



IBAHRI Freedom of Expression Bulletin

For Release: 16 June 2020

The IBAHRI is deeply disappointed by the decision of the Manila Regional Trial Court to convict Rappler CEO and Executive Editor, Maria Ressa, and former Rappler Researcher-Writer, Reynaldo Santos Jr, of the criminal offence of cyber libel, a major setback for media freedom in the Philippines. In response to the verdict, **Ms Amal Clooney, Deputy Chair of the High Level Panel of Legal Experts on Media Freedom**¹, UK Special Envoy on Media Freedom and International Counsel to Maria Ressa remarked:

‘With this ruling a court in the Philippines became complicit in a sinister action to silence a journalist for exposing corruption and abuse. This conviction is an affront to the rule of law, a stark warning to the press, and a blow to democracy in the Philippines. I hope that the appeals court will set the record straight in this case. And that the United States will take action to protect their citizen and the values of their Constitution’.

¹ The International Bar Association’s Human Rights Institute serves as Secretariat to the Panel.

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.² 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.

² 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.

Philippines

On 9 June 2020, the draft Anti-Terrorism Act 2020 (HB 6875) was passed in the Senate and has since been forwarded to President Rodrigo Duterte awaiting official approval. The bill is an amendment to the 2007 Human Security Act, a law that, according to numerous human rights groups, has been used to justify arrests and file false charges against activists and government dissidents.³ According to the International Coalition for Human Rights in the Philippines (ICHRP), a growing number of journalists, activists and civilians have been targeted, harassed, jailed, and killed during the pandemic.⁴ This new move is in line with authoritarian Duterte's crackdown on press freedom including action to restrict and persecute independent media and curtail freedom of speech by way of arresting journalists and activists that criticise the government. In order to 'contain' the Covid-19 outbreak in the Philippines, expanded emergency measures, including the Bayanihan to Heal as One Act introduced on 24 March 2020 which criminalises the dissemination of 'false news', have been put in place as a guise and an opportunity to flout the rules relating to fundamental rights and freedoms.⁵

The new law is set to bolster this, as it broadens the powers of the state by legalising "warrantless arrests, detention for up to 30 days of suspected terrorists, and even wiretapping and other surveillance for extended periods of time".⁶ The law also creates a new Anti-Terrorism Council to be appointed by the President with the power to categorise individuals and organisations as 'terrorists' without independent oversight⁷, that 'will be prosecutor, judge, jury, and jailer'⁸ allowing for "violations against the right to security and privacy, curtailment of the freedom of expression, freedom of association, and the right to due process".⁹ These rights are protected by the Philippine Constitution, the Universal Declaration of Human Rights, the International

³Anadolu Agency, 'Philippines to enact new anti-terror bill amid protests', www.aa.com.tr/en/asia-pacific/philippines-to-enact-new-anti-terror-bill-amid-protests/1872159

⁴ Andalou Agency, n.3

⁵ See IBAHRI Freedom of Expression Bulletin Issues 2, 4 and 5.

⁶ Andalou Agency, n.5

⁷Foreign Policy, New Anti-Terrorism Law Would Enhance Duterte's Power, 5 June 2020 <https://foreignpolicy.com/2020/06/05/philippines-new-anti-terrorism-law-enhance-duterte-power-government-critics>

⁸ Human Rights Watch, 'Philippines: New Anti-Terrorism Act Endangers Rights', 5 June 2020 www.hrw.org/news/2020/06/05/philippines-new-anti-terrorism-act-endangers-rights

⁹ HRW, n.8

Covenant on Civil and Political Rights and the ASEAN Human Rights Declaration. The IBAHRI stands with rights organisations critical of this new draconian law and call on President Duterte to veto the bill and reconsider the implications of the measures proposed. The IBAHRI will continue to monitor this situation closely.

El Salvador

The government of El Salvador has decided to suspend all public information requests in the country to comply with the state of emergency which has been in place since 20 March 2020. The Access to Public Information Agency of El Salvador has suspended all hearings and processes in what is a great breach of the right of access to information.¹⁰ The decision was taken a few days after the National Assembly declared a state of emergency on 14 March. Back then, the decision to suspend deadlines for administrative processes, including for public information requests, had a deadline. On 8 June, the deadlines were suspended.

This decision also relates to Covid-19 related requests, which has meant that individuals cannot find out the results of their Covid-19 tests and for how long they will be quarantined in containment centres, facilities that are reportedly overcrowded and unhygienic.¹¹ As of 1 June 2020, more than 14,000 people were reportedly held at these facilities.¹² It is estimated that there are 2,000 people currently held. The people held in these centres have made half of the complaints on the violation of the right to access information made to the Ombudsperson in the last three months. After protests erupted in these centres, the government sent anti-riot police to quell the demonstrations.

On 2 April 2020, the Supreme Court ordered the government to 'provide people with information about their health condition.'¹³ The National Assembly issued a new emergency law on 30 May 2020 stating that the Access to Information Law was fully applicable. The same day, President Bukele tweeted that he will veto the law.

Freedom of information is an fundamental right enshrined in Article 19 of the International Covenant on Civil and Political Rights and Article 13 of the American Convention of Human Rights. Recalling UN Secretary-General António Guterres, the IBAHRI calls on the government of El Salvador to 'be transparent, responsive and accountable'¹⁴ to its people and must ensure it provides scientific information and guidance.

