



IBAHRI Freedom of Expression Bulletin

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In response to the new social media law which has come into force in Turkey, **IBAHRI Director and Member of the High Level Panel of Legal Experts on Media Freedom**, Baroness Helena Kennedy QC remarked:

'In the latest effort to crackdown on dissident voices in Turkey, last week the Erdogan government brought into force an amendment to the law on internet crimes. The clear purpose of the new law is to extend his control of content on social media platforms and restrict freedom of expression. The law requires representatives from social media companies to establish a formal presence in the country and to respond to requests from authorities to censor or block access to content online. Non-compliance could result in heavy fines and a severe decline of internet bandwidth. The amendment is a tool for repression and encourages the proliferation of digital censorship – it could set a very concerning precedent for authoritarian governments worldwide.'

1. National security and emergency measures

Since the outset of the Covid-19 pandemic, several states have chosen to resort to emergency measures to allow for the issuing of new extraordinary measures. Although a state of emergency may be justified in the context of a pandemic, it is risky to extend a government's powers beyond the constitutional standard, as it becomes difficult to review all measures taken and to ensure that the government relinquishes its newly-extended powers at the end of the crisis.

2. Privacy and surveillance

As the spread of the virus relies heavily on the public's behaviour and on how well-informed people are regarding the virus' transmission and its effects, some states have taken it into their hands to monitor and closely control people's movements, even at the cost of their privacy. Many states have demonstrated how technological surveillance is being used in this context and also how worrying such measures are when they are not strictly defined and limited.

3. Safety of journalists

During this pandemic, the personal safety of journalists and media workers, especially those reporting from the frontlines of this global crisis with accurate and reliable information for the public, is paramount. There are very real concerns about the physical safety of journalists, and the considerable psychological stress of reporting on the outbreak.¹ Across the globe, we are seeing journalists being threatened and punished for speaking out about the extent of the situation in their countries.

4. Free speech

Some countries have sought to restrain freedom of speech, as they consider that alternative reporting on the current state of affairs constitutes a counter-productive discourse and is therefore an obstacle in their response to the crisis. This is a worrying trend that could result in a detrimental unawareness of the real implications of the pandemic. By silencing non-official voices, states not only hinder the global response to the virus, but also sap democratic stability by favouring opacity over transparency.

5. Digital rights and internet shutdowns

It is clear that the internet has played a key role in fighting the spread of coronavirus, as it facilitates the exchange of information about the virus around the globe as well as the international coordination of efforts against the virus. Consequently, restricting access to the internet in general, or to certain websites such as social media platforms, participates in obscuring the reality of this global pandemic, which is tantamount to preventing the public from accessing relevant scientific facts.

¹ UNESCO, 'UNESCO stresses importance of safety of journalists amid COVID-19 pandemic', 27 March 2020 <https://en.unesco.org/news/unesco-stresses-importance-safety-journalists-amid-covid-19-pandemic>

1. National security and emergency measures

A state of emergency usually involves a devolution of power to the executive organs of the state, with little or no legislative review, as justified by the urgency of the situation. It enables a government to take measures, which, for a limited amount of time, may restrain individual liberties or hinder government accountability in order for it to swiftly and adequately respond to a crisis. A state of emergency is an extraordinary status as it allows the state to interfere with individual rights, and there is always the risk that a state may take advantage of this and use its extended powers for purposes less commendable than that of containing the virus.

Turkey

The amendment to Law No 5651, entitled Regulation of Publications on the Internet and Suppression of Crimes Committed by means of Such Publication, was passed in Turkish parliament on 29 July 2020 and came into force on 1 October. The law obliges all social media platforms with more than a million visitors per day to have a formal presence in Turkey by opening an office or assigning an in-country representative,² and to send reports to Turkey's Information and Communication Technologies Authority (BTK) on their response to requests from administrative or judicial authorities to censor or block access to online content.³ To this end, if social networking platforms like YouTube, Twitter, and Facebook do not comply with content removal requests from Turkish authorities within 48 hours after the request, they will be subject to harsh sanctions – an alarming development for online free speech in Turkey.⁴

Numerous human rights organisations expressed alarm about the new amendment, especially Reporters without Borders (RSF) who had registered no fewer than 347 cases of online articles being censored for constituting an insult, threat to national security, or violation of the 'right to be forgotten', with the censorships being both at the request of the authorities, as well as companies and individuals close to the government, including the president's son, Bilal Erdogan, and his son-in-law, Berat Albayrak, the current finance and treasury minister. Further, three websites remain completely inaccessible.⁵

In 2019, Turkey blocked access to 408,000 websites, 40,000 tweets, 10,000 YouTube videos and 6,200 Facebook shares. The country is ranked 154th out of 180 countries in RSF's 2020 World Press Freedom Index.⁶ Turkish authorities have had a tight grip on online free speech for years and the new law will allow the censorship to reach unprecedented levels. So far, tech giant

