



IBAHRI Freedom of Expression Bulletin

Release date: Tuesday 2 June 2020

1. National security and emergency measures

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

2. Privacy and surveillance

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

3. Safety of journalists

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

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

4. Free speech

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

5. Digital rights and internet shutdowns

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

1. 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.

Hong Kong

On 28 May 2020, the Chinese legislature approved a proposal to impose sweeping national security legislation on Hong Kong which prohibits succession, terrorism, subversion of state power, foreign intervention, and permits mainland China's state security agents to operate in the city.² The law will dramatically expand Beijing's authority over Hong Kong, which was rocked by anti-government protests last year. In a joint statement by the International Bar Association and the IBAHRI³ they expressed grave concern in relation to the legislation.

Protests exploded across Hong Kong last week when the new legislation was proposed, and are expected to increase with the law's implementation. The legislation has been criticised internationally, with many arguing that it all but negates the legal safeguards ensured in the transition from British to Chinese rule in 1997.⁴ Under the 'One Country, Two Systems' policy, the Basic Law of Hong Kong guarantees freedoms to Hong Kong residents not guaranteed in mainland China until 2047.⁵ Article 39 explicitly preserves the International Covenant on Civil and Political Rights (ICCPR) within the Hong Kong Special Administrative Region (HKSAR). These rights include freedom of expression and assembly, and the right not to be subjected to any unlawful arrest, detention, or imprisonment.⁶ The new national security legislation effectively bypasses Hong Kong's Legislative Council and in doing so, damages the foundation of the 'One Country, Two Systems' policy. Additionally, as currently written, the new legislation contains no assurances of compliance with the ICCPR.

The new legislation also permits for the creation of 'relevant' national security institutions in Hong Kong.⁷ Though there are limited details at this time, this could mean the establishment of agencies like the Ministry of State Security and the National Security Bureau of the Ministry of Public Security—

² CNN, 'China approves controversial national security law for Hong Kong', 28 May 2020
www.cnn.com/2020/05/28/asia/china-npc-hk-security-law-intl-hnk/index.html

³ IBAHRI, 'China's move to impose National Security Law on Hong Kong condemned by IBA and IBAHRI', 28 May 2020
www.ibanet.org/Article/NewDetail.aspx?ArticleUid=99cfb8ef-70f9-4867-9c38-66d10aa5aede

⁴ Human Rights Watch, 'Hong Kong: Beijing Threatens Draconian Security Law', 22 May 2020
www.hrw.org/news/2020/05/22/hong-kong-beijing-threatens-draconian-security-law#

⁵ HRW, n.5

⁶ HRW, n.6

⁷ The Guardian, 'Chinese parliament approves controversial Hong Kong security law', 28 May 2020
www.theguardian.com/world/2020/may/28/china-vote-npc-national-security-laws-hong-kong-us-protest

agencies long known for abuses of human rights in mainland China including arbitrary detention and torture—to operate in Hong Kong.⁸

Additionally, under Articles 19 and 85 of the Basic Law, Hong Kong maintains its own legal system independent of China. Critics of the new legislation argue that it will put strain on the judicial system by forcing judges to rule on increasingly political prosecutions.⁹ Any legal challenges related to the new legislation will significantly interfere with judicial independence, as the legislation will inevitably raise conflicts with the Basic Law's human rights provisions.¹⁰ Judicial rulings against the new legislation could possibly result in Chinese intervention into Hong Kong's court system, as was the case in 2016 with an anti-China political protest case.¹¹

The IBAHRI is concerned by China's imposition of national security legislation in Hong Kong generally, especially during a global pandemic whilst the world remains distracted, as IBAHRI Director, Baroness Helena Kennedy recently stated, *'They wait for a crisis, when heads are turned'*¹². Any national security legislation must be subject to public consultation and guarantee protections of fundamental rights for Hong Kong residents as established with Basic Law, the ICCPR, and international human rights standards therefore the IBAHRI calls to repeal the Decision with immediate effect.

Hungary

On 30 March 2020, Prime Minister Viktor Orbán was granted the right by the Hungarian Parliament to rule by decree for an indefinite period¹³, a decision that led to significant criticism by rights experts and professionals across the globe with the European Commission Vice-President, Věra Jourová, describing the laws as 'very disturbing'¹⁴. In early May, lawmakers in the European Parliament demanded that Orbán's government be punished for using the pandemic to grab power.¹⁵ On 26 May

⁸ The Guardian, n.8

⁹ Human Rights Watch, 'Hong Kong: Beijing Threatens Draconian Security Law', 22 May 2020
www.hrw.org/news/2020/05/22/hong-kong-beijing-threatens-draconian-security-law#

¹⁰ HRW, n.10

¹¹ Human Rights Watch, 'Hong Kong: China Interferes Judiciary's Independence', 4 November 2016
www.hrw.org/news/2016/11/04/hong-kong-china-interferes-judiciarys-independence

¹² IBA Article Covid-19: lawmakers push through controversial agendas under shadow of crisis, 19/05/2020
www.ibanet.org/Article/NewDetail.aspx?ArticleUid=D3561B7E-7973-44B9-A1D7-EFD8295AE1DC

¹³ The Guardian, 'Hungarian government to end Orbán's rule-by-decree legislation', 26 May 2020,
www.theguardian.com/world/2020/may/26/hungarian-government-to-end-orbans-rule-by-decree-legislation-emergency-coronavirus

¹⁴ The Guardian, n.13

¹⁵ NPR, 'European Parliament Lawmakers Demand Punishment for Hungary Over Emergency Powers', 14 May 2020
www.npr.org/sections/coronavirus-live-updates/2020/05/14/855918912/european-parliament-lawmakers-demand-punishment-for-hungary-over-emergency-power