¹⁰ Human Rights Watch, 'El Salvador: Broad Powers Limit Accountability', 9 June 2020
www.hrw.org/news/2020/06/09/el-salvador-broad-powers-limit-accountability

¹¹ HRW, n.10

¹² HRW, n.11

¹³ HRW, n.12

¹⁴ United Nations, 'We are all in this Together: Human Rights and COVID-19 Response and Recovery',
www.un.org/en/un-coronavirus-communications-team/we-are-all-together-human-rights-and-covid-19-response-and

Morocco

On 3 May 2020, the Moroccan Minister of Justice, Mohamed Ben Abdelkader requested an adjournment of the proposed Draft-Bill 22.20 strong backlash from citizens and activists. The draft bill, adopted by the government's council on 19 March, criminalises 'fake news' likely to cast doubt on the quality and safety of products. On 7 May 2020, the government's council announced a review of the text and the Minister of Justice said that the 'proposed law would have to be in accordance with human rights'¹⁵ after initial fears that the proposed Bill will restrict freedom of expression on digital platforms.

Articles 16-19 of the Draft Bill would make spreading 'fake news' punishable by prison sentences of up to five years when the purpose is to harm 'national security'.¹⁶ The law also allows for the creation of a redress mechanism for users complaining about 'unlawful content', defined vaguely as content 'threatening public order, security and the Monarchy's constants'.¹⁷ The sanctions provided in the Bill range from official warnings and heavy fines to imprisonment. The IBAHRI welcomes the postponement and call on the Draft Bill to be withdrawn immediately as it could pose serious restrictions to fundamental freedoms.

¹⁵ Maroc Diplomatique, 'Le ministre de la Justice demande le report de l'examen du projet de loi 22.20', 3 May 2020 <https://maroc-diplomatique.net/le-ministre-de-la-justice-demande-le-report-de-l'examen-du-projet-de-loi-22-20>

¹⁶ Amnesty International, 'In a post-COVID-19 world, 'fake news' laws, a new blow to freedom of expression in Algeria and Morocco/Western Sahara', 29 May 2020 www.amnesty.org/en/latest/news/2020/05/in-a-post-covid19-world-fake-news-laws-a-new-blow-to-freedom-of-expression-in-algeria-and-morocco-western-sahara

¹⁷ Amnesty International, n.16

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.¹⁸ 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.

Israel

On 8 June 2020, it was announced that the Israel Security Agency (ISA) would end its tracking practices related to Covid-19.¹⁹ Nadav Argaman, the head of the ISA, said there was

¹⁸ Amnesty International, 'Joint civil society statement: States use of digital surveillance technologies to fight pandemic must respect human rights', 2 April 2020
www.amnesty.org/download/Documents/POL3020812020ENGLISH.pdf

¹⁹Jewish Journal, 'Israel Will End Controversial Practice of Tracking People With the Coronavirus', 9 June 2020
<https://jewishjournal.com/israel/317143/israel-security-agency-end-controversial-practice-of-tracking-people-with-the-coronavirus/>

discomfort within the Agency to track people while infections remain low in the country.²⁰ The Knesset also said it would stop enacting and promoting legislation allowing the practice.²¹

At the outbreak of the spread of Covid-19 in the country, in mid-March, the Israeli government invoked emergency powers to start contact tracing by using cell phone tracking data of those believed to be infected. The Israeli Supreme Court subsequently struck it down on April 26 due to a lack of proper parliamentary oversight stating that the Shin Bet's electronic contact tracing of Covid-19 patients could not continue without appropriate statutory authorisation, and called for a 'suitable alternative, compatible with the principles of privacy, must be found'.²² As a result of this, the government and the Knesset adjusted the requirements to allow for the surveillance efforts to continue.

ISA had access to cell phone and credit card data to track the movement of those that tested positive to the virus to find out their whereabouts and whether they had come into contact with others to limit the spread of the virus.²³ The data was used to identify and shut down neighbourhoods with high infection rates and to impose quarantines on individuals.

Although this is a positive step, the IBAHRI remains concerned over Israel's apparently systematic recourse to a set of excessively invasive surveillance measures to curb the spread of the virus.

Singapore

On 5 June 2020, Singapore announced plans to provide a wearable tracing device that will identify people who had interacted with carriers of coronavirus to each of its 5.7 million residents. The device will require users to report their health conditions and then use Bluetooth to detect the conditions of others in proximity to them.

Earlier this year, Singapore had launched a contact tracing app to contain Covid-19 virus, TraceTogether, which uses Bluetooth to detect other phones nearby and track the spread of the virus – only those who had phones could participate and even those with phones reported various interoperability issues therefore has not been popularly used with only 20 per cent of the country's population downloading it. The app depends on Apple's and Google's privacy-safe framework for contact tracing²⁴. Reuters has claimed that the pivot to wearable devices 'is a signal that Singapore has no immediate plans to adopt contact-tracing technology from Apple and Google (GOOGL.O) rolled out last month, which has several restrictions designed to protect

²⁰Jewish Journal, n.19

²¹Jewish Journal, n.20

²² Brookings, 'Technosurveillance mission creep in Israel's COVID-19 response', 9 June 2020
www.brookings.edu/techstream/technosurveillance-mission-creep-in-israels-covid-19-response

²³Jewish Journal, Israel Will End Controversial Practice of Tracking People With the Coronavirus, 9 June 2020
<https://jewishjournal.com/israel/317143/israel-security-agency-end-controversial-practice-of-tracking-people-with-the-coronavirus>

²⁴ Forbes, 'Singapore Building Wearable Tracking Device For Citizens Because Phone-Based COVID-19 Tracking Isn't Good Enough', 5 June 2020
www.forbes.com/sites/johnkoetsier/2020/06/05/singapore-building-wearable-tracking-device-for-citizens-because-phone-based-covid-19-tracking-isnt-good-enough/#6e7b2acbe72c

users' privacy'.²⁵ Singapore's Foreign Minister, Vivian Balakrishnan, who is leading on this initiative, has remarked that 'maintaining trust, respecting privacy, and getting voluntary participation is absolutely essential' as 'the human remains at the centre of it all'²⁶. More information about the device is required before an position as to privacy rights, data security and sunset clauses can be ascertain and we will be monitoring this closely.

