



IBAHRI Freedom of Expression Bulletin

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Statement from the High Level Panel of Legal Experts on Media Freedom on the Covid-19 pandemic

To mark the occasion of **World Press Freedom Day**, the High Level Panel of Legal Experts on Media Freedom issued a statement on 1 May 2020 on the challenges posed to media freedom in the context of the Covid-19 pandemic. The **International Bar Association's Human Rights Institute** (IBAHRI) acts as Secretariat to the High Level Panel.

The full statement appears below:

The High Level Panel of Legal Experts on Media Freedom (the Panel) recognises that the current Covid-19 pandemic has created an unprecedented challenge across the world. This has in turn required exceptional measures by governments to halt the rapid spread of the virus, including measures that impact freedom of movement, freedom of assembly and the right to privacy. While we recognise the challenges that states face in responding to the pandemic, we urge governments to ensure that if any encroachments on press freedom or any other human right are needed, they are limited to what is strictly necessary in the present crisis and are revoked when it abates.

The Panel recognises that false information about the Covid-19 virus is dangerous and can even be deadly, especially when it is spread by governments themselves. But the use of laws purportedly passed to deal with misinformation to silence critical reporting is also dangerous. As the UN High Commissioner for Human Rights has reported, 'some states have used the outbreak of the new coronavirus as a pretext to restrict information and stifle criticism'.

In what has been called a 'Covid Crackdown', over 40 journalists have been arrested or charged around the world following critical reporting on governments' responses to the pandemic, or even for simply questioning the accuracy of case numbers or death tolls. Many governments have introduced or expanded laws criminalising so-called 'fake news' on the pandemic, including, in some cases, by imposing prison terms of up to 20 years. Many of the

pre-existing challenges facing the press have also been exacerbated during this period, including in some western democracies. Around the world, journalists reporting on the virus have been berated at news conferences, had their credentials revoked, the printing of their newspapers banned and their news outlets closed. Some journalists have also reportedly disappeared after publishing coverage critical of the Covid-19 response.

At times of crisis, access to good, fact-checked information and independent, trusted media sources is more important than ever. Whilst international human rights law can allow for restrictions on individual rights in the context of serious public health threats and emergencies, they are only justified when they have a legal basis, are strictly necessary and proportionate to the danger they address, and subject to independent review. We are concerned that a growing number of governments are taking measures that go far beyond that limit, by adopting or extending their emergency powers that fall outside of the legal standard, failing to provide adequate measures for review or failing to include sunset clauses. It is also vital that governments are transparent in their practices and adhere to the principles of democratic accountability.

We are also troubled by the widespread disinformation brought about by the pandemic, which is exacerbating existing tensions, putting the health of the public at risk and leading to violent attacks on those accused of being the source of the disease who are usually from minorities. However, the misuse of 'fake news' laws, and censorship of reporting and online content critical of the government, denies citizens access to critical information on the spread of the virus and undermines public trust in government. We therefore urge governments to take a different course: to work together and with social media companies to address the spread of disinformation by providing reliable content and supporting scientifically informed messaging from public health experts.

We must face this extraordinary challenge with full respect for the rule of law, human rights and democracy. This means that governments that have detained journalists simply for doing their job must release them and that states that have passed laws that violate international human rights standards should repeal them as soon as possible.

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 outbreak¹. 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 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 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.

Cambodia

On 27 April 2020, the state of emergency law was validated by the Constitutional Council of Cambodia after receiving approval in the National Assembly on 10 April 2020, and in the Senate on 17 April. President of the Senate Say Chhum promulgated the state of emergency law on 29 April, as acting head of state in the absence of King Norodom Sihamoni (in China since 31 March²). State officials have stated that the likelihood of the government using the legislation to declare a state of emergency now was very low, as no new cases of Covid-19 had been reported since 12 April, but that the legislation was necessary in case the situation changed.³

The United Nations Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, warned on 17 April of the dangers of emergency measures, reiterating the requirements of necessity and proportionality as provided by Article 51 of the Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights.⁴ The UN Special Rapporteur notably stressed that offences such as 'obstruction' or 'staging an obstacle' to government operations were open to interpretation, and that sentences of up to ten years' imprisonment and heavy fines were disproportionate.⁵

Experts have warned that new catastrophes, similar to those witnessed in the region in recent years could occur in 2020, while the entire health system and the country's infrastructures are entirely dedicated to flattening the Covid-19 curve. This question is especially urgent now, as seasonal rains draw closer, often bringing with them floods, which are already made worse by global warming.⁶ It is when the situation is most dire that the temptation to resort to extreme means of response is strongest. Therefore it is crucial that the state of Cambodia complies with international standards of transparency in this regard. Censorship of the media and the opposition, and restriction of access to

² VOA Cambodia, 'King Departs for China Amid Coronavirus Pandemic and the Potential State of Emergency,' 31 March 2020 www.voacambodia.com/a/king-departs-for-china-amid-coronavirus-pandemic-and-the-potential-state-of-emergency-/5353570.html

³ Khmer Times, 'State of Emergency draft signed into law,' 30 April 2020 www.khmertimeskh.com/50718535/state-of-emergency-draft-signed-into-law

⁴ Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights www.uio.no/studier/emner/jus/humanrights/HUMR5503/h09/undervisningsmateriale/SiracusaPrinciples.pdf

⁵ OHCHR, 'Cambodia's state of emergency law endangers human rights, warns UN expert,' 17 April 2020 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25801&LangID=E

⁶ ReliefWeb, 'Dovetailing disasters: how Covid-19 is compounding risk for Cambodian communities,' 22 April 2020 <https://reliefweb.int/report/cambodia/dovetailing-disasters-how-covid-19-compounding-risk-cambodian-communities>

information and of freedom of expression in general can only lead to exacerbating the vulnerability of the population against the pandemic, but also against unforeseeable environmental disasters that might unfold in the near future. The IBAHRI will continue to monitor developments in Cambodia as the authorities have seemingly elected to maintain their repressive approach to emergency measures.

Kyrgyzstan

A state of emergency was issued on 24 March 2020 in the Kyrgyz capital city, Bishkek, and the cities of Osh and Jalal-Abad, as well as in the Nookat and Kara-Suu districts of the Osh region and the Suzak district of Jalal-Abad region.⁷ A state of emergency was also introduced on 15 April in the Naryn and At-Bashy districts of the Naryn region.⁸

Kyrgyzstan has seen an increase in the number of attacks against journalists in recent years, from both state and criminal non-state actors, with more than a hundred assaults in 2017–2019, a relatively high number considering the country's population of approximately 6.5 million inhabitants.⁹ For instance, journalist Bolot Temirov was assaulted in Bishkek on 9 January 2020 and his news website 'Factcheck' was targeted by a cyber-attack. In addition, media outlets 'Radio Azattyk' and '24.kg' saw their bank accounts frozen by a court order on 12 December 2019. These attacks on press freedom are believed to be linked to investigations into the rampant corruption afflicting the country.¹⁰

Reports from Kyrgyz journalists demonstrate how authorities have been further restricting press freedom in the midst of the fight against coronavirus. Although some state TV crews have been allowed to work in the field, most journalists were initially barred from traveling or conducting interviews in quarantined areas. Journalists have also had difficulty understanding official regulations, which authorities have said are under review.¹¹ In quarantined areas, journalists must strictly follow the emergency laws, meaning they are only allowed outside their homes for essential services, and they must submit any question online or via social media. However, government spokesmen have allegedly often failed to take note of, and answer, questions sent to them through social networks. As the government has become the sole provider of information, journalists say authorities are using the health crisis as a pretext to limit their right to work. In these conditions, media outlets have struggled to conduct their reporting: news website issue fewer articles, most radio stations and television channels are only able to replay old programs or films, or play material recorded in advance. This has

⁷ 24, 'State of emergency in Kyrgyzstan: Number of restrictive measures introduced,' 24 March 2020 https://24.kg/english/147794__State_of_emergency_in_Kyrgyzstan_Number_of_restrictive_measures_introduced

