

The Media Law:

"Legalization" of Violations against Journalists in Rojava



ASO Center for Consultancy and Strategic Studies

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Contents

Introduction:.....	4
Violations of the Self-Administration against Media Professionals	6
Non-Compliance by the Self-Administration with its Media Laws.....	7
Closing the Kurdistan 24 Office:	9
Violations that Accompanied Violations associated with the Ratification of the New Law ...	10
Conclusion:	14
Illustrative Table (1):.....	15
Illustrative Table (2):.....	15
Illustrative Table (3):.....	16
Illustrative Table (4):.....	16

Introduction:

The war in Syria has resulted in more chaos than Syrian social entities can withstand. On the other hand, it compounded the disappointment of the people who sacrificed their children to liberate themselves from a tyrannical regime, just to be afflicted by worse military organizations, let alone the emergence of three regions, governed by competing authorities. Part of that rivalry involves the internal aspect of each region, which manifests itself in the relation between the local authority and the slogans and principles of human rights that it proclaims but cannot put into practice and sometimes it seems that it does not want to implement the slogans it claims. It is also evident in its ideological relationship with those with different political orientations. However, most areas where they have pledged masses with democracy, and connected their administrative experience with the word democracy. - the glamorous notion of the democratic nation - is the region in which the experience of the Self-Administration appeared in Northeastern Syria, or rather, what remained of this region after Turkey occupied half of it between two years 2018 Afrin, 2019 Serekaniye/Ras al-Ain and Tal Abyad.

One of the manifestations of these transformations is the media experience that has spread throughout the areas of the Self-Administration for various reasons. These include the need to direct public opinion on what is going on in these areas, and focus people's attention on specific issues and not other issues, may it be for purely ideological purposes, or distract the public from the real dilemma that's been going on in the region since the outbreak of the war in Syria in late 2011. The foregoing came at a different cost; the question of the professionalism of the media that has been marginalized, and the media battalion's loyalty to political direction has become more important than its core task to provide society with the necessary stimuli for deliberation of public affairs. So public affairs disappeared and was replaced by ideological partisanship.

The media experience in Northeastern Syria is one of the outcomes of the transformation of the ruling authority in the region, and it is one of the most prominent developments that have emerged in the region, in addition to the sudden appearance of CSOs that are still not in a position to cross the limits of relief. Hence, by discussing the experiment, we find that most of the controls, laws, and violations that take place in the media sector in Northeastern Syria, come from political motives linked either to the Syrian political scene or to predominant regional ideological axes, and sometimes dominate the media policy of the Administration's institutions, and consequently, the laws issued by it. Also breaking the laws established by this administration itself.

In addition to the aforementioned, the lack of media heritage for those institutions, resulting from wartime conditions post-2011 and those conditions have nothing to do with the notion of media. Consequently, media organizations were established with

no qualified human capital. It was rather mere individuals, who were suddenly confronted with a missionary mission, in an ideological tempo, fragile in discourse, premature in mission, and sometimes concerned with matters unrelated to the Syrian war which produced these institutions, provided reasons for their funding, and has consistently provided the subjects that they are expected to bring to local and international public opinion.

Prior to 2011, partisan publications were news media for the dissemination of Kurdish political affairs in Syrian Kurdish cities. These were low-quality publications which were handed out by hand between the party members. Their content would be wide-ranging, and their political discourse is instructive in guiding party members on the road to partisanship. Then came the media revolution throughout Syria and decay spread everywhere .

Thus, after 2011, quickly and uncontrolled, dozens of local media institutions were set up in the region, after international donors supported Syria's media sector, particularly local radio stations, that subsequently became one of the most important sources of information for the local population, because of constant blackouts, and after the TV has lost its old status and value.