2020, the Hungarian government announced that they plan to bring an end to the controversial policy on 20 June 2020¹⁶, the supposed end of a 'state of danger'.¹⁷

In the nearly two-month period of the rule by decree, under Orbán's leadership there have been over 100 decree issues, most of which had little to no direct relevance to tackling the Covid-19 virus. In the same time period, Parliament passed a number of controversial legislative bills in the traditional format, including one that strips legal recognition from transgender Hungarians and another that classified information about a Chinese-funded railway project.¹⁸

Critics worry that the new legislation revoking Orbán's rule of decree will do little to curb his vast executive overreach. Specific concerns surround the provision that 'fearmongering and spread of information' will remain punishable by up to five years in prison.¹⁹

Human rights watchdog organisation, The Hungarian Helsinki Committee, stated that the legislation to revoke Orbán's rule of decree is nothing more than political theater and will continue to allow the government to rule by decree for an indefinite period of time with minimal constitutional safeguards.²⁰ This is especially troubling as Hungary slides into a Covid-19 economic recession and Orbán will struggle to retain political control in turbulent times. Further, Human Rights Watch (HRW) claimed that a new bill was being proposed, which would give the government the power to order any and all measures it deems necessary without parliamentary approval, including suspending laws, to respond to the current and future public health emergencies. The proposed bill would also allow the government to declare a 'state of medical emergency' which would allow the government the power to restrain fundamental rights and freedoms²¹. The 'state of medical emergency' could be applied indefinitely and it is suggested that this would be declared by the Chief Medical Officer, a position that is not impartial and currently remains under state control.

Qatar

On 22 May 2020, the Qatari authorities made it compulsory for citizens to download the EHTERAZ contact-tracing app, which uses GPS and Bluetooth technology to track cases of Covid-19. The app has been downloaded more than one million times from the Google Play store²² and those individuals

¹⁶ The Guardian, 'Hungarian government to end Orbán's rule-by-decree legislation', 26 May 2020, www.theguardian.com/world/2020/may/26/hungarian-government-to-end-orbans-rule-by-decree-legislation-emergency-coronavirus

¹⁷ The Guardian, n.16

¹⁸ The Guardian, n.16

¹⁹ NPR, 'Hungary Says It Will End State of Emergency Giving Orban Power to Rule By Decree', 27 May 2020 www.npr.org/sections/coronavirus-live-updates/2020/05/27/862925730/hungary-says-it-will-end-state-of-emergency-giving-orban-power-to-rule-by-decree

²⁰ The Hungarian Helsinki Committee, 'Never-Ending Story?', 27 May 2020 www.helsinki.hu/en/never-ending-story

²¹ Human Rights Watch, 'Ending Hungary's State of Emergency Won't End Authoritarianism', 29 May 2020 www.hrw.org/news/2020/05/29/ending-hungarys-state-emergency-wont-end-authoritarianism

²² Amnesty International, 'Qatar: 'huge' security weakness in COVID-19 contact-tracing app', 26 May 2020 www.amnesty.org.uk/press-releases/qatar-huge-security-weakness-covid-19-contact-tracing-app

who have not installed the app could face a maximum fine of \$55,000 or three years in prison.²³ Similar to other contact tracing apps, the app uses a colour-coded, red, yellow and green system to determine if individuals are healthy, have the virus, or suspected of having the virus and all data is stored on a centralised system.

Amnesty International Security Lab undertook an investigation into the app and discovered significant weakness in its configuration, exposed privacy failings with the QR code, which enabled access to sensitive personal information, in both Arabic and English, such as names, health status, and GPS coordinates of a user's designated confinement location. This is due to the apps central server not having security measures in place in order to protect the data. Qatari authorities have since acted quickly and stripped out names and location data and on 24 May 2020, the authorities updated the app and added a new layer of authentication to prevent data harvesting. Although these changes appear to have fixed the security concern, Amnesty are unable to fully verify whether they have been effective.²⁴

While the IBAHRI commends the efforts of the Qatari authorities to halt the spread of the pandemic and protect citizens, we are concerned their contact tracing app fails to protect rights and privacy standards. In the last issue of this bulletin, we highlighted the privacy concerns with centralised apps, and therefore urge the Qatari authorities to move to a decentralised model to ensure the safety of their citizens data. Further we call on the authorities to reverse the decision to make the app mandatory and remove any, including the harsh penalties for non-compliance.

It has been argued that contact tracing is an essential element in the fight against the pandemic, however the World Health Organization (WHO) have cast doubt on the effectiveness of apps as there is only anecdotal evidence that they are effective, and have advised that apps should not replace manual contact tracing.²⁵ States must ensure that contact tracing apps are part of a comprehensive healthcare response in times of emergency, voluntary to download, incorporate privacy and data protection in the design. In order to be consistent with human rights standards, data collection must be restricted to the purpose, i.e controlling the spread of the virus, and alongside regular, independent review, we must be able to guarantee that apps will be dismantled as soon the objective has been satisfied.

India

In previous issues of this bulletin, the IBAHRI have reported on the significant privacy concerns arising from the Aarogya Setu app. Almost a 100 million individuals have downloaded the app and there have been serious security fears that their privacy have been put at stake, including those uncovered by a French cyber security expert and 'ethical hacker'. Following calls from privacy campaigners to publish the code for the app, the Indian government announced that the app will be open source from 12pm on the 27 May 2020. The code has been uploaded to a public [GitHub](#) repository and the Android client code will be available; this is to be followed in two by the iOS client (for Apple devices) and KaiOS code

²³ Al Jazeera, 'Qatar makes COVID-19 app mandatory, experts question efficiency', 26 May 2020
www.aljazeera.com/news/2020/05/qatar-covid-19-app-mandatory-experts-question-efficiency-200524201502130.html

²⁴ Al Jazeera, n.23

²⁵ Al Jazeera, n.23

(for Jio feature phones).²⁶ Making the source code of the app available to the public allows experts and researchers to review and detect vulnerabilities.²⁷ The IBAHRI welcomes this step toward transparency by the Indian government aimed to alleviate concerns relating to the collection and usage of sensitive data about citizens.

