



IBAHRI Freedom of Expression Bulletin

For Release: 25 August 2020

In response to the ongoing detention of Investigative Journalist, Hopewell Chin'ono, and judicial harassment of prominent human rights lawyer and IBAHRI Council Member, Beatrice Mtetwa, **IBAHRI Director and Member of the High Level Panel of Legal Experts on Media Freedom, Baroness Helena Kennedy QC** remarked:

'The IBAHRI remain gravely concerned at the pattern of systemic harassment and growing intolerance towards journalists, lawyers, and dissident voices in Zimbabwe. Both Hopewell Chin'ono and Beatrice Mtetwa are being persecuted for simply doing their jobs and this could troublingly generate a chilling effect on journalism and the legal profession in the country. The freedoms of expression and access to information are absolute rights as is reflected in Zimbabwe's national, regional and international obligations. Further, it is the duty of the state to ensure the rights of lawyers in the practice of their profession in full compliance with the [UN Basic Principles on the Role of Lawyers](#), noting particularly Principle 16 that lawyers 'shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.' We call for the immediate release of Hopewell Chin'ono and for Harare Magistrate Nduna to revoke immediately his decision to bar Beatrice Mtetwa from continuing to act for her client, dropping all charges against her, as well as any and all attempts to cancel her practicing licence. We will continue to monitor attempts of intimidation and harassment by Zimbabwean authorities against journalists, lawyers and government critics, as well as monitor the administration of justice in the country.'

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.

Cambodia

The Royal Government of Cambodia has presented a draft 'Law on Public Order' aimed at regulating public spaces and behaviour, including 'aesthetics, sanitation, cleanliness, noise and social values', to maintain 'public order'. The draft law, which claims to create 'a more civilised society', criminalises the ordinary everyday activities of citizens within the realm of government action.² For this purpose, the law 'endeavours to set out specific activities that are prohibited, lists a range of penalties that may be imposed for breaches and grants unfettered enforcement powers to authorities across all levels of government'.³

Article 37 of the draft bill outlaws a wide range of categories of expression when it affects 'national tradition and dignity'. This includes 'exhibiting or disseminating writing or picture or using cursing words on social media', 'showing arrogant behaviour' and 'disseminating or posting writing, signs or pictures that represent any threat'. The restrictions to speech within this context, both online and offline, represent a heightened threat to the freedom of expression in Cambodia. Furthermore, the wording of these provisions is overly vague and, therefore, vulnerable to subjective application and targeted abuse of individuals and groups by the authorities. In a joint statement, over 65 national and international civil society organisations expressed grave concern over existing threats to free expression online which have resulted in multiple arrests,⁴ including for posting on social media platforms like Facebook.

Further, the draft bill restricts the exercise of free expression by way of unlawfully governing the rights to freedom of assembly and association in the country. Articles 6 and 30 of the draft bill require approval from authorities for 'the use of public spaces' while Article 31 of the draft law allows Cambodian authorities to refuse/restrict events based on six overbroad categories, including if the event causes 'any hostility with the competent authorities' or 'impact to public interests', which applies extremely broad and illegitimate restrictions to the right to peaceful assembly and free expression without due consideration for these fundamental freedoms. Article 6 of the draft bill further empowers local authorities to 'assign contractual officials to assist in

² Human Rights Watch, 'Civil Society Organizations Call for the Draft Law on Public Order to be Immediately Discarded', 13 August 2020, www.hrw.org/news/2020/08/13/civil-society-organizations-call-draft-law-public-order-be-immediately-discarded

³ Human Rights Watch, n.2

⁴ Cambodia Fundamental Freedoms Monitor: Third Annual Report, April 2018-March 2019, <https://cchrcambodia.org/admin/media/newsletter/newsletter/english/2-Snapshot%20EN%20.pdf>

maintaining public order'. Local authorities are historically recognised for targeting and violently harassing individuals and human rights defenders. Contracted security forces operate with training and accountability and as such they represent a serious threat to the peaceful exercise of human rights.⁵

Problematically, the law does not provide any benchmarks or guidelines for the application of the penalties, giving the authorities the discretion to apply whichever penalty they deem appropriate, leaving the law vulnerable to abuse and misapplication. The penalties for engaging in the activities prohibited under the draft law range from warning and administrative penalties to imprisonment and/or a fine. Imprisonment for any of the activities prohibited by the law is an inappropriate penalty, as it is in violation of the principles of necessity and proportionality.⁶

In previous issues of this Bulletin, the IBAHRI has reported on concerns regarding the Covid-19 pandemic as a pretext for Cambodian authorities to introduce a deeply problematic state of emergency law that applies significant limitations to the exercise of fundamental human rights. The draft 'Law on Public Order' is the latest repressive development of a growing tendency of the authorities to clamp down on fundamental freedoms and undermine free speech in the country. If brought into force, this law could target the most vulnerable of society, further limit the rights and freedoms of people in Cambodia and is in clear violation of the country's constitutional and international legal obligations and the IBAHRI joins with civil society in the call for the Royal Government of Cambodia to immediately abandon the draft Law on Public Order in its entirety in line with its commitments.

Article 41 of the Cambodian constitution states 'Khmer citizens shall have the freedom to express their personal opinions, the freedom of press, of publication and of assembly'. Article 31 of the Constitution states that 'The Kingdom of Cambodia recognises and respects human rights as enshrined in the United Nations Charter, the Universal Declaration of Human rights and all the treaties and conventions related to human rights, women's rights and children's rights'. As such, the Cambodian authorities must guarantee the right to freedom of expression as a fundamental human right enshrined in the Universal Declaration of Human Rights (Article 19). Cambodia also ratified the International Covenant on Civil and Political Rights in 1992, which protects the freedom of expression (Article 19), freedom of assembly (Article 21) and freedom of association (Article 22). Cambodia is also a signatory of the ASEAN Human Rights Declaration, which protects the freedom of expression in Article 23.