After the emergence of the “Islamic State” organization “ISIS” and its control over large areas in Northeastern Syria in 2014, the formation of the People’s Protection Units (YPG) in 2014 to fight ISIS and protect the Kurdish region, the arrival of hundreds of thousands of IDPs to the region, and the rise of the Kurdish issue, dozens of regional and international media have travelled to the area, appointed correspondents, opened offices, and dealt legally with the Self-Administration, which issued laws and legislation regulating media work.

Since 2012, and with the formation of the first forms of governance in Rojava, the local administration has begun to work in, control and impose laws in the area, through the establishment of the Free Media Union in July of 2012, which then ensured organizing the media work, granting permits and arresting offending journalists. This was subsequently transferred to the media directorates of the Self-Administration cantons in Al-Jazeera, Kobani and Raqqa, and later with the announcement of the Self-Administration of Northeastern Syria in 2018, all duties, laws and regulations have been transferred to the Media Department.

After the Self-Administration in Northeastern Syria issued the decisions and laws regulating the media reality in Northeastern Syria through the Free Media Union, it granted authorizations to hundreds of local, regional and international media institutions, and granted work permits to local, regional and international journalists to work in the region and produce media materials.

Violations of the Self-Administration against Media Professionals

The media institutions operating in the areas under the control of the Self-Administration are subdivided into four major sections, which are the media organizations of the Self-Administration, that adopt the trends of the Self-Administration, conceal its infringements and promote their activities and events. Also, the Kurdistan media organizations affiliated with the KRG, are subject to violations as a result of political reality between Kurdish parties. As well as, the international media institutions, that often cover the war against the Islamic State "ISIS", and do not interfere with Internal Affairs and Services or in the affairs of Alternative media, which are abundant in the region, and operate on the basis of funds provided by international organizations, which emphasize in their coverage, the program of activities agreed between them and the donor.

These four categories are the ones to which the Media Law is applied, and due to the violations committed against media institutions and journalists in the domains of the Self-Administration's control, it can be noted that the majority of these violations took place either with Kurdish institutions, which are directly related to political calculation, or with local institutions funded by donors, which the Self-Administration make every effort to ensure that it is contiguous with its media institutions, and is a supplementary promotional tool for it.

The Violations Documentation Office of the Syrian Kurdish Journalists Network documented, in its annual report issued in 2020, the violations committed by the Self-Administration against journalists in its areas of control, and most of the documented cases were in contravention of the previously enforced media law, before the new legislation comes into force this year.

On February 5th of 2020, the correspondent of the "Deir Ezzor 24", Baha Suleiman al-Hussein, was attacked by members of the Internal Security Forces(Asayish) in Northeastern Syria, inside the headquarters of the Deir Ezzor Civil Council in the Kasra district in the western countryside of Deir Ezzor governorate.

On April, 1st of 2020, the Information Office in the Self-Administration of Northeastern Syria prevented the journalist, Badrakhn Ahmed, from working during the lockdown period in the areas of Northeastern Syria, on the grounds that he had published inaccurate information regarding the registration of the first coronavirus infection in the city of Qamishli/Qamishlo, and after 20 days, the ban was lifted on the occasion of Kurdish Press Day, which is held every year on 22 April, according to the report of the Syrian Kurdish Journalists Network. Also, that same day, Naz Al-Sayed, a reporter for the Al-Ghad news agency, was suspended for three months on the grounds of violating the media law, and the decision was canceled on the day of the Kurdish Press Day.

The Information Office of the Media Self-Administration, detained Vivian Fattah on 10 May 2020, and has been barred from working in the media for a period of 60 days, on accusations of "offending the sentiments of the families of the martyrs."

On 15 May that same year, the internal security forces (Asayish) in Northeastern Syria detained the correspondent of Rudaw agency, Rangeen Shero, and the agency's cameraman, Anas Abu Zaid, for nearly two hours, while they were filming bread queues in Qamishlo city. The head of the agency's bureau, Fahd Sabri, was also detained while attempting to release the detainees.

