

URGENT ACTION

ASSISTANT JUDGE'S TRIAL POSTPONED

The trial of assistant judge Hatsyar Wshyar was postponed from 8 March 2020 to 22 and 26 April 2020, following the COVID19 outbreak in Iraq. Hatsyar remains on hunger strike since 2 February 2020 and his health has significantly deteriorated. Authorities must release Hatsyar Wshyar immediately and unconditionally, drop all charges, and ensure a prompt, independent, impartial and effective investigation into the torture allegations. Pending his release, authorities must urgently provide him with the needed medical care, especially as the risk of contamination of prisons amidst the COVID19 epidemic puts him in serious danger.

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
c/o Dr. Dindar Zebari,
Head of the Committee to Evaluate and Respond to International Reports
Erbil, Republic of Iraq
Email: dindar.zebari@gov.krd*

Your Excellency,

The trial of assistant judge at the Sulaymaniyah court **Hatsyar Wshyar** was postponed from 8 March 2020 to 22 April 2020 and 26 April 2020, following the COVID19 outbreak in Iraq. He is being charged on "misuse of electronic devices".

Hatsyar Wshyar has been on hunger strike to protest the court's decision on another unfair trial he faced where 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". The charges related 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 charge per se represents a clear violation of his right to exercise his freedom of expression.

Hatsyar Wshyar's medical condition is steadily deteriorating as a result of his hunger strike. He faces further risks of severe illness given the outbreak of COVID19 in Iraq, that puts prisoners at risk of contamination. 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 20 April 2020, and 26 April 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: 5 May 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/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde14/1881/2020/en/>

Also send copies to:

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