However, there are still major concerns relating to the app - India's Software Freedom Law Centre (SFLC) undertook an analysis of the updated privacy policy and terms of service. SFLC raised concerns that the app's data retention period has been extended and de-anonymised sharing also appears possible. It also highlights an issue that users can request to have their data deleted, but no mechanism for requesting deletion has been stipulated. Moreover, the terms do not include a sunset clause, indicating the possibility that it may be used once the spread of the virus has been controlled.²⁸ The IBAHRI urges the Indian government to act on concerns of privacy campaigners and citizens alike, and continue to make improvements to the apps privacy policy and terms of service that are in line with human rights and privacy standards, as well as ensuring the app is voluntary to download and moving to a decentralised model.

France

On 27 May 2020, the lower house of French parliament approved the government's Covid-19 contact-tracing app. The vote, while non-binding, is expected to clear the way for the app to be made available to users on a voluntary basis starting 1 June 2020. The app uses low-energy Bluetooth signals on mobile phones to trace individuals that people infected with the virus come into close contact with and informs users of potential exposure so they can self-isolate. It will store anonymous data in a government-run centralised database for 14 days before erasing it.²⁹

Members of parliament and civil liberties groups have raised concerns with the app, as the French government have chosen a centralised model, which does not sufficiently secure citizens data as anonymised data is stored on a central server. The President of the Parliament's Laws Committee, Yaël Braun-Pivet, warned that the app should not be obligatory or be able to geolocate or conserve data.³⁰ Further, the National Consultative Commission for Human Rights, in a recent statement stated that the app 'affects in a disproportionate manner the rights and freedoms of all citizens.'³¹

The IBAHRI appreciates efforts by the French government to halt the spread of the virus and in doing so, notice that they have tried to consider some key rights and privacy considerations, including

²⁶ Firstpost, 'Aarogya Setu, 'India's Contact-Tracing App, Goes Open-Source', 27 May 2020 www.firstpost.com/tech/news-analysis/aarogya-setu-indias-contact-tracing-app-goes-open-source-8412191.html

²⁷ The Hindu, 'Aarogya Setu app is now open source: what does it mean?', 27 May 2020 www.thehindu.com/sci-tech/technology/aarogya-setu-app-is-now-open-source-what-does-it-mean/article31689459.ece

²⁸ Software Freedom Law Centre, 'Our Analysis of Aarogya Setu's Updated Privacy Policy and Terms of Service', 26 May 2020 <https://sflc.in/our-analysis-aarogya-setus-updated-privacy-policy-and-terms-service>

²⁹ The New York Times, 'French Lawmakers Endorse the Country's Virus Tracing App', 27 May 2020 www.nytimes.com/aponline/2020/05/27/business/ap-eu-virus-outbreak-french-tracing-app.html

³⁰ Euronews, 'France approves release of controversial COVID-19 tracking app', 28 May 2020 www.euronews.com/2020/05/27/france-s-controversial-covid-19-tracking-phone-app-approved-by-lower-house-of-parliament

³¹ The New York Times, 'French Lawmakers Endorse the Country's Virus Tracing App', 27 May 2020 www.nytimes.com/aponline/2020/05/27/business/ap-eu-virus-outbreak-french-tracing-app.html

erasing data. However, we encourage all states to utilise apps alongside manual contact tracing, to ensure effectiveness. Governments must be able to guarantee that apps are developed with privacy and data protection in the design, and in line with human rights and privacy standards.

United Kingdom

On 28 May 2020, the National Health Service (NHS) Covid-19 track and trace system was rolled out in England and Scotland. The aim of the voluntary system is to lift blanket lockdown restrictions and move towards localised, targeted measures.³² A recent study by Censuwide found that almost half (48 per cent) of the UK public surveyed in relation to the NHSX Covid-19 tracing app do not trust the UK government to keep their information safe from hackers, a further 33 per cent of respondents are concerned that the app might allow the government to track their whereabouts.³³ Northern Ireland have opted out of using the app, and it is believed by experts that the NHSX app would come under further scrutiny given that tech companies including Google and Apple have released contact-tracing software for smartphones, making it easier for countries to build decentralised apps.

The IBAHRI raised concerns with the NHS Covid-19 contact tracing app in the last issue of this bulletin and urged the UK government to move to a decentralised model, as well as including a data retention timeframe. Unfortunately, the UK government made no changes to the app after the testing phase. The IBAHRI are troubled with the government's failure to abate privacy concerns, and considering the public's lack of trust in the government, will render the app ineffective as experts have confirmed that apps will only work if at least 60 per cent of the population use them.³⁴ States must not lose sight of their responsibility to protect citizen's privacy and data in their fight against the virus.

³² BBC, 'Coronavirus: Test and trace system kicks off in England and Scotland', 28 May 2020 www.bbc.co.uk/news/uk-52829357

³³ Global Newswire, 'UK Fears Cybercriminals Will Use NHSX COVID-19 Tracing App to Launch Cyber Attacks', 27 May 2020, www.globenewswire.com/news-release/2020/05/27/2039120/0/en/UK-Fears-Cybercriminals-Will-Use-NHSX-COVID-19-Tracing-App-to-Launch-Cyber-Attacks.html

³⁴ ScienceMag, 'COVID-19 contact tracing apps are coming to a phone near you. How will we know whether they work?', 26 May 2020 www.sciencemag.org/news/2020/05/countries-around-world-are-rolling-out-contact-tracing-apps-contain-coronavirus-how

2. 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.