ASO News Network correspondent, Ahmed Mousa, was the victim of violence and attempted beatings by plainclothes persons in Manbij, while preparing a report for the network in Al-Madani market, as reported by the Syrian Kurdish Journalists Network.

Non-Compliance by the Self-Administration with its Media Laws.

According to these data and violations, most of the documented cases of attacks, violations, arrests and detention of journalists in the areas under the control of the Self-Administration are in violation of the media law issued by the Self-Administration itself. Whereas Article 3 in Chapter 2 (Rights and Duties) indicates that there is no prior censorship of media work, and Article 4 indicates that: "The freedom of the media professionals is protected by the law, and the information or opinions they publish should not be grounds for violating their liberty. No party has the right, apart from the judiciary and a secret session, to ask media professionals to disclose the sources of their information. Journalists' rights are protected by their media in accordance with the work contract signed between them."¹

Article 5 states that media professionals are entitled to seek and obtain information of all kinds and from any party and publish it on the basis of its accuracy and validity. As well, they are entitled to attend conferences, sessions and open public meetings and to publish their facts. While article 6 confirms that official authorities and competent institutions are required to facilitate the task of the media to access and obtain information. Article 7 prohibits any party from imposing restrictions which hinder the free flow of information or prevent all media professionals from getting equal access to information.

In Chapter 12: Violations and Penalties, the provisions of Article 29:

A- The fine imposed on all local media is not lower than 100 thousand S.P and no more than 300 thousand S.P. While each foreign media is fined no less than \$2,000 and not more than \$5,000, suspending the dissemination and work of correspondents

¹ The media law approved by the Legislative Council in Al-Jazeera Canton and ratified by the Joint Governance in its session No. /49 / dated 12/19/2015

for a period of 10 days for audio-visual media. And a suspension of publication for a period of six months for periodical publications if one of the provisions of Article 2 of Chapter 1 is infringed.

B - In the case of recurrence, the penalty referred to in the preceding paragraph shall be doubled, and its work permit shall be cancelled by a decision of the Council in the event of repetition of the violation more than once.

Moreover, Article 30 states:

A- Anyone who broadcasts or publishes without a legal permit is liable to a fine of no less than 300 thousand S.P and not more than 500 thousand S.P for local media, and a fine of not less than \$5,000 and not more than \$10,000 for foreign media, confiscation of any used equipment or devices, and the elimination of damage resulting from the violation by local and foreign media.

B - In the case of recurrence, the penalty shall be doubled, with a prison sentence of at least 3 months and up to one year.

Article 31 states: "If the person to whom the authorization was granted to engage in media activities in violation of the terms of that authorization, he/she shall be liable to a fine not lower than 100,000 S.P and no more than 200,000 S.P for local media. Also, a fine of no less than \$1,000 and not more than \$2,000 for foreign media, requiring them to compensate and remove the damage resulting from the violation, and the management of the Council is entitled to terminate broadcasting or publication for a period of not more than 2 months, the penalty is doubled in the event of recurrence of violation.

Article 32 affirms that: "All persons, irrespective of their capacity, shall be punished, under the province's general criminal code, if they insult or harass a journalist or member of the media because of or during his/her work."

Comparing the provisions of the media law, which has been ratified by the co-presidency of the canton of Al-Jazeera in the Self-Administration, in 2015, with the law which was in force in the regulation of the press and media affairs in the region, before the issuance of the new law in 2021, it is clear that the majority of sentences imposed on journalists violate the Media Law itself, and the law held no person or institution responsible for the violation, on the contrary, the violation cases ended with the release of the journalists.

Ali Namer, the Head of the Violations Documentation Office at the Syrian Kurdish Journalists Network, says: "The problem of any law in any part of the world, whatever the various forms of systems of governance are, is not in its content, but rather in the manner it is put into operation. The Self-Administration called on most media organizations to contribute to the preparation of the law, however, it kept the issues as they were eventually, and yet we are satisfied with the condition that it be put into

effect in the least, based on what happened in two violations two weeks after it was approved, media laws that favour authority or follow narrow partisan interests will fail and won't be creatively implemented. They will also continue to be a topic of controversy and discussion at any time or in violation of press and media freedom in the areas of Northeastern Syria."