Thailand

As reported in previous issues of this Bulletin⁷, authorities in Thailand continue to use the Emergency Decree, enacted on 26 March 2020, to arrest, detain and initiated criminal proceedings against peaceful protestors and activists in the country. Between 19-20 August 2020 in Bangkok, law enforcement arrested ten activists for their alleged participation in Free Youth's

⁵ Human Rights Watch, n.2

⁶ Human Rights Watch, n.2

⁷ IBAHRI Freedom of Expression Bulletin, Issue 10, Wednesday 12 August, www.ibanet.org/Document/Default.aspx?DocumentUid=bc9bc8c8-9fc1-49e1-bef1-2a8154c97d02

pro-democracy protest, which took place on 18 July 2020.⁸ The peaceful protest listed three demands: 'parliament dissolution, a new constitution, and an end to harassment against individuals.'⁹ The protests, which have swept the country since mid-July, demand political reform, including the resignation of the country's Prime Minister, Prayuth Chan-ocha, and constitutional reforms, which were drafted by the military and maintain the army's influence on the political system.¹⁰

The Thai government has been openly criticised nationally and internationally for arbitrary use of the coronavirus emergency decree to silence political dissent. The government stated last month that, from August onwards, the Emergency Decree would not be used to prevent political rallies.¹¹ However, the arrests of ten individuals on 19-20 August continues the pattern of cracking down on lawful assemblies and activists including Baramee Chairat, Coordinator of the Assembly of the Poor, Suwanna Tanlek, member of the 24 June for Democracy Movement, Korakot Sangyenpan, member of the Democracy Restoration Group, Dechathorn Bumrungmuang, member of rap group 'Rap Against Dictatorship', Todsapon Sinsomboon, student member of the Free Youth Movement, protestors Thanee Sasom and Nattawut Somboonsap, and Thanayuth na Ayutthaya, member of rap group Eleven Finger.¹² Similarly, four other protestors have an arrest warrant against them and 16 other individuals are due to report themselves to the police for their participation in the protest.¹³

The IBAHRI remains troubled at the manner in which Thai authorities continue to use the Covid-19 pandemic as a pretext for harassing and taking criminal action against participation in peaceful protests. The use of emergency measures to contain the coronavirus should be implemented in line with international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR) that Thailand ratified in 1996, which protects the rights to freedom of expression and peaceful assembly and with full consideration for the principles of legality, necessity and proportionality as provided for in the Siracusa Principles. We are concerned at the disproportional and unlawful derogations of the state's human rights obligations to prevent the spread of Covid-19, as they should be limited to those strictly required by the exigencies of the situation. The IBAHRI call for the immediate and unconditional release of those arrested and will continue to monitor this situation closely.

⁸ Amnesty International, 'Thailand: More peaceful activists arrested and charged amidst pro-democracy protests', 20 August 2020, www.amnesty.org/en/latest/news/2020/08/thailand-more-peaceful-activists-arrested-and-charged-amidst-pro-democracy-protest

⁹ Amnesty International, n.8

¹⁰ Reuters UK, 'Thai police summon protest leaders for breaching coronavirus emergency law', 5 August 2020, uk.reuters.com/article/uk-thailand-protests/thai-police-summon-protest-leaders-for-breaching-coronavirusemergency-law-idUKKCN2511PN

¹¹ Reuters, n.10

¹² Amnesty International, n.8

¹³ Amnesty International, n.8

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.¹⁴ 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.

European Union

The European Union (EU) is introducing new travel surveillance measures with the aim of tighter migration control and increased border security. These are expected to be in use by 2022. These new measures involve intensive data-gathering and data-sharing procedures that raise significant privacy concerns.¹⁵ According to the report by Statewatch, a public watchdog in

¹⁴ 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

¹⁵ Privacy International, 'Travel surveillance in the EU', 12 August 2020 <https://privacyinternational.org/explainer/4119/travel-surveillance-eu>

Europe, the new measures will gather data from travellers in 165 countries, potentially impacting billions of individuals worldwide. The measures will include profiling tools, biometric databases and a watch list by Europol. At the same time, the overlapping legal frameworks in place will make it more difficult for individuals to exercise their data rights.¹⁶

Four points have been identified by Statewatch that raise particular concern. First, given the issues in the past regarding the inaccuracy of EU databases, the risk of harm to individuals is significantly higher with the collection of more data. Second, the new measures are coming into use when anti-immigrant sentiments are on the rise in Europe. Within this context, centrally storing sensitive data of all foreigners travelling to the EU has significant potential for political abuse. Third, the tools to be used have not been tested for their impact on fundamental rights, in particular, there is a potential for discriminatory practices, and non-EU citizens will become the test subjects of these unproven technologies. Fourth, due to the overlapping data protection regimes in the EU and its member states, it will be complicated for individuals to exercise their data rights and access effective remedies. The complexity of the EU legal system will be particularly challenging for non-EU citizens since they are entirely unfamiliar with the system, which most likely functions in a language they do not speak fluently enough to bring legal claims in.

In June 2020, a group of civil society organisations sent a letter to the EU to express collective concern at the lack of a robust legal framework to prevent cyber security surveillance being sold to repressive governments. These government have been accused of using the technology to crack down on human rights defenders, journalists and opposition groups.

The IBAHRI calls for the EU law-makers to review the new travel surveillance measures, as well as measures relating to cyber security surveillance, to bring them in line with the EU's human rights obligations, including the EU Charter of Fundamental Rights. The EU must guarantee data protection of any new tools and technologies, have systems in place to mitigate any risks to fundamental rights of data subjects consulting with experts and the wider public to facilitate this.

United Kingdom

On 11 August 2020, the Court of Appeal held that the use of an automated facial recognition (AFR) surveillance tool by the South Wales Police Department violated Article 8 of the European Convention on Human Rights (ECHR).¹⁷ South Wales Police has used the technology on more than 60 occasions since May 2017 and may have taken sensitive facial biometric data from 500,000 people without their consent.¹⁸ AFR technology uses facial biometric data to identify individuals from the custody photographs database of the police department. Although the tool searched for specific individuals through cameras positioned in certain locations, it nonetheless collected biometric data in a discriminate manner.

¹⁶ Statewatch, 'Automated Suspicion: The Eu's New Travel Surveillance Initiatives', July 2020

www.statewatch.org/automated-suspicion-the-eu-s-new-travel-surveillance-initiatives/

¹⁷ 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/

¹⁸ Liberty, Liberty wins ground breaking victory against facial recognition tech, 11 August 2020, www.libertyhumanrights.org.uk/issue/liberty-wins-ground-breaking-victory-against-facial-recognition-tech/

The Court found that the use of the AFR surveillance tool was not ‘in accordance with law’ since the legal framework regulating the use of this tool was insufficient. In particular, advocacy group, Liberty UK, argued that the relevant law failed to establish who would be on the ‘watch list’ and where the technology would be deployed.