² The Guardian, "It's a war on words": Turks fear new law to muzzle social media giants', 27 September 2020, www.theguardian.com/world/2020/sep/27/its-a-war-on-words-turks-fear-new-law-to-muzzle-social-media-giants

³ RSF, 'Tighter control over social media, massive use of cyber-censorship', 1 October 2020, [//rsf.org/en/news/tighter-control-over-social-media-massive-use-cyber-censorship-0](https://rsf.org/en/news/tighter-control-over-social-media-massive-use-cyber-censorship-0)

⁴ Euronews, "Turkish law tightening rules on social media comes into effect", 1 October 2020, <https://www.euronews.com/2020/10/01/turkish-law-tightening-rules-on-social-media-comes-into-effect>

⁵ RSF, n3

⁶ RSF, [//rsf.org/en/taxonomy/term/145](https://rsf.org/en/taxonomy/term/145)

Facebook has publicly defied the new law,⁷ with other organisations Google, TikTok and Twitter opting to remain silent as to whether or not they will comply the new law and appoint representatives in Turkey.

The restrictions on social media platforms will be gradually implemented should they fail to appoint representatives in Turkey, starting from an official warning from Turkey's Information Technologies and Communications Authority. This warning will be followed by a TRY 10m (\$1.3m) fine for each platform in November and an additional TRY 30m (\$3.9m) fine in December. In January 2021, if social media platforms persist in not appointing representatives, they will be barred from advertising on their platforms in Turkey. Finally, the bandwidth of social media platforms will be decreased 50 per cent, which may be bumped up to 90 per cent in May 2021.

In the new attempt to restrict free speech, the Erdogan government's intention to decrease the bandwidth of social media platforms as a result of not appointing a representative is a disproportionate measure which does not comply with its international human rights obligations, in particular, obligations under Article 10 of European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

As stated in previous issues of this Bulletin, the IBAHRI urged Turkey not to enacted this law and now call on Turkey to amend the new social media law in line with its international human rights obligations and on social media platforms not to appoint representatives in Turkey as per businesses' obligation to respect human rights law.

Egypt

The Egyptian government has introduced a new personal data protection law that will come into effect on 15 October 2020. Although it has a framework similar to European Union General Data Protection Regulation (GDPR), with positive developments in the protection of privacy rights in Egypt, the new law also has a number of shortcomings. Two alarming failings in the law are the exemptions granted to a number of governmental entities for usage and processing data, and the lack of independence of the personal data protection authority.⁸

According to the new law, national security authorities of Egypt, including the Presidency, the Ministry of Defence, the Ministry of Interior and the General Intelligence Service will be able to process personal data of individuals without complying with the safeguards set forward in the law. This is particularly alarming since national security authorities of Egypt have committed human rights abuses for decades, and are responsible for online censorship and targeting journalists and human rights defenders in the country.⁹ The recent crackdown on female social media influencers, which the IBAHRI reported on in the previous issues of this Bulletin, pose a clear example of the motives of national security authorities in Egypt.

⁷ Financial Times, 'Facebook to defy new Turkish social media law', 5 October 2020, www.ft.com/content/91c0a408-6c15-45c3-80e3-d6b2cf913070

⁸ Access Now, 'Egypt's new data protection law: data protection or data control?', 24 September 2020, www.accessnow.org/egypts-new-data-protection-law-data-protection-or-data-control/

⁹ Human Rights Watch, 'Torture and National Security in al-Sisi's Egypt', 5 September 2017, www.hrw.org/report/2017/09/05/we-do-unreasonable-things-here/torture-and-national-security-al-sisis-egypt

The second major limitation of the new personal data protection law of Egypt is the lack of independence of the Personal Data Protection Centre, the authority that oversees the implementation of the law. The authority will have a board appointed by the Minister of Information and Communications Technology, which will include representatives from the Ministry of Defence, Ministry of Interior and Intelligence Services, among seven other members. The composition of board members of the authority leaves it doubtful that it will have any independence from the executive at all.

Whilst we welcome the efforts of the Egyptian government to draft and enact a personal data protection law, we remain deeply concerned about the alarming issues within the law that threaten privacy rights. In this respect, the Egyptian government should take action and amend the law in line with international human rights standards upon consultation with relevant stakeholders, including civil society.