Follow up from the previous issue

The Freedom of Expression Bulletin is committed to monitoring the assaults made against journalists' rights to report on the global Covid-19 pandemic:

- **Pakistan:** The IBAHRI was greatly saddened by the death of Sajid Hussain, a Pakistani journalist exiled in Sweden and Editor-in-Chief of *The Balochistan Times*. In previous issues of this bulletin, we reported that Hussain had gone missing and how his body been found in a river 35 miles north of Stockholm on 1 May 2020. The Swedish prosecutor's office has said that the autopsy did not point strongly to foul play.³⁵ Reporters Without Borders (RSF) has expressed scepticism in a statement on Mr Hussain's death: 'as long as murder cannot be excluded, there is a strong possibility that he was killed in connection with his work as a journalist'.³⁶ Pakistan is one of the most dangerous countries for journalists to work in and threats have known to come from both Pakistani intelligence agencies and its militant groups. Sajid Hussain's family maintain patient with the slow investigation process and we will continue to monitor the situation closely.
- **Mexico:** Mexican journalist Maria Elena Ferral Hernández was shot dead by two people on motorbikes in the eastern state of Veracruz in March this year. Ferral had been receiving death threats and notes of intimidation from local political candidates since 2016.³⁷ Ferral became the second female journalist to be shot in Mexico this year. Teresa Aracely Alcocer, radio

³⁵ The New York Times, 'Exiled Pakistani Journalist Found Dead in Sweden', 2 May 2020 www.nytimes.com/2020/05/02/world/asia/pakistan-journalist-dead.html?campaign_id=51&emc=edit_MBE_p_20200504&instance_id=18199&nl=morning-briefing®i_id=111398989§ion=whatElse&segment_id=26545&te=1&user_id=c8c5a91a58f0584b6234b3c0ceb3ce8b

³⁶ RSF, 'Missing Pakistani journalist's body found in Sweden', 5 May 2020 <https://rsf.org/en/news/missing-pakistani-journalists-body-found-sweden>

³⁷ TV5 Monde, 'La journaliste mexicaine Maria Elena Ferral assassinée', 31 March 2020 <https://information.tv5monde.com/terriennes/la-journaliste-mexicaine-maria-elena-ferral-assassinee-353652>

journalist, was shot dead in February outside her home in Ciudad Juarez.³⁸ Her killers are also yet to be brought to justice. The level of impunity for the murderers of journalists in Mexico is over 97 per cent.³⁹ It is understood that Veracruz state authorities have issued arrest warrants for at least 11 people allegedly involved in the murder of Maria Elena Ferral and arrested six of the suspects in the weeks after her murder⁴⁰. We will continue to monitor this situation closely.

- **Philippines:** On 5 May 2020, Cornelio Pepino, also known as Rex Cornelio, was shot five times at close range while returning home from presenting his program on MD Energy FM 93.7. Pepino had exposed several cases of corruption, bribery, and illegal mining and it was believed that his death may have been in connected to his work. Pepino's death is no anomaly. Despite the Presidential Task Force on Media Security that has been in place since President Rodrigo Duterte took office in 2016, sixteen journalists have been killed in connection with their work in the Philippines since Duterte's term began. Since the last issue, it has been reported that that Negros Oriental provincial police director, Col. Julian Entoma, stated that the investigation now pointed to the possible involvement of a provincial government-owned car⁴¹. The IBAHRI continue to monitor the situation and condemn the killing of any media worker arising out to their work.

Belarus

Between 6-13 May 2020, Belarusian authorities have arrested over 120 peaceful protestors, opposition bloggers, journalists, and other government critics in over 17 cities⁴², in a crackdown on assembly and expression ahead of upcoming elections. Many protestors are gathering against the current President Alexander Lukashenko's attempt to run for a sixth term in office, however his government's response to the pandemic has seen his approval ratings drop to the all-time low⁴³. President Lukashenka has indicated that he is prepared to act against protestors who threaten Belarusian sovereignty and independence, which must be "defended by the army, the KGB, and all the people".⁴⁴

³⁸ The Coalition for Women in Journalism, 'Mexico: Murder of radio journalist Teresa Aracely puts there targeting of women journalists in the spotlight', 21 February 2020 <https://womeninjournalism.org/cfwij-press-statements/mexico-murder-of-radio-journalist-teresa-aracely-puts-the-targeting-of-women-journalists-in-the-spotlight>

³⁹ El Financiero, 'María Elena Ferral', 1 April 2020 www.elfinanciero.com.mx/opinion/javier-risco/maria-elena-ferral

⁴⁰ Havana Times, 'Mexican Reporter, Daughter of a Murdered Journalist, Survives Attack', 28 May 2020 <https://havanatimes.org/news/mexican-reporter-daughter-of-a-murdered-journalist-survives-attack>

⁴¹ Phillipine News Agency, 'Police probes capitol car's "role" in radio anchor's murder', 13 May 2020 www.pna.gov.ph/articles/1102765

⁴² Human Rights Watch, 'Belarus: Activists, Journalists Jailed as Election Looms', 22 May 2020 www.hrw.org/news/2020/05/22/belarus-activists-journalists-jailed-election-looms

⁴³ New Eastern Europe, 'Belarus is the world's strangest state right now', 28 May 2020 <https://neweasterneurope.eu/2020/05/28/belarus-is-the-worlds-strangest-state-right-now>

⁴⁴ RadioFreeEurope, 'Lukashenka Warns No "Maidan" Following Mass Rallies Supporting Opposition', 1 June 2020 www.rferl.org/a/lukashenka-warns-no-maidan-following-mass-rallies-supporting-opposition/30646529.html

Five journalists who were arrested during this time. On May 11 and 12, four of the journalists were charged with 'participating in an unauthorized demonstration' over their coverage of blogger and opposition presidential candidate Siarhei Tsikhanouski, and sentenced to ten days of administrative detention each.⁴⁵ According to Barys Haretski, head of the Belarusian Association of Journalists, the arrests of journalists began only after Tsikhanouski announced on 6 May 2020 that he would run for president in the August election.

