted—with some pointing to United Nations Resolution 1483 as the legal justification and others citing U.S. National Security Presidential Directives that were not publicly released—in May 2003 the CPA became the de facto entity that exercised temporary powers of government until

it could transfer political authority back to Iraq. The CPA reported to the U.S. Department of Defense, and the decrees it issued became law. In July 2003, the CPA created the Iraqi Governing Council (IGC), a body of 25 Iraqis that served the U.S.-led coalition in a largely advisory capacity.

CPA'S ORDER 14 AND CHALLENGES BALANCING PRESS FREEDOM WITH RESPONSIBLE JOURNALISM

The CPA had primary responsibility for establishing the new legal and regulatory framework for Iraq's media; one of its earliest actions was to issue a new media decree. On June 10, 2003, the CPA issued Order 14, which set some basic rules for the media and prohibited media activities aimed at inciting violence, civil disorder, rioting, or action against Coalition forces or the CPA. In addition, Order 14 banned the media from advocating changes to Iraq's borders by any means or advocating a return to power of the Iraqi Baath Party. Order 14 gave Ambassador Bremer the sole authority to close media organizations; the only process set up for media organizations to protest a closure by the CPA was a written appeal with evidence to that same CPA Administrator, Ambassador Bremer.

CPA officials said that the main objective of the order was to enhance civil stability and prevent irresponsible journalists from inflaming an already volatile and tenuous situation. Critics of the order expressed concerns that it could open the door to arbitrary and unnecessary censorship.

CPA Order 14 was cited to justify the closure or temporary ban of a number of newspapers and media outlets. One of the earliest instances of its implementation came in July 2003, when U.S. troops and Iraqi police raided the Baghdad offices of the *Al-Mustaqila* newspaper and detained the newspaper's manager, Abdul Sattar Shalan. CPA officials said that *Al-Mustaqila* had published an article proclaiming the killing of spies who cooperate with the United States to be a religious duty, echoing messages issued by armed groups who had been conducting attacks against Coalition forces.

The general guidelines set out by Order 14 were also referenced by U.S. and interim Iraqi governing council officials as justification for temporary bans and restrictions on coverage by the Arab satellite television channels Al-Jazeera and Al-Arabiya. Both channels were repeatedly barred from covering official sessions of the IGC throughout late 2003 and early 2004, and U.S. government and military officials at times accused the channels of working in concert with armed Iraqi groups opposed to the U.S.-led occupation. For example, in the fall of 2003, IGC member Iyad Allawi blamed both channels for inciting violence against IGC members, specifically referring to the murder of Akila al-Hashimi in September 2003. The IGC also imposed a temporary ban on Al-Arabiya after it broadcast an audiotape by Saddam Hussein in which the former president called for the murders of IGC members and attacks on Coalition forces. IGC member Jalal Talabani asserted that the broadcast stepped over the line of responsible journalism.

The CPA's suspension on March 28, 2004, of *Al-Hawza*, a weekly newspaper controlled by the political movement of firebrand Shiite cleric Muqtada Al-Sadr, stood out among the CPA's efforts to maintain a balance between press freedom and public security. The CPA alleged that *Al-Hawza*'s coverage irresponsibly assigned U.S. helicopters blame for the deaths of more than 50 Iraqi police recruits in a suicide truck bombing on February 10. In addition, CPA Administrator Bremer reportedly objected to the newspaper's editorial comparisons between himself and Saddam Hussein. The closure of *Al-Hawza*, in addition to an announcement that Coalition forces and Iraqi police were seeking to arrest Al-Sadr for his alleged involvement in the murder of a Shiite leader in Najaf in April 2003, sparked protests that led to unrest and conflict that continued through the spring of 2004.

SHAKY EFFORTS TO DEVELOP IRAQ'S NEW NATIONAL MEDIA

In the spring of 2003, CPA officials set forth a goal of creating a new national media outlet for Iraq modeled after the BBC and National Public Radio. The CPA brought in Simon Haselock, who had worked for the United Nations in post-conflict situations such as Kosovo and Bosnia-Herzegovina, to serve as head of media development and regulation for the CPA. The CPA also created a national media umbrella organization called the Iraqi Media Network (IMN), comprised of the daily newspaper *Al-Sabah*, the national television channel Al-Iraqiyah, and a radio network.