United States

On 17 September 2020, a United States Senator introduced a privacy bill, the SAFE DATA Act. According to Access Now, a non-governmental organisation on privacy rights, the draft bill provides minimal improvements and protection compared to the current law and, in fact, undermines privacy rights in states that already provide more protection.¹⁰

The pre-emptive provision included in the draft pre-empt protection in, among others, the California Consumer Privacy Act, Illinois' Biometric Information Privacy Act and Maine's broadband privacy law. Further, the draft bill includes no civil rights protection and is, therefore, 'far from being a "safe data" act'.¹¹

The IBAHRI calls on the US authorities to carefully review the draft bill in consultation with relevant stakeholders and amend its provisions in accordance with international standards on privacy rights.

Nicaragua

On 22 September 2020, Nicaragua's ruling party introduced a draft law that would require individuals, businesses and civil society organisations which receive funding from abroad to register as 'foreign agents'. According to the draft Regulation Law on Foreign Agents the registered 'foreign agents' would have to abstain from intervening in domestic politics due to alleged national security threats.¹² The bill requires the registration of 'foreign agents' within 60 days and those who fail to register will face harsh measures, including the freezing of assets and cancellation of legal personality.

¹⁰ Access Now, 'The SAFE DATA Act is "safe" in name only', 18 September 2020, www.accessnow.org/the-safe-data-act-is-safe-in-name-only/

¹¹ Access Now, n10

¹² Civicus, 'Proposed Foreign Agents Law Would Expand Government Control Over Civil Society in Nicaragua', 28 September 2020, monitor.civicus.org/updates/2020/09/28/proposed-foreign-agents-law-would-expand-government-control/

On 25 September 2020, more than 30 national and regional civil society organisations signed a statement regarding the draft bill, expressing their profound distress as to the threat it poses to freedom of expression, freedom of assembly and rights of human rights defenders.¹³

The draft law constitutes a further blow on the shrinking civil space in Nicaragua. The United Nations Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, expressed her concern about the draft law, stating she has witnessed, *'a clear trend towards the repression and stigmatisation of human rights defenders through the application of these laws in other countries where similar regulatory frameworks have been established.'*¹⁴

The IBAHRI is deeply concerned about the draft law and strongly urges Nicaraguan authorities to withdraw it. The IBAHRI reminds Nicaragua of its international human rights obligations, particularly in the ICCPR and calls on the government to cease attacks on human rights defenders.

¹³ CEJIL, 'Nicaragua: Pronunciamiento sobre iniciativa de Ley de Regulación de Agentes Extranjeros', 25 September 2020, www.cejil.org/es/nicaragua-pronunciamiento-iniciativa-ley-regulacion-agentes-extranjeros

¹⁴ Civicus, n12

2. Privacy and surveillance

Certain states have opted to track down individuals' movements by using their mobile phone data with little, if any, regard for their privacy. Although this sort of measure may be supported in the midst of a pandemic that is lethal for a significant proportion of the population, such technological prowess should be watched attentively, as it is evident that it could be used to serve other purposes.

Contact tracing apps are reported to be in operation in China, Czech Republic, Ghana, Hong Kong, Iceland, India, North Macedonia, Poland, Singapore and South Korea. The IBAHRI, along with many global privacy campaigners, activists and lawyers, is concerned about the implications of mass surveillance through these apps. Particularly whether the current Covid-19 pandemic is being used as a 'Trojan horse' to build a surveillance infrastructure that will long continue after the health threat has passed, or one that is largely dependent on political will to have conditions reviewed and revoked. In April 2020, Amnesty International, along with 100 other organisations, issued a statement calling for limits on this kind of surveillance.¹⁵ The statement requests that states interested in Covid-19 containment projects comply with eight conditions endorsed by the IBAHRI:

- 1) Surveillance must be 'lawful, necessary and proportionate'.
- 2) Extensions of monitoring and surveillance must have sunset clauses.
- 3) The use of data would have to be limited to Covid-19 purposes.
- 4) Data security and anonymity would have to be protected and shown to be protected based on evidence.
- 5) Digital surveillance would have to avoid exacerbating discrimination and marginalisation.
- 6) Any sharing of data with third parties would have to be defined in law.
- 7) There must be safeguards against abuse and procedures in place to protect the rights of citizens to respond to abuses.
- 8) 'Meaningful participation' by all 'relevant stakeholders' would be required, including public health experts and marginalised groups.