The IBAHRI joins Human Rights Watch in condemning the actions of Belarusian authorities in calling for the respect for a free, independent and pluralistic media and tolerance for the crucial reporting of journalists, without persecution and harassment, during the current pandemic.

Ethiopia

On 7 March 2020, Ethiopian authorities arrested two journalists and their driver on the outskirts of Addis Ababa for associating with opposition politicians.⁴⁶ On 30 March 2020, a court ordered the release of the three men after prosecutors admitted they did not have a case against them.⁴⁷ However, as of 22 May, the three remain in custody—in violation of court orders from March, April, and early May—while police have claimed to be investigating additional charges against them.⁴⁸ The continued detainment despite court orders for their release are troubling in anticipation of Ethiopia's 2020 elections. Initially scheduled for May 2020, the election has been pushed back to August 2020 due to the pandemic.⁴⁹ The international community must keep an eye on Ethiopian authorities in the months leading up to the election, especially in regard to government sanctioned crackdowns on opposition and dissenters.

Egypt

On 22 May 2020, the Egyptian Ministry of Interior published a confession by freelance journalist and documentary producer, Sameh Hanein where he was found declaring that he allegedly received \$150,000 payment from Al-Jazeera, the Qatari state-funded broadcaster, to produce a documentary and communicating with Muslim Brotherhood. Another media worker, Ahmed Maher Ezzat, a studio owner, appeared in the same confession video. The video sparked a wave of condemnation among Egyptian human rights advocacy groups and lawyers and calling the government action 'unlawful' as 'Egyptian law prohibits the broadcasting of confessions'. Amnesty International has reported reason to believe that the confession followed after possible torture and ill-treatment towards Ezzat and

⁴⁵ Committee to Protect Journalists, 'Belarus jails 5 journalists over coverage of opposition candidate', 15 May 2020 <https://cpj.org/2020/05/belarus-jails-5-journalists-over-coverage-of-oppos>

⁴⁶ Amnesty International, 'Ethiopia: Release detained journalists and opposition politicians immediately', 7 April 2020 www.amnesty.org/en/latest/news/2020/04/ethiopia-release-detained-journalists-and-opposition-politicians-immediately

⁴⁷ Committee to Protect Journalists, 'Ethiopian police ignore court orders to free journalists held since March', 22 May 2020 <https://cpj.org/2020/05/ethiopian-police-ignore-court-orders-to-free-journ>

⁴⁸ CPJ, n.47

⁴⁹ Civicus, 'Concern Over Crackdown On Opposition and Dissenters Ahead Of 2020 Elections', 26 May 2020 <https://monitor.civicus.org/updates/2020/05/26/concern-crackdown-opposition-and-dissenters-ahead-2020-elections>

Hanein.⁵⁰ On 16 May 2020, Sameh Hanein was arrested at his home in Cairo by state security officers and has been charged with ‘spreading false news, misusing social media to disrupt national security, and joining a terrorist organisation—specifically the Muslim Brotherhood’.⁵¹

Recently, the Egypt Ministry of Interior announced 11 individuals had been arrested for allegedly collaborating with Muslim Brotherhood and creating harmful contents, including a documentary about North Sinai area⁵² for the Al Jazeera network. The Ministry accused the individuals of fabricating content and producing false information which ‘undermine the national security and stability’ of the country. Access to Al Jazeera has been restricted in Egypt since 2017 following the Cairo and Doha political feuds.⁵³

Security forces also arrested Sheema Samy, a freelance journalist at her home in Alexandria. Her lawyer told Committee to Protect Journalist (CPJ), ‘authorities have not disclosed her whereabouts or any charges against her’ and had recently criticised the government’s behaviour toward political prisoners.⁵⁴ The Egyptian authorities continue to exploit the Covid-19 outbreak to crackdown on dissent voices, particularly journalists. Since outset of the pandemic, more than ten journalists have reportedly been arrested.⁵⁵

The IBAHRI joins Amnesty International and the other human rights groups in condemning the unlawful action taken by the Egyptian government and demands for immediate release of Hanein and other media workers. We all call for the government to adhere to its obligations under international human rights law and in respect of Article 9 of International Covenant on Civil and Political Rights (ICCPR) which protects the right to liberty and security of persons, without being subjected to arbitrary arrest or detention or general deprivation of liberty on unfounded grounds.

Mexico

A spotlight on the lack of action by the Mexican government to protect media workers came to ahead again on 27 May 2020, when unknown assailants set fire to the car of Marco Antonio Duarte, founder and editor of Ciudad Obregón Sin Censurat, an online news outlet recognised for its daring coverage of local corruption and abuses of power. The attack on Duarte’s vehicle was only the latest in a series of threats going back to August 2019, including personal death threats, theft of cameras and computers, and the poisoning of his dog. Duarte had allegedly sought enrollment in a federal protection scheme provided by the Interior Secretariat, but had yet to hear back from the government.