⁸ Институт Медиа Полиси, 'Лишение СМИ аккредитации во время ЧП — неоправданное ограничение,' 18 April 2020 <http://media.kg/news/lishenie-smi-akkreditaczii-vo-vremya-chp-neopravdannoe-ogranichenie>

⁹ The Shift, 'State authorities a source of threats to journalists in six countries – report' 27 April 2020 <https://theshiftnews.com/2020/04/27/state-authorities-a-source-of-threats-to-journalists-in-six-countries-report>

¹⁰ RSF, 'Absurd lawsuit against media outlets over corruption expose in Kyrgyzstan,' 29 January 2020 <https://rsf.org/en/news/absurd-lawsuit-against-media-outlets-over-corruption-expose-kyrgyzstan>

¹¹ VOA News, 'Media Restrictions a Blow to COVID-19 Coverage, Kyrgyz Journalists Say,' 20 April 2020 www.voanews.com/press-freedom/media-restrictions-blow-covid-19-coverage-kyrgyz-journalists-say

led to a deterioration in both the quality of the reporting and the financial conditions of Kyrgyz journalists.¹²

Following an outcry from human rights group and news outlets, the government began to issue accreditations to some non-state reporters on 19 April 2020, on the instruction of President Sooronbay Jeenbekov. However, this accreditation procedure is still inequitable, as, for instance, applications in the city of Osh take about four days to be reviewed, instead of half an hour like in the capital city of Bishkek.¹³ OSCE Representative on Freedom of the Media Harlem Désir deplored 'the continued accreditation problem faced by journalists in Kyrgyzstan, despite a clear instruction by the President's Office to rectify it'.¹⁴

The IBAHRI urges President Sooronbay Jeenbekov to further push Kyrgyz authorities to favour transparency and freedom of information. The benefits of free and independent journalism are needed now more than ever, both for the country's democratic stability, and for public health in Kyrgyzstan, since access to relevant scientific information is key to fighting the virus.

Egypt

The emergency measures in place in Egypt have been extended for three months starting 28 April 2020. This nationwide state of emergency was first declared in April 2017 following the murderous terrorist attacks in Tanta and Alexandria.¹⁵

The renewal of the state of emergency was ordered over health and security concerns, the latter taking the form of a jihadist insurgency that surged after the 2013 coup and concentrated in the Sinai Peninsula, which has been under a state of emergency since October 2014.¹⁶ With regards to the Covid-19 health crisis, Egypt is facing the challenge of tackling the spread of the virus. The holy month of Ramadan has started, which implies the easing of some restrictions, including curfew delays and allowing more shops to open so that people can practise their faith.

President Abdel Fattah El Sisi announced the extension on 28 April and added that the decision would allow armed forces and police to take 'necessary steps' to fight against terror financing, to maintain security across the country, and to protect public and private property and ensure the safety of the

¹² Институт Медиа Полиси, 'Снимут ли власти Кыргызстана ограничения по работе СМИ в период ЧП?', <http://media.kg/news/snimut-li-vlasti-kyrgyzstana-ogranicheniya-po-rabote-smi-v-period-chp>

¹³ Eurasianet, 'Kyrgyzstan law enforcement abusing coronavirus restrictions, activists say' 24 April 2020 <https://eurasianet.org/kyrgyzstan-law-enforcement-abusing-coronavirus-restrictions-activists-say>

¹⁴ OSCE media freedom, 'Concerned by the continued accreditation problem faced by journalists in #Kyrgyzstan, despite a clear instruction by the President's Office to rectify it. Journalists should be able to report and work during the pandemic without undue limitations. @rferl @Begaim @MediaKg' (Twitter, 17 April 2020) https://twitter.com/OSCE_RFoM/status/125116234333505360

¹⁵ See, 'Egypt's Sisi Renews State of Emergency For 3 Months,' 28 April 2020 <https://see.news/egypts-sisi-renews-state-of-emergency-for-3-months>

¹⁶ RFI, 'Egypt extends state of emergency on virus, security fears,' 28 April 2020 www.rfi.fr/en/wires/20200428-egypt-extends-state-emergency-virus-security-fears

people.¹⁷ These extended police powers also include broad powers of arrest and detention,¹⁸ and limitations to freedom of speech and assembly, such as the censoring of newspapers.¹⁹

The decision by Egyptian authorities to extend and increase police powers is worrying, as the country has already consistently showed contempt for transparency and freedom of expression. For example, Reporters Without Borders has found that the country is one of the world's biggest jailers of journalists.²⁰ After the initial scepticism gave way to anxiety and fear in March, leading to the circulation of 'fake news' and disinformation regarding pseudo-cures or prevention methods in the mainstream media,²¹ Egypt has failed to prioritise transparency and scientific rigour in its response to the pandemic.²² In addition, Egypt's media regulator, the Supreme Council for Media Regulation, has blocked or restricted access to several news websites and social media accounts for spreading 'rumours' about the pandemic, without giving further information about the targets and contentious rumours they allegedly spread. For instance, news website *Huna Aden* and newspaper *El Gomhoria El Youm*'s websites were notified on 15 March that they would be blocked for six months.²³

The IBAHRI deplores Egypt's systematic resort to repressive regulations with regards to journalism and access to information. The opacity of the state's response and the uncertainties regarding the real progression of the spread of the virus in the country will inevitably render impossible a good management of the crisis. This extension of the state of emergency should not constitute a blank cheque for the authorities. Given the particular vulnerability of the Egyptian people, the government should prioritise transparency and access to scientific facts, rather than attempting to tighten its control of the media and use them for political posturing.

¹⁷ The National, 'Egypt extends state of emergency by three months,' 28 April 2020 www.thenational.ae/world/mena/egypt-extends-state-of-emergency-by-three-months-1.1011903

¹⁸ RFI, n16

¹⁹ Anadolu Agency, 'Egypt extends state of emergency for 3 months,' 28 April 2020 www.aa.com.tr/en/africa/egypt-extends-state-of-emergency-for-3-months/1821088

²⁰ RSF, 'Egypt – One of the world's biggest jailers of journalists,' 2020 <https://rsf.org/en/taxonomy/term/156>

²¹ Al-Monitor, 'Egypt battles COVID-19 amid flood of misinformation, conspiracy theories,' 31 March 2020 www.al-monitor.com/pulse/originals/2020/03/egyptian-superstitions-jokes-on-coronavirus.html

²² As mentioned in the second issue of this bulletin, The Guardian journalist Ruth Michaelson was expelled from the country for reporting a University of Toronto study which estimated the real number of cases in Egypt in mid-March to be between 6,000 and 19,310 whereas official numbers reported 779 cases and 52 deaths as of 2nd April.

²³ RSF, 'Egypt blocks online 'fake news' about coronavirus,' 3 April 2020 <https://rsf.org/en/news/egypt-blocks-online-fake-news-about-coronavirus>

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 surveillance²⁴. 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.

Australia

The IBAHRI commends the Australian government's refusal to grant law enforcement agencies extended powers with regards to the new Covid-19 contact tracing app. The app provides the user with a history of who that person had contact with in the past 14 days. Australia's attorney general confirmed that the police would have no access to the data, and that this data was only for the use of disease detectives²⁵, in accordance with requirements for surveillance to be lawful, necessary and proportionate. Government officials have assured that no geolocation data will be stored, that downloading the app was voluntary, and that all data stored on the app would be destroyed when the

²⁴ Joint civil society statement: States use of digital surveillance technologies to fight pandemic must respect human rights (PDF), Amnesty International, 2 April 2020 www.amnesty.org/download/Documents/POL3020812020ENGLISH.pdf

²⁵ The Guardian, 'Government refuses police request for access to Australian coronavirus contact tracing app,' 23 April 2020 www.theguardian.com/australia-news/2020/apr/23/government-rules-out-police-having-any-access-to-australian-coronavirus-contact-tracing-app

app was deleted. When someone is diagnosed with the virus, health officials can view the individual's encrypted contact information, and use this data to inform any relevant individuals that they may have been exposed.²⁶

Israel

Several weeks after Shin Bet started tracking mobile phones of people with coronavirus, the Israeli High Court of Justice ordered the government to provide exemptions for journalists from mobile phone tracking on 26 April 2020. The decision follows a petition by a coalition of rights organisations who requested the exclusion of journalists from surveillance measures, as they feared such surveillance could have a chilling effect on both journalists and their sources. The government will have to allow journalists diagnosed with the virus to ask for a court order prohibiting Shin Bet access to their cell phone data.²⁷ This judgment was preceded by the decision on 22 April by an oversight committee of the Israeli Parliament, to suspend a bill intended to extend in time police access to infected people's cell phone data through the 'HaMagen' app, which was designed to allow the identification of contacts with diagnosed patients, and the people who came in contact with them.²⁸ Although surveillance through this tracking app has been suspended, surveillance is still ongoing as intelligence services continue to track confirmed carriers.