Moreover, the software used by the South Wales Police Department failed to pay due regard to the higher risk of producing false positives for ethnic minorities and women, as the evidence from early uses of similar software suggests. This is because the data used to ‘train’ the software consists mostly of data belonging to white men, which means that the AFR software has better accuracy when identifying white men. On the contrary, the risk of producing false positives is higher in cases of ethnic minorities and women, leading to indirect discrimination. Although there is no evidence that the software used by South Wales Police caused such indirect discrimination, the Court held that the Data Protection Impact Assessment (DPIA) was insufficient to assess and mitigate the risk of indirect discrimination. However, had it been in accordance with the law, the Court ruled that in such a case, the use of AFR technology would be proportionate to the legitimate aim of preventing crime since it struck a fair balance between the rights of individuals and the public interest.

The judgment also means that the police force leading the use of facial recognition on UK streets must halt its long-running trial¹⁹. The Metropolitan Police began regularly using facial recognition earlier this year, despite a review of its own trials finding the technology may be unlawful for similar reasons as raised in this case.

The IBAHRI welcomes this ground breaking decision of Court of Appeal as it upholds the privacy rights of individuals and urges relevant authorities to amend the current legal framework in accordance with this decision. As states across the world continue to invest in, and increase the use of, surveillance tools nationally, including efforts to contain the Covid-19 pandemic, primary considerations should be for the protection of data and privacy rights as well as for tools to be lawful, necessary and proportionate.

As regards the proportionality assessment of the AFR technology, the IBAHRI calls for the UK Government to carefully follow the expert advice from relevant stakeholders, including the House of Commons Science and Technology Committee, which called last year for the suspension of all AFR technology use until a regulatory, rights-compliant framework had been established.

Technology companies: Google and Apple

In previous issues of this Bulletin, the IBAHRI praised Google and Apple’s efforts to develop decentralised, privacy-preserving contact tracing apps that do not collect users’ data, while still expressing concern over persisting privacy issues. While indulging in specifics of privacy issues during a pandemic may seem trivial, contact tracing apps should only interfere with individuals’ privacy rights proportionate to the legitimate aim of protecting public health.

Dangerous technologies should not be rushed into service. Google’s periodical download of users’ ‘broadcast keys’ seems to suggest that location information of users could be identified by region,

¹⁹ Liberty, n.18

which is a vague term yet to be clearly defined.²⁰ The IBAHRI is concerned that identifying users by region would ultimately equate to exposing users' location data.

The IBAHRI supports the commitment by Google and Apple to anonymise user data on their contact tracing apps. However, the technology companies are yet to reveal how their contact tracing software will protect users from potential abuse by third parties and governments. Anonymisation of data sits at the core of the protection of users' privacy rights and must be handled with due diligence. In particular, Google and Apple should assure that any sub-contractors working on the app's development do not have ways of de-anonymising user data. In this regard, the IBAHRI urges Google and Apple to be transparent during the development process and reveal how user data is stored, who has access to such data, how long the data will be retained and how they mitigate the risk of users being re-identified.

²⁰ Forbes, 'Privacy Issues Still At Play With Many Contact-Tracing Tools', 17 August 2020, www.forbes.com/sites/forbestechcouncil/2020/08/17/privacy-issues-still-at-play-with-many-contact-tracing-tools/#485959563989

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 IBAHRI has been increasingly concerned at the ongoing use of force against protestors in Belarus. On 13 August 2020, the IBAHRI issued a statement condemning the detention and use of force against peaceful protestors and journalists in the Republic of Belarus, following the announcement of the initial results of the presidential elections on 9 August 2020. According to the Central Election Commission of Belarus, the elections results indicate that incumbent President Alexander Lukashenko won with 80.23 per cent of votes. Several organisations, including the European Union and the Council of Europe, claimed that the elections were neither free nor fair, and one of the main opposition candidates, Svetlana Tikhanovskaya, stressed that she did not believe the results.

Following the announcement of the results, protestors took to the streets. The authorities used force against them with violent dispersal methods, including flash-bang grenades and beating with truncheons. Belarusian human rights organisation Viasna has reported that thousands of individuals have been detained during the protests and one protester has died during a violent clash between riot police and demonstrators. In the months leading up to the elections, more than 40 journalists were arrested. Further, according to the Belarusian Association of Journalists, at least 22 members of the media were arrested and many others were prevented from reporting on the day. At least ten foreign journalists were denied government accreditation to cover the presidential election. Memory cards were also reportedly seized from a group of photographers, including one from the Associated Press, as they were documenting clashes between police and protestors. The exact number of detainees remains unknown as the internet disruption continues, starting on election day when internet access in Belarus was wholly or partly limited with internet users and the media reporting limited or no access to YouTube, Viber, Telegram, Facebook, Twitter, Instagram and V Kontakte. Access to key Belarusian independent news outlets has also been blocked.

The Organization for Security and Co-operation in Europe (OSCE) had not deployed an observation mission to Belarus ahead of the election due to a lack of invitation by the government. In a November 2019 report on parliamentary elections, the ODIHR Election Observation Mission

gave recommendations to the Republic of Belarus on the conduct of state elections, calling for '[aligning] legislation regulating the freedoms of association, assembly and expression with international standards' and 'establishing clear and transparent procedures for counting'.

Ahead of the elections, the High Representative and Vice-President of the European Commission, Josep Borrell, called on the Belarusian authorities to ensure that political rights, including 'fundamental freedoms of expression and peaceful assembly, in line with Belarus' international commitments, are respected'. On 10 August, Mr Borrell and Olivér Várhelyi, European Union Neighbourhood and Enlargement Commissioner, issued a statement condemning disproportionate and unacceptable state violence, and calling for the immediate release of the detained protesters.

On 21 August 2020, the IBAHRI issued a further statement calling for the immediate and unconditional release of all of the remaining individuals being detained in relation to the protests and urges the Belarusian authorities to provide accurate information on the number of protesters injured and killed. According to credible reports, thousands were arrested in Belarus during the first four days of protests, which saw police dispersing protesters with rubber bullets, water cannons, stun grenades and batons. At least two people have died during the protests, with one from a gunshot wound. We remain deeply troubled by the vast number of torture claims being made by released detainees who were rounded up in Belarus during protests opposing the recent presidential election result and will continue to monitor the situation.²¹

Nicaragua

Two Nicaraguan journalists, David Quintana and Kalúa Salazar, have been charged with criminal defamation for their reporting. Nicaragua ought to reform its speech laws to meet the international standards for protecting and promoting the freedom of expression and the freedom of the media.