⁵⁰ Middle East Eye, ‘Egypt rights advocates denounce “unlawful” pre-trial airing of journalist’s confessions’, 22 May 2020 www.middleeasteye.net/news/egypt-rights-advocates-denounce-unlawful-airing-confessions-detained-journalist

⁵¹ Committee to Protect Journalists, ‘Egyptian security forces detain 2 freelance journalists’, 28 May 2020 <https://cpj.org/2020/05/egyptian-security-forces-detain-2-freelance-journalists>

⁵² Middle East Eye, ‘Northern Sinai is largely closed off to the media, except for rare visits supervised by the Egyptian military’, 22 May 2020 www.middleeasteye.net/news/egypt-arrests-11-accused-fabricating-content-al-jazeera

⁵³ Middle East Eye, ‘Egypt arrests 11 accused of “fabricating” content for Al Jazeera’, 22 May 2020 www.middleeasteye.net/news/egypt-arrests-11-accused-fabricating-content-al-jazeera

⁵⁴ CPJ, n.51

⁵⁵ Anadolu Agency, ‘Egypt arrests 10 journalists since coronavirus outbreak’, 22 May 2020, www.aa.com.tr/en/africa/egypt-arrests-10-journalists-since-coronavirus-outbreak/1850942

The attack comes only one week after the murder of Jorge Armenta, a reporter at the news outlet. Armenta is the third journalist to be killed in Mexico this year, after Victor Fernando Alvarez was found on April 11 in Acapulco, after he disappeared on 2 April and journalist Maria Elena Ferral was shot dead in the eastern state of Veracruz in March⁵⁶.

For journalists who manage to enroll in the federal protection program, safety is far from guaranteed. On 24 May 2020, unidentified gunmen attacked journalist and newspaper owner Fernanda de Luna Ferral in the eastern state of Veracruz. The attack on her life came only two months after the murder of her mother, also a journalist and newspaper owner, on 30 March. De Luna Ferral was enrolled in a federal protection scheme because of her mother's murder, and had also been assigned local police protection. According to the Committee to Protect Journalists, Mexico is the deadliest country in the Western hemisphere for journalists. The IBAHRI condemns threats and violence against journalists which act as 'tactics traditionally employed by the powerful and the corrupt to intimidate those who try to expose corruption and the abuses of power'⁵⁷.

Myanmar

The IBAHRI has documented concerns over abuses of power in Myanmar during the pandemic and on 20 May 2020, a state court sentenced the editor of an online newspaper to two years in prison for erroneously reporting a Covid-19 death in the nation. On 13 May 2020, the Dae Pyaw news agency published an article announcing a Covid-19 death in the eastern Karen state. The report turned out to be false, and just one week later, the editor was sentenced to two years under Section 505 (b), a notoriously vague law often used against journalists and activists. The government had warned that citizens would be prosecuted for spreading misinformation about the pandemic, and this is the first known case of prosecution in the country. Alarming, lawmakers are considering additional legislation that would allow authorities to prosecute journalists for causing 'public panic' arising from Covid-19 specifically. On 18 May, legislators submitted a draft law to Parliament which would allow for six month prison penalties and a steep fine for those convicted. The IBAHRI reported on the Prevention and Control of Communicable Diseases Bill in its last issue of this bulletin which provides for criminal penalties for those who spread information about communicable diseases that could cause 'public panic' in Myanmar. In Section 20 of the draft Bill, powers are granted to the Ministry of Health to delegate authority to local officials to prohibit speaking, writing, receiving or publishing news on contagious and communicable diseases that could 'cause panic'⁵⁸. IBAHRI remains concerned that such extraordinary measures, which in reality silence dissent, have become the standard way to respond to the crisis and will be monitoring developments closely.

⁵⁶ BBC, 'Jorge Armenta: Mexican journalist killed in "armed attack"', 17 May 2020 www.bbc.co.uk/news/world-latin-america-52698127

⁵⁷ The Guardian, 'What the arrest of a black CNN journalist on air taught us', 31 May 2020 www.theguardian.com/commentisfree/2020/may/31/what-the-arrest-of-a-black-cnn-journalist-on-air-taught-us

⁵⁸ IBAHRI, 'IBAHRI Freedom of Expression Bulletin', 19 May 2020 www.ibanet.org/Human_Rights_Institute/Freedom-of-Expression.aspx

Iraq

From the outset of the pandemic, there serious concerns regarding the safety of journalists and media workers in Iraq. The IBAHRI has been monitoring the situation closely and reported numbers of cases in which journalists and media workers were under attack or harassed by local authorities. On 21 May 2020, the Press Freedom Advocacy Association in Iraq reported unidentified individuals targeted the house of Ali Dara'am, editor of Asia TV news, with the use of a sound bomb. According to Dara'am, the device was allegedly a handmade bomb, which was planted in front of his house in Al-Sha'ab area of Baghdad. Luckily, the incident did not result in any casualties however it did manage to create fear and alarm for media workers. Sound bombs are acoustic weapons that can be utilised for various purposes and can result in severe hearing loss.

On 16 May 2020, in yet another attempt to impede the work of media actors, state authorities arrested and detained eight journalists and media workers in Duhok, a city in the Kurdistan province, for reporting on a protest against unpaid income. Three journalists were released after a couple of hours in detention, however, authorities confiscated any equipment that related to their work. Four of the other journalists were held in detention for a couple of days and were all were released on bail, paying two million Iraqi dinars (the equivalent of £1,368.79). According to the Committee to Protect Journalists (CPJ), all detained journalists were forced to sign a statement and denied access to a lawyer. In another occasion on 16 May, Kurdish security forces detained staff of TV channel, Kurdistan 24, after they had reported on a fire incident that took place on farms in the Kurdistan province. Authorities seized their personal belongings including their phone, camera amongst other equipment. The journalists were held and forced to sign a statement agreeing to never return to the area to report.