The United States government awarded the initial contract for rebuilding Iraq's media to Science Applications International Corporation (SAIC), a government

contractor that specializes in providing advanced technologies to support military operations. SAIC had experience in setting up radio and television transmitters and other equipment required for building a new national media network, but it had less experience in training broadcast and print journalists, a key part of its contract. In the early months, the IMN suffered from staff and management turnovers, poor ratings, and accusations that it was a propaganda tool of the CPA. Ahmed Al-Rikabi, news director at the IMN, resigned in August 2003, citing IMN's under-funding and a lack of independence from the CPA. In a letter to the Associated Press, former adviser and trainer for Al-Iraqiyah Don North wrote that "IMN has become an irrelevant mouthpiece for CPA propaganda, managed news and mediocre foreign programs."

SAIC's inadequate experience for training and managing Iraqi media personnel emerged in media reports on efforts to rebuild Iraq's national press. Iraqi employees of the new media effort alleged that SAIC managers told them to stop conducting man-on-the-street interviews because they were too critical of the American occupation; other Iraqi journalists alleged that they received instructions from their superiors to exclude readings of the Koran from the television channel's cultural programming. IMN television and radio programs were prepared and recorded in the Convention Center in the Green Zone next to the headquarters of the CPA in Baghdad. The choice of location for the network contributed to criticism that IMN reporters were overly isolated and out of touch with rapidly changing events, as well as constrained from acting independently.

Criticisms of the IMN increased during the fall of 2003. A *Washington Post* editorial called it "psyops [psychological operations] on steroids" in October. The next month, leaders of SCIRI threatened protests, bans, and religious decrees or fatwas against the IMN, alleging that it aired immoral programming. A November 2003 inspection by Pentagon contracting officials found that SAIC had not lived up to many of its contractual obligations, and Congressional officials started to demand a change in course.

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In January 2004, Harris Corporation, a U.S. producer of communications equipment, became the new contractor responsible for developing the IMN. Working in cooperation with the Lebanese Broadcasting Corporation (LBC) and the Kuwaiti publishing and telecommunications company Al-Fawares, and with assistance from Microsoft, Harris Corporation set out to correct many of the problems plaguing the CPA's efforts to establish the new national Iraqi media effort. In an attempt to provide a stronger legal basis and structure for the attempts to build the IMN, the CPA issued Order Number 66 on March 20, 2004, which formalized the IMN and established Iraq Public Service Broadcasting, a new national media entity with a board of governors, a financial committee, and a director general.

However, setbacks continued to plague the efforts to build the IMN through the spring of 2004. In March, the IMN newspaper *Al-Sabah* was criticized by a competing newspaper, *Al-Mutamar,* of the Iraqi National Congress, for receiving exclusive contracts and subsidies from Iraqi government ministries. In early May 2004, most of the Iraqi staff of *Al-Sabah* walked out in protest against the lack of editorial independence from the CPA and concerns that its attempts to become a private newspaper would be stifled by the new national media structures established by the CPA in April 2004.

The efforts to reach more Iraqis through the IMN television station Al-Iraqiya had made some progress by the spring of 2004. Television is the medium that has the broadest impact in the country; a nationwide survey conducted in Iraq by CNN, USA Today, and Gallup from March 22 to April 9, 2004, found that 95 percent of Iraqis had a working television set in their home. Moreover, the poll found that three quarters (74 percent) of the public had watched Al-Iraqiya in the past seven days, making it the most- watched television channel in Iraq. By contrast, Al-Jazeera and Al-Arabiya were watched by a little over one quarter of the public. CPA officials working to develop the IMN pointed to the strong market-share numbers as a sign of success. In addition, nationwide polls conducted by Oxford Research International demonstrated growing confidence in IMN's television channel. By February 2004, fully 50 percent of the

Iraqi public expressed confidence in the IMN television channel, up 11 points from November 2003.

However, other analysts noted that Al-Iraqiya had the inherent advantage of being the only national land-based broadcaster, as satellite dishes are not as common as televisions. Furthermore, critics pointed to polling conducted by the U.S. Department of State that showed a small decline in Al-Iraqiya's viewership from the fall of 2003 to the spring of 2004.

In addition, although the land-based Al-Iraqiya was more accessible, the March–April 2004 CNN/USA Today/Gallup opinion research poll indicated that the Iraqi public ranked it lower than Al-Jazeera and Al-Arabiya as being a channel that is "bold," "unbiased," "objective," and "the first to break the news."