David Quintana, director of the independent online news outlet *Boletín Ecológico*, faces a criminal slander suit following his broadcasting of a Facebook Live on *Boletín Ecológico's* page.²² On 17 June, Quintana aired the Facebook Live in which he interviewed two people who claimed to have been violently evicted amid a home ownership dispute with Nelson Vázquez Oporta and Junieth Dávila Cruz, two Managua residents.²³ On 10 July 2020, Oporta Cruz filed a criminal slander suit against Quintana for his reporting, on the grounds that it was incomplete as he allegedly refused to include their version of the story.²⁴ Quintana never received a formal notification of the suit and learned of it from someone else. According to court documents, two hearing took place on 30 July and 11 August in Quintana's absence.²⁵

²¹ IBAHRI, IBAHRI condemns widespread police brutality and detainee torture in Belarus, 21 August 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=cea24706-3efc-437b-8c32-ba28bd5a4e38

²² Committee to Protect Journalists, 'Nicaraguan journalist David Quintana faces criminal slander suit', 19 August 2020 <https://cpj.org/2020/08/nicaraguan-journalist-david-quintana-faces-criminal-slander-suit>

²³ Committee to Protect Journalists, n.22

²⁴ Committee to Protect Journalists, n.22

²⁵ Committee to Protect Journalists, n.22

In parallel, Kalúa Salazar, the editor-in-chief of the radio and television broadcaster *La Costeñísima*, faces criminal charges for slander while undertaking her reporting.²⁶ On 10 August 2020, three employees of Mayor's office in El Rama's filed a criminal slander suit against Salazar for a radio report aired on 4 August 2020.²⁷ The report covered corruption in the town and aired testimony from an anonymous source accusing the three employees of embezzling public funds.²⁸ Salazar believes that the charges are another form of intimidation against *La Costeñísima*, one of the few remaining independent news outlets on Nicaragua's Caribbean coast.²⁹ The news outlet and its employees have been the target of ongoing harassment by the Nicaraguan authorities. Salazar claims regularly receiving threats while presenting live on *La Costeñísima's* news show. The Independent Journalists and Communicators of Nicaragua echoes Salazar's concerns.³⁰

Both Quintana and Salazar could face a fine up to the equivalent of 300 days of their salary, if convicted.³¹ The IBAHRI urges Nicaragua to consider repeal its criminal defamation laws as they are vulnerable to abuse and are often used to target journalists and media workers, and as a result, stifle free expression in the country. The country should stop jailing journalists simply for doing their jobs as criminal charges violate the principle of proportionality, instead opting for civil action where required.

Colombia

On 13 August 2020, José Abelardo Liz, an Indigenous radio journalist, was shot and killed near the town of Corinto.³² Liz, who was 34 years old, hosted 'El Sabor de la Tarde', a daily news and culture programme, on the Nasa community radio station, 'Nación Nasa'.

The killing took place during a two-day military campaign to remove members of the Nasa Indigenous group from the land where they were settled, and claim as their ancestral territory, near the town of Corinto.³³ At the time he was killed, Liz was recording audio and video footage of the military raid.³⁴ According to witnesses and video footage, soldiers started to fire indiscriminately at Nasa civilians and shot Liz in the chest. He later died in the ambulance on his way to a hospital in the neighboring city of Cali. The Colombian authorities have so far deflected blame and have failed to take accountability for the killing of Liz and the other casualties of the raid. General Marco Vinicio Mayorga Niño, commander of the troops involved in the raid, blamed

²⁶ Committee to Protect Journalists, 'Nicaraguan journalist Kalúa Salazar faces criminal slander suit over corruption reporting', 13 August 2020 <https://cpj.org/2020/08/nicaraguan-journalist-kalua-salazar-faces-criminal-slander-suit-over-corruption-reporting>

²⁷ Committee to Protect Journalists, n.26

²⁸ Committee to Protect Journalists, n.26

²⁹ Committee to Protect Journalists, n.26

³⁰ Committee to Protect Journalists, n.26

³¹ Committee to Protect Journalists, n.26

³² The Committee to Protect Journalists, 'Colombian journalist José Abelardo Liz killed during military attack on Indigenous group', 18 August 2020, <https://cpj.org/2020/08/colombian-journalist-jose-abelardo-liz-killed-during-military-attack-on-indigenous-group>

³³ Committee to Protect Journalists, n.32

³⁴ Committee to Protect Journalists, n.32

the deaths on the Nasa people and left-wing guerrillas and denied that the army targeted civilians.³⁵

In the town on Vista Hermosa, in the south of Colombia, two other journalists were shot at by the Colombian army.³⁶ On 8 August, journalists Fernando Osorio and Edilson Álvarez, who work as photographer and reporter for the local news cooperative 'Voces del Guayabero' respectively, were 'covering a protest by coca farmers against the military's eradication of their crops' when soldiers started to chase them and fire at them.³⁷ The two journalists found refuge in a nearby house but were later found by the soldiers, who 'insulted them, accused them of being left-wing guerrillas and detained them at the house for about six hours before releasing them without charge.'³⁸ This is Osorio's second shooting attack at the hands of the military. On 13 August, while covering another coca protest, Osorio was insulted by soldiers, who pointed their weapons at him and made him lie face-down on the side of the road.³⁹ Prior to that, on 4 June, a soldier shot Osorio, 'breaking his camera and severing his pinky finger and part of his ring finger', which has made it much harder for him to work as a photographer.⁴⁰

The Colombian authorities must fully investigate these attacks against journalists and call for an end to the unlawful use of force by the military in the country. Failure to fully prosecute those responsible will create a chilling effect among journalists and media workers who report on politically sensitive issues in the country.

Iran

On Monday 10 August, the Media Supervisory Board of Iran's Ministry of Culture and Islamic Guidance immediately revoked the license of 'Jahane Sanat', a Tehran-based economic daily newspaper, for publishing an interview entitled 'No Trust in Government's Statistics' about the Iranian government's handling of the coronavirus pandemic.⁴¹ Mohammadreza Mahboubfar, a government epidemiologist working in Iran's National Coronavirus Task Force, commented that the country's officials were 'covering up the extent of the coronavirus outbreak'⁴² and that 'the country's virus figures have certainly been engineered since the start of the outbreak'. Authorities have also been accused of withholding the information until after commemorations for the anniversary of the 1979 Islamic Revolution and parliamentary elections which took place earlier this year in February.