Netherlands

Dutch authorities have started to implement a policy programme named 'The Sensing Project' in the city of Roermond, which uses algorithmic systems to predict criminal activities before they occur. Amnesty International has described the new policing tool as 'indiscriminate mass surveillance and ethnic profiling' in its new report '*We Sense Trouble*'.¹⁶

¹⁵ Amnesty International, *Joint civil society statement: States use of digital surveillance technologies to fight pandemic must respect human rights* (PDF), 2 April 2020, www.amnesty.org/download/Documents/POL3020812020ENGLISH.pdf

¹⁶ Amnesty International, 'Netherlands: End Dangerous Mass Surveillance Policing Experiments', 29 September 2020. www.amnesty.org/en/latest/news/2020/09/netherlands-end-mass-surveillance-predictive-policing/

These tools operate by utilising data and algorithmic models to assess the risk of a crime being committed by a particular person or at a particular location. Thereafter, law enforcement officers are directed towards those individuals or locations deemed 'high risk' by the programme.¹⁷ However, the data input has been found to be highly discriminatory against certain groups, particularly Eastern Europeans with Roma ancestry, revealing its prejudicial, rather than predictive, nature. This is further exasperated by the under-regulation of such tools within the EU, as well as little oversight and accountability mechanisms, and the fact that the system is fundamentally flawed with the profusion of false positives in the use of facial recognition technology. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, also warned that 'emerging digital technologies driven by big data are entrenching racial inequality, discrimination and intolerance,'¹⁸ describing artificial intelligence as 'systems of discrimination' at their core.¹⁹ Facial recognition should not be viewed as an objective and unbiased system by states. Algorithms are only as accurate as the information used to train them, which is curated by upper-class white engineers in Silicon Valley graduating from universities such as MIT and Stanford, and it is them who decide where to source images from, be it licensing bureaus, prison databases or social media.²⁰

The Sensing Project violates several human rights, particularly the right to privacy, with the European Court of Human Rights (ECtHR) previously ruling that when authorities store data relating to private life in the context of criminal law enforcement, there is an interference with privacy.²¹ Additionally, stopping and searching a person in public can be an interference with the right to privacy.²² A United Kingdom court held in August that the use of automated facial recognition violated Article 8 of the European Convention on Human Rights (ECHR).²³ This form of policing is akin to other policies such as the 'stop-and-frisk' policy of New York or the 'Sus laws' of the UK, which depended on racial profiling and targeting individuals from minorities groups, particularly of African origins, as a crime prevention method. This revealed the prejudicial bias of police officers and institutionalised racism. The current Dutch 'Sensing Project' reveals the same form of institutionalised racism and confirmation bias from the algorithm's developers and law enforcement agencies, and is now underpinned with prejudicial artificial intelligence.

¹⁷ Amnesty International, *We Sense Trouble: Automated Discrimination and Mass Surveillance in Predictive Policing in the Netherlands*, 29 September 2020, www.amnesty.org/download/Documents/EUR3529712020ENGLISH.PDF

¹⁸ United Nations Human Rights Council, *Racial discrimination and emerging digital technologies: a human rights analysis*, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 3 July 2020, <https://undocs.org/en/A/HRC/44/57>

¹⁹ UNHRC, n18, paragraph seven

²⁰ Chun, S. *Facial Recognition Technology: A Call for the Creation of a Framework Combining Government Regulation and a Commitment to Corporate Responsibility* (2020) 21 North Carolina Journal of Law and Technology, Vol. 21(4). P. 107. ncjolt.org/wp-content/uploads/sites/4/2020/04/Chun_Final.pdf

²¹ ECtHR 16 February 2000, no. 27798/95 (*Amann v Switzerland*), para 65-67; ECtHR 7 July 2015, no 28005/12 (*MN and others v San Marino*), para 53

²² ECtHR 12 January 2010, no 4158/05 (*Gillan and Quinton v United Kingdom*), para. 61-65

²³ UK Human Rights Blog, 'Facial Recognition Technology not "In Accordance with Law"', 13 August 2020 ukhumanrightsblog.com/2020/08/13/facial-recognition-technology-not-in-accordance-with-law/

The use of mass surveillance can never be a proportionate interference with the rights to privacy and freedom of expression.²⁴ The IBAHRI reminds The Netherlands that the project is therefore a violation of the right to privacy and must be put to an end immediately as it cannot be reconciled with international human rights law and the European Convention on Human Rights.

Iran

A report,²⁵ released last week, has revealed that Iranian authorities led a six-year surveillance operation named 'Rampant Kitten', conducted by state-sponsored hackers that targeted dissidents, expats and state-opposed organisations, violating a myriad of individuals' right to privacy. The operation stored personal documents, tracked GPS location data, and phished personal information from computers and phones.