Closing the Kurdistan 24 Office:

On June 20th, the Media Department of the Self-Administration of Northeastern Syria announced cancelling the registration of the Kurdistan 24 office in Northeastern Syria, on the pretext of "publishing a letter categorized as hate speech and incitement to violence among citizens." The decision was based on; "What was stated in Chapter 2 of the Media Law in the Self-Administration of Northeastern Syria, which includes general principles, through paragraph (A) of the 3rd paragraph of Article No. 2, and also what was stated in the second paragraph of Article No. 11 of the 2nd chapter, which includes the duties that follows the 4th chapter (rights and duties)".²

Article (A) of the third paragraph of Article (2) in Chapter Two: General Principles states the following:

All institutions, media outlets and media professionals are not permitted the following:

A- Broadcast or publish anything that appeals to hate and incites violence.

As for the second paragraph of Article 11 in Chapter Two: Duties, for Chapter Four: Rights and Duties, states: The media organization and media professionals are prohibited from publishing or broadcasting fake news, or any calls or incentives to break the law or to violence or hatred, or involves negative discrimination among citizens, or includes defamation of individuals, or insults, slanders, or harms their privacy.

It is these materials on which the Media Department of the Self-Administration of Northeastern Syria relied in canceling the registration of the Kurdistan 24 agency in Northeastern Syria, on the pretext of "propagating hate speech." The Media Law sets out the following kinds of violations for media institutions.

² Media Law in the Self-Administration of Northeastern Syria. Press the following link to view: rxid-cezire.net (قانون الإعلام في الإدارة الذاتية لشمال وشرق سوريا - المجلس التنفيذي لإقليم الجزيرة)

Type of Violation	Disciplinary penalty for the 1 st Time	Disciplinary penalty in case of violation recurrence for the 2 nd Time	Disciplinary penalty in case of violation recurrence for the 3 rd Time
Work without registration	Suspension of work and registration request	A fine of \$1,000 only	Confiscation of equipment
Violation of registration terms	Warning (with the violation removed based on the nature of the case).	A fine of between 500-1000 US dollars only, and it is determined according to the nature of violation by the Media Council	Suspension of work for a period proportional to the nature of the work carried out by the institution: TV broadcast/week

The terms of the law are not applicable to the judgment given against Kurdistan 24, according to all types of violations and their disciplinary penalties for the first time. Rather, the decision itself is in violation of the law. No warning was issued to the agency, no fines were imposed, no notice was given, and the decision was issued without reference to the conditions of the Media Law in Northeastern Syria, which define the violations and the type of disciplinary penalty on which the decision should be based.

The Self-Administration identified two kinds of violations; the first violation is working without registration, and the second is to violate the registration conditions, which are expected to include Kurdistan 24, and in this case of violation, if we suppose that the channel violated the registration conditions, then the first penalty stipulated by the law is a warning (with the violation removed based on the nature of the case) and the second penalty in case of the violation being committed a second time, it is a financial fine determined by the Media Council, and the third disciplinary penalty in case of repeating the violation for the third time, this involves stopping television broadcasting for a week, however, this did not happen with the agency, and it was handled separately from Law.

Violations that Accompanied Violations associated with the Ratification of the New Law

On May 18, 2021, the co-presidency of the General Council in the Self-Administration of Northeastern Syria ratified the media law No. 3 in the Self-Administration of Northeastern Syria for 2021. The introduction to the law states that it is ratified: "To

reinforce the values of freedom of opinion and expression, give journalists greater freedom of work, and allow them the chance of obtaining, publishing or broadcasting information, in accordance with the Basic Charter and the laws in force in the Self-Administration of Northeastern Syria. Also, consistent with the content of this law and with the respect and the engagement of all competent authorities with regard to its executive rules and regulations, and this particular introduction is considered an integral part of this legislation."