³⁵ Committee to Protect Journalists, n.32

³⁶ Committee to Protect Journalists, 'Soldiers shoot at journalist in Colombia, threaten reporters covering coca protests', 17 August 2020, <https://cpj.org/2020/08/soldiers-shoot-at-journalist-in-colombia-threaten-reporters-covering-coca-protests>

³⁷ Committee to Protect Journalists, n.36

³⁸ Committee to Protect Journalists, n.36

³⁹ Committee to Protect Journalists, n.36

⁴⁰ Committee to Protect Journalists, n.36

⁴¹ Committee to Protect Journalists, 'Iran shuts down economic newspaper over Covid-19 reporting', 10 August 2020 <https://cpj.org/2020/08/iran-shuts-down-economic-newspaper-over-covid-19-reporting>

⁴² Bloomberg, Iran Shuts Down Newspaper Over Virus Cover-Up Allegations, 10 August 2020, www.bloomberg.com/news/articles/2020-08-10/iran-shuts-down-newspaper-over-virus-cover-up-allegations

In response to the remarks, Kianoosh Jahanpour, Director of Public Relations of the Ministry of Health, on his Twitter account denied the claims by Mahboubfar on his collaboration with Iran's national coronavirus task force and criticised media for publishing Mahboubfar's statement.⁴³

Recently, BBC Persian has conducted an independent investigation regarding numbers of Covid-19 death and confirmed cases, which is confirmed that the outbreak in Iran was acknowledged earlier than publically declared in the country. The study shows that the Covid-19 death toll in Iran had reached 42,000 by the end of July, which is three times more than official reports, and confirmed cases of 450,000 in the same period. The report indicates that Iranian official deliberately concealed information.⁴⁴ For months, official reports are still ambiguous and often contradictory with independent sources.

Mohammadreza Saadi, the managing director of 'Jahane Sanat', communicated to the state-run Islamic Republic News Agency that the Press Supervisory board had 'issued a verdict for the temporary suspension of the newspaper following the publication of the interview.'⁴⁵ It is unclear how long the suspension will last.⁴⁶

As IBAHRI reported in previous issues of this Bulletin, the Iranian regime has a long history of systematic attacks on journalists and news outlets that question or criticise its official position. As a result, thousands have been arrested allegedly for spreading rumours and false news. We condemn the decision of the Iran Ministry of Culture and Islamic Guidance action to impede upon independent reporting. The decision to revoke the license of 'Jahane Sanat' is yet another case of blatant government censorship by the Iranian authorities and we call for the license to be reinstated immediately.

Iraq

On 12 August 2020, two distinct attacks against journalists by Iraqi Kurdish forces took place. In Duhok, Iraqi Kurdish Asayish security forces raided the office of 'NRT Duhok', a local broadcaster, and held five employees in the office: Bewar Helmy, Bryar Nerway, camera operator Wahab Binyamin, video editor Rewar Ali, and driver Sherif Pasi.⁴⁷ The employees were held in the office from 10:00 to 19:00 and were prevented from leaving the office for 'safety reasons'.⁴⁸ This prevented them from covering the protests taking place in Durhok and across Kurdistan.

At the same time, in Erbil, Kurdish security forces detained several journalists covering protests in the city and seized their equipment.⁴⁹ Mohammed Amir, a NRT reporter, was covering a salary

⁴³ BBC Persia, Jahan-e-Sanat newspaper was banned for publishing an interview about Corona's 'real statistics', 10 August 2020, www.bbc.com/persian/iran-53720628

⁴⁴ BBC Persia, n.43

⁴⁵ Committee to Protect Journalists, n.41

⁴⁶ Committee to Protect Journalists, n.41

⁴⁷ Committee to Protect Journalists, 'Iraqi Kurdish security forces raid broadcaster, detain and beat journalists, seize equipment', 14 August 2020 <https://cpj.org/2020/08/iraqi-kurdish-security-forces-raid-broadcaster-detain-and-beat-journalists-seize-equipment>

⁴⁸ Committee to Protect Journalists, n.47

⁴⁹ Committee to Protect Journalists, n.47

protest in Erbil with Goran Abdul-Khaliq, a camera operator, when security forces stopped them, held them for several hours and confiscated their equipment. They were eventually allowed to leave 'on the condition that (they) don't return to cover the protests or otherwise (they) would be arrested again.'⁵⁰ Two other NRT crews faced similar fates. Journalists Hogr Samad, Mohammed Khalil, Umed Chomani, Hersh Qadir and Najmaddin Sdiq were reporting on the protests in Erbil when their equipment was seized by security forces.⁵¹ When Mohammed Khalil tried to record footage on his cell phone, security forces snatched it from him and broke it. Khalil was then held for eight hours at Erbil's Azadi police station without charge. None of the equipment has been returned to the crews. Similarly, a crew working for 'Payam TV', a broadcaster associated with the opposition Kurdistan Islamic Group party was harassed and insulted by Asayish security forces.⁵² The crew, consisting of one journalist and two camera operators, was reporting on the protests and preparing an interview a member of parliament when 'Asayish officers shoved and insulted them, and seized their equipment.'⁵³

On 13 August 2020, Kurdish security forces in Duhok physically assaulted and detained journalists covering the protests in the city for various news outlets.⁵⁴ A TV crew working for 'Gali Kurdistan', a local broadcaster affiliated with the opposition Patriotic Union of Kurdistan party (PUK), was assaulted and detained by Asayish security forces. The crew was arrested and held for three to four hours, during which time they were 'slapped, kicked and insulted'. The security forces also seized the crew's equipment, which they have not given back. At the same event, reporters for 'PRS Media', a news website affiliated with the opposition Kurdistan Islamic Union, were arrested, slapped and kicked.⁵⁵

Lebanon

According to reports, on 10 August 2020, Lebanese security forces assaulted and injured at least 14 journalists while covering protests in the capital, Beirut. Mass protests erupted in the city after the recent explosion at the city's port which injured thousands and killed hundreds. On 10 August, Prime Minister Hassan Diab and his cabinet resigned, as it emerged that the blast may have been the result of government negligence and since, citizens have been calling for accountability, an end to corruption and a restructuring of the country's political system.