The targets of the operation almost exclusively emanated from organisations that advocate for the liberation of minorities within Iran, who make up approximately 35 per cent to 49 per cent of the central Asian country. UN experts have previously found that ethnic and religious minorities are more prone to discrimination, greater surveillance, invasion of privacy and other human rights violations, than their Persian counterparts, despite legal guarantees regarding freedom of cultural expression entrenched in the Iranian constitution.²⁶

The operation also targeted Telegram (an instant communication app popular amongst protestors and political dissidents as it allows users to cloak their identities and it encrypts messages)²⁷ by sending users an error message and redirecting them to a login page that would then identify the user.²⁸ Telegram is particularly popular in Iran because it is 'un-decryptable' and following a 2010 amendment to the Computer Crimes Law of Iran,²⁹ authorities had placed greater requirements on identity verification to internet users, with the Supreme Council of Cyberspace adopting a document titled 'Authentic Identity System in Cyberspace' in 2019

²⁴ Amnesty International, n17

²⁵ CPO Magazine, 'Six-Year Surveillance Operation by Iranian Hackers Targeted Dissidents, Tracked Locations and Stole Personal Information', 01 October 2020, www.cpomagazine.com/cyber-security/six-year-surveillance-operation-by-iranian-hackers-targeted-dissidents-tracked-locations-and-stole-personal-information/

²⁶ OHCHR, 'Iran: UN expert says ethnic, religious minorities face discrimination', 22 October 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25183&LangID=E

²⁷ Reuters, 'Exclusive: Messaging app Telegram moves to protect identity of Hong Kong protesters', 31 August 2019, <https://www.reuters.com/article/us-hongkong-telegram-exclusive-idUSKCN1VK2NI>

²⁸ CPO Magazine, n25

²⁹ UNODC, Computer Crimes Act, 09 March 2014, [www.unodc.org/res/cld/document/computer-crimes-act.html/Computer Crimes Act.pdf](http://www.unodc.org/res/cld/document/computer-crimes-act.html/Computer%20Crimes%20Act.pdf)

allowing for the identification of users.³⁰ The Centre for Human Rights in Iran called this a violation of the right to privacy.³¹

Thus, the Rampant Kitten operation has further eroded individuals' right to privacy and non-discrimination through mass surveillance, phishing of personal computers and phones, and the hijacking of Telegram accounts, further impairing Iranian civil society's to access basic human rights. The IBAHRI finds that the use of the malware by Iranian authorities in its cybersecurity attacks are in gross contravention of international law, particularly the ICCPR which is applicable to the online world. This makes the state of Iran, which is historically known for its invasive internet policies, a violator of human rights through this six-year long surveillance operation.

Russia

Russian authorities are currently expanding the use of facial recognition technology by integrating it into CCTV camera systems, despite a lack of regulation, public or judicial oversight and data protection. Moscow has one of the world's largest facial recognition system with over 100,000 CCTV cameras connected since January 2020.³² On 25 September 2020, it was reported that CCTV cameras with facial recognition software will be installed by the regional authorities in public spaces and at the entryway of apartment buildings in another ten cities across Russia, with the purported aim of protecting public safety.³³ Moscow authorities are also planning to expand the use of this technology, installing CCTV cameras with facial recognition software in trams and on 25 per cent of all metro trains.³⁴

The technology has also been used to track and trace coronavirus patients, as well as fining patients who violate quarantine rules; among fears that the enhanced monitoring will outlive the pandemic. The technology has been used by authorities to crackdown on protestors, for example, in 2019, 20,000 protestors rallying in Moscow against the exclusion of independent candidates from the city's legislature elections had to pass through metal detectors with CCTV cameras at eye-level and had their identities captured on the system.³⁵ Additionally, the software has been incorporated into Russia's most popular search engine 'Yandex', making it possible for virtually anyone online to discover a person's identity with a simple picture and reverse searching the image, thereafter linking it to a social media account. Thus, once an individual is in the public sphere, their identity can be easily determined at any given time by both authorities and private individuals.

³⁰ The Jerusalem Post, 'Iran to Implement 'Cyber Security Document' for Internet Users', 1 September 2019, www.jpost.com/middle-east/iran-to-implement-cyber-identity-document-for-internet-users-600287

³¹ Centre for Human Rights in Iran, 'Iran's requirement for Internet users to verify their identity would further erode privacy rights', 15 November 2018, www.iranhumanrights.org/2017/11/irans-requirement-for-internet-users-to-verify-their-identity-would-further-erode-privacy-rights/

³² ABC News, 'How Russia is using Facial Recognition to Police its Coronavirus Lockdown', 30 April 2020, abcnews.go.com/International/russia-facial-recognition-police-coronavirus-lockdown/story?id=70299736

³³ Kommersant Daily, 'Moscow Authorities will Introduce a Face Recognition System at Public Events', 25 September 2020, www.kommersant.ru/doc/4503379

³⁴ Human Rights Watch, 'Russia Expands Facial Recognition Despite Privacy Concerns', 2 October 2020, www.hrw.org/news/2020/10/02/russia-expands-facial-recognition-despite-privacy-concerns