In Baghdad, despite government-issued permits, journalists have had their movements restricted which has directly impacted their ability to report. On 22 May 2020, many TV presenters and media workers were stopped at checkpoints and asked to retreat immediately without further explanation, repored the Press Freedom Advocacy Association. Although an exemption for media workers from restrictions on movement were announced in response measures imposed to contain the virus. However, authorities continue to deny journalists and media workers' rights to reach their workplaces, and have in some cases confiscated their permits. This activity has also been reported in Karbala.

Since March 2020, Iraqi authorities have imposed mobility restrictions and implemented curfew as part of emergency measures in response to pandemic and from the beginning, key workers, including journalists, have been issued permit cards to be able to travel during the curfew. The Kurdistan regional government eased curfew and measures from 10 May 2020 stating that citizens could 'submit an online application to petition for permission to carry out critical travel' The IBAHRI denounces these travel restrictions against journalists and urges Iraqi local authorities to adhere the central government policies and comply with emergency regulation in which journalists and media workers are exempt from movement restrictions. We further condemn the conduct of Iraqi security forces, including obstructing standards of justice, and call on Iraqi authorities to cease harassment and detention of journalists and media workers for simply doing their jobs.

United States

The killing of US citizen George Floyd has sparked angst over police brutality in the country leading to protests across American cities. In light of these developments, American journalists have been facing

increased threats and physical violence by police authorities whilst they report on the frontline. In Louisville, Kentucky, police shot pepper balls at a local reporter and photojournalist. In Minneapolis, Minnesota reporter Linda Tirado was permanently blinded in her left eye after being hit with a rubber bullet. In a series of cell phone videos posted to Twitter, reporter Michael Anthony Adams documented his experience of being pepper sprayed in the face by a Minneapolis police officer after repeatedly yelling that he was from the press and showing the officer his press card. In Las Vegas, Nevada, local police arrested and jailed two photojournalists for 'failing to disperse'. In Minneapolis, CNN reporter Omar Jimenez and crew were arrested live on air without being informed of reasons for the arrest and whilst entirely cooperating with the police.

These are just some reported incidents, with over 50 incidents of violence and harassment against journalists being reported on social media and news outlets over the weekend. President Donald Trump, who has regularly labelled the media as 'the enemy of the people', tweeted an anti-media sentiment on 30 May 2020: 'Much more 'disinformation' coming out of CNN, MSDNC, @nytimes and @washingtonpost, by far, than coming out of any foreign country, even combined. Fake News is the Enemy of the People!'. The same day in Atlanta, Georgia, protestors broke glass and shouted anti-media rhetoric outside of the CNN Center. Many have argued that this troubling rhetoric used by a world leader will only incite violence and hatred. The President has also warned of using force, including shooting at protestors who he declared 'thugs' in order to manage the situation. He is facing widespread criticism for tweets starkly demanding 'law and order', threatening to unleash 'vicious dogs' and blaming fringe leftwing groups for inciting violence⁵⁹. Press freedom organisation, Reporters Without Borders ranked the United States 48th in the world in its 2019 index, down three places as a result of increasing threats to journalist safety. Historically, there is a dangerous pattern of American police targeting journalists covering race-related protests, as demonstrated in the Ferguson protests in 2015 and throughout the civil rights movement in the 20th century. The IBAHRI request police authorities to cease their targeting journalists and media workers, calling on them to foster an environment for them to be able to do their jobs and report at this important time.

⁵⁹ The Guardian, 'Angry Donald Trump calls on governors to "dominate" George Floyd protests', 1 June 2020
www.theguardian.com/us-news/2020/jun/01/donald-trump-protests-george-floyd-dominate

3. 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.

Burundi

Human Rights Watch has reported on the election in Burundi after the campaign for presidential, legislative, and communal elections were tarnished by a significant crackdown on free expression and sparked violence and arrests of opposition members, including candidates.⁶⁰ Evariste Ndayishimiye, who stood for the CNDD-FDD party, was declared the winner with 69 per cent of the vote on 25 May 2020⁶¹, after defeating six candidates to the post. However, the Constitutional Court will declare the final election results on June 4 2020⁶² and rights groups have stated concern at the government's irresponsible strategy with the election, accusing the ruling party of systematically crushing dissent⁶³.

The media were also heavily restricted in their coverage. The 2018 amended press law⁶⁴ and a new Code of Conduct for Media and Journalists in the Election Period for 2020 required journalists to provide 'balanced' information or face criminal prosecution, and forbids them from publishing information about the elections or its results that do not come from the national electoral commission which lead to journalists reported difficulty accessing polling places and getting information about the vote, and the social media shutdown restricted their work⁶⁵. Rachel Nicholson, a researcher at Amnesty International, stated that 'on election day itself, Burundians woke up to find all major social media sites blocked in a blatant violation of their rights to freedom of expression and access to information'⁶⁶ despite appeals by rights groups to President Nkurunziza, to ensure that the internet and all other communication channels are open, secure, and accessible

⁶⁰ Human Rights Watch, 'Burundi: Intimidation, Arrests During Elections', 1 June 2020 www.hrw.org/news/2020/06/01/burundi-intimidation-arrests-during-elections

⁶¹ The Guardian, 'Burundi ruling party candidate wins election amid rigging claims', 25 May 2020 www.theguardian.com/world/2020/may/25/burundi-ruling-party-candidate-wins-election-since-1993

⁶² Al Jazeera, 'Burundi election results: What next?', 26 May 2020 www.aljazeera.com/news/2020/05/burundi-election-results-200526131633456.html

⁶³ The Guardian, 'Burundi ruling party candidate wins election amid rigging claims', 25 May 2020 www.theguardian.com/world/2020/may/25/burundi-ruling-party-candidate-wins-election-since-1993

⁶⁴ www.presidence.gov.bi/2018/09/28/loi-n1019-du-14-septembre-2018-portant-modification-de-la-loi-n1-15-du-9-mai-2015-regissant-la-presse-au-burundi/

⁶⁵ Human Rights Watch, 'Burundi: Intimidation, Arrests During Elections', 1 June 2020 www.hrw.org/news/2020/06/01/burundi-intimidation-arrests-during-elections

⁶⁶ Al Jazeera, 'Burundi election results: What next?', 26 May 2020 www.aljazeera.com/news/2020/05/burundi-election-results-200526131633456.html

throughout the election period in the Republic of Burundi⁶⁷. The IBAHRI calls on authorities in Burundi to work with the international community in relaxing restriction on speech and expression and working toward transparency for all.