The IBAHRI welcomes this decision of the High Court of Justice, which represents a step forward in the protection of media freedom and the right to information in Israel by providing a new safeguard against interferences of state agencies in journalistic work. However, the IBAHRI remains concerned over reports that the Israeli military is seeking to access data on Palestinians' cell phones. It has been reported that Palestinians staying in Israel have been instructed to install an app, which allows them to consult their permit to stay and ensure its validity, while giving the Israeli military access to the phone's data. As army offices are closed for the duration of the coronavirus outbreak, Palestinians cannot physically visit the agency in charge of their permit to stay as they usually do. Instead, they have had to download the 'Al Munasiq' app, which requires them to provide private information and to consent to the collection and storing of their personal data for undefined reasons.²⁹ By conditioning the exercise of due diligence of Palestinians in their visa procedures, to their consent to an abusive and open-ended collection of their personal information, the Israeli army is violating the right to privacy of the thousands of Palestinians who were granted a permit to reside in Israel, whether for humanitarian reasons or for family reunification.

United Kingdom

²⁶ Global Citizen, 'Australia Has Launched a COVID-19 App to Make Tracking Cases Easier,' 29 April 2020 www.globalcitizen.org/en/content/australia-launches-covidsafe-tracking-app

²⁷ International Press Institute, 'Israel court strengthens journalists' rights amid surveillance push,' 28 April 2020 <https://ipi.media/israel-court-strengthens-journalists-rights-amid-surveillance-push>

²⁸ Organized Crime and Corruption Reporting Project, 'Israel's Knesset Suspends COVID-19 Cellphone Surveillance,' 24 April 2020 www.occrp.org/en/daily/12179-israel-s-knesset-suspends-covid-19-cellphone-surveillance

²⁹ Middle East Eye, "'The Coordinator': Israel instructs Palestinians to download app that tracks their phones", 8 April 2020 www.middleeasteye.net/news/coordinator-israel-instructs-palestinians-download-app-tracks-their-phones

A worrying development has taken place in the United Kingdom, where authorities are working on a bill which aims to significantly increase the number of public institutions that can access communications data collected under the 2016 Investigatory Powers Act.³⁰

The Investigatory Powers Act requires web and phone companies to collect their clients' web browsing histories, email and phone activity, to store this data for 12 months and to give the police, security services and certain official agencies access to this data, as well as to enable these agencies to hack into devices to collect communications data in bulk.³¹ The British government is seeking to have five additional state entities added to the already long list of police organisations with access to bulk data: The Civil Nuclear Constabulary, the Environmental Agency, the Insolvency Service, the UK National Authority for Counter Eavesdropping, and the Pensions Regulator.

These agencies would not be required to apply for warrants in order to access people's data, which is one of the most contentious aspects of this legislation. It is important to remember that the Investigatory Powers Act was initially framed as instrumental in the fight against terrorism, which brings to mind the widespread concerns over the now-all too common abuses and misuses of anti-terrorism legislations around the world. In the previous issues of this Bulletin³², the IBAHRI already warned of the risk of abuses of surveillance and privacy-invasive technologies in times of crisis, and one may reasonably wonder whether this new move by British authorities constitutes one such abuse.

The justifications given by the government notably revolve around making it easier for these agencies to solve crimes within their remit, and making up for the unavailability of local police forces who normally investigate crimes on their behalf but are now allegedly 'increasingly unable' to conduct these investigations.³³ Yet, the benefits of this unlimited access to the data collectively weigh little against the civil liberties of all residents of the state. Access is not warranted by the compelling requirements for the protection of national security, it is rather defended as a way for these agencies to better conduct their day-to-day operations.³⁴ However, human rights, including the right to privacy, cannot be construed as a luxury granted to people by states, that they may withdraw when it becomes inconvenient: they are inalienable safeguards against state abuses and as such, cannot be dismissed for anything less than an urgent and absolute necessity.

The IBAHRI is concerned with what can be interpreted as an attempt by the United Kingdom to use the current Covid-19 crisis to its advantage by extending access to the bulk of personal data collected under the Investigatory Powers Act 2016 to five more state agencies with little or no connection to missions of counterterrorism or protection of national security.

India

³⁰ ARTICLE 19, 'UK: Government should not use coronavirus as cover for expanding surveillance regime,' 23 April 2020 www.article19.org/resources/uk-government-should-not-use-coronavirus-as-cover-for-expanding-surveillance-regime

³¹ The Guardian, 'Ministers plan to give more UK public bodies power to access phone data,' 22 April 2020 www.theguardian.com/world/2020/apr/22/ministers-plan-to-give-more-uk-public-bodies-power-to-hack-phones

³² IBAHRI Freedom of Expression Bulletin, www.ibanet.org/Human_Rights_Institute/Freedom-of-Expression.aspx

³³ ARTICLE 19, n28

³⁴ Privacy News Online, 'UK government plans to let more agencies access internet connection records with Investigatory Powers Act expansion,' 24 April 2020 www.privateinternetaccess.com/blog/uk-government-plans-to-let-more-agencies-access-internet-connection-records-with-investigatory-powers-act-expansion

Concerns were raised after investigators at *The New York Times* revealed that the Android version of Indian tacking app, Aarogya Seta, leaked a user's latitude and longitude to a YouTube server. Google, which owns the social media platform YouTube, said that the Aarogya Setu app appeared to have sent the location data inadvertently. The app developers and an official in Karnataka said that the app used essential security measures and that the issues identified by *The New York Times* had been resolved.³⁵ Whilst the IBAHRI are pleased to learn of the government's quick action, we remain concerned that in their rush to roll out the app without considerations to privacy and security of individuals at the centre of their focus could lead to further imminent breeches. With urging from Prime Minister Modi, more than 77 million people, about 5.6 per cent of the population, have downloaded it so far³⁶ and local authorities are now promoting the Modi government's app along with their own.

Google and Apple have so far refused to change their systems to allow governments to collect data about people's contacts.³⁷ This is a positive step, however the IBAHRI remain apprehensive that states may use apps for circumstances other than those necessary to contain the virus, and these steps may infringe on the right to privacy. Tracking apps will only be successful if governments have the trust of the public. Individuals will only download apps if they understand that they will keep them safe, support in the fight against the virus and help ease lockdown restrictions. Therefore, the IBAHRI urges governments to be transparent with the public about the purposes of data collection, to ensure that data is encrypted and only used for the purposes stated. There should be strict time limits on data collection, and the duration for which it can be held.

³⁵ The New York Times, 'A Scramble for Virus Apps That Do No Harm,' 29 April 2020 www.nytimes.com/2020/04/29/business/coronavirus-cellphone-apps-contact-tracing.html

³⁶ The New York Times, n.36

³⁷ The New York Times, n.36

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.

Algeria

On 23 April 2020, Algeria passed a new law criminalising 'fake news' that 'undermines public order and security' or 'state security and national unity'.³⁸ Violations are punishable with up to three years in prison, unless the violation takes place 'at a time of a public health lockdown or natural, biological or technological catastrophe or for any other form of catastrophe', in which case the punishment is five years' imprisonment. The vague terminology provides the Algerian authorities with the tools to silence press criticism. The amendment follows a crackdown on the 'Hirak' anti-government street protests and those in the Algerian media.