³⁵ Human Rights Watch, n34

The expansion of the use of the technology poses a serious threat to the right to privacy and freedom of assembly. In a 2019 report by the European Union Agency for Fundamental Rights on facial recognition's impact on human rights, it was found that the surveillance technology constituted an interference with the right to protection of personal data and to private life set out in Article 8 and 7 of the EU Charter. Additionally, the Human Rights Committee stated in General Comments no 37, that the use of facial recognition infringes on the right to privacy as enshrined in Article 17 of the ICCPR. It states, 'independent and transparent scrutiny and oversight must be exercised over the decision to collect the personal information, and data of those engaged in peaceful assemblies and over its sharing or retention, with a view to ensuring the compatibility of such actions with the Covenant.'³⁶

As such, the IBAHRI recommends that if the use of facial recognition is employed, it must be used with human rights due diligence, including transparency and independent oversight, in order to comply with international law, however, the scale at which mass surveillance is currently employed in Russia can never be compatible with the international human rights framework.

³⁶UN Human Rights Committee, General Comments No 37, 17 September 2020, www.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f37&Lang=en

3. Safety of journalists

The independence and safety of journalists is a crucial factor of transparency and accountability, and, therefore, a vital component of democracy. As a result, any attempt by a state against the integrity, the livelihood or the safety of journalists is fundamentally anti-democratic. In addition, the current state of the pandemic has made the work of journalists even more crucial, as the exchange of information relating to the virus and our consequent increased knowledge of its characteristics and impact will eventually contribute to the outcome of this crisis. However, a trend of grave concern to the IBAHRI is how many governments across the world are adopting legislation that clearly risks impeding the work of journalists and the media, therefore restricting the public's right to receive accurate and reliable information at this unprecedented time. Problematically, many laws also carry heavy fines and criminal sanctions, threats of arrest and jail time for those on the frontline simply doing their jobs.

Belarus

The situation of increased police violence against post-election protesters continues in Belarus.³⁷ In previous issues of the Bulletin, the IBAHRI have extensively reported on the situation in Belarus and we continue to closely watch the developments in the country, including violence towards and interference in the reporting of journalists, and, most recently, urging the release of detained lawyers Ilya Salei and Maxim Znak.³⁸

Recently, international organisations have stepped up their efforts to stop President Lukashenko regime's crackdown on peaceful protestors who have the right to free speech and freedom of assembly. In particular, on 17 September, Member States of the Organization for Security and Cooperation in Europe (OSCE) invoked the Moscow Mechanism, establishing an independent expert mission to investigate alleged abuses in Belarus. On 18 September, the UN Human Rights Council adopted a resolution about the post-election human rights crisis in Belarus, urging the Belarussian authorities to fulfil their obligations under international human rights law, and mandating the UN's Human Rights Commissioner to closely monitor the situation.³⁹

Finally, on 2 October, EU leaders decided to impose targeted sanctions against 40 Belarussian officials who have been identified to be responsible for the crackdown against peaceful protestors. The sanctions include asset freezes and travel bans. However, unlike the UK and Canada's sanctions, President Lukashenko is not in the list of sanctioned individuals as the EU leaders voted against imposing sanctions against him.⁴⁰

The IBAHRI welcomes the heightened scrutiny by international organisations regarding the crisis in Belarus and calls on this scrutiny to continue. Furthermore, the IBAHRI strongly calls on

³⁷ Human Rights Watch, 'Police Abuse Continues in Belarus', 21 September 2020, www.hrw.org/news/2020/09/21/police-abuse-continues-belarus

³⁸ IBAHRI, 'IBAHRI urges release of lawyers Ilya Salei and Maxim Znak in Belarus', 28 September 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=e188448b-7541-47aa-8e31-5bcc39501085

³⁹ Human Rights Watch, n 37

⁴⁰ Yahoo News, 'EU leaders back Belarus sanctions, warn Turkey', 2 October 2020, news.yahoo.com/eu-leaders-talk-turkey-ties-163553533.html

President Lukashenko's regime to end violence against peaceful protestors, immediately release all detainees, and agree to conduct free and fair elections in consultation with all stakeholders.

Georgia

On 29 September 2020, at least five journalists who were covering election campaigns were attacked in Georgia ahead of the parliamentary election on 31 October.⁴¹ Three TV crew members were physically attacked during clashes between pro-government and pro-opposition activists in Marneuli. Another journalist was taken to the hospital with a head injury sustained during the violence, while a camera operator was also attacked and his camera smashed. It was stated by the police that an investigation is underway, but no details have been provided so far.

The IBAHRI condemns the attacks on journalists who have been attacked while conducting their professional activities. The IBAHRI joins calls, including from the Committee to Protect Journalists,⁴² for the Georgian authorities to conduct a swift and transparent investigation to identify the responsible individuals. We remind the state of Georgia of its international human rights obligations to protect journalists and call on the authorities to prevent any further attacks on journalists.