Chechnya

On 29 May 2020, the IBAHRI issued a press release in relation to the ongoing mistreatment of whistleblowers, government critics and nationals in Chechnya during the current Covid-19 pandemic, calling for the prompt reinstatement of medical staff dismissed for expressing their concerns about the lack of vital protective equipment. In previous issues of this bulletin, we have reported on the serious remarks by the Head of the Chechen Republic, Ramazan Kadyrov which has led to increased media censorship and aggression by public authorities after Kadyrov called for citizens who violate quarantine restrictions to be 'killed' and coronavirus patients who infect others are 'terrorists' who must be 'buried in pits'. The disproportionate, unnecessary and unlawful restrictions on the press has also left many with little to no access to reliable information concerning the virus. The statement reminds the Chechnyan government of their fundamental obligations including respect for the right to life as enshrined in Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 3 of the Universal Declaration of Human Rights (UDHR). The right of freedom of expression and access to information must also be upheld by Chechnya during the current pandemic, pursuant to Articles 18 and 19 of the ICCPR and the UDHR. As confirmed by the UN Human Rights Committee in *Gauthier v Canada* and *Toktakunov v Kyrgyzstan*, the right to 'seek, receive and impart information' in both the ICCPR and the UDHR creates a positive obligation for States to guarantee access to information. Further, in General Comments No 31 and No 34, the UN Human Rights Committee derived a general legal obligation on States to ensure access to information relating to the general rights under the ICCPR and established that all State governments must readily publish information which is of 'public interest' and make it publicly accessible via 'freedom of information legislation'⁶⁸.

⁶⁷ Modern Ghana, 'CPJ Joins Call Urging Burundi To Maintain Internet Access Durning Elections', 20 May 2020 www.modernghana.com/news/1003472/cpj-joins-call-urging-burundi-to-maintain-internet.html

⁶⁸ Read full statement here www.ibanet.org/Article/NewDetail.aspx?ArticleUid=9579f8a7-6fec-4124-a83c-f3438ce9e271

4. Digital rights and internet shutdowns

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

Jammu and Kashmir

On 27 May 2020, the Indian government extended the high speed internet ban in Kashmir until 17 June 2020.⁶⁹ The government argued that the measure was in the interest of the 'sovereignty and integrity of India,' citing recent attacks on Indian forces, terrorist activity, and the use of high speed internet to 'disturb public order by uploading provocative videos and false propaganda.'⁷⁰

To global alarm and criticism, Kashmir has been without high speed internet access since August 2019, when India stripped its long held constitutional autonomy and imposed direct rule from New Delhi. On 10 January 2020, the Indian Supreme Court ruled on the Internet shutdowns and declared that an 'indefinite' suspension would be illegal under Indian law, but stopped short of requiring the Indian government to immediately restore connection.⁷¹ The ruling suggested exempting essential services like government websites, banks, and hospitals from the blackout, and, in a paragraph that will likely become increasingly significant as the blackout and pandemic continue, declared that Indians hold 'fundamental rights' to freedom of speech and expression that extend to their use of the Internet.⁷²

Internet shutdowns are troubling for a variety of civil rights reasons, but even more so during a global pandemic. People are unable to access basic, yet crucial information about the Covid-19 virus and subsequent government policies, and local doctors have reported attempting to download guidelines and protocols without success.⁷³ With limited access to intensive care and ventilators in the region, it is especially vital that people in Kashmir have access to information about the spread of the disease and what measures they can take to stop the spread in order to prevent regional hospitals from being overwhelmed.⁷⁴

⁶⁹ Anadolu Agency, 'India extends Jammu-Kashmir internet ban until June 17', 28 May 2020 www.aa.com.tr/en/asia-pacific/-india-extends-jammu-kashmir-internet-ban-until-june-17/1856204

⁷⁰ Ibid

⁷¹ Time, 'India's Supreme Court Orders a Review of Internet Shutdown in Kashmir. But For Now, It Continues', 10 January 2020 <https://time.com/5762751/internet-kashmir-supreme-court>

⁷² Ibid

⁷³ IBAHRI, 'IBAHRI Freedom of Expression Bulletin', 7 April 2020 www.ibanet.org/Human_Rights_Institute/Freedom-of-Expression.aspx

⁷⁴ Amnesty International, 'Mitigate risks of Covid-19 for Jammu and Kashmir by immediately restoring full access to internet services', 19 March 2020 www.amnesty.org/en/latest/news/2020/03/mitigate-risks-of-covid-19-for-jammu-and-kashmir-by-immediately-restoring-full-access-to-internet-services

The IBAHRI in a press release⁷⁵ condemned the Indian government for the regional internet shutdown.⁷⁶ In the wake of the global pandemic, full internet services must be restored so that health and information may be accessed by the people. The people of Kashmir have the right to be made aware of threats to their health and what measures they can take to mitigate these threats in their community.

⁷⁵ IBAHRI, 'IBAHRI condemns India's attempts to re-define demographic outlook of Kashmir', 20 May 2020 www.ibanet.org/Article/NewDetail.aspx?ArticleUid=c6a22bc1-3a97-40be-8802-e740153cc535

⁷⁶ IBAHRI, n.75