



## **IBAHRI Freedom of Expression Bulletin**

**For Release: 16 December 2020**

Throughout November 2020, the **International Bar Associations Human Rights Institute** (IBAHRI) Secretariat to **The High Level Panel of Legal Experts on Media Freedom** organised launch events for the three remaining reports produced by the Panel. The series of four advisory reports focus on improving international mechanisms to enforce international human rights norms. The events follow on from the release of the Panel's first Enforcement report on 'Targeted Sanctions to Protect Journalists', in February 2020.

### ***L. A Pressing Concern: Protecting and Promoting Press Freedom by Strengthening Consular Support to Journalists at Risk***

On Monday 16 November 2020, the Panel launched their second report 'A Pressing Concern: Protecting and Promoting Press Freedom by Strengthening Consular Support to Journalists at Risk', at the Global Conference on Media Freedom, co-hosted by Canada and Botswana. The eminent panel of speakers included the Honourable Professor Irwin Cotler, report author, member of the Panel and former Minister of Justice and Attorney-General of Canada, together with Panel Deputy Chair, Amal Clooney, Panel members, Professor Can Yeğinsu and Baroness Helena Kennedy QC, and exiled journalist, Masih Alinejad. The speakers discussed the importance of a solid, structured framework for consular protection which recognises the rights of journalists and will add clarity and accountability to the current paradigm of consular support, reflecting upon the responsibilities placed on the Home state (where the journalist normally resides), and the Host state (where the journalist is reporting). Margaux Ewen, Executive Director of the James Foley Foundation, moderated the session.

This report examines the existing State approaches respecting consular assistance for journalists at risk abroad, and proposes a new paradigm of justice and accountability organised around four recommendations:

- First, that consular protection by the Home State (where the journalist normally resides) is not a matter of discretion, but of legal obligation;

- Second, that the Host State (where the journalist is reporting) has responsibilities both to the Home State and to the journalist at risk;
- Third, that the rights of the journalist at risk are often marginalised or ignored, at the expense of consular protection;
- Finally, that the international community is not a bystander community, but a protective one.

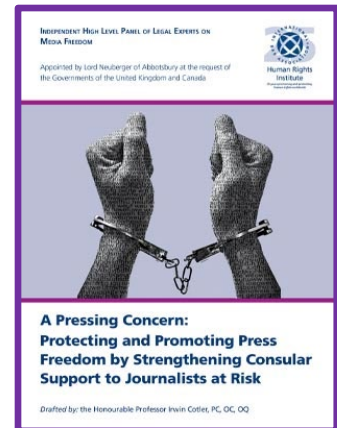
**Member of the Panel and report author, The Honorable Irwin Cotler**, remarked: *‘Our report proposes a protective framework for journalists at risk abroad, whereby consular support by the Home State is not a matter of discretion, but of legal obligation; where the Host State has obligations both to the Home State and to the journalist at risk; where the rights of the journalist at risk are neither marginalised or ignored, but a centrepiece of consular protection, as set forth in the proposal for a Charter of Rights for Detained journalists; where the international community is not that of a bystander community, but of a protective one; and where parliamentarians can underpin, and oversee, the consular protection by the Home State, while holding the Host State accountable when necessary. In a word, States must promote and protect the safety and security of journalists, and this report charts a roadmap of recommendations for that purpose’.*

A copy of the report and recording of the launch event are available [here](#).

## **II. Report on Providing Safe Refuge to Journalists at Risk**

On Monday 23 November 2020, the Panel launched their third report, ‘Providing Safe Refuge to Journalists at Risk’, as part of the International Bar Association (IBA) Virtually Together Conference. The distinguished panel, included report author, English barrister and member of the Panel, Professor Can Yeğinsu, together with Panel Chair Lord Neuberger, Panel Deputy Chair, Amal Clooney, CPJ Advocacy Director, Dr Courtney Radsch and Panel member, Baroness Kennedy QC. The speakers discussed a set of specific recommendations around legislation and policy that States, including signatories to the Global Pledge on Media Freedom as members of the Media Freedom Coalition, can implement to provide safe, reliable, and effective relocation pathways for journalists at risk.

By reference to real life case studies, the report examines in detail the circumstances, which make relocation necessary for journalists at risk today, finding that the pathways to safety open to them are too few in number, and those that do exist are too slow, burdensome, and difficult to navigate to be capable of providing practical and effective recourse. The report recommends to members of the Media Freedom Coalition and partner States committed to the protection and promotion of media freedom: (i) the introduction of a new emergency visa for journalists at risk; and (ii) the implementation of a number of essential adjustments to the existing framework for safe relocation. The publication of the Report was accompanied by an Op-Ed by Professor Yeginsu entitled How to Fight Truth Decay: Protect the Truth Tellers published in Just Security on 23 November 2020.



**Professor Can Yeğinsu, Barrister, member of the Panel, and the Report's author** remarked: *'There is a clear gap in the international legal protection for journalists who put themselves at risk to bring us the truth. States can bridge that gap, with little if any attendant political cost, by creating an emergency visa for journalists at risk and by making a few modest adjustments to the existing framework for safe relocation. I welcome the priority the Media Freedom Coalition has given to this issue in its recent ministerial communiqué. It is now time for words to be followed by deeds: the High Level Panel has made clear recommendations in this area which, if implemented, could have an enormous impact in strengthening media freedom, an essential pillar of a free and democratic society'*.



A copy of the report and recording of the launch event are available [here](#).

### **III. Advice on Promoting More Effective Investigations into Abuses against Journalists**

On Wednesday 25 November 2020, the Panel launched their fourth enforcement report entitled, 'Advice on Promoting More Effective Investigations into Abuses against Journalists', as part of the IBA Virtually Together Conference. The prominent panel of speakers, included Mr Nadim Houry, report author, Executive Director of the Arab Reform Initiative, Human Rights lawyer and member of the Panel, together with Panel Deputy Chair, Amal Clooney, Panel members, Professor Can Yeğinsu and Baroness Helena Kennedy QC, RSF Director-General, Christophe Deloire and barrister, Caoilfhionn Gallagher QC. The speakers discussed the significant increase in the number of attacks against journalists globally, the vast majority of which continue to go unpunished and the chilling effect caused by this rampant impunity. They highlighted that the overwhelming majority of investigations into attacks and murders of journalists remain inconclusive and the importance of state support for the creation of the International Investigative Taskforce, recommended by the Panel.

The report examines the increasing and varied nature of attacks against journalists and the persistent impunity. The report reviews the existing efforts to promote effective investigations and assesses the constraints of the present system. The report concludes with three major recommendations to the signatories to the Global Pledge on Media Freedom and other key governments to strengthen investigations into attacks on journalists to address the issue of impunity and progress towards accountability.

**Nadim Houry, member of the Panel, and the Report's author** remarked: *'Rampant impunity has created a chilling effect for media freedom. Despite repeated promises at the international level to tackle impunity, there are still too few mechanisms actually investigating the attacks, reporting on progress of investigations or holding states accountable for failing to investigate effectively. It is*



*time for a 'Coalition of the Committed' to lead the way in setting an international investigative task force that can bring perpetrators to justice. This coalition – which should naturally include the states that signed the Global Pledge on Media Freedom – should also strengthen the UN response to the worst perpetrators of attacks on journalists so that there is a political cost for those who attack journalists'.*

A copy of the report and recording of the launch event are available [here](#).

### **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.<sup>1</sup> 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.

---

<sup>1</sup> 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.

### European Union

After repeated calls from the European Parliament, a provisionally approved act, similar to the US and UK Magnitsky-style law relating to sanctions, has been passed by the EU which will enable the regional body to freeze assets and impose travel bans on individuals involved in human rights abuses, irrespective of their nationality, from 10 December 2020. The new law 'establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide'.<sup>2</sup> According to a leaked draft version, the proposed act has 12 criteria for sanctions ranging from genocide, torture, extrajudicial killings, arbitrary arrests, sexual violence and abuses of freedom of assembly and expression.<sup>3</sup> However, unlike US legislation, the draft does not mention corruption as a criterion for sanctions.

Currently, the EU does not have the power to enforce travel bans on individuals as the competence lies with national governments, and its other sanction powers are geographically targeted. By levying individual sanctions across the entire bloc, the new law will lead to improved enforcement of human rights standards globally, rather than country-specific designations which deteriorate bilateral relations and do not adequately address all actions, including those of individuals and non-state actors, as perpetrators. The inclusion of *abuses of freedom of expression and assembly* will positively contribute towards the safety of journalists in holding specific individuals to account for their role played in silencing media workers.

In the first report produced by the High Level Panel of Legal Experts on Media Freedom, on [The Use of Sanctions to Protect Journalists](#), report author and Deputy Chair of the Panel, Amal Clooney, recommended the use of targeted sanctions to protect journalists as a valuable tool in enforcing human rights and should be used to protect the right to a free press. The report specifically recommends that the EU incorporate a broad scope of application on sanctions so that they are implemented not only when journalists are killed or tortured, but also when they are imprisoned on false pretences, or when the media is silenced through internet and news site shutdowns. Furthermore, where appropriate, the sanctions net should apply to companies,

---

<sup>2</sup> The Guardian, 'EU to use Magnitsky-style law to impose sanctions on human rights abusers', 27 November 2020, [www.theguardian.com/world/2020/nov/27/eu-to-use-magnitsky-style-law-to-impose-sanctions-on-human-rights-abusers?CMP=Share\\_iOSApp\\_Other](http://www.theguardian.com/world/2020/nov/27/eu-to-use-magnitsky-style-law-to-impose-sanctions-on-human-rights-abusers?CMP=Share_iOSApp_Other)

<sup>3</sup> European Parliament, 'A European Magnitsky Act', 23 October 2020, [www.europarl.europa.eu/legislative-train/theme-a-stronger-europe-in-the-world/file-a-european-magnitsky-act](http://www.europarl.europa.eu/legislative-train/theme-a-stronger-europe-in-the-world/file-a-european-magnitsky-act)

individuals, terrorist groups, government officials, and the network of collaborators who facilitate their crimes.

Other recommendations seek to limit the extent to which sanction powers can be misused. In addition to emphasising the need for appropriate due process protections, the report recommends mechanisms that will help to apply sanctions on a broad and objective basis. This would include, for example, an independent, non-governmental expert committee responsible for recommending targets and coordinating evidence that could improve the process and create space for governments to impose sanctions, even against nationals of friendly states.<sup>4</sup>

The IBAHRI welcomes the provisional approval of the new sanction regime which is a milestone in the enforcement of international human rights and will contribute in resolving the growing impunity for crimes committed against journalists, which lacked 'teeth' in the international domain. The IBAHRI will continue to follow its developments closely, working alongside the Panel in implementing the recommendations of their report relating to the EU context and in urging other states and regional blocs to adopt similar measures.