Honduras

On 27 September 2020, independent journalist Luís Almeyda was shot by two unidentified gunmen on his way to the supermarket in the city of Comayagua, Honduras. Mr Almeyda was rushed to the hospital but, unfortunately, died the next day.⁴³

Mr Almeyda was a prominent critic of the local corruption and police violence. For many years he worked at national media outlets in Honduras, including *Radio Globo*, *Patrulleros Choluteca* and *Unetv*. He was the creator of a news page on Facebook where he covered local news and had over 25,000 followers.

According to reports, Mr Almeyda had been threatened many times in the recent years for his reporting. Violence against journalists is at alarming levels in Honduras. According to C-Libre, an NGO working on free speech, Mr Almeyda is the 85th journalist to be murdered in Honduras since 2001 and the third since the start of 2020.

The IBAHRI is deeply saddened by the passing away of Mr Almeyda and strongly condemns this heinous attack. The IBAHRI urges the Honduran authorities to immediately investigate the murder and identify the perpetrators. The IBAHRI further urges the Honduran authorities to establish effective mechanisms to protect journalists and uphold its international obligations to ensure the safety of journalists.

⁴¹ Reporters Without Borders, 'At least five journalists attacked while covering Georgia's election campaign', 1 October 2020, rsf.org/en/news/least-five-journalists-attacked-while-covering-georgias-election-campaign

⁴² CPJ, 'At least 5 journalists attacked, beaten in southern Georgia in run-up to parliamentary elections', 5 October 2020, cpj.org/2020/10/at-least-5-journalists-attacked-beaten-in-southern-georgia-in-run-up-to-parliamentary-elections/

⁴³ Reporters Without Borders, 'motorcycle hitmen gun down Honduran reporter', 29 September 2020, rsf.org/en/news/motorcycle-hitmen-gun-down-honduran-reporter

Turkey

On 24 September 2020, three unidentified men attacked Abdullah Bozkurt, an exiled Turkish journalist in Stockholm, Sweden. According to the Committee for Protecting Journalists, one of the men pushed Mr Bozkurt to the ground in the street outside of his house, before all three men kicked him for several minutes and left him with minor injuries on his face, arms and legs⁴⁴.

Mr Bozkurt previously stated that he frequently received threats by social media users in Turkey, and that he did not receive any warning or indication of a forthcoming physical attack against him. Turkish authorities issued an arrest warrant for his alleged membership in the Gülen movement, which the Turkish government considers a terrorist group. After the 2016 coup in Turkey, Mr Bozkurt claimed asylum in Sweden as the Turkish government shut down certain media outlet for its alignments with Gülen movement. Prior to 2016 coup, Mr Bozkurt was the bureau chief for *Today Zaman*, the English version of the *Daily Zaman* newspaper. Mr Bozkurt believes his attackers were the same three unidentified men who, the day before the attack, had stood in the street outside his home and shouted for him to come outside, claiming they wanted to talk. He refused to meet them and filmed a video of the men, which he said he turned over to police following the attack.

Mr Bozkurt is the Executive Director of the Nordic Monitor, a news portal and tracking site. He believes the attack is part of a series of attempts to silence exiled dissent journalists.

The IBAHRI expresses its dismay at the abhorrent abuse suffered by Mr Bozkurt and implores Swedish law enforcement to conduct a thorough investigation to hold those responsible accountable.⁴⁵

Zimbabwe

Reported by the local media on 29 September 2020, the Zimbabwe Human Rights Commission (ZHRC) has called on the Zimbabwean security forces to respect journalists, following numerous reports of continued arrests and assaults.⁴⁶

The ZHRC stated that during the Covid-19 lockdown attacks on journalists have increased significantly. Several journalists are reported to be beaten and ill-treated, while the Zimbabwean government failed to recognise media as an essential service and restricted the movement of journalists.

The IBAHRI remains concerned about the situation of media freedom in Zimbabwe and the attacks on journalists by the security forces. The IBAHRI reminds Zimbabwean authorities of their international obligations to protect journalists and ensure freedom of press. In this regard, the IBAHRI calls on the authorities to investigate the attacks on journalists and prevent any further incidents through establishing effective mechanisms to protect media workers.

⁴⁴ CPJ, 'Exiled Turkish journalist Abdullah Bozkurt attacked in Stockholm', 30 September 2020, cpj.org/2020/09/exiled-turkish-journalist-abdullah-bozkurt-attacked-in-stockholm/

⁴⁵ CPJ, n44

⁴⁶ New Zimbabwe, 'Rights Commission calls on security to respect journalists', 29 September 2020, www.newzimbabwe.com/rights-commission-calls-on-security-to-respect-journalists/

4. Free speech

Article 19 of the Universal Declaration of Human Rights allows for everyone to possess the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and share information. Globally, in recent years, we have seen freedom of expression being eroded, and the Covid-19 crisis intensifies concerns of greater repression of free speech.