²⁵ Reuters, 'Singapore plans wearable virus-tracing device for all', 5 June 2020

www.reuters.com/article/us-health-coronavirus-singapore-tech/singapore-plans-wearable-virus-tracing-device-for-all-idUSKBN23C0FO

²⁶ Ministry of Foreign Affairs of Singapore, 'Dr Vivian Balakrishnan's Skype Interview with Sky News Australia', 20 May 2020

www.mfa.gov.sg/Newsroom/Press-Statements-Transcripts-and-Photos/2020/05/20200522-Sky-News-Australia-FM

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.

Cameroon

On 2 August 2019, Cameroonian police arrested reporter Samuel Ajiekah Abuwe, known as Wazizi, and placed him in a military run facility in the city of Buea on 7 August 2019. Wazizi had worked for the local CMTV channel in one of two regions where anglophone separatists have launched an armed campaign for independence from French-speaking Cameroon. He was accused of speaking critically on the air about the authorities and their handling of the crisis where clashes between soldiers and separatists calling for independence or more autonomy have left more than 3,200 dead and displaced 700,000 others in the past three years.²⁷ Local and international media soon reported that Wazizi died in custody as a result of being tortured.²⁸ Wazizi's transfer to the military facility on 7 August 2019 was the last any time his friends, family, or colleagues saw him or learned anything about his detention. He was accused of 'collaborating with separatists' but his lawyers say he had not been charged with any offence.²⁹

On 5 June 2020, the French Ambassador to Cameroon told the media that President Paul Biya had personally assured him that an investigation will be made into Wazizi's death. On the same day, a military spokesman announced that Wazizi had died of severe sepsis in custody on 17 August 2019 at a military hospital in Yaoundé, Cameroon's capital city³⁰ - No autopsy was performed. Up until 5 June 2020, Cameroonian authorities had not made any official statements about Wazizi's death nor had they responded to requests for information from international human rights groups including the Committee to Protect Journalists and RSF.

On 13 August 2019, Wazizi's lawyers filed a habeas corpus claim before the president of the local high court, but the claim was dismissed. They filed a second habeas corpus petition on 13

²⁷ Reporters Without Borders, 'Cameroonian journalist Samuel Wazizi died in detention', 4 June 2020 <https://rsf.org/en/news/cameroonian-journalist-samuel-wazizi-died-detention>

²⁸ Human Rights Watch, 'Cameroon: Ensure Independent Probe of Reporter's Death', 9 June 2020 www.hrw.org/news/2020/06/09/cameroon-ensure-independent-probe-reporters-death

²⁹ HRW, n.28

³⁰ HRW, n.29

November 2019, and even then authorities did not disclose his death or the circumstances relating to it.³¹ Authorities claim Wazizi's family was informed about his death, but members of his family dispute this and had been trying to locate his whereabouts since his arrest.

Wazizi's death and attempted coverup is only the latest in a series of harassment, intimidation, arbitrary arrest and detention and detention of journalists by Cameroonian authorities. Cameroon is ranked 134th out of 180 countries on the 2020 World Press Freedom Index. Under international human rights law, authorities have the obligation to account for all deaths in custody and must conduct thorough and independent investigations. Failure to investigate and prosecute those responsible for Wazizi's death would violate Cameroon's obligations to protect individuals from arbitrary arrest and detention and deprivation of life.³²

It is anticipated that Wazizi's death and the threat to the safety of journalists and media workers will be discussed at the forthcoming UN Security Council meeting with UNOCA.³³ The IBAHRI call on the Cameroonian authorities to undertake an exhaustive, independent investigation into Wazizi's death and joins with international organisations in urging Cameroon's international partners and the UN Security Council members to publicly raise concerns about the variety of state sanctioned human rights abuses and threats faced by journalists, activists and human rights defenders within the nation.

Iran

On 11 June 2020, Secretary-General of Reporters without Borders (RSF), Christophe Deloire, announced via a Twitter account that RSF international and RSF Germany has lodged a complaint with Germany's Federal Public Prosecutor against an Iranian judge, Gholamreza Mansouri, who is allegedly responsible for harassment, ill-treatment and torture of Iranian journalists and their families and currently is believed to be in Germany.³⁴ On 9 June, Justice For Iran, a London based NGO called for information on Mansouri by individuals who had subjected to arbitrary detention and torture which would help to prosecute him.³⁵

Mansouri is a former judge residing in the Media Court and Evin prosecutor recognised for silencing critics and issuing harsh sentences against journalists, media workers and political activists and has been accused of corruption himself. Gem TV, a Persian language entertainment network, issued a recent statement that in 2012 the judge held hostage the family of Saeed Karimian, the network founder and the chairman. In order to pressure Karimian to shut down the Gem TV, Judge Mansouri held the family under appalling conditions. Personnel at Gem TV network have been repeatedly harassed and in April 2017 Karimian himself was shot 27 times

³¹ HRW, n.30

³²HRW, n.31

³³ HRW, n.32

³⁴ Radio Free Europe Radio Liberty, 'Germany Urged To Prosecute Iranian Judge Linked To 'Torture' Of Journalists', 11 June 2020 www.rferl.org/a/germany-urged-to-prosecute-iranian-judge-linked-to-torture-of-journalists/30665773.html

³⁵ Justice For Iran (Persian), 9 June 2020 <https://justice4iran.org/persian/audio-visual/gholamreza-mansouri>

in Istanbul where he was based.³⁶ The IBAHRI commends RSF and Justice For Iran in their efforts to bring Judge Mansouri to justice and implores the German authorities to observe its responsibility to protect human rights and investigate the case before them.