One month after the Media Law was formally enacted in the Self-Administration's areas of control in Rojava, and in the cities of Raqqa and the eastern countryside of Deir Ezzor, a patrol of the Internal Security Forces in Northeastern Syria arrested the anchorman and Kurdish journalist, Kameran Saadoun, in the city of Raqqa, while he was preparing a report with a journalist from the Dutch newspaper "De Volkskrant".

The Syrian Kurdish Journalists Network stated in an official statement released on 21 July 2021 that: "The way in which a member of the Syrian Kurdish Journalists Network, Kamiran Saadoun, was arrested while staying in a hotel with a Dutch team, contradicts press freedom, and does not comply with the slogans advocated by the Self-Administration, foremost, the principles of press freedom consistent with international standards."

Kameran Saadoun, a Kurdish journalist and anchorman, says: "An armed group affiliated with the Internal Security Forces (Asayish), arrested me from my room in a hotel in Raqqa city, took me by force, and did not allow me to inform my Dutch colleague. Then they forcibly took me into an Asayish's car. Thereafter, I was blindfolded and intimidated during my transfer from the hotel to the detention location."

Kameran Saadoun adds: "I was threatened with death, and members of the Asayish put a gun to my head at the detention facility. They put me in a room that holds 42 prisoners, most of their accusations were drug possession and trafficking, and various other charges. After a day of arrest and incomprehensible interrogation, I was released!"

Kameran Saadoun was first detained on 26 February at a checkpoint at the entrance to the city of Rmeilan, as he was coming from a village in the countryside of Derik, and was released after one day.

Paragraph (A) in Chapter 6: Violations and Disciplinary Penalties, Regarding Penalties for Journalists, in the Media Law in the Self-Administration of Northeastern Syria states the following:

Disciplinary penalty in case of violation recurrence for the 3 rd Time	Disciplinary penalty in case of violation recurrence for the 2 nd Time	Disciplinary penalty for the 1st Time	Type of Violation
Annulment of the license to practice the profession for a period of 4 months.	Annulment of the license to practice the profession for a period of 2 months.	Warning	Dissemination of False News - Violation of Privacy - Misuse of the task of practicing the profession granted to the media person.
Annulment of the license to practice the profession for a period of 1 year.	Annulment of the license to practice the profession for a period of 3 months.	Warning	Spreading hate speech - inciting violence.
Annulment of the license to practice the profession for a period of 2 months.	A fine of \$300 only	Warning	Disclose the secrets of judicial trials before deciding on them.
Annulment of the license to practice the profession for a period of 2 months, with the requirement to remove the document or identify the source, as applicable.	A fine of only \$300, with the requirement to remove the document or identify the source, as applicable	Warning with the requirement to remove the document or identify the source, as applicable	Violating intellectual and cultural property rights.
Annulment of the license to practice the profession for a period of 4 months.	Annulment of the license to practice the profession for a period of 2 months.	Warning	Slender, libel and defamation

According to the above list of violations, which is the list within the media law in the Self-Administration of Northeastern Syria, the incident of arresting the journalist and anchorman, Kameran Saadoun, was carried out without a legal justification and without an official note issued by the Self-Administration, and the party that arrested Kameran cannot be precisely identified, due to the short period of detention and the

lack of official interrogation of the journalist. This incident of arrest may be categorized as part of the intimidation of journalists in the areas under the control of the Self-Administration.

Ali Namer explains that, "The parties that commit violations have nothing to do with the media, and one of the mistakes of the Media Department of the Self-Administration is that they fall into the trap of the latter without being aware of it, or they can implement decisions against their will according to the hierarchical mechanism that controls its departments. Therefore, when examining a decision or violating the rights of fellow journalists, or the closure of the offices of media organizations and their correspondents, you will find no legal rationale for the violation, or it depends on one of the articles of the law that carries more than one conclusion and thus easily bypasses the spirit of the law."