### **European Union**

On 1 December 2020, the International Press Institute called on the EU to take concrete measures to protect journalists, activists and whistleblowers from Strategic Lawsuits Against Public Participation (SLAPP). Such lawsuits are a grave abuse of the legal system in order to suppress press and media from divulging information relevant to the public. The draft model for a directive titled, 'Protecting Public Watchdogs across the EU: A Proposal for an EU Anti-SLAPP Law',<sup>5</sup> has been supported by over 60 organisations across the globe and sets out the arguments for an EU Directive to combat SLAPPS.<sup>6</sup> These lawsuits are a form of legal harassment by powerful entities who seek to avoid public scrutiny. At present, no EU country has established a legal framework to protect public watchdogs such as journalists, rights defenders, activists and whistleblowers from such SLAPP lawsuits. SLAPP lawsuits are becoming an increasing trend in several European countries, especially where defamation is a criminal offence. The directive would include legislative and non-legislative measures to secure a safer environment for public watchdogs and public participation in the EU.<sup>7</sup> Therefore, there is an increasing need to establish an EU-wide legal framework in order to put an end to this abusive practice targeting investigative journalists across Europe.<sup>8</sup>

---

<sup>4</sup> IBAHRI - High Level Panel of Legal Experts on Media Freedom, 'Report on the Use of Targeted Sanctions to Protect Journalists', 13 February 2020, [www.ibanet.org/Media-Freedom-Sanctions-report-launch-2020.aspx](http://www.ibanet.org/Media-Freedom-Sanctions-report-launch-2020.aspx)

<sup>5</sup> SLAPP model directive, 'Protecting Public Watchdogs Across The EU: A Proposal For An EU Anti-Slapp Law', [https://dq4n3btxmr8c9.cloudfront.net/files/zkecf9/anti-SLAPP\\_model\\_directive\\_paper\\_final.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/zkecf9/anti-SLAPP_model_directive_paper_final.pdf)

<sup>6</sup> RSF, 'RSF and 60 other organisations call for an EU anti-SLAPP directive', 2 December 2020, <https://rsf.org/en/news/rsf-and-60-other-organisations-call-eu-anti-slapp-directive>

<sup>7</sup> RSF, n. 11

<sup>8</sup> IPI, 'IPI joins call for EU directive to combat SLAPPS', 1 December 2020, <https://ipi.media/ipi-joins-call-for-eu-directive-to-combat-slapps/>

## **European Union**

On 13 November, the European parliament adopted a resolution on the impact of Covid-19 measures on democracy, rule of law and fundamental rights, as MEPs warned against the ‘risk of abuse of power’ amidst the pandemic.<sup>9</sup> With 496 votes for, 138 against, and 49 abstentions, nearly all speakers expressed concerns in regards to the rights of citizens and vulnerable groups in a number of EU countries where emergency measures have been taken.

The parliament expressed concern and specifically pointed out that emergency measures must be in compliance with the EU’s fundamental rights, uphold democratic principles, including checks and balances, and the rule of law. State of emergency measures must thus be necessary, proportionate, transparent and time-limited, in particular, national governments should not ‘abuse emergency powers to pass legislation unrelated to the Covid-19 health emergency’.<sup>10</sup> The resolution also stresses that such principles also applies for measures that unduly restrict the right to freedom of expression and that result in arrests, even during waves of disinformation, misinformation, cyber-attacks and critical social media posts.

The resolution calls on Member States to only restrict freedom of movement when strictly necessary and justifiable, and ‘not to use the banning of demonstrations to adopt measures, even if unrelated to Covid-19, that would merit a proper public and democratic debate’. Parliament also hinted its disapproval at the recent ongoing civil unrest surrounding the de facto ban of abortions in Poland, following a court ruling that found abortions to be unconstitutional,<sup>11</sup> by stating that Member States should refrain from endorsing measures that impact sexual and reproductive health rights.<sup>12</sup> The IBAHRI welcomes the recent parliamentary resolution and urges EU Member States to comply, and refrain from using Covid-19 as a pretext for pushing measures that weaken democratic principles and the protection of human rights.

## **France**

A bill on Global Security adopted by France’s National Assembly’s Laws Committee, tabled by the Interior Minister, Gerald Darmanin, will severely and disproportionately restrict the rights of

---

<sup>9</sup> European Parliament, Press Release, ‘European values must prevail, even in a state of public emergency, MEPs say’, [www.europarl.europa.eu/news/en/press-room/20201109IPR91118/european-values-must-prevail-even-in-a-state-of-public-emergency-meps-say](http://www.europarl.europa.eu/news/en/press-room/20201109IPR91118/european-values-must-prevail-even-in-a-state-of-public-emergency-meps-say)

<sup>10</sup> European Parliament, ‘The impact of COVID-19 measures on democracy, the rule of law and fundamental rights’, 13 November 2020, Brussels, [2020/2790\(RSP\)](https://www.europarl.europa.eu/media/default.do?app=press&lang=en&docId=12345678)

<sup>11</sup> Amnesty International, ‘Poland’s Constitutional Tribunal Rolls Back Reproductive Rights’, 22 October 2020, [www.amnesty.org/en/latest/news/2020/10/polands-constitutional-tribunal-rolls-back-reproductive-rights/](https://www.amnesty.org/en/latest/news/2020/10/polands-constitutional-tribunal-rolls-back-reproductive-rights/). See more of IBAHRI’s work on Poland here: [www.ibanet.org/Human\\_Rights\\_Institute/Work\\_by\\_regions/Europe/Poland.aspx](http://www.ibanet.org/Human_Rights_Institute/Work_by_regions/Europe/Poland.aspx)

<sup>12</sup> New Europe, European Parliament warns against ‘risk of abuse of power’ in Corona national emergency measures, 16 November 2020, [www.neweurope.eu/article/european-parliament-warns-against-risk-of-abuse-of-power-in-corona-national-emergency-measures/](https://www.neweurope.eu/article/european-parliament-warns-against-risk-of-abuse-of-power-in-corona-national-emergency-measures/)



journalists and freedom of the press.<sup>13</sup> The bill would effectively make it illegal to disseminate photographs or videos of the faces, or identifying features, of police officers and gendarmes ‘with intent to harm’.

Article 24 of the bill holds that ‘Dissemination of face images or any other identifying element of an officer belonging to the national police or the gendarmerie acting in the context of a policing operation, by any means whatsoever and on any medium whatsoever, with the aim of causing harm to his or her physical or psychological integrity’.<sup>14</sup> The draconian law also includes hefty criminal sanctions for contravention by introducing up to a year in prison and a maximum fine of €45 000.

The clause in its current form doesn’t pertain to all photos or videos of police. The police officer, or gendarme, must be identifiable in the photo or video and its dissemination must directly and deliberately seek to harm them. If a complaint is brought against a journalist or any other person that posts such media publicly, then the prosecutor must prove intent to cause harm. On the issue, leading free expression organisation, Reporters sans Frontier (RSF) stated that ‘in the case of journalists covering protests, it would seem, on the face of it, to be very hard to produce such evidence’. However, it could lead to the harassment of journalists.<sup>15</sup> This could include searching an accused’s home or office and examining their emails and social media accounts. The open-ended interpretation of ‘intent to cause harm’ could be exploited by the prosecutor’s office in their determination when examining criticisms of the police, which, in the context of increasing police violence and racial profiling in France, could lead to further abuse of power against journalists and government critics.

Furthermore, the bill on Global Security will inevitably disrupt the work of journalists as it provides cause for police to detain virtually anyone filming law enforcement officers, even if covering cases of police brutality. Thus leading to impunity and possible censorship, even if the likelihood of conviction is low. During demonstrations protesting the passing of the law on the Saint-Germain boulevard near the parliament building, police had arrested five journalists.<sup>16</sup> The Ombudsman for human rights in France, Claire Hedon, stated that the bill involves ‘significant risks of undermining fundamental rights’, including press freedom, and that ‘the publication of images relating to police interventions are legitimate and necessary for democratic functioning’.<sup>17</sup>

The IBAHRI is deeply concerned over the passing of the new law, which is already on the fast-track procedure to being passed by the Assemblée Nationale. It severely undermines media freedom, freedom of expression and freedom of assembly by enabling the disruption of the public’s right to be informed and civil society’s ability in holding police to account. Furthermore,

---

<sup>13</sup> The Guardian, ‘Concern over French bill that cracks down on photos identifying police’, 09 November 2020, [www.theguardian.com/world/2020/nov/09/french-law-protect-police-press-freedom-journalists-ban-intent-harm](https://www.theguardian.com/world/2020/nov/09/french-law-protect-police-press-freedom-journalists-ban-intent-harm)

<sup>14</sup> Council of Europe, Bill on Global Security Threatens Press Freedom, 09 November 2020, [www.coe.int/en/web/mediafreedom/detailalert?p\\_p\\_id=sojdashboard\\_WAR\\_coesojportlet&p\\_p\\_lifecycle=0&p\\_p\\_col\\_id=column4&p\\_p\\_col\\_count=1&sojdashboard\\_WAR\\_coesojportlet\\_alertId=75726024](https://www.coe.int/en/web/mediafreedom/detailalert?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_col_id=column4&p_p_col_count=1&sojdashboard_WAR_coesojportlet_alertId=75726024)

<sup>15</sup> Reporters Sans Frontiers, ‘France: As it stands, ban on filming police “with intent to harm” would threaten press freedom’, 06 November 2020, [rsf.org/en/news/france-it-stands-ban-filming-police-intent-harm-would-threaten-press-freedom](https://rsf.org/en/news/france-it-stands-ban-filming-police-intent-harm-would-threaten-press-freedom)

<sup>16</sup> Daily Sabah, ‘French police arrest journalists at protest over proposed security law’, 18 November 2020, [www.trtworld.com/europe/french-police-arrest-journalists-at-protest-over-proposed-security-law-41590](https://www.trtworld.com/europe/french-police-arrest-journalists-at-protest-over-proposed-security-law-41590)

<sup>17</sup> Daily Sabah, n.21

it creates a chilling effect on the entire media profession, human rights activists and government critics. The IBAHRI calls on French lawmakers to reform the bill and remove its offending clause due to its incompatibility with the fundamental rights and the rights of journalists

### **Hong Kong**

A new law in Hong Kong imposed by China's highest legislative body, passed on 11 November 2020, allows for the disqualification of 'unpatriotic' opposition members in the Special Administrative region's legislature. Four legislators were disqualified with immediate effect under the new measure which prompted the entire pro-democracy caucus to resign, leaving the legislative council under the control of pro-Beijing lawmakers.<sup>18</sup>

The new law allows the city's government to expel legislators, and ban anyone from becoming a legislator, who is deemed to be supporting Hong Kong independence, refuse to recognise Beijing's sovereignty over Hong Kong, seek help from 'foreign countries or foreign forces to interfere in the affairs of the region' or commit 'other acts that endanger national security'. The executive can remove such legislators without the need to go through courts.<sup>19</sup>

The move comes amidst China's tightening of control over the city through measures that have flagrantly disregarded international standards and human rights, including excessive police violence, whilst eroding Hong Kong's separation of power. Furthermore, it is especially concerning considering that the city's legislative election was postponed for an entire year by pro-Beijing Chief executive Carrie Lam, under emergency powers granted to her, with Covid-19 cited as the justification. Pro-democrats were expecting to win a majority in the Council following widespread protests against the imposition of the sweeping national security law, which also disqualified 12 opposition candidates from running,<sup>20</sup> and regarded the postponement as an attempt to block them from taking a majority of seats in the legislature.

The most recent law ordered by Beijing further solidifies the erosion of democratic values and aspirations, and further clamps down on the central government's critics in what appears to be the systematic and calculated political persecution of pro-democracy activists from meaningful participation. It has been widely stated by the resigning legislators that this move marks the de facto end of the Chinese constitutional principal of 'one country, two systems'.

The IBAHRI is deeply concerned by the situation in Hong Kong where emergency measures are being abused to push unpopular and unconstitutional policies, erode civil and political rights and catalyse the expiry of the 1997 agreement concerning Hong Kong, without the principle of the rule of law, necessity and proportionality, nor independent oversight. The latest law is also in clear violation of the ICCPR, including the right to association under Article 22, right to free expression under Article 19 and universal suffrage under Article 25, to which China is bound.

