

URGENT ACTION

ASSISTANT JUDGE CONVICTED IN UNFAIR TRIAL

On 24 November 2019, the Kurdish security forces, also known as Asayish, arrested Hatsyar Wshyar, assistant judge in Sulaymaniyah court, and held him in solitary confinement for seven days, during which he was reportedly tortured. On 2 December 2019, following an unfair trial, he was sentenced to one year in prison for “misuse of electronics” over social media posts. Currently serving his sentence in Sulaymaniyah prison, he has been on hunger strike since 2 February 2020. He awaits trial on 8 March 2020 for a second lawsuit under the same charges. Authorities must release Hatsyar Wshyar immediately and unconditionally, drop all charges, and ensure a prompt, independent, impartial and effective investigation into the torture allegations.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Judge Bengeen Qasim Mohamed Kattany
 Head of the Kurdistan Region Judicial Council
 Kurdistan Region Judicial Council
 Erbil
 Republic of Iraq
 Email: hozan@krjc.iq

Your Excellency,

Hatsyar Wshyar, an assistant judge at the Sulaymaniyah court, was sentenced on 2 December 2019 to a one-year prison term under article 2 of the penal code, after he was charged with “misuse of electronics” relating to his social media posts criticizing the conduct of certain judges and the manner in which the law was being implemented. In clear violation of fair trial standards, Hatsyar Wshyar was sentenced in a closed hearing, after he was denied access to his own lawyer and appointed a court lawyer instead and was not allowed to speak. Moreover, the charges per se represent a clear violation of his right to exercise his freedom of expression.

On 24 November 2019, the Asayish forces arbitrarily arrested Hatsyar Wshyar during a court hearing in which he was contesting the decision to have him removed from his job. Asayish forces held him in solitary confinement for seven days in the Asayish detention center, where he was reportedly tortured. Since 2 February 2020, Hatsyar Wshyar has been on hunger strike to protest the court's decision and his unfair trial. His medical condition is steadily deteriorating as a result. He faces a new court session on 8 March 2020, with the same charges brought against him in a separate lawsuit.

Hatsyar Wshyar's right to a fair trial and to exercise his freedom of expression have both been violated, in contradiction with Iraq's obligations under article 38 of the Iraqi constitution, as well as the International Convention on Civil and Political Rights.

I urge you to immediately and unconditionally release Hatsyar Wshyar, and drop all charges in ongoing lawsuits, and ensure a prompt, independent, impartial and effective investigation into the claims of torture. I also urge you, that pending his release, he has access to qualified health professionals providing health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

In 2017, the Union of Judges filed multiple lawsuits against Hatsyar Wshyar for “using unseemly phrases on his private social media accounts targeting certain individuals” under article 236 of the penal code. He frequently published posts on his social media accounts, criticizing the justice system in Sulaymaniyah and what he saw as corrupt practices in the courthouse. He was detained for 50 days and sentenced to four months in prison, during which time he was dismissed from his position. He was released in January 2018 and pursued legal action against the courthouse for firing him.

On 24 November 2019, the Asayish forces arbitrarily arrested him during his court hearing, searched his family home, taking official documents related to his case, his mobile phone and laptop. Hatsyar Wshyar remained in solitary confinement with the Asayish for seven days, where he was reportedly blindfolded and tortured. He was transported directly by the Asayish to face a closed hearing where he was sentenced to one year in prison for “misuse of electronics” under article two of the penal code.

He is currently on hunger strike and is refusing family visits because he is too weak to transport himself to the visitation room. He awaits trial on 8 March 2020.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Kurdish, Arabic

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 10 April 2020.

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Hatsyar Wshyar (he/his)