Iraq

On 22 September 2020, Bahroz Jaafer, the head of the Mediterranean Institute for Regional Studies and a member of the Kurdistan Journalists Syndicate, was arrested in the city of Sulaymaniyah on defamation charges brought by the President. He recently published an article in which he accused Iraqi President Barham Salih of mismanagement. The article titled, *'How long will the President of the Republic lead on the wrong side?'* raised the issue of the missing \$6m in government oil funds during the time the President had served as the Prime Minister of the Kurdistan Regional Government (KRG) between 2010 to 2012.

The police forces arrested Mr Jaafer after the Deputy of Iraqi President lodged a complaint against him,⁴⁷ under Article 433 of the Iraqi penal code in which if he could face 100 dinar fine and a year in prison. He has been transferred to the Azmar Police Station where he remains in detention until his trial on 30 September.⁴⁸ Concerningly, the charges arise under the penal code rather than the KRG's 2007 Press Law, which allows only for fines in such cases, not imprisonment. Journalist and media workers in Iraq and the region of Kurdistan have often been under attack by authorities – in attempt to criminalise their work –which has often led to detention.⁴⁹ Such practice is a direct strike on right to free speech and media freedom in the country.

The IBAHRI calls on Iraqi authorities to drop all charges against Bahroz Jaafer and release him unconditionally, urging the state to adhere to rule of law and stop criminalising dissident voices.

⁴⁷ Kurdistan24, 'Journalist arrested in Sulaimani after complaint filed by Iraqi President's office', 22 September 2020, www.kurdistan24.net/en/news/a07ff274-f398-46ef-a068-5628fdd8577a

⁴⁸ CPJ, 'Iraqi Kurdish police arrest journalist Bahroz Jaafer over criminal defamation suit filed by Iraq's president', 23 September 2020, cpj.org/2020/09/iraqi-kurdish-police-arrest-journalist-bahroz-jaafer-over-criminal-defamation-suit-filed-by-iraqs-president/

⁴⁹ Kurdistan24, n47

5. Digital rights and internet shutdowns

Governments that are currently imposing an internet shutdown in states, including Jammu and Kashmir, restrict the flow of information during the Covid-19 global crisis. Other states have instead elected to simply cap internet speed, making it virtually impossible to download files, communicate and disseminate information.

Belarus

In previous editions of this Bulletin, the IBAHRI reported on the contracting of private, global company Sandvine Inc, and its direct role in enabling the internet disruptions and censorship in the country in the aftermath of the contentious August presidential election. Reports suggest that deep packet inspection technology, which enables both invasive privacy breaches and mass censorship, 'was produced by the Canadian company Sandvine, owned by infamous US private equity firm Francisco Partners, and supplied to Belarus as part of a \$2.5m contract with the Russian technology supplier Jet Info systems'. On 15 September 2020, Sandvine Inc cancelled its deal with Belarus, saying the government used its products to violate human rights, including 'to thwart the free flow of information during the Belarus election' and resulted in 'the automatic termination of our end user license agreement'.

On 1 October 2020, 22 members of the #KeepItOn coalition sent an open letter,⁵⁰ calling on Austrian-owned A1 Telekom Austria Group 'to publicly outline how and why they implemented internet shutdowns and throttling in August and September 2020, report on their impacts, and challenge their legality in courts'. A1 Telekom Austria Group is the parent company of A1 Belarus — the telecommunications provider implicated in shutting down the internet. The letter claims that the A1 Telekom Austria Group's actions aided efforts by state actors to cover up egregious rights violations, such as excessive use of force by Belarusian law enforcement against protesters, and the use of arbitrary arrest and detentions targeting journalists, activists and protesters. Further, the letter lists a number of recommendations to uphold digital rights in the country, including to: publicly denounce internet shutdowns and disruptions, and highlight their devastating impact; preserve evidence and reveal any demands from the Belarusian government to disrupt internet access, and pressure to conceal those demands; publicly disclose details, such as when internet services were disrupted, their status throughout the shutdown, and when they came back online; contest the legality of internet shutdown orders in court; consult civil society and rally peer companies to jointly push back against government censorship demands; issue regular transparency reports; and deter future shutdown orders.

The IBAHRI joins the undersigned organisations in their request for the telecommunications company to respect human and digital rights in Belarus, particularly as the situation and impact of restricting the rights of peaceful assembly, association, expression, due process and fair trial rights, is still taking place in a serious and concerning manner.

⁵⁰ AccessNow, 'Shutdowns in Belarus: Austrian telco must denounce actions and commit to accountability', 1 October 2020, www.accessnow.org/austrian-telco-must-denounce-internet-shutdowns-in-belarus/