---

<sup>18</sup> Al Jazeera, 'Hong Kong's pro-democracy legislators to resign en masse', 11 November 2020, [www.aljazeera.com/news/2020/11/11/hong-kongs-pro-democracy-legislators-resign-en-masse](http://www.aljazeera.com/news/2020/11/11/hong-kongs-pro-democracy-legislators-resign-en-masse)

<sup>19</sup> The Guardian, 'Hong Kong opposition lawmakers all quit after four members ousted', 12 November 2020, [www.theguardian.com/world/2020/nov/11/china-pro-democracy-hong-kong-lawmakers-opposition-oust](http://www.theguardian.com/world/2020/nov/11/china-pro-democracy-hong-kong-lawmakers-opposition-oust)

<sup>20</sup> BBC, 'Hong Kong bars 12 opposition candidates from election', 30 July 2020, [www.bbc.com/news/world-asia-china-53593187](http://www.bbc.com/news/world-asia-china-53593187)

## **Iraq**

The Iraqi Parliament is considering a cybercrimes bill that could be used to stifle free expression online, target journalists, media workers and peace activists, as well as limit access to information. The Information Technology Crimes Bill, which is being reintroduced for a second time after failing enactment in 2011,<sup>21</sup> contains vague provisions with excessive punishments that will enable Iraqi authorities to criminalise expression they determine to constitute a threat to governmental, social or religious interests.<sup>22</sup>

The text contained does not narrowly target certain activities. Instead, several articles criminalise the use of computers in connection with a wide range of broadly defined activities, many of which have been unregulated, without any specific criteria for what would constitute a crime and no clear definitions on particular concepts. Article 3, for instance, imposes life imprisonment for anyone who intentionally uses computer devices and the internet for 'undermining the independence, unity, or safety of the country, or its supreme economic, political, military, or security interests', or 'participating, negotiating, promoting, contracting with, or dealing with a hostile entity in any way with the purpose of disrupting security and public order or endangering the country'. Article 6 imposes the same sentence of life imprisonment for the proposed crime of spreading fake news for the purpose of 'weakening confidence in the electronic financial system' or 'damaging the national economy and financial confidence in the state', however the terms 'weakening confidence' and 'damaging' are left broad and undefined.

This bill conflicts with Article 19 of the ICCPR and Article 38 of the [Iraqi constitution](#), which governs freedom of expression and protect the right of the press. In June 2020, a report was released by Human Rights Watch documenting the growing number of prosecutions against journalists under defamation and incitement laws in the country, including in the [Kurdistan Region of Iraq](#).

Given the ambiguity and broad applicability of the bill, as well as the severity of the punishments, the authorities could abuse its powers by punishing lawful expression, or deterring criticism, that they claim constitutes a threat to some governmental, religious or social interest. As such, the IBAHRI reminds Iraq of its international and domestic obligations under the ICCPR and the Iraqi Constitution and urges the Iraqi Parliament to undertake an entire review of the proposed bill, which currently poses a serious risk of abuse against legitimate criticism and journalistic work which should be protected

## **Russia**

Ahead of the 2021 elections, the Russian state Duma is pushing forward four separate draft laws for the purposes of protecting national security from foreign interference, in what critics have

---

<sup>21</sup> Human Rights Watch, 'Iraq: Cybercrimes Law Violates Free Speech', 11 July 2012, [www.hrw.org/news/2012/07/11/iraq-cybercrimes-law-violates-free-speech](http://www.hrw.org/news/2012/07/11/iraq-cybercrimes-law-violates-free-speech)

<sup>22</sup> Human Rights Watch, 'Iraq: Scrap Bill to Restrict Free Speech', 25 November 2020, [www.hrw.org/news/2020/11/25/iraq-scrap-bill-restrict-free-speech](http://www.hrw.org/news/2020/11/25/iraq-scrap-bill-restrict-free-speech)

denounced as further restrictions on civil society and the obstruction of political opposition.<sup>23</sup> The draft laws cover and restrict the rights of several different classes of people including media workers, internet users, political opposition figures, teachers and protestors.

Firstly, the upper house of Russia's parliament, which is responsible for protecting state sovereignty from external intervention, aims to broaden its categorisation of 'Foreign agent',<sup>24</sup> which applies to non-profit and civil society groups engaged in political activity and who receive money from abroad, and has been used to target NGOs and international media groups. The new law will now be able to designate any citizens or groups, who are involved in political activities and receive financial support from abroad, as a foreign agent, obliging that person or group to publicly identify as a 'foreign agent'. Such a designation would bar individuals from running in elections or working as public servants, affect the accreditation of foreign journalists working in Russia and would change how the media refers to certain persons and entities.

Secondly, other proposed regulations target social platforms such as Facebook, YouTube and Twitter, in combatting 'internet censorship' but could be used to limit freedom of expression and freedom of the media. Effectively, if content from Russian media is restricted by foreign platforms, Russian authorities would be able to impose fines or fully/partially block social media networks. Such action, after consultation with the Foreign Ministry, would be determined by the Russian public prosecutor.

Thirdly, another draft law could see teachers being fired for engaging in 'agitation' or instigating 'unconstitutional' activity. Agitation has not been clearly defined by the parliamentarians and could enable further crackdowns on teachers who dissent from the established political narrative.

Lastly, additional restrictions would be placed on the right to freedom of assembly by requiring that anyone wanting to organise demonstrations must not receive any funding from abroad. Furthermore, individual protests, which have become an increasingly common method of expressing government criticism, would be subjected to new regulations that preclude several people from protesting one after the other.

The broadening of laws targeting political opposition members suggests that the approach to next year's elections could be similar to the Moscow city elections in 2019, where a decision not to include nearly all opposition candidates on the ballot ignited the largest popular protests in Moscow for almost a decade.<sup>25</sup> The IBAHRI is deeply concerned over the proposed national security draft bills that unduly and unreasonably limit human rights, including the right to free expression, and discourage political participation, particularly considering the context of next year's legislative election. The IBAHRI calls on the Russian Parliament to scrap the proposed bills as they will directly undermine democratic values, hinder the improvements of protections for human rights and the role of Russian civil society's ability to hold their government accountable and bar several political opposition members from running in the elections.

---

<sup>23</sup> DW, 'Russia's 'foreign agent' bill foreshadows civil society clampdown', 22 November 2020, [www.dw.com/en/russias-foreign-agent-bill-foreshadows-civil-society-clampdown/a-55688505](http://www.dw.com/en/russias-foreign-agent-bill-foreshadows-civil-society-clampdown/a-55688505)

<sup>24</sup> *On Amendments to Legislative Acts of the Russian Federation regarding the Regulation of the Activities of Non-profit Organisations Performing the Functions of a Foreign Agent of 2012*, The 'Foreign Agent' Law 121-FZ.

<sup>25</sup> Financial Times, 'Foreign agent': Putin's new crackdown on the opposition', 01 December 2020, [www.ft.com/content/54fe36eb-346e-40f2-8f19-151d5a401f07](http://www.ft.com/content/54fe36eb-346e-40f2-8f19-151d5a401f07)

## 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.<sup>26</sup> 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**

On 9 November 2020, the European Parliament unveiled that it had reached an agreement with the European Council on setting new rules to limit the sale of cyber-surveillance technology to states that have a record of using such technology to violate human rights.<sup>27</sup> The agreement sets new criteria for granting export licenses for dual purpose goods, which are products, software and technology with civilian applications, but can be repurposed in ways that violate human

---

<sup>26</sup> 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](http://www.amnesty.org/download/Documents/POL3020812020ENGLISH.pdf)

<sup>27</sup> European Parliament, 'Dual use goods: Parliament and the EU ministers agree on new EU export rules', 09 November 2020, [www.europarl.europa.eu/news/en/press-room/20201105IPR90915/dual-use-goods-parliament-and-eu-ministers-agree-on-new-eu-export-rules](http://www.europarl.europa.eu/news/en/press-room/20201105IPR90915/dual-use-goods-parliament-and-eu-ministers-agree-on-new-eu-export-rules)

rights. These products can include high-performance computers, spyware, drones, artificial intelligence, facial recognition and certain chemicals.

The main outcomes of the agreement include the setting up of an EU-wide system of controlling cyber-surveillance items that are not listed as dual use items, strengthening Member States' public reporting obligations on export controls to make the cyber-surveillance sector, in particular, more transparent; increased importance of human rights as a licensing criterion; and agreeing on rules to include emerging technologies in the regulation. The head of the negotiating delegation, Bernd Lange, stated that through this agreement, *'respect for human rights will become an export standard... as export rules for surveillance technologies have been agreed for the first time [in the EU]. Economic interests must not take precedence over human rights'*.<sup>28</sup>

The new rules will require governments to publicly share details of the licenses they grant, which is of particular salience as these sales are usually cloaked in secrecy, meaning that multi-billion dollar technology is bought and sold with little public scrutiny. The leading opponents to the new rules included France and Sweden, both of whom have thriving surveillance corporations, such as Morpho and Axis Communications. These companies have expanded China's systems of surveillance, which Amnesty reported may have been used in the surveillance of Uighurs held in internment camps.<sup>29</sup> The new regulations will reign in such companies, However, its implementation and effectiveness will depend on the political willingness of Europe's national governments.

The IBAHRI welcomes the policy reform in the EU on the sale and export of surveillance technology by states and corporations to authoritarian regimes. Increased due diligence and regulations will ensure that Member States and companies are prevented from profiting off the sale of digital surveillance technologies that are linked to appalling human rights violations. The informal political agreement now needs to be formally endorsed by the International Trade Committee, the Council and Parliament as a whole before it can enter into effect.

### **European Union**

It has been revealed that EU development aid and cooperation programmes have been extensively used to train and equip security forces with surveillance techniques and tools in non-member countries, including authoritarian regimes in Africa and the Middle East, according to documents obtained by Privacy International.<sup>30</sup> The public release of hundreds of documents were obtained by Privacy International after a year of negotiating with EU bodies to gain access, and these documents disturbingly revealed that:

---

<sup>28</sup> European Parliament, n.38

<sup>29</sup> Amnesty International, 'EU companies selling surveillance tools to China's human rights abusers', 21 September 2020, [www.amnesty.org/en/latest/news/2020/09/eu-surveillance-sales-china-human-rights-abusers/](https://www.amnesty.org/en/latest/news/2020/09/eu-surveillance-sales-china-human-rights-abusers/)

<sup>30</sup> Privacy International, 'Surveillance disclosures show urgent need for reforms to EU aid programmes', 10 November 2020, <https://privacyinternational.org/long-read/4291/surveillance-disclosures-show-urgent-need-reforms-eu-aid-programmes>

1. The EU has been supporting and training police and security agencies in Africa, the Middle East and the Balkans in spying on internet and social media users through the use of malware and other controversial surveillance techniques and tools;<sup>31</sup>
2. EU bodies have been training and equipping border and migration authorities in non-member countries with surveillance tools, including wiretapping systems and other phone surveillance tools, in a bid to 'outsource' the EU's border controls;<sup>32</sup>
3. Civipol, a French security company, is developing mass surveillance and biometrics systems in Western Africa with EU aid funds to prevent migration and to facilitate deportations without adequate assessing risks.<sup>33</sup>

The funds and training have been offered to countries with histories of systematic human rights abuse, including Niger and Morocco. Training slides for a session taught Moroccan intelligence services and police forces on the use of GrayKey, a tool which bypasses iPhone lock screens, in a country with a proven track record of repeatedly using spy tools to target the iPhones of activists and journalists, according to Amnesty.<sup>34</sup> This means that the EU has knowingly, intentionally and systematically supported the mass surveillance of citizens, including journalists and human rights defenders, in non-EU states, in violation of the EU's fundamental rights and international human rights law.

This, however, is not the first time that EU aid agencies have been caught providing authoritarian regimes and militia states in Africa with training and equipment to its intelligence and security agencies. The 'Khartoum Process' began in 2014 where the EU allocated more than €200 million to the Al-Bashir regime in hopes of curbing migration from the horn of Africa through Sudan by financing intelligence services and the infamous Rapid Security Forces (previously known as Janjaweed). It had resulted in Sudanese security agencies systematically spying on migrants, issuing mass deportations and holding asylum seekers in detention centres ripe with torture and sexual abuse reports, as well as collusion between authorities and human traffickers.<sup>35</sup> It now appears that the EU's aim of curbing migration through law enforcement has shifted towards mass surveillance of entire populations, and not just migrants headed for Europe.