Forces targeted numbers of national and international journalists including Al-Jazeera reporter Timour Azhari, BBC Persian reporter, Nafiseh Kooonavard despite clear identification as media workers. Timour Azhari posted [a video](#) to his social media account showing an officer strike him in the head with a stick. In a live interview with BBC Persia, Nafiseh Kooonavard said she was assaulted by a soldier while she was reporting on the protests. Makram Al-Halabi, a local videographer, was shot by a rubber bullet in the leg while was covering the protest in central Beirut. In a similar incident, Maher al-Murr a camera operator for the Al-Arabiya was shot in his

⁵⁰ Committee to Protect Journalists, n.47

⁵¹ Committee to Protect Journalists, n.47

⁵² Committee to Protect Journalists, n.47

⁵³ Committee to Protect Journalists, n.47

⁵⁴ Committee to Protect Journalists, n.47

⁵⁵ Committee to Protect Journalists, n.47

right leg. In another incident, Rita Kabalan, a photojournalist was filming the heated clash between protestors and forces when she was assaulted with a rifle and left unconscious.⁵⁶

On 8 August 2020, three crew-member of a Lebanese news website and production company Newsgate were injured when police forced fired tear gas and rubber bullet to protestors. On the same day, Loyal Bou Moussa, a reporter for independent Lebanon based broadcaster Al-Jadeed, Edmond Sassine, a reporter for LBCI, and Fadi Sakaf, a camera operator for the Lebanese MTV were hit by rocks threw by protestors.⁵⁷ A local daily newspaper, Al Nahar, reported one of the correspondents, Iskandar Hashasho, was severely beaten and his phone was confiscated by five pro-Shia political party Amal while was covering the protest.

On 13 August 2020, Lebanese parliament approved two week state of emergency and granted the army sweeping-power to bring the protestors under control. The resolution allows the army to arrest and detain those 'deemed to threaten national security', limit free speech, media and right to assembly. Under such regulation, the army has the liberty to suffocate media criticising the government and silence dissenting voices.⁵⁸

Evidence indicates that Lebanese forces implemented excessive force against protestors. Police forces fired tear gas, rubber bullets and birdshot while the majority of protestors used glass and stones to confront forces. Security forces, army and plain clothed individuals targeted the unarmed crowd and fired indiscriminately. Shreds of evidence indicate that forces used 'punitive shoot-to-harm' measures, which proves 'the authorities intended to punish protesters and dissuade others from protesting.'⁵⁹

In light of UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the use of firearms against a person must have sufficient grounds in domestic legislation and use of such force serves lawful purposes. Also, it emphasises the proportionality of the use of force against a person in accordance with General Provision 5 (a) law enforcement officials shall exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved, and (b) minimise damage and injury, and respect and preserve human life.'⁶⁰

The IBAHRI remains seriously concerned for the safety of journalists and free flow of information at this time. The role of journalists and the independent media is indispensable in facilitating access to information for the public as well as calling for accountability. We condemn the use of

⁵⁶ Beirut explosion: Lebanese soldiers attack journalists covering blast outrage, 10 August 2020 www.middleeasteye.net/news/beirut-explosion-lebanon-soldiers-attack_journalists?fbclid=IwAR2jkjHbernAgBYPL-zGCyhaUmCHTo1UjVD3R5W_1FWIvcRQspt4hjM5l8Y

⁵⁷ Security forces and demonstrators injure journalists covering protests over Beirut port explosion, 11 August 2020, cpj.org/2020/08/security-forces-and-demonstrators-injure-journalists-covering-protests-over-beirut-port-explosion/

⁵⁸ International Press Institute, Press freedom in Lebanon under threat, 17 August 2020, <https://ipi.media/press-freedom-in-lebanon-under-threat/>

⁵⁹ Amnesty International, Lebanon: security forces sprayed protesters with rubber bullets and tear gas canisters, 11 August 2020, www.amnesty.org.uk/press-releases/lebanon-security-forces-sprayed-protesters-rubber-bullets-and-tear-gas-canisters

⁶⁰ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx

force and attacks on journalists and demands an immediate investigation by the Lebanese government to hold those responsible accountable.

Zimbabwe

On 18 August 2020, the International Bar Association and IBAHRI issued a statement⁶¹ expressing concern over the recent arrest of prominent Zimbabwean investigative journalist Hopewell Chin'ono, following the publication of corruption allegations against Zimbabwe's ruling elite. In a series of documents, Mr Chin'ono raised concerns that powerful individuals were profiting from multimillion-dollar deals of essential supplies to fight the Covid-19 pandemic. There has been a catalogue of Zimbabwe Constitution, rule of law and human rights violations, including Mr Chin'ono being denied the right to speak with counsel without a prison officer present. This is in direct violation of section 50 (5)(b) of the Zimbabwean Constitution; denied the protection of sections 61 and 62 of the Zimbabwe Constitution, which expressly guarantee the right to freedom of expression, including media freedom and the freedom to protest against government failure to act in the public interest; ill-treated, with reports citing prevention of access to appropriate food and warm clothing; shackled with leg cuffs, which Ms Beatrice Mtetwa, (his lead lawyer) requested the Zimbabwe Prison and Correctional Services remove when he appeared in court; and denied the right to a third bail hearing being heard in open court. Members of the public and media practitioners have been barred from attending. The IBAHRI request for the Zimbabwean authorities to respect its international obligations including Article 14(1) of the International Covenant on Civil and Political Rights provides 'everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.' Denying Mr Chin'ono the right to have his bail hearing heard in open court, when the issue is of public interest, is a direct contravention of this well-established international legal instrument. Further, Article 9 of the African Charter on Human and Peoples' Rights also protects free expression, as does Article 19 of the Universal Declaration of Human Rights.

In addition, his lead lawyer Beatrice Mtetwa, and the Zimbabwean Lawyers for Human Rights have endured harassment by Zimbabwean authorities for carrying out their professional duties. On 18 August 2020, Magistrate Nduna ordered Ms Mtetwa to step down from representing her client Mr Chin'ono. Magistrate Nduna ruled that Ms Mtetwa had posted comments on social media that denigrated the courts and was thus in contempt of court. Ms Mtetwa will appeal these charges. The referenced Facebook page, 'Beatrice Mtetwa and the Rule of Law', is a website created and run by an American documentarist, who made a film with the same title on the importance of the rule of law. Magistrate Nduna has also ordered the Prosecutor-General of Zimbabwe to consider instituting contempt of court proceedings against Ms Mtetwa and has called on the Law Society of Zimbabwe to revoke her licence to practise. The IBAHRI issued a statement⁶² expressing grave concern at how judicial independence continues to be under assault in the country and reminding the Zimbabwean authorities that it is the responsibility of the state

⁶¹ IBAHRI, Zimbabwe: IBA and IBAHRI voice concerns over Hopewell Chin'ono arrest and harassment of Beatrice Mtetwa, 18 August 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=404c6562-ec93-47a0-87e3-f79c6fc7f1de

⁶² IBAHRI, IBA and IBAHRI condemn Zimbabwe court's barring of Beatrice Mtetwa from defending Hopewell Chin'ono, 19 August 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=628473cd-4062-497c-8750-255bc3c46a8a

to ensure the security of lawyers. As the crackdown in Zimbabwe by authorities and law enforcement intensifies, we will continue to monitor this situation closely.