Nigeria

On 3 June 2020, Nigerian authorities summoned journalist Saint Meinpamo Onitsha for questioning regarding a report (dated 2 May 2020) relating to the alleged collapse of a Covid-19 isolation center in the north of the country. On 4 June, he was officially detained, charged with violating Nigeria's Cybercrime Act and arraigned in federal court.³⁷ If convicted, he faces up to three years in jail and a fine of up to seven million naira (\$18,328) under the law.³⁸ Onitsha's detainment comes on the heels of his 9 May 2020 detainment by authorities when he was taken from his home, drove around for several hours, detained for five days, and ultimately coerced into apologising for reporting on the government's action and response to Covid-19.³⁹

Freedom of press organisations have repeatedly documented the use of Nigeria's 2015 cybercrime act to prosecute journalists for their work.⁴⁰ In February 2020, journalist Fejiro Oliver was arrested under the act for exposing corruption in a Nigerian bank.⁴¹ The IBAHRI calls for Onitsha's immediate release. Journalists should not fear reporting on the pandemic and must not be penalised by authorities for doing so. The people of Nigeria have a right to access information, especially when it comes to their health at this unstable time

Palestine

On 9 June, Palestinian authorities arrested journalist Sami al-Saie, who had most recently reported on border closures due to Covid-19 and was routinely posting general updates on the Covid-19 situation in Palestinian territory on social media. Al-Saie's wife reported that she did not know why he was arrested or if any charges had been filed against him.⁴² A local newspaper reported that Palestinian authorities had previously arrested al-Saie in February 2017 and held him for nearly over a month for social media posts.⁴³ The Arab Organisation for Human Rights in the UK (AOHR UK) condemned the ongoing policy of arbitrary detention, restrictions on the work of journalists and targeting of activists by the Palestinian

³⁶ BBC Persian, 8 June 2020
[52965240](https://www.bbc.com/persian/iran-52965240)

www.bbc.com/persian/iran-52965240

³⁷ Committee to Protect Journalists, 'Nigerian journalist held under cybercrime act for COVID-19 coverage', 10 June 2020
<https://cpj.org/2020/06/nigerian-journalist-held-under-cybercrime-act-for-covid-19-coverage>

³⁸ Committee to Protect Journalists, n.37

³⁹ Committee to Protect Journalists, n.38

⁴⁰ Committee to Protect Journalists, n.39

⁴¹ Committee to Protect Journalists, n.40

⁴² Committee to Protect Journalist, 'Palestinian security forces arrest journalist Sami al-Saie in the West Bank', 10 June 2020
<https://cpj.org/2020/06/palestinian-security-forces-arrest-journalist-sami-al-saie-in-the-west-bank>

⁴³ Committee to Protect Journalists, n.40

Security Services, asserting particular concern at this time due to proposed plans by Israel to annex parts of the West Bank.

Peru

At least 20 journalists have died in Peru as a result of reporting on the Covid-19 pandemic without adequate and necessary protections. Journalists around the world are on the frontline of this crisis, delivering information to keep the global public informed about the development of the virus and how governments are implementing measure and taking efforts to contain it. In doing so, journalists should be afforded certain protections for them to carry out their work, including the need for personal protective equipment. According to the Press Emblem Campaign (PEC)⁴⁴, at least 117 journalists have died as a result of the coronavirus pandemic in 31 countries. Zuliana Lainez, secretary general of Peru's National Journalists Association (ANP) commented that 'Media companies have the legal and moral obligation to provide personal protective equipment [PPE] for their personnel, especially those who do reporting,⁴⁵' The IBAHRI urges media corporations and outlets to support their journalists and media workers at this difficult time, encouraging and conducting the thorough planning and risk assessment for each location, keeping workers informed of developments in scientific health advice and ensuring equipment to maintain high levels of physical safety has been provided wherever possible.

Philippines

On 15 June 2020, the Manila Regional Trial Court found Maria Ressa, the founder of Filipino independent news site Rappler, and Reynaldo Santos Jr., former Rappler researcher and editor, guilty of cyber libel charges⁴⁶. The journalists face up to six years in prison and have been ordered to pay a total of 400,000 pesos in moral and exemplary damages.⁴⁷ In addition to the cyber-libel charges, Ressa also faces another libel prosecution, two criminal cases alleging illegal foreign ownership, and investigations into tax returns- Maria remarked how their story was meant to serve as a 'cautionary tale, we are meant to make you afraid'⁴⁸.

The cyber libel charges were brought by wealthy businessman Wilfredo Keng in 2017, after Rappler published in 2012 an article investigating the alleged ties between Supreme Court Justice Renato Corona and Wilfredo Keng. Keng said he was "defamed" when he was linked to the then-Supreme Court chief justice, who was later removed from office through impeachment. Ressa and Santos were charged under the law of cyber libel, which came into force in September 2012, four

⁴⁴ Press Emblem Campaign, 'At least 138 journalists have died from Coronavirus in 31 countries', 7 June 2020 www.pressemblem.ch

⁴⁵ The Guardian, 'Peru: at least 20 journalists died from Covid-19 as they covered pandemic', 2 June 2020 www.theguardian.com/world/2020/jun/02/peru-coronavirus-pandemic-journalists-died

⁴⁶ See IBAHRI website for full press release.

⁴⁷ BBC, 'Maria Ressa: Philippine journalist found guilty of cyber libel', 15 June 2020 www.bbc.co.uk/news/world-asia-53046052

⁴⁸ The Guardian, 'Journalist Maria Ressa found guilty of 'cyberlibel' in Philippines', 15 June 2020 www.theguardian.com/world/2020/jun/15/maria-ressa-rappler-editor-found-guilty-of-cyber-libel-charges-in-philippines

months after the publication of the article.⁴⁹ The retroactive application of the law is in breach of the basic constitutional safeguard of due process, found in Article 3 (1) of the Philippine Constitution. During the trial, in order to circumvent the prescription period of one year, the judge admitted the argument of ‘continuous publication’ of online articles.⁵⁰ The libel complaint was dismissed in 2018, but the National Bureau of Investigation reversed the decision and recommended that the reporters be prosecuted⁵¹.