Furthermore, the disclosure of the recent mass surveillance training program is especially critical as it comes days after the European Parliament and EU ministers agreed on new EU export rules

---

<sup>31</sup> Privacy International, 'Revealed: The EU training regime teaching neighbours how to spy', 10 November 2020, [privacyinternational.org/long-read/4289/revealed-eu-training-regime-teaching-neighbours-how-spy](https://privacyinternational.org/long-read/4289/revealed-eu-training-regime-teaching-neighbours-how-spy)

<sup>32</sup> Privacy International, Borders without borders: 'How the EU is exporting surveillance in bid to outsource its border controls', 10 November 2020, [privacyinternational.org/long-read/4288/borders-without-borders-how-eu-exporting-surveillance-bid-outsource-its-border](https://privacyinternational.org/long-read/4288/borders-without-borders-how-eu-exporting-surveillance-bid-outsource-its-border)

<sup>33</sup> Privacy International, 'Here's how a well-connected security company is quietly building mass biometric databases in West Africa with EU aid funds', 10 November 2020, <https://privacyinternational.org/news-analysis/4290/heres-how-well-connected-security-company-quietly-building-mass-biometric>

<sup>34</sup> Amnesty International, 'Moroccan Journalist Targeted with Network Injection Attacks Using NSO Group's Tools', 22 June 2020, [www.amnesty.org/en/latest/research/2020/06/moroccan-journalist-targeted-with-network-injection-attacks-using-nso-groups-tools/](https://www.amnesty.org/en/latest/research/2020/06/moroccan-journalist-targeted-with-network-injection-attacks-using-nso-groups-tools/)

<sup>35</sup> The New Humanitarian, 'Inside the EU's flawed \$200 million migration deal with Sudan', 30 January 2018, [www.thenewhumanitarian.org/special-report/2018/01/30/inside-eu-s-flawed-200-million-migration-deal-sudan](https://www.thenewhumanitarian.org/special-report/2018/01/30/inside-eu-s-flawed-200-million-migration-deal-sudan)

for cyber-surveillance tools. The rules set out new restrictions on the granting of export licenses for dual-use goods, software and technology that has civilian applications but could be repurposed for military use or in ways which violate human rights.

The EU has actively violated both regional and international law in terms of its support and development of restrictive measures on privacy that are disproportionate, unnecessary and do not achieve a legitimate aim, in accordance with Article 7 and 8 of the EU Charter, and Article 17 of the ICCPR. Corporations that were complicit in the surveillance programmes contravened the OECD Guidelines for Multinational Enterprises, particularly on due diligence.<sup>36</sup> Additionally, the EU is complicit in supporting refoulment, which is a violation of the UN refugee convention. The IBAHRI condemns the use of EU aid funds in supporting mass surveillance and mass deportation programmes in non-Member States and calls on the EU to urgently reform such support.

## **India**

India, which doesn't currently have a national regulatory authority or dedicated legislation for protection of personal data, is on the verge of enacting a bill on personal data protection which is currently under review by a Parliamentary Panel and is expected to pass in February 2021. The bill sets rules for how personal data should be processed and stored, and lists people's rights with respect to their personal information, to bring it in line with the European GDPR, and will also establish an independent data protection authority, particularly to regulate Aadhaar, India's biometric identification system.<sup>37</sup> However, the bill raises several privacy concerns.

Indian authorities have required technology firms, such as Amazon, Google and Facebook to store sensitive data of users locally. This is concerning as India has consistently used emergency measures and justifications of national security to spy on its citizenry, such as in 2019 when the government spied on the WhatsApp messages of journalists, human rights defenders and Dalit activists using the Israeli-made malware, Pegasus.<sup>38</sup> Through the adoption of forced data localisation laws, the government can increase control over its residents' online activities, raising the possibility of abuse and putting at risk citizens' right to privacy and freedom of expression.<sup>39</sup> Director for Communication Governance, Chinmayi Arun, stated that *'Companies may be concerned about the costs of storing data locally and of the losses incurred if it can't be processed with global data, but they may also be worried about the risk of unrestrained state surveillance that inevitably arises from storing the data locally in India'*.<sup>40</sup> Data localisation also strips away jurisdiction, meaning if providers need to locate servers in a country, they also need to give up the legal protections they and their users have under other jurisdictions.

---

<sup>36</sup> OECD Guidelines for Multinational Enterprises, 2011 Edition, [www.oecd.org/daf/inv/mne/48004323.pdf/](http://www.oecd.org/daf/inv/mne/48004323.pdf/)

<sup>37</sup> Carnegie India, 'What is in India's sweeping personal data protection bill?', 09 March 2020, <https://carnegieindia.org/2020/03/09/what-is-in-india-s-sweeping-personal-data-protection-bill-pub-80985>

<sup>38</sup> Indian Express, 'Explained: What is Israeli spyware Pegasus, which carried out surveillance via WhatsApp?', 02 November 2019, <https://indianexpress.com/article/explained/whatsapp-spyware-pegasus-india-surveillance-nso-israel-6096910/>

<sup>39</sup> Access Now, 'The impact of forced data localisation on fundamental rights', 04 June 2020, [www.accessnow.org/the-impact-of-forced-data-localisation-on-fundamental-rights/](http://www.accessnow.org/the-impact-of-forced-data-localisation-on-fundamental-rights/)

<sup>40</sup> Carnegie India, n.38



Furthermore, the data protection bill does not cover surveillance activities, but makes provisions to allow the government to bypass protection standards and consent in certain circumstances, such as national security or the investigation of an offence. Such emergency measures have historically been used in India to violate the human rights of government critics and minority groups. The bill not only fails to address such pressing and widespread concerns, but also provides authorities with a blanket exemption for accessing personal data and conducting mass surveillance regimes, which means that such violations to privacy will continue under the new law. Such a gap in the law exempting the government is antithetical to the purpose of a data protection law. Since the right to privacy, and to be protected from breaches thereof, does not confine itself to corporations and private individuals, but it also includes breaches by government entities, as per India's obligations under Article 17 of the ICCPR and under Article 21 and Part III of the Indian Constitution. The justification of national security to conduct mass surveillance is a disproportionate measure that does not achieve a legitimate aim regarding the exigencies of the situation.

The IBAHRI is concerned that the data protection bill does not afford sufficient protection to users and the wording of it may lead to serious privacy violations and surveillance by authorities. The IBAHRI calls on the parliamentary panel to reform such wide sweeping exemptions and to establish a sunset clause on the deletion of certain critical personal data collected on government servers to ensure that data collected for the purpose of stifling the spread of the coronavirus does not outlive the pandemic and result in 'function creep'. Furthermore, rather than implementing forced data localisation to virtually protect Indian users, authorities should adopt higher standards for privacy and data protection and enact rights-respecting surveillance policies and practices in line with international standards.

### **United States**

US military has been accused of buying the location data of millions of Muslims from ordinary apps such as a weather app, craigslist and the Muslim Prayer and Quraan App, which has been downloaded over 98 million times.<sup>41</sup> The US Special Operations Command relied on data analytics companies, X-mode and Babel Street, to procure the data from the apps, who then sold it to contractors' industries, government agencies and the military, with some of the app's developers unaware of where the users' data location ended up.<sup>42</sup> Back in March, Babel Street worked with US federal law enforcement, including Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), to track phones which enabled authorities to buy their way to location data that ordinarily would require a warrant to access.<sup>43</sup>

---

<sup>41</sup> Vice, 'How the U.S. Military Buys Location Data from Ordinary Apps', 16 November 2020, [www.vice.com/en/article/jgqm5x/us-military-location-data-xmode-locate-x](https://www.vice.com/en/article/jgqm5x/us-military-location-data-xmode-locate-x)

<sup>42</sup> Vice, n.46

<sup>43</sup> Protocol, 'Through apps, not warrants, 'Locate X' allows federal law enforcement to track phones', 05 March 2020, [www.protocol.com/government-buying-location-data](https://www.protocol.com/government-buying-location-data)

The US military confirmed the finding of the investigation, citing the need to 'support Special Operations forces' mission requirements overseas'.<sup>44</sup> US Senator Ron Wyden told Motherboard that X-Mode also admitted selling data it collected to other 'US military customers', whilst X-mode responded by defending the deal citing its' use for 'counter-terrorism, cyber-security and predicting future Covid-19 hotspots'.

The revelation is particularly alarming considering the global context of growing islamophobia. In the backdrop of the war on terror, the Trump administration's imposition of the Muslim ban; the corporate complicity of European and American tech and surveillance companies in assisting the Chinese government in tracking and persecuting Uighur Muslims in Xinjiang; and India's construction of detention camps across Assam to house illegal immigrants after revoking the citizenship status of two million mostly Muslim, people.<sup>45</sup> There is strong possibility that the location data, which can be de-anonymised, could potentially be used for measures beyond its intended use, that result in further surveillance and crackdowns on Muslim minorities worldwide. It may also possibly be used to in the future formulation of immigration policies which would pose serious concerns for human rights and the right to seek asylum. The IBAHRI is gravely concerned with this form of global mass surveillance that discriminatorily targets specific individuals and groups – in this case, Muslims – and violates the right to privacy for individuals worldwide.

---

<sup>44</sup> Al Jazeera, 'US military buys location data of popular Muslim apps: Report', 17 November 2020, [www.aljazeera.com/news/2020/11/17/report-us-military-buying-location-data-on-popular-muslim-apps](http://www.aljazeera.com/news/2020/11/17/report-us-military-buying-location-data-on-popular-muslim-apps)

<sup>45</sup> Vox, 'India's massive, scary new detention camps, explained', 17 September 2019, [www.vox.com/future-perfect/2019/9/17/20861427/india-assam-citizenship-muslim-detention-camps](http://www.vox.com/future-perfect/2019/9/17/20861427/india-assam-citizenship-muslim-detention-camps)

### 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.

#### **Afghanistan**

On 10 December 2020, Malala Maiwand, an Afghan journalist was shot dead by unidentified men in the province of Nangarhar. The local official confirmed she was attacked at 7am in Jalalabad while she was going to her office. Ms. Maiwand was a presenter in a local private broadcaster called En'ekaas (Reflection) for the past eight years. Her driver also lost his life in the incident. No one has claimed responsibility for the attack. According to Reporters Without Borders (RSF), the Taliban denied responsibility for the attack.<sup>46</sup> Ms. Maiwand, was also a civil rights activist and the Jalalabad representative of the Centre for the Protection of Afghan Women Journalists (CPAWJ).

The director of Enekaas TV, Zamie Latifi informed RSF that the whole channel has been the target of threats throughout the past months. This is the second deadly attack on Afghan journalists in the last month. On 7 November, Yama Siavash, a former Tolo private TV presenter and a prominent Afghan TV presenter was killed in a blast in Kabul, which killed three other civilians.

Additionally, on 10 December, Tariq Arian, Afghan Interior Ministry spokesperson announced via his Twitter account that the attacker of Malala Maiwand and Elias Daei has been arrested and plead guilty. However, he did not disclose the identity of the attacker. Elias Daei was the Afghan correspondent for Radio Free Europe, who was murdered on 12 November in Kabul.<sup>47</sup>

Afghanistan's free media support organization, Nai, stated Ms. Maiwand's death would shrink the workspace for women journalists and threatens the free flow of information in Afghanistan. The organisation urged the authorities to capture the perpetrators and bring them to justice, asserting that the killing of defenceless journalists constitutes a crime against humanity.<sup>48</sup> Malala Maiwand is the seventh journalist to be a victim of a targeted killing in Afghanistan since the beginning of 2020.

---

<sup>46</sup> Reporters Without Borders, 'Afghan women journalists rep shot dead in Jalalabad', 10 December 2020, <https://rsf.org/en/news/afghan-women-journalists-rep-shot-dead-jalalabad>

<sup>47</sup> BBC Persian 'The killers of Malala Maiwand and Elias Daei, Afghan journalists, have been arrested' 10 December 2020, <https://www.bbc.com/persian/afghanistan-55255961>

<sup>48</sup> BBC, 'Afghanistan violence: Journalist Malala Maiwand shot dead along with her driver', 11 December 2020, <https://www.bbc.co.uk/news/world-asia-55256427>

According to RSF's 2020 World Press Freedom Index, Afghanistan ranks 122 out of 180 countries.<sup>49</sup> Journalists and media workers are at real risk of losing their lives in conflict zones and they are frequently the target of assassinations, threats and harassment by parties involved in the conflict.