The IBAHRI reported on the arrest of Khaled Drareni in the second Freedom of Expression Bulletin. Drareni remains in custody. Between 7 March and 13 April 2020, at least 20 Hirak activists were summoned for police interrogation, or arrested and held in pre-trial detention, or sentenced on charges stemming from their exercise of their right to freedom of speech or peaceful assembly in six cities across Algeria. 32 Hirak activists are currently behind bars, all facing prosecutions under the Penal Code for a range of offences, mainly 'harming the integrity of the national territory', 'incitement to unarmed gathering', or 'publications meant at harming the national interest'. None of these charges are legitimate offences under international law since they criminalise free speech. Amnesty International has accused the Algerian authorities of using the confusion around the current health crises as an excuse to accelerate prosecutions against journalists, activists and supporters of the Hirak movement.³⁹

Azerbaijan

The crackdown on journalists in Azerbaijan continues. On 9 April 2020, Natig Isbatov, a freelance reporter, was arrested for violating lockdown measures after interviewing a woman who had been denied any financial assistance after losing her job as a result of the epidemic. Isbatov is also alleged

³⁸ RSF, "'Fake news' bill will tighten gag on press freedom in Algeria," 23 April 2020 <https://rsf.org/en/news/fake-news-bill-will-tighten-gag-press-freedom-algeria>

³⁹ Amnesty International, 'Algeria: End repression against Hirak activists and journalists amid COVID-19,' 27 April 2020 www.amnesty.org/en/latest/news/2020/04/algeria-end-repression-against-hirak-activists-and-journalists-amid-covid19/

to have recorded a protest outside an office in Baku, again in violation of lockdown. He was sentenced to 30 days of administrative detention under Article 211 of the Administrative Code ('violating lockdown') and Article 535 ('resisting the police').⁴⁰

On 13 April 2020, Ibrahim Vazirov, journalist for Kanal24 Internet TV, was arrested a few days after police had demanded the deletion of online reports about the social and economic impact of the Covid-19 virus. The Ministry of the Interior has reported that Vazirov was arrested for disobeying a lawful request by the police and detained for 25 days. Prior to this, Vazirov had been producing video reports critical of the government's quarantine measures. *Reportyor.info* journalist Mirsahib Rahiloglu was arrested on 13 April 2020 for 'violating quarantine rules' and detained for 30 days. He had also been critical of the local authorities and published interviews with citizens expressing frustration at the lack of financial support during the lockdown.⁴¹

On 20 April, Teymer Kermov, reporter for *Azad Soz*, was followed, attacked and robbed by four men. The assailants took Kermov's camera, laptop and memory card containing a recorded interview with the head of the Azerbaijani Popular Front Party. In previous issues of this Bulletin, the IBAHRI raised concerns that the current pandemic is being used as an excuse to escalate the persecution of independent journalism, iterating the need for free flow of fact-checked and scientific information. Azerbaijani authorities have tried to control the coronavirus narrative since the start of the pandemic. Amendments to the law on information, adopted on 17 March 2020, which allowed for the prosecution of online media for 'inaccurate' or 'dangerous' content has made reporting the crises very difficult.

Frequent and reliable information is an essential component of lessening the impact of Covid-19. Pressure on journalists and publishers to only use official government information from the Covid-19 unit, and warnings to social media users alleged to have shared 'fake news',⁴² are damaging to this effort.

Bosnia and Herzegovina

On 20 April 2020, journalists and camera crew for the commercial channel RTV Slon were detained while reporting on a coronavirus isolation centre in Tuzla, despite having press cards that permit movement during lockdown. The RTV Slon team's phones and cameras were taken and any captured footage deleted. The IBAHRI joins the General Secretary of the BH Journalists' Association, Borka Rudic, in her condemnation of the arrest, and call for an urgent investigation by the Tuzla Cantonal Ministry of the Interior, and for adequate sanctions to be put in place.⁴³

Greece

⁴⁰ RSF, 'Azerbaijani reporter jailed for 30 days over coronavirus reporting,' 22 April 2020 <https://rsf.org/en/news/azerbaijani-reporter-jailed-30-days-over-coronavirus-reporting>

⁴¹ Index on Censorship, 'Disease control? – Index's global project to map media freedom during the coronavirus crisis' www.indexoncensorship.org/disease-control

⁴² RSF, n.41

⁴³ Mapping Media Freedom, 'Corona Watch – The latest violations of press and media freedom during the COVID-19 crisis' <https://mappingmediafreedom.org/index.php/corona-watch-the-latest-violations-of-press-and-media-freedom-during-the-covid-19-crisis>

On 18 April 2020, the Athens-based offices of SKAI, one of the largest media groups in Greece hosting the prominent daily newspaper *Kathimerini* and the SKAI radio and TV stations, was targeted in a firebomb attack. No casualties were reported and there was little damage to the offices. The attack was claimed by a group called Anarchist Comrades, who posted footage online, alongside a statement denouncing SKAI as being part of the 'mass media' mouthpiece of the right-wing government during the Covid-19 pandemic. The statement said Molotov cocktails had been used and hinted at further attacks. Government spokesman Stelios Petsas publically condemned of any attempt to intimidate or threaten media.⁴⁴

Jammu and Kashmir

The IBAHRI are concerned to learn that Jammu and Kashmir authorities are using the draconian Unlawful Activities Act 2019 (UAPA) to threaten and harass journalists for their reporting on the pandemic. Over the past month, journalists have been summoned to police stations, to explain recently published articles on the pandemic. On the 20 April 2020, authorities invoked the UAPA against photojournalist Masrat Zehra and launched an investigation against journalist Peerzara Ashiq for allegedly spreading 'misinformation'.⁴⁵ Not only do these actions create an atmosphere of fear, they also deny the people of the region access to independent, fact-checked information, which is essential in the fight against the virus.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), grants the right to freedom of expression for all, government restrictions to this freedom must be proportionate and necessary. We implore the government of Jammu and Kashmir to drop the charges against Masrat Zehra and Peerzara Ashiq and immediately release all journalists who are imprisoned exclusively for exercising their right to freedom of expression.

India

Worryingly, the Indian government continue to target and intimidate journalists, in an effort to control the narrative on state handling of the pandemic. On the 23 April 2020, Andrew Sam Raja Pandian, founder of the *SimpliCity* news portal, was arrested for publishing an article on alleged shortcomings faced by government healthcare professionals and alleged corruption by some employees of a public distribution system (PDS) outlet, on charges of violating the Epidemic Diseases Act and Section 188 (disobeying the orders of a public servant) and 505(1) (inciting public mischief) and of the Indian penal code.⁴⁶ Authorities claiming the information was false and provocative filed a complaint against him⁴⁷, claiming Pandian 'attempted to bring a bad name to the state government, created unrest among government officials and through this tried to gain popularity for the site', suggesting that the Epidemic Diseases Act and Penal Code is being used to silence critical reporting rather than bringing justice for disturbing the peace. If charged, Pandian could face up to three years in prison.

⁴⁴ Mapping Media Freedom, 'Intimidation' <https://mappingmediafreedom.org/index.php/categories/intimidation>

⁴⁵ Amnesty International, 'India: Government must immediately stop intimidation of journalists in Jammu and Kashmir,' 22 April 2020 www.amnesty.org/en/latest/news/2020/04/journalists-in-jammu-and-kashmir

⁴⁶ The Hindu, 'News portal founder arrested in Coimbatore,' 23 April 2020 www.thehindu.com/news/cities/Coimbatore/news-portal-founder-arrested-in-coimbatore/article31418909.ece

⁴⁷ IPI, Covid-19 – Media Freedom monitoring, <https://ipi.media/covid19-media-freedom-monitoring>

Additionally, on the 19 April 2020, police in Telangana booked three journalists, from different Telugu news channels for allegedly publishing fake news. In all cases, the news was related to Covid-19 and involved government officials⁴⁸ which has led to public threats and attacks towards journalists both on and offline⁴⁹.