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.

Azerbaijan

The IBAHRI is extremely concerned to learn that Azerbaijani authorities arrested 17 opposition activists and leaders from the Azerbaijani Popular Front Party (APFP). On 19 August 2020, opposition members were arrested on spurious criminal charges, ranging from violating lockdown rules related to the Covid-19 pandemic, to destruction of property, and an attempted coup, following an unsanctioned rally in Baku that took place on 14 July 2020.⁶³ Their arrests are part of a wider concerning crackdown by the Azerbaijani government on free speech, the opposition and those with dissenting views.

According to the detainee's lawyers, none of the 17 arrested were in the group that broke into the parliament (14 July 2020) and some were not present at the rally. Despite this, 16 individuals face criminal charges. Furthermore, the IBAHRI understands there have been serious due process violations in their cases. The Courts contravened Azerbaijani law, which prescribes that detainees must be brought before a judge within 48 hours of arrest, as they sent all but one of the arrested party members to pre-trial custody for up to four months. Additionally the detainees requested their own lawyers; despite this authorities provided state-appointed lawyers and three of the detainee's lawyers report that they were refused access to the clients. As a result, the initial interrogations and the remand hearings took place in the presence of state-appointed lawyers, who are not regarded as independent in Azerbaijan.⁶⁴

The Azerbaijani government are in breach of its international human rights obligations, including those within the European Convention on Human Rights, which prohibits arbitrary detention, guarantees the right to a lawyer, guarantees the rights to freedom of expression and assembly and provides for the absolute ban on ill-treatment in custody. On 31 July 2020, Rapporteurs on Azerbaijan for the Council of Europe Parliamentary Assembly expressed 'grave concern' regarding 'the troubling pattern of arbitrary arrest and detention of government critics,' and urged the authorities to 'ensure full respect for the freedoms of expression and assembly, the prohibition of torture, and the rights to liberty and security and to a fair trial.'⁶⁵

The IBAHRI are further alarmed that the Azerbaijan government have strengthened criminal sanctions for violating the health/hygiene and lockdown rules, offences are punishable by a fine up to 5,000 manat (approximately US\$3,000) or up to three years in prison. During this unprecedented time, the IBAHRI has called on states to avoid using the Covid-19 pandemic as an excuse to implement new or amended laws or measures that are incompatible with international

⁶³ Human Rights Watch, 'Azerbaijan: Relentless Crackdown on Opposition', 19 August 2020, <https://www.hrw.org/news/2020/08/19/azerbaijan-relentless-crackdown-opposition>

⁶⁴ Human Rights Watch, n.63

⁶⁵ Council of Europe, 'Rapporteurs respond to reports of mass arrests of demonstrators in Azerbaijan', 31 July 2020, <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=7971&lang=2>

human rights law and standards. Moreover, in previous issues of this Bulletin, we have urged states to release prisoners arrested on low-level charges, in order to reduce the risk of overcrowding leading to the spread of the Covid-19 virus, which can be deadly. We ask the Azerbaijan government to remove the threat of arrest or imprisonment from the newly toughened criminal sanctions for violating the health/hygiene and lockdown rules. Additionally, we urge all states to refrain arresting or detaining anyone breaking lockdown rules, as this only serves to increase the risk posed by the virus.

The IBAHRI joins the rapporteurs and organisations including Human Rights Watch in condemning the actions of the government, including undertaking politically motivated arrests and prosecutions. We are extremely concerned that the government are using the Covid-19 pandemic to crack down on free speech, particularly the speech of journalists and the opposition. We appeal to the government to act in line with their international commitments in their fight against the virus and to guarantee that the free speech rights of all of their citizens are protected.

Philippines

On 17 August 2020, Zara Alvarez, a legal worker for the human rights group Karapatan was fatally shot in the central Philippine island of Negros. Alvarez is the 13th human rights defender to be killed in the Philippines in the past four years and her death highlights the ways in which the new Anti-Terrorism law can be misused, as the Anti-Terrorism Council is the chief enforcer of the law, and as such is empowered to designate individuals as terrorists. The Council is composed of officials from the Executive Department, some of whom belong to agencies long engaged in 'red-tagging,' a form of political harassment against activists in which authorities label them 'communists'.⁶⁶

The IBAHRI is alarmed by the murder of Zara Alvarez and all human rights defenders in the Philippines, particularly as there is a culture of widespread impunity for those committing such heinous acts. The Philippines is a signatory of the Universal Declaration of Human Rights, of which Article 3, guarantees the right to life and Article 19 guarantees the right to freedom of opinion and expression for all. By allowing such impunity, the government of the Philippines is failing to uphold their international commitments, the result of which is the most grievous crimes. Furthermore, such inaction leads to self-censorship by journalists, human rights defenders and all those who speak against the government or work to uphold human rights.

The IBAHRI calls on the government of the Philippines to undertake an independent, transparent investigation into the murder of Ms Alvarez and all other murdered lawyers, journalists and human rights defenders, to ensure those responsible are brought to justice in fair trials. We urge the government to act in line with their international commitments and respect and safeguard the free speech rights of all individuals.

Bangladesh

Amnesty International report that Mr Ashraf Uddin Mahdi, a 27-year-old student activist and critic of the government with a large online following, was forcibly disappeared by Bangladeshi

⁶⁶ Human Rights Watch, 'Two More Philippine Activists Murdered', 18 August 2020, www.hrw.org/news/2020/08/18/two-more-philippine-activists-murdered

authorities on 6 August 2020. He was held incommunicado in an unknown location for 48 hours before being released amid intensified pressure from civil society organisations. Mr Mahdi told Amnesty International that the abductors released him on the condition that he would stop writing critical posts on social media about a few individuals affiliated with the regime. Enforced disappearances have been on the rise in Bangladesh since Prime Minister, Sheikh Hasina assumed power in 2009. According to the International Federation for Human Rights (FIDH), between 2009 and 2018, at least 507 people were subjected to enforced disappearances. Of them, 62 people were found dead, 286 returned alive, and the fate and whereabouts of 159 are still unknown.⁶⁷

Bangladesh ranks 151 on Reporters without Borders (RSF) 2020 World Press Freedom Index. RSF highlights that the 2018 digital security law, which criminalises 'negative propaganda' by up to 14 years in prison, has resulted in self-censorship for journalists and media workers because editors are reluctant to risk imprisonment or their media outlet's closure.⁶⁸

The IBAHRI is deeply troubled by the enforced disappearance of Mr Mahdi, which is part of a disturbing pattern of enforced disappearances being used as a tool by the Bangladeshi government to silence critics, activists and journalists. We call on the government to undertake an impartial and independent investigation into the enforced disappearance of Mr Mahdi, in order to guarantee that the rights of all individuals are respected and that the authorities cannot act with impunity. Furthermore, Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by Bangladesh, guarantees the right to free expression, therefore the government have a duty to allow people to express their views without fear of reprisal and they must immediately cease any actions and repeal legislation that targets or prevents individuals for expressing this right.