The IBAHRI is saddened by the murder of Ms. Maiwand and extremely concerned about the safety of journalists in Afghanistan. We support the statement made by Nai, Afghanistan's free media support organisation and urge the Afghan authorities to undertake a thorough investigation into the murder of Ms. Maiwand, to bring those responsible to justice and help to end the culture of impunity, which leads creates a chilling effect for journalists and leads to self-censorship.

### **Algeria**

On 26 November, 2020, the European Parliament adopted an urgent resolution highlighting the deteriorating human rights situation in Algeria, further perpetuated by the imprisonment of journalist Khaled Drareni, who was sentenced to two years in prison on 15 September 2020 for his coverage of Algeria's anti-government protests. The proposed resolution seeks to inter alia, highlight the case of Mr. Drareni, condemning such arbitrary arrests and detentions. It further calls on the authorities to immediately release Mr. Drareni and others similarly detained and charged for exercising their right to freedom of expression. Further, it calls for the Algerian government to '*respect human rights and the rule of law in Algeria, by clearly and publicly condemning human rights violations.*'. National and international civil society organisations that are signatories to this resolution consider its adoption to be a timely and a step in the right direction in addressing the escalating crackdown on civil society, journalists, peaceful activists and against the independence of the judiciary in Algeria.<sup>50</sup> The IBAHRI supports the resolution and will continue to advocate for the release of Mr. Drareni.

### **Democratic Republic of the Congo**

The Republic of Congo has seen the arbitrary arrests of at least 40 journalists in the last year in what is clearly classified as an attack on the freedom of expression. There have been several reported violent attacks on journalists, including the 24 March 2020 police attack on Tholi Totali, a journalist and reporter for Alfajiri TV who was thrown on the road, trampled and beaten.<sup>51</sup> On 17 November 2020, the arrest of Congolese singer Tshala Muana was the latest in the crackdown on freedom of expression by the Congolese authorities. The authorities went on to ban her song, 'Ingratitude', which was perceived as being critical of President Felix Tshisekedi and the government of Congo – she was released the next day. However, these arbitrary arrests in

---

<sup>49</sup> RSF, 'World Press Freedom Index', 12 December 2020, <https://rsf.org/en/ranking?#>

<sup>50</sup> IFEX, 'Algeria: European Parliament highlights country's state of heightened repression', 26 November 2020, <https://ifex.org/algeria-european-parliament-highlights-countrys-state-of-heightened-repression/>

<sup>51</sup> JED, 'After a Time of Eclipse, Jed Notes the Return of Predators of Press Freedom in the DRC', 4 November 2020, <http://jed-afrique.org/2020/11/04/apres-un-temps-declipse-jed-note-le-retour-des-predateurs-de-la-liberte-de-la-presse-en-rdc/>

retaliation for criticising the government are a huge challenge to the human rights in the country.<sup>52</sup>

The government announced a state of emergency in March 2020, banning protests and large gatherings. There has been excessive use of force in efforts to curb protestors. The Congolese government has used the pandemic as a pretext to [crack down](#) on critics, human rights defenders, journalists and opposition party members in the country, often using death threats as well. For instance, in September 2020, Denis Mukwege, a Nobel peace laureate, was given [death threats](#) for condemning a wave of killings in eastern DRC and calling for perpetrators to be brought to justice.<sup>53</sup> The IBAHRI calls on the Congolese government to cease its arbitrary attacks on journalists and to drop all charges against them and uphold their right to free speech and expression.

## **Iran**

On 8 December 2020, Gholamhossein Esmaili, a spokesperson for the Iranian Judiciary announced that the Supreme Court of Iran upheld the death sentence against Ruhollah Zam, an Iranian journalist and government dissident who was sentenced to death in June by Branch 15 of Iran's Revolutionary Court. On 12 December, Mr. Zam was sadly executed.

Mr. Zam was accused of using the Telegram channel, which had 1.4 million followers, to spread 'fake news' in the form of videos inciting the 2017-18 nationwide protests, as well as information on alleged corruption among Iranian officials. Mr. Zam was accused of 17 charges, including 'spreading propaganda against the Iranian regime', and 'cooperating with foreign intelligence services' – he denied all charges against him. He was tried before Judge Abolqasem Salavat, a leading figure for repression of the media in the country, having sentenced over 100 journalists and workers in the 15th branch of Tehran's Revolutionary Court. Further, the IBAHRI was deeply troubled by reports that Iranian officials broadcast footage showing Mr. Zam blindfolded 'confessing' to his guilt before his trial. Mr. Zam was denied his right to a fair trial and due process as guaranteed in Article 14 of the ICCPR. Article 14(3)(g) specifically provides that a defendant must not be 'compelled to testify against himself or to confess guilt'. Therefore the use of forced confession is a clear violation. Under Article 38, Iranian Constitution, any kind of torture used to extract a confession or obtain information is forbidden and such evidence may not properly be used to obtain a conviction. The UN Human Rights Committee has held that violation of fair trial guarantees in proceedings that result in the imposition of the death penalty renders the sentence arbitrary in nature, and therefore in violation of Article 6 of the ICCPR, the right to life.

In previous issues of this Bulletin, the IBAHRI expressed concern that the sentencing was a move by the Iranian authorities to undermine free speech and the independence of the media, as well as to place undue pressure and influence on journalists and at the time called for the sentence to be overturned.

Iran is ranked 173rd out of 180 countries in RSF's 2020 World Press Freedom Index, three places lower than in 2019. The death penalty cannot be imposed based on vaguely defined criminal

---

<sup>52</sup> Article 19, 'Democratic Republic of Congo: Arrest for criticizing the president is an affront to the freedom of expression', November 27, 2020, [www.article19.org/resources/democratic-republic-of-congo-arrest-for-criticizing-the-president/](http://www.article19.org/resources/democratic-republic-of-congo-arrest-for-criticizing-the-president/)

<sup>53</sup> Article 19, n.49

provisions that depend on subjective or discretionary considerations, the application of which is not reasonably foreseeable. On 15 December, the IBAHRI issued a press release condemning Mr. Zam's execution, IBAHRI Co-Chairs the Hon Michael Kirby AC CMG and Anne Ramberg Dr jur hc, stated that '*Ruhollah Zam has paid the ultimate price of his life simply for doing his job and exercising his right to freedom of expression and opinion*'. The statement calls on governments who say that they are committed to respecting and defending media freedom to take concerted action in favour of abolition and reflecting on the 2008 IBAHRI Council Resolution on the Abolition of the Death Penalty (2008), vehemently denounces such punishment as a grave infringement of the universally guaranteed right to life.<sup>54</sup>

## **Turkey**

On 7 September 2020, the death sentence of the five men in December 2019 for the killing of Saudi journalist Jamal Khashoggi was commuted to 20-year jail terms by a Saudi court. The IBAHRI condemned the secret trial<sup>55</sup> that led to the final verdict against the unnamed defendants who killed prominent dissident Saudi journalist Jamal Khashoggi at the Saudi Arabian Consulate in Istanbul, Turkey, on 2 October 2018. The sentence was changed following Mr. Khashoggi's son Salah's statement for pardoning those who killed his father, implying the acceptance that the murder was not premeditated. The verdicts were final, and the criminal trial was closed. The decision to commute the death sentences was welcomed by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Agnès Callamard, who warned against the verdicts whitewashing what happened to the journalist.<sup>56</sup>

On 20 October 2020, Khashoggi's fiancée, Hatice Cengiz, along with Arab World Now (Dawn) filed a lawsuit in the US District Court for the District of Columbia against 28 co-conspirators for their direct involvement in Mr. Khashoggi's murder. Amongst the individuals sued is the Saudi crown prince Mohammed Bin Salman. Riyadh finally admitted that Mr. Khashoggi had been killed by Saudi agents claiming an extradition operation gone wrong. Despite US President Trump's defence of the Saudi Crown Prince, the CIA and other western intelligence agencies have concluded that Prince Mohammed directly ordered Khashoggi's assassination. The Prince has continuously denied his involvement in the killing<sup>57</sup> however the lawsuit alleges that the crown prince and his co-conspirators ordered the abduction, torture, murder, dismemberment, and disappearance of the journalist '*for the purpose of silencing and preventing him from continuing his efforts in the United States as a voice for democratisation in the Middle East*'. Ms. Callamard also stated that, '*there was credible evidence that high-level officials, including Saudi Crown Prince*

---

<sup>54</sup> IBAHRI, 'IBA HRI condemns the murder of Iranian dissident journalist Ruhollah Zam' 15 December 2020, <https://www.facebook.com/IBAHumanRights/posts/3445765598869744>

<sup>55</sup> IBAHRI, 'Saudi Arabia: IBAHRI condemns non-transparent trial of Jamal Khashoggi killers', 12 September 2020, [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=33aa7656-b7a7-49e9-a267-3e52bcafe232](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=33aa7656-b7a7-49e9-a267-3e52bcafe232)

<sup>56</sup> BBC, 'Jamal Khashoggi murder: Saudi court commutes death sentences', 7 September 2020, [www.bbc.com/news/world-europe-54061597](http://www.bbc.com/news/world-europe-54061597)

<sup>57</sup> The Guardian, 'Jamal Khashoggi's fiancée sues Saudi crown prince Mohammed bin Salman', 21 October 2020, [www.theguardian.com/world/2020/oct/21/jamal-khashoggi-fiancee-sues-saudi-crown-prince-mohammed-bin-salman](http://www.theguardian.com/world/2020/oct/21/jamal-khashoggi-fiancee-sues-saudi-crown-prince-mohammed-bin-salman)

*Mohammed bin Salman, were individually liable.*<sup>58</sup> In addition to the said charges, Ms. Cengiz also claimed personal injury and financial losses, to be determined by a jury at trial.

In July 2020, Turkey opened its own trial proceedings into the death of Mr. Khashoggi, accusing 20 Saudi citizens in absentia. On 24 November 2020, the Turkish trial of 26 Saudis connected to Mr. Khashoggi's murder resumed in absentia. Khashoggi's close friend, Egyptian political dissident Ayman Nour, told the court the journalist felt threatened by people close to crown prince Mohammed. The trial has now been adjourned until March.<sup>59</sup> The IBAHRI will continue to monitor developments.

## **Philippines**

On 23 November 2020, award winning journalist, Rappler CEO and Executive Editor Maria Ressa was charged with cyber libel over an allegedly 'malicious' tweet posted in 2019 that included screenshots from a dated article from Philstar.com linking the businessman Wilfredo Keng to murder. A new warrant for her arrest was issued on 27 November and she posted for bail.

This marks the ninth arrest warrant issued against Ms. Ressa, who has been arrested twice in the past two years. At least eight cases are currently open against her, including criminal tax charges.<sup>60</sup>

This action follows Ms. Ressa's first conviction for retroactive cyber libel charges in June this year, which is being appealed. On 2 December, she filed a motion to quash citing a Supreme Court decision that says aiding and abetting a cyber crime is not a crime in itself.<sup>61</sup> Amal Clooney, Deputy Chair of the High Level Panel of Legal Experts on Media Freedom, and Caoilfhionn Gallagher QC, who lead the international legal team representing Ms. Ressa, expressed condemnation of the decision to commence criminal proceedings against her for this tweet and call for the charges to be dropped.

In response to the action, Ms. Ressa stated, *'The legal acrobatics to harass and intimidate me continue, but these moves only convince me that we have to fight back and demand justice'*. On 9 July 2020, the Committee to Protect Journalists (CPJ), the International Center for Journalists (ICFJ), and Reporters Without Borders (RSF) announced the launch of the #HoldTheLine Campaign in support of journalist Maria Ressa and independent media under attack in the Philippines – the Campaign has condemned this latest move to chill media freedom in the country and calls for the charges to be quashed. The IBAHRI stands with Ms. Ressa her legal team and international organisations in reminding the Philippines' judiciary that freedom of the press and freedom of speech are protected in Article 3 (4) of the Philippine Constitution, Article 19 of the

---

<sup>58</sup> BBC, n.52.