The IBAHRI are extremely concerned for the safety of journalists in India. The actions of the Indian government are causing a chilling effect on freedom of expression and prevent the free flow of fact-checked information, which is vital to halt the spread of the virus. We urge the government to respect the right to freedom of expression, as set out in the ICCPR and to immediately release all journalists imprisoned for exercising their rights.

Iran

The brother of Masih Alinejad, an Iranian journalist and women's rights activist based in New York, Alireza Alinejad, was charged with 'unspecified' charges in Tehran on 23 April 2020. Alireza Alinejad was arrested at the end of September 2019 as a part of the state's long-term systematic attacks on Iranian journalists and activists outside Iran, to silence critics' voices. It is believed that Masih's brother had been charged by way of association with her activities as a journalist and activist. The central portion of her brother's first hearing referred to her work, claimed his lawyer, Saeed Dehghan, when notifying Masih in an Instagram private message. In her statement, Masih said: 'My brother's only crime is that he's related to me ... He is subjected to this cruel punishment just to keep me silent'⁵⁰ and to pressure her to stop campaigning against the compulsory hijab in Iran.

Iranian authorities and intelligence services have a long history of harassing and intimidating family members of journalists who work for Persian-speaking media outlets outside Iran. In some cases, it is common knowledge that family members of journalists or those engaging in journalistic activity are detained in an aim to control and pressure Iranian journalists working abroad.⁵¹ Masih Alinejad started an online campaign against the compulsory hijab, 'My Stealthy Freedom' on Facebook in May 2014, which has gained traction and interest. Since then, Masih successfully mobilised Iranians to fight against legislation that requires the compulsory hijab. The campaign launched numbers of initiatives including 'White Wednesdays' where women wear white hijab on Wednesdays as a sign of protest against the law.⁵²

⁴⁸ The New Indian Express, 'Telangana: Three journalists booked for fake news on coronavirus,' 20 April 2020 www.newindianexpress.com/states/telangana/2020/apr/20/telangana-three-journalists-booked-for-fake-news-on-coronavirus-2132573.html

⁴⁹ India Today, 'Maharashtra: Journalist beaten up for writing about quarantined families,' 16 April 2020 www.indiatoday.in/coronavirus-outbreak/story/maharashtra-journalist-beaten-up-writing-quarantined-families-1667709-2020-04-16 and The Hindu, 'Concern over threat to scribe in Arunachal,' 23 April 2020 www.thehindu.com/todays-paper/tp-national/tp-otherstates/concern-over-threat-to-scribe-in-arunachal/article31411160.ece

⁵⁰ Center for Human Rights in Iran, 'Masih Alinejad: My Brother is Facing Prison Time for Being Related to Me,' 24 April 2020 www.iranhumanrights.org/2020/04/masih-alinejad-my-brother-is-facing-prison-time-for-being-related-to-me

⁵¹ UN News, 'Iran: BBC and other broadcast journalists harassed; families threatened – UN experts,' 11 March 2020 <https://news.un.org/en/story/2020/03/1059251>

⁵² My Stealthy Freedom, 'The Photograph that launched a movement' www.mystealthyfreedom.org/our-story

The IBAHRI is extremely concerned for safety of family members of Iranian journalists abroad and condemns the threats and harassment of relatives of foreign-based Iranian media workers.

Nigeria

On 23 April 2020, 12 journalists were reportedly arrested at the Adamawa State Secretariat of Nigeria Union of Journalists after an armed police raid on the premises. They were taken to a Special Anti-Robbery Squad detention centre and charged with breaking the lockdown.⁵³ Journalists from television channel TVC, who were accompanying police as they closed down public places, were attacked and robbed by members of a church in Lagos.⁵⁴ The Ebonyi State Coronavirus and Other Dangerous (Infectious) Diseases and Related Matters Law was passed by the state legislature on 2 April 2020,⁵⁵ and is being used to deter press commentary on the State's handling of the coronavirus pandemic.

Journalists Peter Okutu and Chijioke Agwu, who work for news publications *Vanguard* and *The Sun* respectively, were reported to have been detained by state police. Agwu was held for over five hours on 18 April 2020, and Okutu for two on 21 April 2020 – both were released without charge. The IBAHRI is concerned that the law passed on 2 April 2020 is being used as a scare tactic to deter journalists from reporting on Covid-19 issues, exemplary in the case of Okutu and Agwu. This view is supported in light of comments made by Ebonyi Governor, David Umahi, who on 22 April 2020 said he wanted to ban both reporters 'for life' from the state government house,⁵⁶ a comment he later denied.⁵⁷

Russia

On 20 April 2020, the trial of freelance journalist for *Radio Free Europe/Radio Liberty's* Russian service and the liberal *Ekho Moskvy* radio station, Svetlana Prokopyeva, was due to start. She faces charges of 'justifying terrorism' under Article 205.2(2) of the Russian criminal code over comments she made on a November 2018 *Ekho Moskvy* broadcast.⁵⁸ However, the hearing has been postponed due to the coronavirus pandemic.⁵⁹ The IBAHRI joins the European Federation of Journalists in its call to the Russian authorities to drop the terrorism charges brought against Prokopyeva⁶⁰ and to end the misuse of terrorism legislation to silence journalists.

⁵³ Index on Censorship, n.42

⁵⁴ RSF, 'Coronavirus infects press freedom in Africa,' 29 March 2020 <https://rsf.org/en/news/coronavirus-infects-press-freedom-africa>

⁵⁵ Premium Times, "Governor 'pardons' journalist arrested for publishing critical health report," 19 April 2020 www.premiumtimesng.com/regional/ssouth-east/388709-governor-pardons-journalist-arrested-for-publishing-critical-health-report.html

⁵⁶ The Sun, 'Umahi bars The Sun, Vanguard from Ebonyi Govt House,' 23 April 2020 www.sunnewsonline.com/umahi-bars-the-sun-vanguard-from-ebonyi-govt-house

⁵⁷ Independent, 'Gov Umahi Reverses Ban on Sun, Vanguard Newspapers Reporters,' 23 April 2020 www.independent.ng/gov-umahi-reverses-ban-on-sun-vanguard-newspapers-reporters

⁵⁸ CPJ, "Russian journalist Svetlana Prokopyeva says charges against her are 'an act of intimidation,'" 30 April 2020 <https://cpj.org/blog/2020/04/russian-journalist-svetlana-prokopyeva-says-charge.php>

⁵⁹ VOA News, 'Russian Court Postpones Trial of Journalist Prokopyeva Due to Coronavirus,' 20 April 2020 www.voanews.com/europe/russian-court-postpones-trial-journalist-prokopyeva-due-coronavirus

⁶⁰ European Federation of Journalists, 'Russia must stop the persecution of journalist Svetlana Prokopyeva,' 19 April 2020 <https://europeanjournalists.org/blog/2020/04/19/russia-must-stop-the-persecution-of-journalist-svetlana-prokopyeva>

Slovenia

On April 27 2020, the Minister for Interior, Aleš Hojs, sent tweets calling for journalists and media professionals who reported from the scene of anti-lockdown protests to face criminal prosecution. His comments relate to a number of small-scale demonstrations against the authorities' handling of the Covid-19 pandemic that were held in several Slovenian cities, including the capital Ljubljana. Several journalists attended different rallies to report on events, as is their journalistic right. The Slovene Association of Journalists (DNS) has cautioned the remarks made by the Minister and emphasised that media were at the event to inform the public. Similarly, the General Police Department released a statement underlining its autonomy in handling such issues and stressing it does not act on 'opinions of persons from the public and political arenas'.⁶¹

Zimbabwe

The outbreak of Covid-19 in Zimbabwe has resulted in journalists not receiving accreditation and press cards for working activities in 2020. The lack of this accreditation has provided police authorities with an excuse to harass journalists with invalid cards despite official statements permitting journalistic work under a 2019 card during the lockdown.⁶² Journalists have been considered to be essential workers during the lockdown, however, the lack of communication within the police force regarding press cards has resulted in numerous attacks by security forces against journalists.⁶³ Nompilo Simanje, Zimbabwe legal and ICT policy officer for the Media Institute of Southern Africa (MISA), told the International Press Institute (IPI) that there have been more than 15 reported incidence of violations of media freedom since the lockdown began; 'including arrests, threats and harassment of journalists by the police and the army'.⁶⁴ The IBAHRI was pleased to learn that MISA Zimbabwe's urgent application to the Zimbabwean High Court for a relief order prohibiting police authorities from the harassment, arrest and detention of journalists while carrying out their lawful duties, and recognising the 2019 accreditation cards, was granted on 20 April 2020.⁶⁵ With this development, we hope that the situation of journalists providing vital work during the current crises will improve and will be monitoring the situation closely.