And he continues in his statement to ASO Center for Studies: "I repeat once more that the lesson is portrayed in the process of implementation, the question will therefore remain unresolved until decision makers answer it. What does it mean to put in place a new law instead of the previous law that was proposed in 2015 when nobody is applying it? The only explanation here, is that since that authority cannot keep politics separate from the media and the media outlets, it will neither recognize nor implement the law. I regret to state here that co-presidency is nothing more than a tool for the powerful parties with which they are affiliated. And the biggest example of this is when they were expelled while they were trying to bring journalists to Al-Tay neighborhood when the clashes happened, or depending upon the powerful parties to which they are affiliated from the application of the provisions of the law to all media without exception or without, as it is said on the basis of "favoritism" and especially the media affiliated with that authority.

He stresses that some of the violations that took place, whether against individuals or institutions, have been linked to the political situation, and this "is one of the most important reasons that will keep the Kurdish media in general backward and regressive in comparison with the international media, therefore I think it is urgent to reconsider the current structure of the media, and that is our task for all of us, provided that our media colleagues remain aloof from their political positions, background or partisan reference."

On the other hand, he points out that: "Despite our monitoring of various cases over the years of the Syrian war, the working environment of the media in the Kurdish regions or the regions of northeastern Syria, is not comparable with the rest of the regions, whether under the control of the Syrian regime, or those under the control of the Syrian opposition, And it is therefore unjust to compare it to the one under the control of Haya't Tahrir al-Sham "Al-Nusra Front" previously, or with the factions loyal to Ankara, which entered with the Turkish occupation of these areas. This safe environment is not just accessible to media professionals and institutions working in

the region, but even to well-known Arab and international newspapers, institutions and agencies.”

Conclusion:

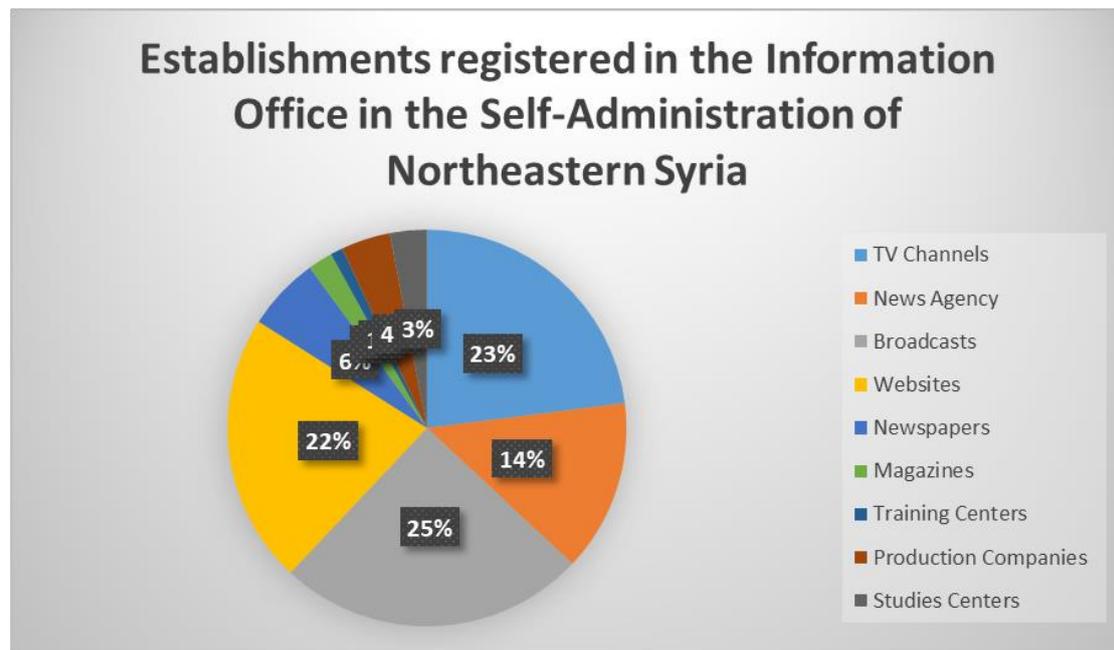
The emerging media experience in Northeastern Syria has been framed by the problem of eliminating Kurdish political opponents. In addition, the ideological agenda defines the direction of media speech and its incendiary, mobilizing and popular language, which exactly defines the problem of media work in Northeastern Syria, and the fragility of the law in the face of partisanship's desire to control the power rudder.