<sup>59</sup> BBC, 'Jamal Khashoggi murder: Trial of 20 Saudis in absentia resumes in Turkey', 24 November 2020, [www.bbc.com/news/world-europe-55060088](http://www.bbc.com/news/world-europe-55060088)

<sup>60</sup> RSF, '#HoldTheLine Coalition calls for new cyber libel charge to be dropped and pressure ceased against Maria Ressa', 3 December 2020, [rsf.org/en/news/holdtheline-coalition-calls-new-cyber-libel-charge-be-dropped-and-pressure-ceased-against-maria](http://rsf.org/en/news/holdtheline-coalition-calls-new-cyber-libel-charge-be-dropped-and-pressure-ceased-against-maria)

<sup>61</sup> Rappler, 'Tweeting screenshots is malicious? Maria Ressa charged with 2nd cyber libel', 3 December 2020, [www.rappler.com/nation/maria-ressa-charged-2nd-cyber-libel](http://www.rappler.com/nation/maria-ressa-charged-2nd-cyber-libel)

Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the ASEAN Human Rights Declaration.

### **Saudi Arabia**

Reporters Without Borders (RSF) called for public support on the eve of the G20 summit held virtually in Riyadh on 21–22 November 2020. The support was to urge the leaders of the G20 summit to take action for the release of 34 journalists who have been arbitrarily imprisoned, in addition to establishing a better platform for freedom of press and media in Saudi Arabia. RSF had been campaigning for months preceding the G20 summit amid calls for a boycott of the summit by other leading human rights organisations and activists around the world. This included direct advocacy with the G20 states and a petition. In the last phase of its campaign, RSF has called for international public support to hijack the official #G20SaudiArabia hashtag with messages and images in support of the country's 34 unjustly jailed journalists.<sup>62</sup>

Saudi Arabia's well documented and established history of human rights violations have been a matter of grave concern by human rights groups around the world, questioning the decision for them to host the G20 summit.<sup>63</sup> A recent report by the IBAHRI, entitled, 'A Stain on World Leaders and the G20 Summit in Saudi Arabia: The Shameful Detention and Torture of Saudi Women, on the detention and torture of women's activists and human rights defenders in Saudi Arabia' strongly condemned the abhorrent human rights violations by the Saudi government, especially in its arbitrary detention and torture of activists and human rights defenders. The report, authored by IBAHRI Director, Baroness Helena Kennedy QC, also called on members of the G20 to decline to attend the virtual 2020 Summit in Riyadh stating 'if the UK government and Saudi Arabia's other allies fail to take concerted action of this kind, they risk being seen as diplomatically and economically beholden to Saudi Arabia, and complicit in some of its worst human rights abuses. The IBAHRI continues to fully supports international organisation in their call for the release of the 34 imprisoned journalists, activists and human rights defenders.

### **Slovenia**

Three Slovenian journalists, Vesna Vuković, Tomaž Modic and Primož Cirman at the Necenzurirano, a Slovenian investigative news portal, are facing a series of SLAPP lawsuits, brought against them by Rok Snežič, a tax consultant and advisor to Slovenian Prime Minister Janez Janša. The charges were filed after the journalists published reports of Snežič's role in organised tax evasion via entities in Bosnia-Herzegovina and his alleged role in a dubious finance deal for Janša's Slovenian Democratic Party (SDS) party. Over the last six months, a total of 39

---

<sup>62</sup> RSF, 'On eve of the G20 Riyadh summit, RSF calls for public support to secure the release of jailed journalists in Saudi Arabia', 19 November 2020, <https://rsf.org/en/news/eve-g20-riyadh-summit-rsf-calls-public-support-secure-release-jailed-journalists-saudi-arabia>

<sup>63</sup> BBC, 'G20: Saudi Arabia's human rights problems that won't go away', 21 November 2020, [www.bbc.com/news/world-middle-east-55002921](http://www.bbc.com/news/world-middle-east-55002921)



lawsuits have been filed by Snežič against the three journalists. There have been well documented links between Snežič and Janša.<sup>64</sup>

This move has been severely condemned by DNS, the main Slovenian journalists' association and the International Press Institute (IPI). One of the biggest challenges to media freedom in Slovenia is the criminalisation of defamation. As a result of which, these journalists may be facing not only monetary damages but also incarceration. Their plight has only been further exacerbated as none of these proceedings have seen the light of day for the last five years due to several factors, including the Covid-19 pandemic affecting the working of the judiciary.<sup>65</sup>

These SLAPP lawsuits have been touted as a means to intimidate journalists financially and with the threat of incarceration and stop watchdog journalism all together. Slovenia has a history of using lawsuits as a bullying tactic to silence journalists. A number of frivolous lawsuits of this nature have been previously filed in Slovenia. These methods have clearly been established as threats used by powerful agencies against journalists and media outlets to stop their investigative work into such agencies. These coordinated attempts to silence the media and dismantle the judiciary are a threat to the Slovenian democracy, thus paving the way for blatant attempts to curb media freedom in Slovenia.<sup>66</sup> The IBAHRI calls on the Slovenian government, along with the EU, to establish an EU Directive<sup>67</sup> to protect the individuals that are threatened with such lawsuits and to sanction the perpetrators involved.

### **United Kingdom**

Organisations, including RSF, have called for the urgent release of Wikileaks publisher Julian Assange who is being held at the Belmarsh prison since 18 November 2020. There has been an alarming surge in Covid-19 cases at the prison which has raised concerns over Mr. Assange's health and safety. He was due to attend a hearing scheduled for 26 November 2020. However, it was reported by his lawyers that due to the increased Covid cases, the hearing was adjourned until 11 December 2020. According to his partner Stella Morris, there are concerns as to the conditions Mr. Assange has been detained in, including a concern over the confinement to his cell for 24 hours except for 20 minutes outside. The Covid-19 surge at the prison has resulted in the de facto solitary confinement of the journalist. Due to his history of respiratory infections and mental health issues including depression and frequent suicidal thoughts, Mr. Assange is at high risk if exposed to Covid-19, which could be detrimental to his mental and physical wellbeing. The decision on his extradition from the UK to the United States is due on 2 January 2021.<sup>68</sup>

Mr. Assange has been indicted by the US government on eight espionage and computer misuse charges over WikiLeaks' publication of secret US military documents a decade ago. This has been touted as a politically motivated abuse of power to stifle press freedom and put journalists around

---

<sup>64</sup> IPI, 'Slovenia, SLAPPS and Silencing of the Media', 26 November 2020, <https://ipi.media/slovenia-slapps-and-silencing-of-the-media/>

<sup>65</sup> IPI, n. 59

<sup>66</sup> IPI, n. 59

<sup>67</sup> See section 1, above.

<sup>68</sup> RSF, 'UK: RSF calls for Julian Assange's urgent release as Covid infections rise at Belmarsh Prison', 26 November 2020, <https://rsf.org/en/news/uk-rsf-calls-julian-assanges-urgent-release-covid-infections-rise-belmarsh-prison-0>

the world at risk.<sup>69</sup> The IBAHRI has expressed its deep concern regarding the possible extradition of Mr. Assange to the US. In its statement, the IBAHRI reiterated that the extradition would constitute *inter alia*, a violation of freedom of speech, in addition to setting a dangerous precedent in the restriction of press freedom in the UK, US and other countries. There is a great possibility that Mr. Assange may be subjected to an unfair trial in the US if extradited, especially during the last leg of the Trump administration. Since President Trump has expressed his desire to prosecute Mr. Assange for the actions of Wikileaks.<sup>70</sup>

## **Sudan**

Journalists in Sudan are facing increased threats of prosecution from the army under the Law on Combatting Cybercrimes of 2018, which targets fake news online and was ushered in under the previous repressive Al-Bashir regime. The law criminalises spreading false news online and enables the state to prosecute anyone who insults or defames the military online. According to the Sudanese Journalists Network, the threats of prosecution increased in May, where since then, eight journalists have been threatened with prosecution and/or physical harm if they failed to delete online articles and social media posts that criticised the army.<sup>71</sup>

Soon after the increase in threats, the Ministry of Justice coincidentally amended the Cybercrimes law on 13 July 2020, increasing prison sentences for numerous offenses, according to a memo on the Ministry of Justice website. The maximum prison term was raised to four years instead of one, under Article 23 which governs the spread of fake news, and applies to *'anyone who uses the internet, or any means of communications, information or applications to disseminate any news, rumour or report, knowing it's fake, to cause public fear or panic, threaten public safety and offence the reputation of the State.'*<sup>72</sup> The law contains several vague and ambiguous prohibitions, such as 'public safety' and 'public fear or panic', and does not clarify how intent is defined or recognised. Furthermore, the law defines online journalism as any offline or online wall or paper that has content for sharing purposes, meaning that virtually anyone that posts online can be considered online journalists.

The drafting and amendment of Article 23 leaves it open to abuse, in targeting valid public criticism, by the police and the Rapid Support Forces, a powerful paramilitary unit that was subsumed by the state and is responsible for mass killings in Darfur and Khartoum. The law has already been used to threaten journalists for their work, such as journalists Aida Abdel Qadir and Lena Sabeel, who reported facing an official investigation after they documented an alarming death toll from Covid-19 in El Fasher, the capital of North Darfur – prompting the province's

---

<sup>69</sup> AP, 'Assange extradition hearing paused over COVID-19 risk', 10 September 2020, [apnews.com/article/londonextraditionvirusoutbreakarchivejulianassange9c6fa0637ef0e37ae2d28d06fe919d8a](https://apnews.com/article/londonextraditionvirusoutbreakarchivejulianassange9c6fa0637ef0e37ae2d28d06fe919d8a)

<sup>70</sup> IBAHRI, 'Julian Assange extradition would threaten freedoms of expression and media, says IBAHRI', 17 September 2020, [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=5c8b0e55-1b47-450e-ac0b-4587a241e9a6](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=5c8b0e55-1b47-450e-ac0b-4587a241e9a6)

<sup>71</sup> CPJ, 'Sudan tightens cybercrime law as army pursues "fake news"', 23 November 2020, <https://cpj.org/2020/11/sudan-tightens-cybercrime-law-as-army-pursues-fake-news/>

<sup>72</sup> SMEX, 'Do new Sudanese law regulate digital space or limit freedom of expression?', 23 July 2018, <https://smex.org/do-new-sudanese-laws-regulate-digital-space-or-limit-freedom-of-expression/>

military Governor, Malik Khojali, to threaten legal action against ‘anyone publishing false information’.<sup>73</sup>

Furthermore, according to an advisor to the Ministry of Justice, the ministry proposed the amendments to the government and maintained that they do not undermine free speech.<sup>74</sup> However, the criminalisation of fake news is inherently a violation of Article 19 of the ICCPR, the right to freedom of expression, because the term ‘fake news’ is ambiguous and vague, resulting in the measure being overly broad, indiscriminate and left to the wide discretion of authorities to determine what is fake or not, which has been abused in many jurisdictions, particularly in the context of Covid-19. Additionally, the UN special Rapporteur on freedom of expression has also emphasised that the *‘human right to impart information and ideas is not limited to ‘correct’ statements’, and ‘protects information and ideas that may shock, offend, and disturb’*.<sup>75</sup> From this, one can determine that you cannot merely ban information because it is false or offensive as that is protected under free speech.

Social media plays a major role in Sudanese society in criticising government policies and was a major force that drove the Sudanese revolution, leading to the current transitional democracy. Traditional newspapers have historically been heavily censored and controlled by the state, with threats of license revocation for registered newspapers and journalists writing on ‘problematic topics’. The amendments to the fake news law have similar undertones to the censorship laws on newspapers, indicating that its aim is not to curb disinformation but rather silence criticism and unduly restrict the right to freedom of expression. Online platforms enable journalists to publish articles banned by security services in newspapers and enable citizens to express their opinions and to exercise their basic human rights.