⁶¹ Mapping Media Freedom, n.44

⁶² IPI, 'Growing press freedom violations in Africa amid COVID-19,' 28 April 2020 <https://ipi.media/africa-faces-media-freedom-crackdowns-and-existential-threats-to-its-media>

⁶³ Zimeye, 'Trainee Journalist Arrested in Mutare,' 31 March 2020 www.zimeye.net/2020/03/31/trainee-journalist-arrested-in-mutare and Nehanda Radio, 'Gweru journalist arrested during lockdown,' 1 April 2020 <https://nehandaradio.com/2020/03/30/gweru-journalist-arrested-during-lockdown>

⁶⁴ IPI, n.63

⁶⁵ Anadolu Agency, 'Zimbabwe court orders police not to harass journalists,' 21 April 2020 www.aa.com.tr/en/africa/zimbabwe-court-orders-police-not-to-harass-journalists/1812394

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.

Brazil

Media outlets based in the favelas of Rio de Janeiro are working full force to produce content and stories on prevention and impact of Covid-19. These include breaking news, informational articles, photos and videos, produced by residents who are skilled in journalism and attuned to the local experience. Grassroots media organisations *Maré 0800*, *Maré Vive* and *A Maré Vê* are working with health professionals to produce audio announcements to broadcast in the favela streets. These organisations have also created hashtags #COVID19NasFavelas (Covid-19 in the favelas) and #CoronaNasPeriferias (Covid-19 in the outskirts) on Twitter to share experiences, opinions and news from these areas, as well as to spark discussions about the urgent need for prevention, food, water and health products for favela residents. It is important that the offline and online efforts run in tandem, as not all residents have access to the internet. The local campaign is providing an essential service where the Brazilian Ministry of Health is still wanting.⁶⁶ It reaches vast swathes of the favela community, providing them with current information, as well as reinforcing hygiene and social distancing guidelines.⁶⁷ The IBAHRI is keen that this movement is allowed to continue without government censorship or interference.

Ethiopia

Tigray TV journalist Yayesew Shimeles has been charged a second time under the country's anti-terrorism laws. The Ethiopian police arrested Yayesew Shimeles on 27 March on accusations of spreading false information about the coronavirus pandemic.

The host of a weekly political program on Tigray TV and columnist for privately owned *Feteh* magazine, Mr Shimeles was arrested after posting a tweet reporting that a government official had instructed religious leaders to prepare 200,000 graves in preparation for the outbreak of the Covid-19 virus. His claims were denied by the Ministry of Health who accused him of attempting to confuse the public.⁶⁸ The journalist, who had apologised on Twitter on the day of his arrest, was first granted release on bail by a court in Addis Ababa following a first charge under a recent hate speech and disinformation law, but the police kept him in custody and appealed the decision. He has now been charged under

⁶⁶ Ministério Público Federal, 'Em atendimento à PFDC, Ministério da Saúde apresenta dados sobre como deve lidar com a covid-19 em favelas e periferias,' 1 April 2020 www.mpf.mp.br/pfdc/noticias/em-atendimento-a-pfdc-ministerio-da-saude-apresenta-dados-sobre-como-deve-lidar-com-a-covid-19-em-favelas-e-periferias

⁶⁷ Open Democracy, 'How Brazilian favela journalists are raising awareness about COVID-19,' 20 April 2020 www.opendemocracy.net/en/democraciaabierta/how-brazilian-favela-journalists-are-raising-awareness-about-covid-19

⁶⁸ CPJ, 'Ethiopian journalist Yayesew Shimelis detained following COVID-19 report,' 1 April 2020 <https://cpj.org/2020/04/ethiopian-journalist-yayesew-shimelis-detained-fol.php>

anti-terror laws.⁶⁹ Meanwhile, a Federal Police Commissioner warned media representatives on 15 April that the police had received orders to take all necessary measures ‘without precondition’ against those who spread false information or interfere with the work of law enforcement agencies.⁷⁰

The IBAHRI urges Ethiopian authorities to observe the requirements of due process as provided by Article 14 of the International Covenant on Civil and Political Rights⁷¹ and refrain from unduly restricting press freedom, by conditioning eventual restrictions to the criteria of necessity, legality, clarity and proportionality, as stated in General Comment No.34 of the United Nations Human Rights Committee.⁷² The IBAHRI further wishes to reiterate that the ‘chilling effect’ stemming from these measures and the ensuing erosion of the people’s trust in the state’s institutions may ultimately represent a critical danger for democratic stability in the country.

India

In a recent public address Indian Prime Minister, Narendra Modi presented coronavirus as a common challenge facing all in India, calling for national unity in order to combat the virus.⁷³ Unfortunately, Muslims in India have been the subject of persecution and disproportionate targeting as reported in the last issue of this bulletin. Indian Muslims have been accused of deliberately spreading the virus and subjected to attacks and threats both on and offline.⁷⁴ Government officials have endorsed this false narrative: legislator Suresh Tiwari from Deoria town in the northern state of Uttar Pradesh, warned citizens against the purchase of vegetables from Muslim vendors.⁷⁵ Muslims have been assaulted, denied medical care and subjected to boycotts –all in the name of fear of the virus⁷⁶.

On 19 April 2020, the General Secretariat of the Organization of Islamic Cooperation (OIC) released a statement expressing deep concern following media accounts portraying anti-Muslim sentiment within political and media circles, as well as on mainstream and social media platforms, blaming the minority religious group for spreading coronavirus in the country.⁷⁷ On 22 April 2020, UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed warned against religious hatred and intolerance during Covid-19 outbreak, noting his alarm at the upsurge in incitement to hatred, and

⁶⁹ CPJ, ‘Ethiopian police hold journalist Yeyesew Shimelis pending terrorism investigation,’ 16 April 2020 <https://cpj.org/2020/04/ethiopian-police-hold-journalist-yesew-shimelis->

⁷⁰ Addis Standard, ‘Addis police appeals against federal court bail for journalist Yeyesew,’ 15 April 2020 <https://addisstandard.com/news-alert-addis-police-appeals-against-federal-court-bail-for-journalist-yesew>

⁷¹ International Covenant on Civil and Political Rights, www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

⁷² UN Human Rights Committee, General comment No.34 www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

⁷³ Narendra Modi, ‘Life in the era of COVID-19,’ 19 April 2020 www.linkedin.com/pulse/life-era-covid-19-narendra-modi/?published=t

⁷⁴ NPR, ‘Blamed For Coronavirus Outbreak, Muslims In India Come Under Attack,’ 23 April 2020 www.npr.org/2020/04/23/839980029/blamed-for-coronavirus-outbreak-muslims-in-india-come-under-attack

⁷⁵ Al-Jazeera, ‘“Do not buy from Muslims”: BJP leader in India calls for boycott,” 29 April 2020 www.aljazeera.com/news/2020/04/buy-muslims-bjp-leader-india-calls-boycott-200429034119722.html

⁷⁶ The Washington Post, ‘As the world looks for coronavirus scapegoats, Muslims are blamed in India,’ 23 April 2020 www.washingtonpost.com/world/asia_pacific/as-world-looks-for-coronavirus-scapegoats-india-pins-blame-on-muslims/2020/04/22/3cb43430-7f3f-11ea-84c2-0792d8591911_story.html

⁷⁷ Organisation of Islamic Cooperation, ‘OIC Rejects Anti-Muslim Prejudice in India over the Coronavirus Spread,’ 19 April 2020 www.oic-oci.org/topic/?t_id=23342&ref=13984&lan=en

scapegoating religious or belief communities⁷⁸. In his statement, the UN Special Rapporteur called on states to establish effective strategies and channels of communication to provide accurate and reliable information to the public as well as non-discriminatory, fair access and assistance to those in need of public and health services.