Myanmar

Maung Saungkha, a free-speech activist and poet was charged with hanging a banner reading 'Is the internet being shut down to hide war crimes in Rakhine and killing people?' from an overpass in downtown Yangon on 21 June 2020. Mr Saungkha was charged under Section 19 of the Peaceful Assembly and Peaceful Procession Law, which criminalises unauthorised protests and carries a maximum three-month prison sentence, a fine or both. He is due to appear in court on 21 August 2020, to face accusations of organizing a protest demanding an end to internet restrictions in the conflict-affected Rakhine and Chin states.⁶⁹

Myanmar authorities have continuously expanded their crackdown on freedom of expression and the right to protest. The Peaceful Procession and Peaceful Assembly Law imposes criminal penalties for failing to provide notice for an assembly or comply with broadly worded restrictions on permissible speech and actions at an assembly. The restrictions are contrary to international

⁶⁷ Amnesty International, 'Bangladesh: Rising attacks on freedom of expression and peaceful assembly must be urgently stopped', 11 August 2020, www.amnesty.org/en/latest/news/2020/08/rising-attacks-on-freedom-of-expression-and-peaceful-assembly-in-bangladesh-must-be-stopped/

⁶⁸ Reporters Without Borders, '2020 World Press Freedom Index, Bangladesh', <https://rsf.org/en/bangladesh>

⁶⁹ Human Rights Watch, 'Myanmar: Drop Charges Against Free-Speech Activist', 20 August 2020, www.hrw.org/news/2020/08/20/myanmar-drop-charges-against-free-speech-activist

human rights standards that prohibit holding anyone criminally liable for organising or participating in a peaceful assembly.⁷⁰

The IBAHRI is concerned that the government of Myanmar are increasingly restricting freedom of speech, stifling peaceful protest and cracking down on dissent, while restricting access to the internet in the Rakhine and Chin states. Thus preventing those living in the states from accessing vital information that will help stop the spread of the virus. Clearly, the government are using the Covid-19 pandemic to violate international human rights standards. We join Human Rights Watch in calling on the government to drop the charges against Mr Saungkha and pardon others prosecuted for protesting the ban, and instead focus on repealing the repressive laws that continue to criminalise peaceful protest and expression.⁷¹

Poland

On 14 August 2020, the IBAHRI issued a press release urging the Republic of Poland to ensure freedom of expression for supporters of lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) persons' rights. In the statement, we called for an immediate end to the homophobic rhetoric currently espoused by Polish leaders, including President Andrzej Duda, who, in a campaign speech, declared the promotion of LGBT rights an 'ideology' more dangerous than communism.

In recent weeks, Polish police have violated citizens' freedom of expression rights by using blasphemy laws to arrest LGBTQI+ activists during peaceful protests. Under Article 196 of Poland's criminal code, a person who 'offends the religious feelings of others by publicly insulting a religious object or place of worship' may face up to two years in prison. The Polish transgender activist well-known as Margot has been arrested several times, with the government defending police action against her and other activists, stating 'certain boundaries [of tolerance] were crossed'.

LGBTQI+ rights have become a national issue in Poland, fuelled by the ruling Law and Justice Party (PiS), which has used homophobic rhetoric to build support among conservative voters. In late June, PiS politician Mr Duda was re-elected president following a campaign that deliberately deployed anti-LGBTQI+ rhetoric as an election strategy. Furthermore, the Justice Ministry is currently funding work aimed at 'counteracting crimes related to the violation of freedom of conscience committed under the influence of LGBT ideology.' On 22 June 2020, human rights leaders, as part of the Organization for Security and Co-operation in Europe Parliamentary Assembly⁷², expressed their deep concern at the increasing intolerance LGBT individuals face in the country stating that 'Efforts by politicians to demonise respect for LGBT rights as a destructive "ideology" and the declarations of so-called "LGBT-free zones" are blatant manifestations of hate and have no place in our societies'.

⁷⁰ Human Rights Watch, n.69

⁷¹ Human Rights Watch, n.69

⁷² IBAHRI, IBAHRI condemns LGBTQI+ rights crackdown in Poland, 14 August 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=0ce7ba4e-9a8f-48df-89d0-3a4e730047dc

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.

Egypt

Earlier this month, organisations Human Rights Watch⁷³ and Amnesty International⁷⁴ have published reports exposing the Egyptian government's crackdown on women influencers on social media platforms, including the TikTok app. According to the reports, women influencers who disclosed sexual assaults and violations of their online privacy rights are the targets of this crackdown on the grounds of 'indecentcy' and 'violating family values'.

Amnesty International has found out that in an appalling case, Menna Abdelaziz, aged 18, was arrested on the grounds of 'inciting seduction' and 'violating family values' because of an Instagram live video where she asked for help and called on the authorities to prosecute the man who she accused of raping her. In two other cases, private photos of women, which were used to blackmail them, were accepted as 'evidence' against the victims in court proceedings. In similar cases arising since April 2020, ten women social media influencers have been arrested and charged with similar crimes under the country's cyber-crimes law. Four of the women influencers were sentenced to imprisonment of up to three years and ordered to pay hefty fines as the remaining six influencers are awaiting trial.

The IBAHRI strongly urges Egyptian authorities to immediately release all women social media influencers and drop the arbitrary charges against them. The Egyptian government must stop criminalising women social media influencers, respect and uphold their online privacy rights, and prioritise combatting sexual and gender-based violence in the country.

⁷³ Human Rights Watch, 'Egypt: Spate of 'Morality' Prosecutions of Women', 17 August 2020,

www.hrw.org/news/2020/08/17/egypt-spate-morality-prosecutions-women

⁷⁴ Amnesty International, 'Egypt: Survivors of sexual violence and online abuse among prosecuted women TikTok influencers', 13 August 2020, www.amnesty.org/en/latest/news/2020/08/egypt-survivors-of-sexual-violence-and-online-abuse-among-prosecuted-women-tiktok-influencers/