The IBAHRI is gravely concerning that such a law will undermine the fragile democratic transition where accountability and transparency is most needed through the facilitation of access to information and ensuring media freedom. The IBAHRI calls on Sudan’s Ministry of Justice to repeal the law and give effect to Article 19 of the ICCPR, which is currently unlawfully restricted due to the Anti-Fake News law.

---

<sup>73</sup> CPJ, ‘Sudanese authorities in North Darfur state harass 2 journalists reporting on COVID-19’, 31 July 2020, <https://cpi.org/2020/07/sudanese-authorities-in-north-darfur-state-harass-2-journalists-reporting-on-covid-19/>

<sup>74</sup> CPJ, n.69

<sup>75</sup> OSCE, ‘Joint declaration on freedom of expression and “Fake News”’, disinformation and propaganda, 03 March 2017, <https://www.osce.org/fom/302796>

#### 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.

##### **Egypt**

Since 15 November 2020, three employees of Egyptian Initiative for Personal Rights (EIPR), Karim Ennarah, Mohammed Basheer and Gasser Abdel-Razek were arbitrarily arrested and detained by the Egyptian security forces. The IBAHRI<sup>76</sup> and another 60 organisations, including Amnesty International and Article 19, supported the EIPR in collectively urging the Egyptian government for the immediate and unconditional release of the three EIPR employees. The charges levelled against them clearly appear to be unfounded and trumped up in efforts to stifle free speech. Mohammed Basheer was arrested from his home by a heavily armed security force and detained *incommunicado* in a security facility for 12 hours before being transferred to the Supreme State Security Prosecution (SSSP), accused of joining an unnamed terrorist organisation and funding terrorism. He was questioned about a visit by several diplomats from Canada and Europe to the EIPR offices, about their criminal defence work and their publications – all legitimate human rights-related work, which does not in any way justify the grounds for terrorism accusations. Karim Ennarah and Gasser Abdel-Razek were arrested on 18 and 19 November respectively, on charges of joining a terrorist group, using a social media account to spread false news and spreading false news through the internet. All three were detained for 15 days.<sup>77</sup>

This is however, not the first time the Egyptian government has used trumped up charges against journalists and human rights defenders to squash free speech. On 29 November 2020, imprisoned Egyptian freelance photographer Sayed Abd Ellah was charged with membership in a terrorist group with his pretrial detention extended by 15 days.<sup>78</sup> Similarly, blogger Mohamed Ibrahim has been in detention since September 2019 on charges including membership of a banned group, spreading false news and misusing social media.<sup>79</sup>

The IBAHRI joined the signatories in urging for the immediate release of the EIPR employees, calling their arrests and detentions as baseless and *'a strategy to dismantle important human rights work in the country'* and a gross violation of international human rights law. The EIPR

---

<sup>76</sup> IBAHRI, ' IBAHRI calls for the immediate release of human rights defenders from the Egypt Initiative for Personal Rights', 1 December 2020, [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=0e59aec3-7e9f-4166-a29b-7a4bc1021935](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=0e59aec3-7e9f-4166-a29b-7a4bc1021935)

<sup>77</sup> Article 19, 'Egypt: Human rights community stand in solidarity with the Egyptian Initiative for Personal Rights', 19 November 2020, [www.article19.org/resources/egyptian-initiative-for-personal-rights/](http://www.article19.org/resources/egyptian-initiative-for-personal-rights/)

<sup>78</sup> CPJ, 'Egypt extends pretrial detention of photographer Sayed Abd Ellah by filing new terrorism charge', 30 November 2020, <https://cpj.org/2020/11/egypt-extends-pretrial-detention-of-photographer-sayed-abd-ellah-by-filing-new-terrorism-charge/>

<sup>79</sup> CPJ, 'Egyptian blogger Mohamed Oxygen's detention extended as authorities file new charge', 11 November 2020, [cpj.org/2020/11/egyptian-blogger-mohamed-oxygens-detention-extended-as-authorities-file-new-charge/](http://cpj.org/2020/11/egyptian-blogger-mohamed-oxygens-detention-extended-as-authorities-file-new-charge/)

employees have been solely targeted to impede their exceptional work in human rights in Egypt, which has a history of curtailing free speech and expression.<sup>80</sup>

### **Vietnam**

The IBAHRI joins the Human Rights Watch (HRW) in imploring the Vietnamese government to release Tran Duc Thach, a long-time dissident in Vietnam. Mr. Thach was arrested on 23 April 2020 for being affiliated with a pro-democracy group. He was charged with subversion and was scheduled to go on trial on 30 November 2020 with the Vietnamese government has claimed that Thach's exercise of free speech to promote human rights is a crime. In his hundreds of poems and writings, Thach has described and condemned the corruption, injustice and human rights abuses in Vietnam. These include writings and poems describing the arbitrary nature of Vietnam's legal system and the inhumane conditions in Vietnamese prisons and life without freedom and justice. The Vietnamese authorities have repeatedly harassed and arrested Mr. Thach since 1975 for his open criticism of the government's flagrant human rights abuses finding him guilty of charges including propaganda against the state.<sup>81</sup> His trial scheduled for 30 November 2020 has been suspended as he was considered unfit for trial and no new date for a hearing has been rescheduled yet.<sup>82</sup>

### **Tunisia**

On 12 November 2020, blogger, Wajdi Mahouechi was sentenced to two years in prison for posting a Facebook video that a Tunisian court official deemed offensive. Mr. Mahouechi who has been a regular commentator on issues of public interest, posted the video on 1 November 2020 denouncing a Tunis public prosecutor's failure to arrest and open an investigation against a Tunisian imam who appeared to justify killing people who insult the Prophet Muhammad (16 October 2020 beheading of Samuel Paty, by a Chechen refugee in Paris). Mr. Mahouechi also criticised the prosecutor for not investigating his 2019 complaint against police officers who had allegedly beaten him. Mr. Mahouechi has been charged with '*accusing officials of crimes without providing proof*', '*offending others via telecommunications networks*', '*public calumny*', and '*insulting an officer on duty*' and imprisoned for two years.<sup>83</sup>

Tunisia has, on many occasions, used its vaguely drafted legal provisions to penalise free speech and silence critical voices. Human Rights Watch published two reports in January and October 2019 documenting the Tunisian government's practice of prosecuting bloggers and social media activists with baseless charges with an intention to curb the criticism of the government. The

---

<sup>80</sup> IBAHRI, 'IBAHRI calls for the immediate release of human rights defenders from the Egypt Initiative for Personal Rights', 1 December 2020, [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=0e59aec3-7e9f-4166-a29b-7a4bc1021935](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=0e59aec3-7e9f-4166-a29b-7a4bc1021935)

<sup>81</sup> HRW, 'Vietnam: Release Dissident Poet', 25 November 2020, [www.hrw.org/news/2020/11/25/vietnam-release-dissident-poet](http://www.hrw.org/news/2020/11/25/vietnam-release-dissident-poet)

<sup>82</sup> Defend the Defenders, 'Trial against Democracy Campaigner Tran Duc Thach Suspended Due to His Poor Health, New Date for Hearing Has not Been Re-scheduled', 2 December 2020, [www.vietnamhumanrightsdefenders.net/2020/12/03/trial-against-democracy-campaigner-tran-duc-thach-suspended-due-to-his-poor-health/](http://www.vietnamhumanrightsdefenders.net/2020/12/03/trial-against-democracy-campaigner-tran-duc-thach-suspended-due-to-his-poor-health/)

<sup>83</sup> HRW, 'Tunisia: Harsh Sentence Against Blogger', 24 November 2020, [www.hrw.org/news/2020/11/24/tunisia-harsh-sentence-against-blogger](http://www.hrw.org/news/2020/11/24/tunisia-harsh-sentence-against-blogger)

IBAHRI condemns the Tunisian government for its merciless persecution of peaceful protestors and implores the government to release Mahouech and the baseless charges pressed against him.

### **Poland**

On 22 October 2020 the new Polish Constitutional Tribunal, majorly consisting of members of the governing party, presented a proposal banning abortions including in cases of foetal defects. Thousands of people rallied in mass protests held across Poland against the proposal. The government has not published the ruling as a law amid pressure from the masses.<sup>84</sup> In order to curb protestors, the Polish police have been using tear gas and excessive force on mostly female and young protesters. In some cases, police officers in plain clothes were using batons on some of the protesters.<sup>85</sup> Additionally, protesters are being arbitrarily detained through violent arrests, while some protesters were targeted by the police and visited at home by law enforcement in an effort to intimidate them. In a number of incidents in November, several photojournalists were forcefully detained and beaten with batons.<sup>86</sup> The International Press Institute has strongly condemned the police violence against photojournalists covering the protests like Tomasz Gutry, a 74-year-old long-time photojournalist for the Polish weekly magazine *Tygodnik Solidarność*, who was shot in the face with a rubber bullet by a police officer from a distance of several metres.<sup>87</sup> This level of police brutality on peaceful protestors and journalists constitutes a gross violation of the freedom of speech and expression.

The Polish authorities have used the Covid pandemic as an excuse to exercise excessive use of force on the protestors, claiming it to be a necessary measure against protestors who may cause danger to the health and life of people by spreading the virus.<sup>88</sup> The Constitutional Court has been criticised for its lack of independence, thus undermining the power of the judiciary. The IBAHRI supports the human rights organisations around the world calling on the Polish government to cede the violence and persecution of those exercising their right to free speech, the right to protest and to protect journalists and protestors and uphold their human rights obligations. Further, the IBAHRI reminds the Polish government of the role of an independent judiciary as the cornerstone of democracy.

### **Hong Kong**

China's crackdown on Hong Kong's democratic activists and institutions continue to escalate as the National Security Act, and other laws, are being used to silence political dissidents and clampdown on freedom of expression through trumped up charges and jail time. Last week, prominent activists Joshua Wong, Agnes Chow and Ivan Lam, received their jail sentences

---

<sup>84</sup> AlJazeera, 'Poland's mass protests for abortion rights: 'This is war'', 6 November 2020, [www.aljazeera.com/features/2020/11/6/polands-protests-against-abortion-ban-this-is-war](http://www.aljazeera.com/features/2020/11/6/polands-protests-against-abortion-ban-this-is-war)

<sup>85</sup> AP, 'Polish police criticized for using tear gas on protesters', 19 November 2020, [apnews.com/article/europe-poland-coronavirus-pandemic-courts-europe-8fd07c868e11af4e022454939ff00146](https://apnews.com/article/europe-poland-coronavirus-pandemic-courts-europe-8fd07c868e11af4e022454939ff00146)

<sup>86</sup> Article 19, 'Poland: Authorities must end police brutality and persecution of protesters and journalists', 26 November 2020, [www.article19.org/resources/poland-authorities-must-end-police-brutality-and-persecution-of-protesters-and-journalists/](https://www.article19.org/resources/poland-authorities-must-end-police-brutality-and-persecution-of-protesters-and-journalists/)

<sup>87</sup> IPI, 'Poland: IPI condemns police violence against journalists amidst Warsaw clashes', 13 November 2020, [ipi.media/poland-ipi-condemns-police-violence-against-journalists-amidst-warsaw-clashes/](https://ipi.media/poland-ipi-condemns-police-violence-against-journalists-amidst-warsaw-clashes/)

<sup>88</sup> Article 19, n.81

following their indictment under the Public Order Ordinance for their part in 2019 unauthorised demonstrations outside the police headquarters. Mr. Wong was sentenced to 13 and a half months, Ms. Chow to 10 months, and Mr. Lam to 7 months' imprisonment. All three had pleaded guilty to the non-violent acts of organising, inciting or participating in the protest whilst the judge held that jail time was required to deter other would-be protesters.<sup>89</sup>

