

**Submission to the UN Secretary-General's report on reprisals against human rights
defenders
covering the period from 15 June 2012 to 15 June 2013**

by the

Association for Progressive Communications (APC)



www.apc.org

June 2013

Contact: Shawna Finnegan, shawna@apc.org

*APC Executive Director's Office
PO Box 29755
Melville 2109
South Africa*

This submission is made by the Association for Progressive Communications (APC), which has general ECOSOC consultative status. APC is an international network and non-profit organisation focused on ensuring all people have access to an open and free internet access to improve their lives and create a more just world.

The internet is having a significant impact on the risks faced by Human Rights Defenders, including reprisals. As part of the focus of his annual report, we ask the UN Secretary General to consider the role of the internet in attacks and retaliation against persons for their cooperation or attempted cooperation with UN human rights mechanisms or representatives.

Human rights defenders' private or anonymous online communication is increasingly subject to State surveillance, while threats and intimidation often manifest in online spaces. In his most recent report, the Special Rapporteur on freedom of opinion and expression discussed the impact of internet filtering on the surveillance of human rights defenders and activists¹, stating that “[w]ithout strong legal protections in place, journalists, human rights defenders and political activists risk being subjected to arbitrary surveillance activities.”²

Reprisals can also take the form of confiscation, theft or reading of data contained on digital tools such as laptops and mobile phones to gain access to information.

Reprisals against bloggers

Increasingly human rights defenders are using online blogs, platforms and mobile phones to question their governments' human rights violations, promoting freedom of expression and a free media. These human rights defenders often face harassment, intimidation³, arbitrary arrests and detention, unfair trials, prolonged imprisonment, torture and 'disappearance'.

A recent documentary, *Forbidden Voices*⁴ depicts the struggles of women bloggers in Cuba, Iran, China, and Kenya who have been persecuted by their governments for expressing dissent online.

In Syria, bloggers are routinely threatened, intimidated, arrested, imprisoned⁵ at times tortured⁶ and often forced into exile for speaking out publicly⁷. Human rights defenders and activists has discussed the importance of blogging and social media in gaining international attention and protecting those who have been detained by the Syrian government⁸. Speaking of her experience in detention, Razan Ghazzaw wrote “It’s media, it’s letting the regime know we can beat it together. It’s humanizing a detainee who’s becoming a number.”⁹ Internet access has been shut down in Syria on multiple occasions¹⁰ since protests began, in clear opposition to recommendations made by the Special Rapporteur on freedom of opinion and expression¹¹.

1 HRC/23/40 para 45

2 Ibid, para 52

3 <http://www.ishr.ch/council/376-council/1473-un-human-rights-council-must-act-to-stop-attacks-and-reprisals-on-human-rights-defenders>

4 http://en.rsf.org/forbidden-voices-film-tribute-to-09-05-2012_42580.html

5 <https://www.eff.org/mention/ronald-deibert-waging-cyber-war-syria>

6 <https://www.eff.org/deeplinks/2012/10/torture-fears-open-source-software-activist-detained-syria>

7 <http://world.time.com/2013/04/02/portrait-of-an-activist-meet-razan-ghazzawi-the-syrian-blogger-turned-exile/>

8 <http://jilliancyork.com/2012/07/12/free-hussein-ghrer/>

9 <http://razanghazzawi.org/2013/05/14/medical-student-samih-al-bahra-arbitrary-detained-at-risk-of-being-tortured-killed/>

10 <http://arstechnica.com/tech-policy/2013/05/syria-drops-offline-again/>

11 A/HRC/20/17/ http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

Surveillance and seizure

Senegal

Eavesdropping and electronic intrusion into personal communication on the Internet unveiled the identity of three Chadian journalists critical of the government, and led to their subsequent arrest. On May 7th, 2013, the Senegalese Surveillance Directorate arrested and deported Chadian journalist and blogger Makaila Nguébla in Dakar, Senegal to Conakry, Republic of Guinea¹² in violation of Article 32 of the 1951 UN Convention on Refugees. Jean Laoloké, President of the Union of Journalists, was detained and held incommunicado in a military prison after anonymously denouncing repression in Chad on a collective blog. Eric Topona, president of the association Chadian journalists was also arrested and held incommunicado by the Chadian authorities.

Uganda

On May 7, 2012 police authorities in the Ugandan city of Gulu raided the offices of a sex worker drop-in centre, and arrested two staff and three members of the Women's Organization Network for Human Rights Advocacy (WONETHA), a registered group that runs the centre¹³.

This raid, the fourth in the city since mid-April, included seizure of computer equipment. Staff were asked to provide passwords for email accounts at the centre, and after several days in custody, all five arrested advocates were finally charged with "Living off the earnings of prostitution,"¹⁴ an accusation that they vehemently denounce. The raid appears in direct violation of the rights of women human rights defenders at WONETHA.

Online threats

On April 24th, 2013, Kavita Krishnan, a leading figure in the anti-rape protests that have been ongoing in India since December 2012, was the target of repeated online threats and intimidation during an online public chat with an India media company and internet service provider – Rediff¹⁵.

In a recent survey on the use of technology by women human rights defenders (WHRDs), respondents reported harassment and intimidation as a main online threat¹⁶. 20% and 25% of survey respondents reported that they had faced incidents of having their email accounts and websites hacked, while 10% to 15% had experienced the seizure of their computers or other equipment.

Reprisals in the form of online threats and harassment are often covert measures taken by states or by private groups or individuals. Examples include a distributed denial of service attack or DDOS – while there is speculation that some states or state agencies engage in these attacks, governments are unlikely to admit to complicity¹⁷.

12 http://www.internetsansfrontieres.com/Perils-intimidations-et-expulsion-illegale-des-blogueurs-tchadiens_a478.html

13 <https://www.apc.org/en/news/digital-security-drop-centre-ugandan-sex-worker-or>

14 [1] Section 136 of the Penal Code Act cap120

15 <http://www.genderit.org/feminist-talk/rediff-and-rape-threats-what-rediff-could-have-done-support-kavita-krishnan>

16 <https://www.apc.org/en/news/what-are-digital-security-concerns-and-threats-fac>

17 <http://www.genderit.org/articles/surveying-women-human-rights-defenders-harassment-biggest-online-problem>