Consequently, there is considerable convergence between the emerging media experience in the modern administrative system in Rojava and Northeastern Syria, and the various media experiences in the region, in which the administration in power notes that the media institutions that are not affiliated to it are the institutions of political opponents. And that the work of the media should concentrate solely on the political promotion of local government, and in the documentation that this administration finds a "achievement" on the political and social level.

Since the Self-Administration in Northeastern Syria deals with media institutions on the basis of political and ideological rivalry, any media law cannot be applied, as long as the media institutions affiliated with the Self-Administration enjoy a special status above every law, and are not subject to any legal accountability. Whereas other non-affiliated institutions are threatened by the control of a partisan group, that functions like a fanatical punitive militia, called the "Revolutionary Youth" that is not governed by any law, or by military forces that are not permitted to do what they do, and move without an explicit legal mandate, thus violations take place without holding an official body responsible for what happened, and not holding those who committed these violations accountable.

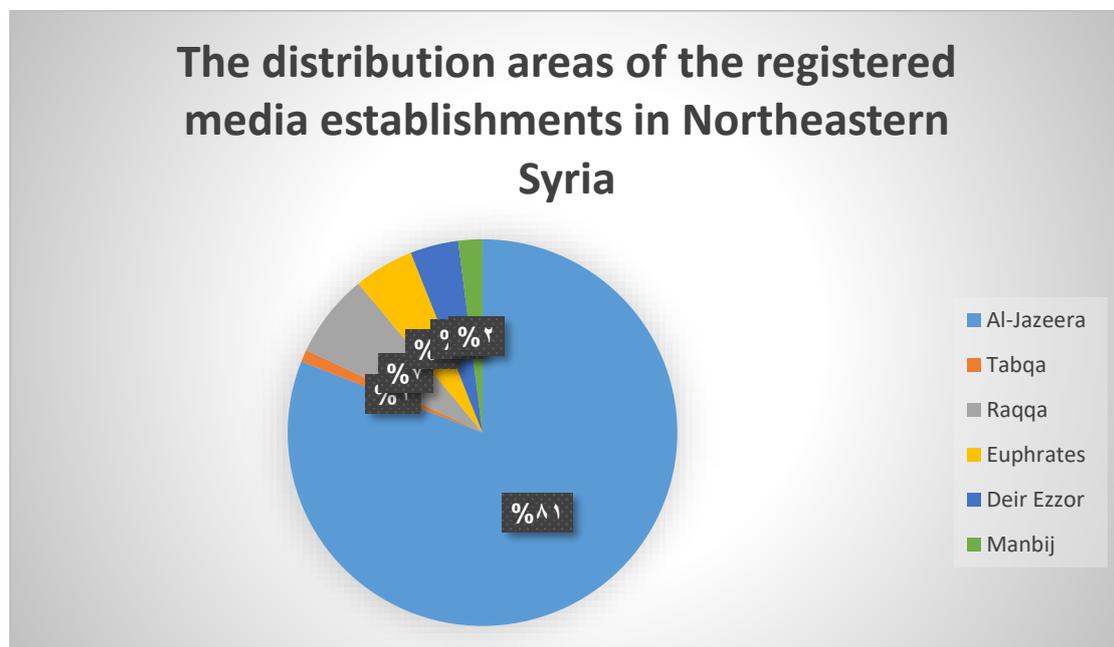
Numerous media outlets have made recommendations on this issue to the Self-Administration to take legal and moral responsibility for the challenges the administration has set itself, in establishing an administrative experience that is different from the political reality and human rights in the rest of the Syrian regions which are governed by radical and oppressive forces in which repression has become entrenched and they became known by that. And because there is still a thin thread of hope in Northeastern Syria, efforts must be made to revive it.