Rappler has strongly condemned extrajudicial President Duterte’s regime since taking office in 2016, including the war on drugs, which is estimated to have killed 5,000 people in the last three years, and has published critical reports of the Duterte’s policies. In December 2019, the site also reported on Duterte’s public admission that he sexually assaulted a maid.⁵² President Duterte has labelled Rappler a ‘fake news outlet’, banned its staff from covering events, and has formerly revoked the site’s license.⁵³ However, the Duterte administration has denied involvement in the case, citing that the parties are private, or that the case is politically motivated.⁵⁴

In February 2019, the United Nations High Commissioner for Human Rights warned that the treatment of Ressa and Santos was ‘the latest element in a pattern of intimidation of a media outlet that fiercely guarded its independence and its right to conduct in-depth investigations and to criticise the authorities.’ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, who submitted an amicus brief to the court in relation to the baseless charges took to twitter to share his outrage at the decision, ‘This is a tragedy for Philippines democracy and media and for one of the great voices for freedom today, Maria Ressa, a friend and inspiration to so many of us. This injustice cannot stand’.

The IBAHRI is appaled by this decision which comes as a huge blow to democractic values, press freedom and the freedom of speech, protected in Article 3 (4) of the Philippine Constitution, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the ASEAN Human Rights Declaration. We stand with international organisations, legal experts and activists including the National Union of Journalists of the Philippines, who has called this barrage of proceedings against Maria Ressa and Rappler a ‘shameless act of persecution by a bully government.’ The severe sentence imposed on the journalists demonstrates perilous concerns as to the true independence of the judiciary in the Philippines and executive overreach, as well as the respect for media freedoms and freedom of expression. We implore this decision and call for it to be overturned immediately. The IBAHRI will be closely monitoring this situation should the case the appealed to the Supreme Court.

⁴⁹ The Guardian, ‘Maria Ressa’s conviction should matter to everyone who cares about democracy’, 15 June 2020

www.theguardian.com/world/commentisfree/2020/jun/15/maria-ressas-conviction-should-matter-to-everyone-who-cares-about-democracy

⁵⁰ BBC, ‘Maria Ressa: Philippine journalist found guilty of cyber libel’, 15 June 2020 www.bbc.co.uk/news/world-asia-53046052

⁵¹ Al Jazeera, ‘Maria Ressa found guilty in blow to Philippines’ press freedom’, 15 June 2020 www.aljazeera.com/news/2020/06/philippine-court-rappler-maria-ressa-guilty-cyberlibel-200614210221502.html

⁵² Al Jazeera, n.50

⁵³ Al Jazeera, n.51

⁵⁴ BBC, ‘Maria Ressa, head of Philippines news site Rappler, freed on bail’, 15 June 2020 www.bbc.co.uk/news/world-asia-47235444

Another method to silence voices critical of the government was motioned on 9 June 2020, when the Philippine Congress sent the controversial Anti-Terrorism Act of 2020 to President Rodrigo Duterte for approval. Section 9 of the law criminalises incitement to commit terrorism 'by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end' and establishes specialised anti-terrorism courts to hear cases under the new law.⁵⁵ The act raised concerning questions of constitutionality. On 15 June 2020, in her speech after being found guilty of cyber libel, Maria Ressa warned of the new draft Bill 'that will take away, codify, institutionalise these abuses of power ... it means that you can be called a terrorist and without a warrant of arrest, you can be arrested for writing something- any perceived critic can be kept in jail for upto 24 days'.

United States

As of 10 June 2020, the US Press Freedom Tracker, expedited by a coalition of press freedom groups, counted more than 450 incidents of violence and harassment against American journalists covering anti-racism protests⁵⁶ in US cities. These incidents, including arrests and assaults, have occurred in 33 states throughout the country, with the majority occurring in DC, Denver, Detroit, Los Angeles, Louisville, Minneapolis, New York and Philadelphia.⁵⁷

On 9 June, a joint statement between 17 press freedom, journalism and human rights organisations called on US governors and states to immediately stop abusive police action towards journalists during protests: 'Ultimately, governors and mayors across our country must take responsibility for these unprecedented attacks on press freedom by law enforcement operating under their authority. The attacks on journalists in the United States are an assault on democracy and cannot go ignored.'⁵⁸ On 10 June, 72 international organisations published a letter to President Donald Trump, urging him to speak out against attacks against journalists and to underscore the constitutional rights and protections granted to journalists under the First Amendment. The letter also emphasised the fact that the way journalists are treated in the US has repercussions for journalists around the world and 'when the US backslides it sends a green light to authoritarian-leaning leaders around the world to restrict the press and the free flow of information.'⁵⁹

Trump has yet to publicly respond to calls to protect journalists. Rather, his Twitter remains full of anti-media rhetoric, previously referring to the media as 'the enemy of the people' most

⁵⁵ Committee to Protect Journalists, 'Anti-terrorism legislation threatens press freedom in the Philippines', 10 June 2020

<https://cpj.org/2020/06/anti-terrorism-legislation-threatens-press-freedom-in-the-philippines>

⁵⁶ IBA, George Floyd killing: discriminatory, disproportionate use of force by police undermines rule of law, 9 June 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=69752576-CD78-48ED-8F0F-AE50433FB950

⁵⁷ US Press Freedom Tracker, 11 June 2020

<https://pressfreedomtracker.us>

⁵⁸ Human Rights Watch, 'Rights Groups Urge Authorities to Prevent and Account for Attacks Against Journalists', 10 June 2020 www.hrw.org/news/2020/06/09/rights-groups-urge-authorities-prevent-and-account-attacks-against-journalists#

⁵⁹ Committee to Protect Journalists, 'International groups call on Trump to speak up for press freedom', 10 June 2020

<https://cpj.org/2020/06/international-groups-call-on-trump-to-speak-up-for-press-freedom>

recently on retweeting a post calling members of the media ‘rabid activists.’⁶⁰ Every effort to impede coverage by journalists on location during these protests is an effort to deny information, violating the public’s right to know. As the protests continue, the IBAHRI calls on the US government to instruct law enforcement departments to stop violence and assaults towards journalists and media workers at this time.