The IBAHRI beseech the Indian government to act upon Prime Minister Modi's symbolic address and work towards ending harmful disinformation that is disproportionately affecting minority groups. This will not only safeguards the rights of Indian Muslims, but will also shield all citizens from the dangerous disinformation arising out of the global crisis.

Iraq

On 28 April 2020, Hemn Mamand, a freelancer based in Erbil, was released from Erbil prison after a month in detention. Mamand currently has five pending cases before the court including charges in relation to the comments he made on Facebook⁷⁹ in which he criticised measures taken by the Kurdish government. He is facing charges for encouraging public gatherings, which violates the KRG Interior Ministry's lockdown order, violation of Article 433 for defamation of the Erbil Police, Iraq Penal Code and violation of Article 2 of the Communications Device Misuse Law.

The IBAHRI continues to condemn restricting of freedom of expression in Iraq. Right to freedom of expression and 'freedom to seek, receive and impart information and ideas of all kinds' is enshrined by Article 19 of International Covenant on Civil and Political Rights (ICCPR) to which Iraq is a state party. Article 38 of the Iraq Constitution guarantees the right to freedom of expression, assembly and media freedom unless it leads to 'violation of public order and morality'.⁸⁰ The Iraq Penal Code contains multiple punitive articles, which introduce limitations to freedom of media and expression. The government and local authorities continue to misuse their power to restrict media freedom under such articles and 'public interest'.

The 2020 World Press Freedom Index suggests media freedom in light of coronavirus pandemic, has exacerbated in Iraq (placed at 162nd, 6 places down from 2019) where journalists and media workers are increasingly under attack for contradicting the government official statistics and criticising emergency measures implemented by the Iraqi authorities. The Covid-19 crisis provides an opportunity for authoritarian governments to impose oppressive policies on media and to legitimise the infringing of the right to freedom of expression.⁸¹

Russia

On March 31 2020, before the government had announced a general lockdown and other emergency measures, the legislature adopted a law criminalising the distribution of 'fake information' about the

⁷⁸ OHCHR News, 'UN expert warns against religious hatred and intolerance during COVID-19 outbreak,' 22 April 2020 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25814&LangID=E

⁷⁹ Kamal Chomani, 'Hemn Mamand, an Erbil based journalist & activist, was arrested by the KDP/KRG authorities...' 24 March 2020 www.facebook.com/kamalchomani/posts/10157593113354145

⁸⁰ Constitution of the Republic of Iraq, 2005 www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

⁸¹ RSF, "2020 World Press Freedom Index: 'Entering a decisive decade for journalism, exacerbated by coronavirus'" <https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>

health crisis, a measure that President Vladimir Putin signed into law on 1 April 2020. This put pressure on independent journalists reporting on the Covid-19 pandemic. On 4 April 2020, St. Petersburg activist Anna Shushpanova became the first person to face investigation under the law because of a social media post sharing concerns about the adequacy of hygiene measures at a local hospital. Another journalist, Tatyana Voltskaya, reporter for RFE/RL's Russian Service, published an anonymous interview with a local doctor who spoke openly about the shortage of ventilators and qualified emergency doctors in the city.⁸² In the days after publication, Voltskaya was harassed on the phone by a police investigator who asked her to reveal her source.

Some Russian regional figures have taken a more direct approach in their intimidation of journalists. Chechnya's Kremlin-backed leader, Ramzan Kadyrov, recently accused journalists of the independent *Novaya Gazeta* of being 'traitors'. Shortly after he called an article about the region's Covid-19 crisis 'absurd', the Russian authorities forced *Novaya Gazeta* to take it off the Internet.⁸³ On 17 April 2020, Sergei Zhvachk, Tomsk region Governor, used an interview with state media to warn those who 'smear the authorities with dirt' during a 'semi-war period... The government knows your names and where you live'. 'Don't be offended, but if you cross the line, we will be forced to stop you ... Don't play around'.⁸⁴ The IBAHRI is concerned about the chilling effect such threats will have on public discourse around the coronavirus pandemic. Such behaviour from the authorities is particularly disconcerting given the regulation of the Russian media over the past 20 years. Viktor Muchnik, Editor in Chief of the TV2 information agency in Tomsk, Siberia, described to the VOA how the 'media space has been made flat', and raised concerns over officials and civilians⁸⁵ contributing to the disinformation. Further, former Russian Health Minister, Dmitry Berezin has asked the police to look into over 20 social media post criticising the government's handling of the Covid-19 pandemic.⁸⁶

Rwanda

Since the start of April 2020, eight bloggers have reportedly been arrested for allegedly violating the government's directives. Rwanda's sustained effort at state censorship over the past few years means most print and broadcasting media are favourable to the establishment. The Internet has given rise to more sensitive reporting on social and human rights issues. On 3 April 2020, a number of bloggers posted a report on the rape of three women by Rwandan soldiers in Kangondo II, a poor neighbourhood in Kigali, the capital. The Rwanda Defense Forces issued a statement on 4 April 2020 that an investigation had been opened into the 'allegations of criminal misconduct against citizens by a few undisciplined (sic) RDF soldiers', and that five suspects were in detention.⁸⁷ Nonetheless, since

⁸² RadioFreeEurope/RadioLiberty, "'Людей принудительно отключают.' Реаниматолог об адских условиях работы," 11 April 2020 www.severreal.org/a/30543094.html

⁸³ VOA News, 'Russia's Journalists Walk Dangerous Tightrope Covering COVID-19 Pandemic,' 23 April 2020 www.voanews.com/press-freedom/russias-journalists-walk-dangerous-tightrope-covering-covid-19-pandemic

⁸⁴ VOA News, n.84

⁸⁵ VOA News, n.84

⁸⁶ 7x7 Journal, 'Бывший министр здравоохранения Коми до своей отставки пожаловался в МВД на несколько десятков постов в соцсетях о коронавирусе,' 10 April 2020 <https://7x7-journal.ru/news/2020/04/10/byvshij-ministr-komi-do-otstavki-uspel-pozhalovatsya-v-mvd>

⁸⁷ Ministry of Defence, 'RDF investigates criminal allegations in Gasabo District,' 4 April 2020 https://mod.gov.rw/news-detail/?tx_ttnews%5btnews%5d=4212&cHash=dfbd4437cc466eab266c6b6fbd46b0a#.Xom1AlhKg2y

the incident four bloggers working for media outlets Afrimax TV, Ishema TV, and Umubavu TV, which reported on the rapes and the impact of the Covid-19 directives on vulnerable populations, have been arrested.⁸⁸ On 8 April 2020, two further arrests were made as bloggers from media outlet, Afrimax TV, were distributing food in Kangondo II. On 12 April 2020, the Rwanda Investigative Bureau (RIB) confirmed the arrest of Theoneste Nsengimana, the owner of Ububava TV, for alleged fraud⁸⁹ – Nsengimana was accused of paying interviewees to say they had been receiving food from abroad ‘for the purpose of soliciting the strong for his own benefit’. On April 15 2020, Dieudonné Niyonsenga, the owner of Ishema TV, was arrested along with his driver, Fidèle Komezusenge, on charges of violating lockdown measures and giving Komezusenge an unauthorised press pass.⁹⁰

In a statement on 13 April, 2020, the Rwanda Media Commission claiming that none of the detained journalists were arrested in relation to their work and that online bloggers, such as those using YouTube, are not journalists and are ‘not authorised to interview the population’.⁹¹ This directly contradicts the guidance on freedom of expression issued by the United Nations Human Rights Committee, which monitors the International Covenant on Civil and Political Rights to which Rwanda is a party: ‘a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere.’⁹² A free press should be able to challenge official narratives and share information of public interest, including by investigating abuses by security forces, through any media. The IBAHRI reminds the Rwandan authorities that the arrests of bloggers will have a chilling effect at a time when accurate and up-to-date information is vital and scrutiny of the security forces’ behaviour is critical.