In a previous issue of this Bulletin, the IBAHRI highlighted the numerous arrests under the national security law that targeted independent media outlets and pro-democracy campaigners, including the arrest of the founder of the Next Digital and Apple Daily, media tycoon Jimmy Lai. On 2 December Mr. Lai, a long-time supporter of the pro-democracy movement, along with two other executives from Next Digital, were detained by Hong Kong Police on charges of fraud. On 3 December, Mr. Lai was denied bail for allegedly flouting the terms of an office lease, in what critics have denounced as a commercial contract which has been criminalised by authorities. Lai has been arrested four times this year, once under the national security law in August, which police alleged he contravened by 'colluding with foreign powers', and carries a life sentence, however, he is yet to be formally charged under the act.<sup>90</sup> On 11 December, Lai was charged with foreign collusion offences and endangering national security under the draconian national security law.<sup>91</sup> Lai appeared in Court on 12 December and was denied bail on the grounds that some alleged offences in the current case had been committed while Lai was awaiting trial on other charges. He now faces at least four months in pre-trial detention. The national security law's harsh penalties mean that if convicted, Lai could spend the rest of his life in jail.<sup>92</sup>

Since its enactment on 30 June, at least 31 activists have been arrested under the national security law, which has been internationally condemned as overly broad and undefined, criminalising peaceful protests and silencing any vocal support for a democratic Hong Kong, with the accused being sent to mainland China to face trial, which has a 99.9 per cent conviction rate.<sup>93</sup> More than 10,000 people have also been arrested under other laws over acts related to mass protests, whilst all democratic party members of Hong Kong's legislature have either resigned or been arrested in what is seen as the dissolution of democracy in the city. The IBAHRI condemns the sentences against the pro-democracy activists, as well as the ongoing attacks on Hong Kong's civil society

---

<sup>89</sup> The Guardian, 'Hong Kong pro-democracy figure Jimmy Lai denied bail on fraud charge', 03 December 2020, [www.theguardian.com/world/2020/dec/03/hong-kong-media-tycoon-and-pro-democracy-figure-jimmy-lai-charged-with](https://www.theguardian.com/world/2020/dec/03/hong-kong-media-tycoon-and-pro-democracy-figure-jimmy-lai-charged-with)

<sup>90</sup> The Washington Post, 'Jimmy Lai, Hong Kong media tycoon, is taken into custody', 03 December 2020, [www.washingtonpost.com/world/asia\\_pacific/jimmy-lai-hong-kong-jail/2020/12/03/fb3170d4-3520-11eb-9699-00d311f13d2d\\_story.html](https://www.washingtonpost.com/world/asia_pacific/jimmy-lai-hong-kong-jail/2020/12/03/fb3170d4-3520-11eb-9699-00d311f13d2d_story.html)

<sup>91</sup> The Guardian, 'Jimmy Lai charged under national security law as Hong Kong crackdown worsens' 11 December 2020, <https://www.theguardian.com/world/2020/dec/11/jimmy-lai-charged-under-national-security-law-as-hong-kong-crackdown-worsens>

<sup>92</sup> The Guardian 'Hong Kong democracy campaigner Jimmy Lai denied bail', 12 December 2020, [https://www.theguardian.com/world/2020/dec/12/hong-kong-democracy-campaigner-jimmy-lai-denied-bail?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/world/2020/dec/12/hong-kong-democracy-campaigner-jimmy-lai-denied-bail?CMP=Share_iOSApp_Other)

<sup>93</sup> Hong Kong Free Press, 'You can't go home again: Hong Kong activists abroad suffer separation from families and threats even while overseas', 14 November 2020, [hongkongfp.com/2020/11/14/you-cant-go-home-again-hong-kong-activists-abroad-suffer-separation-from-families-and-threats-even-while-overseas/](https://hongkongfp.com/2020/11/14/you-cant-go-home-again-hong-kong-activists-abroad-suffer-separation-from-families-and-threats-even-while-overseas/)

and democratic institutions and remind China that it is under international obligations in terms of the ICCPR to protect and facilitate free speech and freedom of assembly.

### **India**

India's counter-terrorist task force, the National Investigation Agency (NIA) had arrested 83-year-old human rights activist, Father Stan Swamy last month on grounds of inciting violence on 1 January 2018 and has been in a New Delhi jail since. Mr. Swamy is the sixteenth human rights defender to be arrested in the case under the Unlawful (Activities) Prevention Act. This is a case of great cruelty and a clear violation of his liberty and basic human dignity as Mr. Swamy has been denied basics needed to support his illness.<sup>94</sup>

Earlier this month, the Supreme Court of India (SC) granted bail to renowned journalist Arnab Goswami, who was arrested on the grounds of alleged abetment to suicide. This case was touted as an example of assault on press freedoms in India. The SC stated while granting bail to Goswami, 'Deprivation for a single day is a day to many'. This has been taken as an example of the double standards of the SC. The only cases where the SC takes prompt action are where the people are well known supporters of the government, like Mr. Goswami. Whereas those still languishing in jail are well-known opponents of the government. This begs the question of the liberty of the people like Sudha Bhardwaj, Anand Teltongle and many student activists with absurd charges against them who are in jail for more than two years. The IBAHRI condemns this inhumane treatment of Mr. Swamy and urges the Indian government for his immediate release.

---

<sup>94</sup> The Wire, 'After 20 Days, NIA Says It Doesn't Have Stan Swamy's Sipper and Straw', 26 November 2020, [thewire.in/rights/stan-swamy-straw-sipper-nia-elgar-parishad](https://thewire.in/rights/stan-swamy-straw-sipper-nia-elgar-parishad)



## 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.

### **Cuba**

On 11 November 2020, rapper Denis Solís González was tried and sentenced to eight months in prison on 'contempt of authority' charges after he used his social networks to share a live video of a police officer who had entered his home without a warrant. He was then transferred to a maximum-security prison.<sup>95</sup> Solís González is a member of San Isidro Movement, a local freedom of expression and artistic freedom group. After his arrest, several artists organised protests outside the police station. More than a dozen protestors were detained by the police, who even used excessive force on some by shoving them to the ground.<sup>96</sup> On 26 November 2020, 14 activists were detained after the Cuban security forces raided the headquarters of the movement.

Following the protests, Cuban authorities have taken drastic steps to threaten and curb the freedom of expression of the protestors by blocking access to Facebook, Twitter, WhatsApp, Telegram and Instagram and even obstructed members of the press from doing their jobs. Since Solís González's arrest, access to social media has been unstable and all internet services were notably slower. The Committee to Protect Journalists (CPJ) has described this authoritarian action by the Cuban government as a sign of its pure disdain for freedom of speech. There have also been cases where journalists have been prevented from leaving their homes and been surveilled by government authorities. The IBAHRI condemns this flagrant abuse of power by the Cuban authorities, which must end with immediate effect. We also call for the restoration of access to the internet must be immediately allowed on the Cuban island.<sup>97</sup>

### **Iraq**

On 7 December 2020, security forces affiliated with the Patriotic Union of Kurdistan (PUK) raided the NRT headquarters, based in Sulaymaniyah and suspended the channel. According to the NRT official website, forces did not present the court order. They damaged some equipment and seized other items and remained on the premises until morning. Later the same day, the Kurdistan Regional Government (KRG) issued an order to suspend all NRT activities for a week. The order is signed by Sherwan Ula Khurshid, acting general director of media, printing and publication accusing NRT of violation of 'specific guidelines on the organization of the audio and visual media'

---

<sup>95</sup> Civicus, 'Cuban Rapper Denis Solís of Movimiento San Isidro Imprisoned; Several Artists on Hunger Strike', 27 November 2020, [monitor.civicus.org/updates/2020/11/27/cuban-rapper-denis-solis-movimiento-san-isidro-imprisoned-several-artists-hunger-strike/](https://monitor.civicus.org/updates/2020/11/27/cuban-rapper-denis-solis-movimiento-san-isidro-imprisoned-several-artists-hunger-strike/)

<sup>96</sup> Reuters, 'Pro-government mob sets upon protesters in Havana', 23 November 2020, [www.reuters.com/article/us-cuba-protests/pro-government-mob-sets-upon-protesters-in-havana-idUSKBN28301D](https://www.reuters.com/article/us-cuba-protests/pro-government-mob-sets-upon-protesters-in-havana-idUSKBN28301D)

<sup>97</sup> CPJ, 'Cuban authorities harass journalists, block social media amid protests', 30 November 2020, <https://cpj.org/2020/11/cuban-authorities-harass-journalists-block-social-media-amid-protests/>

and for 'calling the security forces militia, gangs, and thugs'. Furthermore, the order states 'In the event of a breach of this order, the channel will face more severe penalties in accordance with the guidelines and legal procedures'.

Recently, NRT reported on angry protest on KRG 'handling of deteriorating economic conditions, lack of basic services, and the government's failure to pay public sector salaries on time and in full' in Sulaymaniyah.<sup>98</sup> NRT broadcasted footage of the clash between forces and protestors including the use of tear gas and water cannons by authorities.

As reported in previous issues of this bulletin, NRT, owned by Shaswar Abdulwahid, a businessperson and leader of the opposition New Generation Party, has been frequently subjected to harassment and threats by local authorities and security forces. Throughout 2020, security forces have raided NRT offices in Erbil and Dohak multiple times. In a conversation with Committee to Protect Journalists (CPJ), Dindar Zebari, the Kurdistan regional government's deputy minister for international advocacy coordination confirmed that NRT has been receiving a warning for allegedly violation regulations since June 2020.

### **Mauritius**

In August 2020, the government of Mauritius, under the premise of Covid-19 austerity measures, passed a new tax on digital services. The new tax labelled as 'The 'Liability to Value Added Tax on Digital and Electronic Services' has been introduced as an amendment to the Value Added Tax (VAT) Act introduced in the July 2020 Finance Bill. The penalties for failure to comply with the said VAT would include a fine of up to 50,000 rupees (USD 1,255) or imprisonment of up to five years. The imposition of this VAT is the latest attempt by the government of Mauritius to regulate the internet in the country. It had already imposed restrictions to freedom of expression through the passing of the Information and Communication Technology (ICT) Act and application of expanded surveillance technologies in tourist areas. Despite the various technological strides under its belt, including the establishment of Africa's first Cybercity, Mauritius has continued its regressive policies in suppressing human rights. The introduction of the new amendment criminalises content perceived to cause '*annoyance, humiliation, inconvenience, distress or anxiety to any person*'. Such a provision is clearly designed to be arbitrarily interpreted and enforced by the Mauritian government to control speech and expression in the country. Further, penalising citizens based on such vague interpretations is a severe threat to their freedom of speech and expression.<sup>99</sup>

In its crusade to police public opinion, the government in July of this year arrested Fariyah Ruhomaully, after she called a Member of Parliament a '*dirtbag*' on Facebook. The government has reportedly also been involved in the blockage of social media accounts of critics on grounds of national security. In a further problematic decision by the government, they have decided to install hundreds of CCTV cameras in the Port-Louis area funded by Huawei. This is troubling given Huawei's reported collaboration with state police forces in Uganda and Zambia to target the political opposition. Imposing legislative constraints intended to restrain free speech online and

---

<sup>98</sup> NRTTV, 'Following protest coverage, security forces in Sulaimani close NRT headquarters, Stop channel from broadcasting', 7 December 2020, [www.nrttv.com/En/News.aspx?id=25371&MapID=1](http://www.nrttv.com/En/News.aspx?id=25371&MapID=1)

<sup>99</sup> IFEX, 'Mauritius's newly introduced tax on online services threatens freedom of expression', 30 November 2020, <https://ifex.org/mauritiuss-newly-introduced-tax-on-online-services-threatens-freedom-of-expression/>

expand surveillance illustrate an intention by the government to regress into authoritarianism. A move like this especially in the time of a pandemic is particularly challenging to a population that is dependent on digital services now more than ever.<sup>100</sup>

---

<sup>100</sup> IFEX, n.92