Yemen

On 2 June 2020, a group of men in military uniforms attempted to hit journalist Nabil Hasan al-Quaety with their car as he exited his home. Al-Quaety tried to run, but the men opened fire, shooting him in the head, chest and hand and he died on the way to the local hospital. The assailants fled the scene.⁶¹ Al-Quaety had worked as a freelance reporter, photojournalist, and videographer, and since 2015 had worked with French agency Agence France-Presse. Several of his photos were featured in a recent AFP report on the surge of Covid-19 related deaths and he was a vocal supporter of independence for southern Yemen.⁶²

The 34-year old video journalist and photographer contributed to many news organisations, including Agence France Presse (AFP) and was vocal supporter of the UAE backed southern separatists, which led to allegations that he had received funds from UAE. He has been known to openly criticised ‘members of Islah, a Muslim Brotherhood-linked bloc of the Yemeni government’. In 2016, Quaety was a one of the finalists in ‘Rory Peck awards for freelance journalists’ for covering conflicted areas which was described as ‘rare and outstanding’ by one of judges.⁶³

At least 17 journalists have been murdered in Yemen since 2014, and hundreds more imprisoned, tortured, attacked, or forced to flee the country. Al Quaety’s murder appears to be the first targeted killing of a journalist since 2015, when journalist Abdel Karim al-Khaiwani was shot dead in an attack claimed by al-Qaeda.⁶⁴ The IBAHRI calls for a thorough and transparent investigation into Al Quaety’s death.

⁶⁰ Donald Trump, (@therealDonaldTrump), 8 June 2020.

⁶¹ Committee to Protect Journalists, ‘Yemeni journalist Nabil al-Quaety killed outside his home in Aden’, 3 June 2020

<https://cpj.org/2020/06/42860>

⁶² Committee to Protect Journalists, n.59

⁶³ The Guardian, ‘Yemeni journalist who backed independence for south is shot dead’, 3 June 2020

www.theguardian.com/world/2020/jun/03/yemeni-journalist-who-backed-independence-for-south-is-shot-dead

⁶⁴ The Guardian, n.61

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.

Bahrain

On 9 June 2020, Nabeel Rajab, blogger and head of the Bahrain Centre for Human Rights (BCHR), shared information following a court decision to change his prison sentence to a non-custodial sentence. Nabeel Rajab played a key role in the pro-democracy uprising in 2011 and has since served several prison sentences. Initially, security forces arrested him from his house in 2016 without a warrant. Subsequently, a court in Bahrain sentenced him to two years imprisonment for criticising the Bahraini government, 'spreading fake news' and undermining the kingdom 'prestige'. In 2018, the High Criminal Court of Bahrain sentenced Rajab to another five years' imprisonment for 'tweets criticising alleged torture at a Bahraini prison and the actions of the Saudi-led military coalition fighting in Yemen's civil war.'⁶⁵ Bahrain is ranked 169 out of 180 countries on the World Press Freedom Index 2020. The Bahraini ruling government is recognised for stifling journalists and media workers, particularly photojournalists and cameramen. The 2011 uprising by Shia opposition has led to an intrusive censorship of dissenting opinions.⁶⁶

The IBAHRI recognises releasing Rajab is a step in the right direction however, we remain seriously concerned about Bahraini judicial practice in which limiting the fundamental right of the freedom of expression serves as condition to exercise right to liberty.

Belarus

On 9 June 2020, Belarusian authorities confirmed that vlogger Sergei Tikhanovsky and seven other activists face up to three years in prison for actions 'grossly disrupting public order.'⁶⁷ Authorities arrested Tihanovksy while he was out collecting signatures for the presidential bid of his wife, who is running in his place after he was disqualified from running, having previously participated in an 'unauthorised mass event.'⁶⁸ Just one year after the launch of his vlog, Tikhanovsky has galvanised Belarusians for the August election in a country where going to the polls is generally regarded as a mere formality, as President Alexander Lukashenko has been in power since 1994. Tikhanovsky's video channel highlights police and court corruption throughout the nation and has amassed a following of 230,000 followers, adding almost 60,000

⁶⁵ Nabeel Rajab: Bahraini human rights activist freed from jail

⁶⁶ Reporters Without Borders, 'Bahrain index', 2020

<https://rsf.org/en/bahrain>

⁶⁷ Euractiv, 'Following arrests, free elections are 'key' for EU-Belarus relations, Commission says', 9 June 2020
www.euractiv.com/section/europe-s-east/news/following-arrests-free-elections-are-key-for-eu-belarus-relations-commission-says

⁶⁸ Euractiv, n.65

followers in the last month alone.⁶⁹ On 3 June 2020, Brussels, Washington, and London released a joint statement calling for free and fair elections in Belarus, specifically urging ‘that no politically motivated restrictive measures should prevent potential candidates from fulfilling the registration procedure.’⁷⁰ In response, President Lushenko met with national security chiefs on 9 June to discuss Tikhanovsky’s detention, and affirmed his position: ‘Let democracy be democracy, but there should be no lawlessness. And there will not be... The main task of state agencies of the national security system is to preserve stability in the country and to ensure law and order.’⁷¹ On 10 June, the EU called for Tikhanovsky’s ‘immediate and unconditional release’ due to the ‘arbitrary nature’ of his arrest.⁷² The IBAHRI also supports Tikhanovsky’s immediate release and urges the international community to keep mindful on activities by Belarusian authorities in the two months leading up to the presidential election, especially in regard to government sanctioned crackdowns on opposition and dissenters