Illustrative Table (1):



This table indicates the type of establishments registered in the Information Office in the Self-Administration of Northeastern Syria.

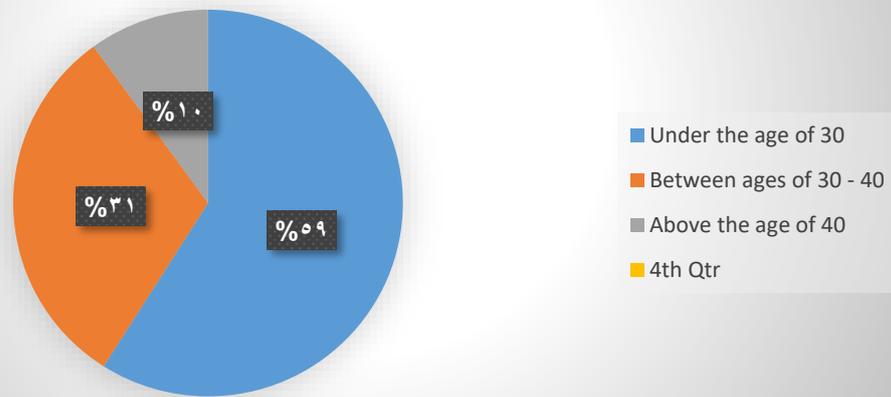
Illustrative Table (2):



This table indicates, in percentage terms, the distribution areas of the registered media establishments in Northeastern Syria, who are officially licensed to engage in journalism and media work.

Illustrative Table (3):

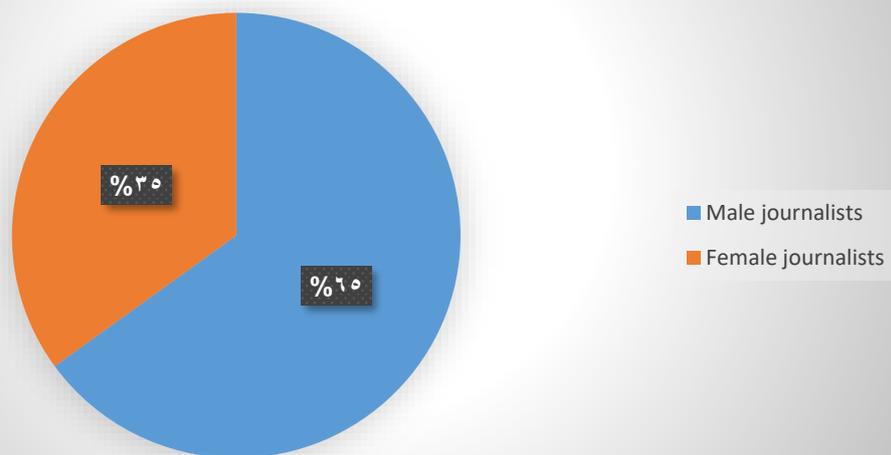
Number of journalists officially registered with the Media Department in the Self-Administration



This table indicates the number of journalists officially registered with the Media Department in the Self-Administration of Northeastern Syria.

Illustrative Table (4):

The ratio of male journalists compared to female journalists



This table shows the ratio of male journalists compared to female journalists registered with Media Department in the Self-Administration of Northeastern Syria.

The Media Law:

"Legalization" of Violations against Journalists in Rojava