ESTABLISHING A NEW REGULATORY BODY FOR IRAQ'S MEDIA

In preparation for the transfer of political authority back to Iraq on June 30, 2004, the CPA began to establish structures intended to create the framework for regulating the Iraqi media. In March 2004, the CPA issued Order Number 65, which established the Iraq Communications and Media Commission (ICMC) as an independent, nonprofit administrative institution responsible for licensing and regulating the media, telecommunications, broadcasting, and information services. CPA Administrator Bremer appointed Dr. Siyamend Zaid Othman, a former Amnesty International researcher, as the chief executive officer; Bremer then selected three ICMC commissioners in April 2004. The ICMC is chartered to set new professional standards and codes of conduct for media professionals, establish policies for radio-frequency management, and license all media and telecommunications operations. Its primary task is to propose a new Communications and Broadcasting Law to the future sovereign Iraqi government.

When the CPA announced its visions for the ICMC, *Al-Sabah* criticized the ICMC as being more powerful than the ministry of information under Saddam Hussein. Iraq's interim minister of communications, Haider al-Abadi, who was appointed by the CPA, complained that the ICMC replaced him and that CPA officials had not kept him apprised of the plans for the ICMC as they developed. Other analysts worried that the ICMC set a dangerous new

precedent that might encourage the new Iraqi government to dominate and control the private media outlets that have emerged since the fall of Saddam Hussein.

Besides the steps taken by the CPA to build a new national media network and set up a new legal and regulatory framework for the Iraqi press, questions remained about the overall plan for the future. Some analysts pointed out that obsolete laws from the Saddam Hussein era technically remained on the books; for example, Iraqi law 433, which deals with libel, has been used by various individuals to take reporters to court since the fall of Saddam Hussein.

ONGOING VIOLENCE AND CONFLICT: THE GREATEST THREAT TO PRESS FREEDOM IN IRAQ

On the heels of the transfer of political authority from the CPA to Iraq, one of the greatest threats to press freedom is the ongoing violence and general lack of law and order. Although the 2003 war in Iraq and removal of Saddam Hussein have resulted in a historic burgeoning of press freedom, the war and the ongoing conflict have at the same time proved deadly for more than two dozen journalists and media professionals. According to Reporters Without Borders, 12 media professionals were killed in 2003 and 13 were killed in the first four months of 2004.

During the war, U.S. forces were responsible for the deaths of a number of journalists. On April 8, 2003, a shell fired by a U.S. tank at the Palestine Hotel in central Baghdad killed Reuters cameraman Taras Protsyuk and Jose Couso of Spanish television channel Telecinco. U.S. troops maintained that they were returning hostile fire from the hotel, and an investigation by the U.S. military deemed the tank unit's actions a "proportionate and justifiably measured response." On the same day, an American warplane bombed an electricity generator outside the Baghdad bureau of Al-Jazeera, killing reporter Tareq Ayyoub.

During the period of the U.S.-led occupation, Coalition military forces have been responsible for the deaths of a number of other journalists and media professionals. For example, outside the infamous Abu Ghraib prison on the outskirts of Baghdad, U.S. soldiers shot dead Mazen Dana, a Palestinian cameraman working with Reuters. The soldiers said they mistakenly believed that Dana, who had been filming footage, was aiming a rocket-propelled grenade launcher at them. On March 18, 2004, Coalition forces shot

and killed two Iraqi journalists working for Al-Arabiya television at a checkpoint in Baghdad; the episode prompted a number of Iraqi journalists to walk out of a news conference held by U.S. Secretary of State Colin Powell. In some cases, the incidents in which Coalition forces killed journalists can be viewed as unfortunate instances not unusual in a volatile and confused environment of conflict. But in other cases, serious questions remain about the judgment and actions of Coalition forces.

Journalists face an even greater threat from armed groups and factions opposed to the U.S.-led coalition, remnants of Saddam Hussein's regime, and common criminals. Incidents of drive-by shootings, bomb attacks, kidnappings, and robberies increased through the fall of 2003 and spring of 2004.

The overall level of instability led to serious ethical questions for news organizations about the best way to protect their journalists working in Iraq. A *Wall Street Journal* report that *New York Times* reporter Dexter Filkins had been traveling in Iraq with a gun set off a debate about appropriate behavior for journalists operating in a conflict and whether armed journalists deprived themselves of their traditional status as noncombatant neutrals. Network television stations employ teams of guards to protect their offices and equipment, but many journalists refuse to arm themselves, fearing that such measures would endanger their ability to report on events.

The great gains in press freedom seen since the fall of Saddam Hussein's regime give hope for Iraq's future. Nevertheless, continuing violence poses the greatest short-term threat to the work of journalists in the country. In the long-term, political instability and the ambiguous legal framework will need to be resolved in order for Iraq's media to truly function freely.

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