Palestine

According to a London-based think tank, ImPact International for Human Rights Policies, Facebook, in a systematic effort, continues to delete Palestinian activists and journalists accounts, which infringes freedom of opinion and expression rights asserted in Article 19 of Universal Declaration of Human Rights (UDHR).⁷³ In early May 2020, fifty-two Palestinian Facebook users, including media workers and journalists, found their accounts deleted by Facebook due to ‘not following Community Standards’. Imad Jibreen, a 40-year-old freelance journalist from the occupied West Bank village of Tuqu, was among those affected by Facebook action. In an interview with Middle East Eye, Imad said that Facebook deleted his page without providing ‘any specific reason, like a post or a photo, for example, that violated their guidelines.’ Palestinians media workers and activists are no stranger to censorship, their posts on social media platforms, particularly Facebook, are often taken down. In 2016, Facebook and Israeli government agreed to monitor and control online contents that ‘incite violence’ on social media and Israeli officials have previously accused Palestinian activists of promoting violence and ‘terrorism’ on social media platforms.⁷⁴ Subsequently, hundreds of Palestinian accounts had been terminated and many contents took down.

In response, three Palestinian journalists launched an initiative called Sada Social in 2018, a platform aiming to monitor ‘violations against Palestinian content’. They strongly believe social

⁶⁹ Euractiv, n.65

⁷⁰ Euractiv, n.65

⁷¹ Euractiv, n.65

⁷² Euractiv, n.65

⁷³ Monitor Do Oriente ‘Facebook accused of blocking accounts of Palestinian activists/’, 8 June 2020
www.monitordooriente.com/20200608-facebook-e-acusado-de-bloquear-contas-de-ativistas-palestinos

⁷⁴ The Guardian, ‘Facebook and Israel to work to monitor posts that incite violence’, 12 September 2016
www.theguardian.com/technology/2016/sep/12/facebook-israel-monitor-posts-incite-violence-social-media

network platforms, specifically Facebook, treat Palestinian users differently to their Israeli counterparts.⁷⁵

The IBAHRI condemns the attack on free expression and censorship of online content by Facebook, whom is believed to be acting in coordination with the Israeli government, and as a result discriminantly denying the rights of Palestinians to 'hold opinions without interference and to seek, receive and impart information and ideas'⁷⁶ on social media platforms.

France

On 11 June 2020, the European Court of Human Rights (ECHR) ruled in the Baldassi and others v France case finding in favour of Boycott, Divestment and Sanctions (BDS) campaigners. The court held that French judges were wrong to convict activists for a demonstration at a supermarket calling for the boycott products produced in Israeli, saying the protest could not be considered an incitement to discrimination, a criminal offence in France.⁷⁷ The activists were initially cleared of charges after arguing it was a case of free speech, an appeals court overturned the ruling and found them guilty of inciting people to discriminate against products from Israel. Amnesty International welcomed the decision stating that 'the recognition by the ECtHR that these convictions violate their right to freedom of expression should send a clear message to all European states that they must stop the prosecution of peaceful activists'⁷⁸. Since 2010, Amnesty has reported how French authorities have specifically instructed prosecutors to use anti-discrimination laws against BDS campaigners which are not used against activists who participate in similar boycott campaigns targeting other countries. The IBAHRI welcomes the courts decision that should discontinue the misuse of anti-discrimination laws to target activists campaigning against human rights violations, including in this case where the campaigners spoke to violations by Israel against Palestinians. The court ordered French authorities to pay each of the applicants 7,380 euros (\$8,383) in damages, and a further 20,000 euros (\$22,720) to jointly cover legal expenses.

United States

On 28 May 2020, President Donald Trump signed an executive order aimed at removing some of the legal protections given to social media platforms, following the decision by social media giant, Twitter, to add warning labels to two of the Presidents tweets regarding widespread fraud in mail-in voting. In response, the President virtually warned that Republicans 'will strongly regulate' social media companies or 'close them down' if they continue to 'silence conservative's voices.'⁷⁹ The President's decision to posit protection of freedom of expression as the executive

⁷⁵ Al Jazeera, 'Palestinians fight Facebook, YouTube censorship', 20 January 2018, <https://www.aljazeera.com/news/2018/01/palestinians-fight-facebook-youtube-censorship-180119095053943.html>

⁷⁶ Universal Declaration of Human Rights, Art. 19, www.un.org/en/universal-declaration-human-rights

⁷⁷ Amnesty International, 'France Landmark ECtHR Judgement Finds Boycott Campaign Against Israel Cannot be Criminalised', 11 June 2020, www.amnesty.eu/news/france-landmark-ecthr-judgement-finds-boycott-campaign-against-israel-cannot-be-criminalized

⁷⁸ Amnesty International, n.74

⁷⁹ The New York Times, 'Trump's Response to Twitter Is Unconstitutional Harassment', 2 June 2020, www.nytimes.com/2020/06/02/opinion/trump-twitter-executive-order.html

order's key motivation could force US-based tech companies to face challenging dilemmas in terms of the norms they propagate online.⁸⁰ However, the President may face issues enforcing the order as neither of the government agencies responsible for carrying out the executive order, the Federal Trade Commission and the Federal Communications Commission, are legally obliged to submit to the President.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), of which the United States is a signatory, protects the right of freedom of speech for all. Moreover, the first amendment of the United States Constitution provides more protections for freedom of expression than most other democratic states in the world. While the IBAHRI agrees that there is much needed regulation is required, we are concerned at the President's rapid decision to remove some of the legal protections afforded to social media companies, particularly as the decision appears to be a politically motivated retaliation to the platform exercising its first amendment rights.

The world has already witnessed the President's reckless rhetoric in handling this pandemic, including when he advocated for individuals take untested medications to protect them against Covid-19 virus. In their legal challenge to the order, the Center for Democracy and Technology (CDT) noted that 'the order could discourage other platforms from exercising their free speech rights to moderate the president's posts out of fear of retaliation from the federal government.'⁸¹ The IBAHRI urge the President to respect the rights enshrined in the US constitution and international law, and not to act outside of the law or fundamental freedoms in his personal efforts to battle social media companies or 'to exercise personal grudges'⁸².