⁸⁸ Human Rights Watch (HRW), ‘Rwanda: Lockdown Arrests, Abuses Surge,’ 24 April 2020 www.hrw.org/news/2020/04/24/rwanda-lockdown-arrests-abuses-surge

⁸⁹ Rwanda Investigation Bureau, ‘None kuwa 12 Mata 2020 hafashwe Nsengimana Theoneste ufite télévisiyo ikorera kuri murandasi (Online TV), yafashwe yahuje abaturage abizeza kubaha buri muntu amafaranga ibihumbi makumyabiri (20,000frw) maze akabafata amajwi n’amashusho babeshya ko babonye inkunga y’ibiryo...’ (Twitter, 12 April 2020) https://twitter.com/RIB_Rw/status/1249434266003537927

⁹⁰ Rwanda Investigation Bureau, n.90

⁹¹ Rwanda Media Commission, ‘Itangazo rigenewe Abanyamakuru muri ibi bihe bya Covid-19(turisekura ku ikosa ryari mu nteruro ya mbere y’iryo mwabonye mbere)’ (Twitter, 13 April 2020) https://twitter.com/RMC_Rwanda/status/1249730987703009280

⁹² UN Human Rights Committee, n.73

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.

Jammu and Kashmir

The high-speed internet ban is still ongoing in Indian-administered Kashmir. Authorities restored low-speed 2G mobile internet in the region in early March after a seven-month long internet ban, but internet speed remained heavily capped.

On 27 April 2020, authorities in Jammu and Kashmir extended the ban on high-speed mobile internet until 11 May 2020, on the grounds of an alleged recent 'spurt in terrorist violence' and the launch of 'new terror outfits' supported by Pakistan. The ban is purported to curtail terrorists' recruitment efforts and infiltration attempts, which rely heavily on high-speed internet.⁹³

Local and international actors have criticised the ban as a hindrance to the coronavirus response, with doctors unable to download guidelines, attend relevant webinars or conduct patients' consultations via video conference, as well as being an anti-democratic policy.⁹⁴ The consecutive internet shutdown and ban on high speed internet have had a disastrous effect on online and independent reporting. Some established media outlets were initially able to provide broadband internet after the shutdown, but working outside of an office was virtually impossible. Since the outbreak of the virus, however, offices have closed and small independent media houses and freelancers working from home are still limited by the slow internet speed available on their mobile phones.⁹⁵

The IBAHRI deplores India's apparent unwillingness to refrain from resorting to repressive measures in the Jammu and Kashmir region and reiterates its exhortation to Indian authorities to favour a human-rights centred approach to its administration of the state of Jammu and Kashmir.

Myanmar

After a year of mass displacements, purges and indiscriminate attacks – consequences of the brutal Burmese repression of the Arakan Army insurgency in Myanmar's Rakhine state – tens of thousands of civilians have had to flee the violence to displacement camps.⁹⁶ The humanitarian fallout is dire and tens of thousands of people are lacking basic resources and infrastructures. Further, displaced people

⁹³ The Siasat Daily, '2G internet service in J&K extended till May 11,' 28 April 2020 www.siasat.com/2g-internet-service-jk-extended-till-may-11-1881039

⁹⁴ Deutsche Welle, 'India extends Kashmir high-speed internet ban,' 28 April 2020 www.dw.com/en/india-extends-kashmir-high-speed-internet-ban/a-53265440

⁹⁵ The New Arab, 'India's draconian internet shutdown hinders Kashmir's battle against Covid-19,' 28 April 2020 <https://english.alaraby.co.uk/english/indepth/2020/4/28/indias-draconian-internet-shutdown-hinders-kashmirs-battle-against-covid-19>

⁹⁶ OHCHR, 'Myanmar: 'Possible war crimes and crimes against humanity ongoing in Rakhine and Chin States' – UN Special Rapporteur Yanghee Lee,' 29 April 2020 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25838&LangID=E

have virtually no access to relevant information pertaining to the outbreak of Covid-19 because of internet shutdowns imposed by authorities.⁹⁷

The internet shutdown has been effective since 21 June 2019 in four townships in northern Arakan, and was expanded to five more townships, with one in the neighbouring Chin state, on 3 February 2020. These measures were defended by the government as instrumental in the prevention of hate speech and disinformation.⁹⁸ They are part of a broader crackdown on freedom of expression, which has also involved intimidation, arrests and prosecutions of journalists and activists, as well as the suspension of more than 2,000 websites, mostly on the grounds of explicit content, but also for those websites which fall into a 'fake news' category in the eyes of the authorities. These include ethnic media or small independent media houses, particularly favoured by readers in marginalised communities, such as the Rohingyas, and in areas most affected by conflict and displacements, like in the Rakhine state.⁹⁹

The IBAHRI condemns Myanmar's unwillingness to fulfil its responsibility to protect all of its citizens. By restricting free speech and interfering with journalists' work, the state of Myanmar is exacerbating the pressure on civilian populations in the states of Rakhine and Chin, who already caught between the insurgents and the army, now have to suffer the coronavirus outbreak with little access to crucial information.

Bangladesh

Bangladesh's ban on internet services in refugee camps is having devastating effects on the humanitarian response focusing on the Rohingya refugee camps located near the country's southern border, close to Myanmar's Rakhine state, as well as on the refugees' livelihood. Bangladesh has banned the sale of mobile phone SIM cards to refugees, and telecom companies have been ordered to impose severe restrictions on internet and phone connections.

This has made it difficult to coordinate the aid staff working in the camps, but it has also further cut the Rohingyas' ties with the outside world. In refugee camps, some 900,000 people are growing more and more isolated, as it becomes harder to find connection in the camps to contact their loved ones.¹⁰⁰ This contributes to putting the Rohingya refugees in a state of psychological and physical vulnerability, as the shutdown is hindering aid groups' ability to provide health services, organise preventive measures and disseminate crucial information about the virus and its characteristics. Restoring internet and telephone connections is also particularly important as the living conditions in these overcrowded camps – vulnerable to landslides and flooding and where access to clean water,

⁹⁷ The New Humanitarian, 'The growing emergency on Myanmar's newest battleground,' 18 February 2020
www.thenewhumanitarian.org/news/2020/02/18/Myanmar-Rakhine-conflict-Arakan-army-displacement-internet-shutdown

⁹⁸ Global Voices, 'To fight COVID-19 in Myanmar, a call to end the war and internet shutdown in Arakan region,' 29 April 2020
<https://globalvoices.org/2020/04/29/to-fight-covid-19-in-myanmar-a-call-to-end-the-war-and-internet-shutdown-in-arakan-region>

⁹⁹ Amnesty International, Public statement 'Myanmar: Censorship harms Covid-19 response,' 27 April 2020
www.amnesty.org/download/Documents/ASA1621842020ENGLISH.pdf

¹⁰⁰ The New Humanitarian, 'For Rohingya refugees, internet ban severs ties to the outside world,' 10 March 2020
www.thenewhumanitarian.org/2020/03/10/rohingya-refugees-internet-ban-bangladesh

sanitation and hygiene is scarce – and the exclusion of the refugees from the states' wider measures against Covid-19 participate in making these camps hotbeds for the spread of the virus.¹⁰¹

The IBAHRI calls on the state of Bangladesh to act urgently in allowing internet and telephone services to reach refugee camps so that these vulnerable populations can access relevant information about the virus and coordinate adequate responses.

¹⁰¹ Human Rights Watch, 'Bangladesh: Internet Ban Risks Rohingya Lives,' 26 March 2020 www.hrw.org/news/2020/03/26/bangladesh-internet-ban-risks-rohingya-lives