⁸⁰ Chatham House, 'Trump vs Twitter: A Battle Over Free Speech?', 9 June 2020, www.chathamhouse.org/expert/comment/trump-vs-twitter-battle-over-free-speech

⁸¹ The Verge, 'Trump's Twitter order violates the First Amendment, new lawsuit claims', 2 June 2020, www.theverge.com/2020/6/2/21278517/donald-trump-twitter-executive-order-lawsuit-challenge

⁸² IBA, 'Freedom of expression: governments exert pressure on tech giants', 12 June 2020, www.ibanet.org/Article/NewDetail.aspx?ArticleUid=0903147D-3A33-4CEB-8534-93453690D25C

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.

Myanmar

As previously reported in this Bulletin, the internet shutdown in Myanmar's Rakhine state was extended to another five townships, including one in neighbouring Chin State on 3 February, 2020. Rakhine state is now experiencing one of the longest internet shutdown in the world.⁸³ Internet shutdowns pose a significant risk to public health as individuals are not able to access essential information to protect themselves against the virus. The risk is further heightened in Rakhine state, the second poorest area in Myanmar with a weak health infrastructure.

The IBAHRI previously urged the government to proceed with caution and not to adopt measures that fall outside of the legal standard, following an order from the Ministry of Transport and Communications, which directed all internet service providers in Myanmar to block 230 websites. The government justified the restrictions as a measure to combat the spread of false reports on the coronavirus pandemic. A study by the Open Observatory of Network Interference (OONI) in early May 2020 examined this claim. It compared the blocked sites with a list of 'fake news' sites created by the Myanmar Press Council. The comparison made it clear that it was not only sites that disseminate fake news that were blocked, but also those that report critically about the government or about conflicts from the perspective of ethnic minorities.⁸⁴

250 civil society groups expressed their concern at the beginning of April that the government was abusing the pandemic to censor legitimate information. They demand an end to the arbitrary Internet blockades and the complete Internet shutdown that has been going on for months in the embattled areas of Rakhine and Chin States.⁸⁵ The IBAHRI are deeply troubled that the government of Myanmar are taking further actions to restrict press freedom, access to information and the internet, particularly as an election is due to be held in November 2020. We are further alarmed as the government are intimidating and arresting journalists for reporting on the Coronavirus pandemic. United Nations Special Rapporteur for Myanmar, Yanghee Lee, condemned the crackdown on the rights to freedom of expression and access to information that is related to ongoing armed conflict and risks undermining efforts to fight the Covid-19 pandemic in the country.⁸⁶

⁸³ Advox Global Voices, 'To fight COVID-19 in Myanmar, a call to end the war and internet shutdown in Arakan region', 29 April 2020, advox.globalvoices.org/2020/04/29/to-fight-covid-19-in-myanmar-a-call-to-end-the-war-and-internet-shutdown-in-arakan-region

⁸⁴ DW News, 'Press freedom in Myanmar regresses', 29 May 2020, www.dw.com/en/press-freedom-in-myanmar-regresses/a-53612233

⁸⁵ DW News, n.80

⁸⁶ OHCHR, 'Myanmar must allow free flow of information and aid to protect right to health in COVID-19 crisis – UN Special Rapporteur Yanghee Lee', 9 April 2020, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25783&LangID=E>

The IBAHRI condemns Myanmar's ongoing internet shutdown and crackdowns on journalists and the independent press, through these actions they are failing to fulfil their responsibility to protect all of their citizens. Now, more than ever, it is vital for individuals to be able to access fact checked, scientific information to protect themselves and support the fight against the virus. The IBAHRI calls on the government to restore internet access to Rakhine and Chin states and allow journalists to work without fear of reprisal from the state.

Papua and West Papua

The IBAHRI welcomes the judgement of the Jakarta State Administrative Court that the deliberate internet shutdowns in 2019 were illegal. The case was brought by a coalition of civil society organisations working on freedom of expression issues in Southeast Asia, including the Alliance for Independent Journalists (AJI) and Southeast Asia Freedom of Expression Network (SAFE-net). The coalition sued the government for deliberately shutting down the internet during protests in Papua and West Papua in August and September of 2019.⁸⁷ The internet shutdowns meant that journalists were unable to report from the regions and therefore could not provide timely and accurate information to the public.

In the lawsuit, the Indonesian government argued that the shutdowns were necessary to prevent the spread of fake news in the midst of protests against state violence in the provinces. The Jakarta court, however, rejected the government's position, ruling that internet shutdowns were 'a violation of the law by government bodies or officials.' Importantly, the judges added that 'any decision that limited people's right to information should be made in accordance with the law and not merely based on the government's discretion.'⁸⁸

The ruling sends an important message to states that internet shutdowns are illegal, not only for the reason that they impede the public's right to information, but because they have a substantial negative impact on people's lives – we all rely on the internet to access jobs, education, connect and to access health information and services. Access to online health information and services is more important than ever during the pandemic and undoubtedly helps to save lives. Further, the head of the UN Development Programme for Asia-Pacific, stated that it is vital for states to look at how they can improve affordable internet access when rebuilding their economies and disbursing post-coronavirus benefits.⁸⁹ The IBAHRI urges all states to take notice of the ruling and end any active internet shutdowns that are harmful to public health.

⁸⁷ Accessnow, 'Court rules the internet shutdowns in Papua and West Papua are illegal', 3 June 2020, www.accessnow.org/court-rules-the-internet-shutdowns-in-papua-and-west-papua-are-illegal

⁸⁸ Accessnow, n.84

⁸⁹ KCET, Thomson Reuters Foundation, 'Mind the Gap: Affordable Internet Vital for Coronavirus Recovery', 9 June 2020, www.kcet.org/coronavirus-worldwide/mind-the-gap-affordable-internet-vital-for-coronavirus-recovery