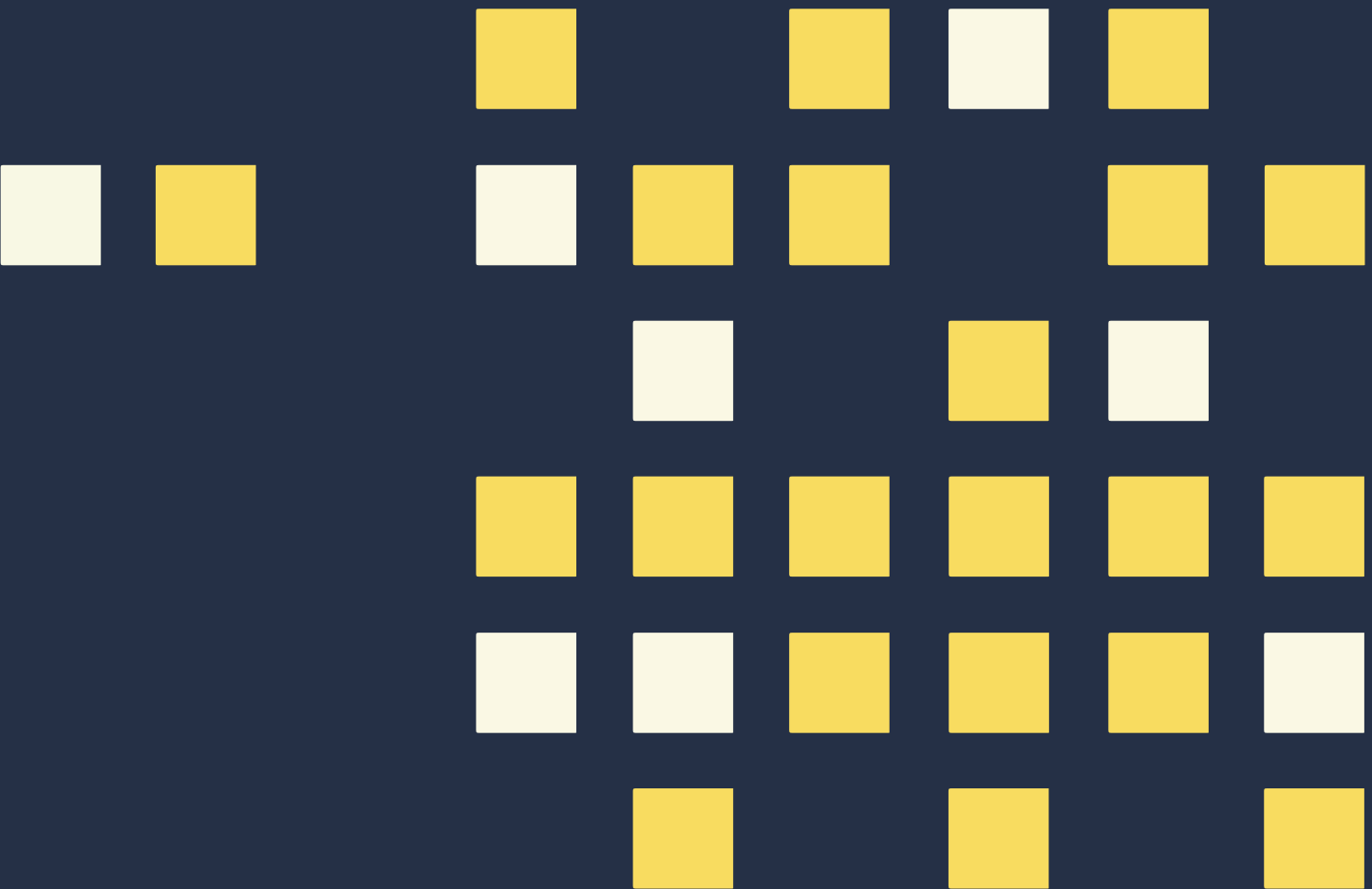


Bank of case studies

Evading accountability through internet shutdowns



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Summary

After a military coup d'état in January 2022, internet access was severely disrupted for approximately 35 hours and access to state broadcasting channels was restricted. The coup constituted a severe violation of Burkinabés' rights to free and fair elections, and the internet disruption was implemented in order to cover up the coup and prevent individuals from exercising their rights to assembly to protest the change.

Context and previous shutdowns

After Burkina Faso's long standing dictator Blaise Compaore was ousted in 2014, the country has held two presidential and legislative elections in 2015 and 2020, both of which were won by former President Roch Kaboré. While commendable reforms were made to democratic institutions during this time, the advances of Islamist groups in the North of the country pushed back by neighbouring Mali posed a growing security threat, and violent attacks by Islamist militants increased in frequency. Since 2016, these attacks have resulted in thousands of deaths and millions of Burkinabé being displaced, as well as growing civil unrest due to the government's perceived inaction and failure to address and prevent the attacks.

Frustrated with the failure of Kaboré's government to address the attacks and the ineffective presence of foreign forces, a civic protest movement against the government began to form, organised in large part through social media sites and in particular WhatsApp and Facebook. In the aftermath of deadly attacks on Burkinabé gendarmes in Inata by Islamist militants, protestors blocked a road leading to Niger on 20 November, preventing a French military convoy from leaving the country.¹ After warning shots were fired and some protestors were injured, the government restricted mobile signal and 3G access for three days, citing security concerns.² The government extended the shutdown again on 24 November, and full access was reinstated on 29 November.³

Rising tensions and suspicions of a coup d'état led to the arrest of eight individuals from Burkina Faso's military for plotting to "destabilise the institutions of the republic," on 10 January 2022.⁴ Shortly after the arrests, Facebook Messenger was blocked on Orange and ONATEL networks in Burkina Faso for several days.⁵ On 19 January, authorities admitted that they had restricted access to Facebook services due to "security concerns", but a government spokesperson said the authorities did not have to explain themselves.⁶

January 2022 disruption

On 23 January 2022, a military officer named Paul-Henri Damiba led a military coup in Ouagadougou, detaining then-President Kaboré and deposing him from his position the following day. The military subsequently announced that the parliament, government and constitution had been dissolved, and closed national borders and imposed nationwide overnight curfews. The country's leading internet service providers Orange, FasoNet and Telecel lost Internet traffic nationwide after 09:15 local time, slowing or halting both mobile and desktop traffic.⁷ The disruption continued for approximately 35 hours, and soldiers also surrounded and took control of the state broadcaster Radio Télévision du Burkina, further impeding access to information about the developments.⁸ No official statement was made regarding the decision to cut internet access.

On 31 January, the military junta restored the constitution and appointed Damiba, the leader of the coup, as interim president and head of the new Patriotic Movement for Safeguarding and Restoration (MPSR).⁹ Public reaction was mixed, with some pro-military protestors reportedly torching and looting the headquarters of Kaboré's party (the People's Movement for Progress)¹⁰ and thousands marching in support of Damiba serving as interim president.¹¹ However, supporters of the ruling People's Movement for Progress denounced the coup, calling it an "assassination attempt" against the president and government; and ECOWAS and the African Union suspended Burkina Faso's membership.

In the following months, the new regime made less progress dealing with the Islamist militant attacks than Kaboré's government, with nearly 40% of Burkina Faso succumbing to the control of non-state forces by September 2022. Another military leader named Captain Ibrahim Traoré led a second coup on 30 September 2022 to remove Damiba and claim leadership of the MPSR. While television channels were cut during this event, no nationwide internet disruption was observed. The coup was again met with mixed responses from the public, and condemnation by the international community.

Human rights implications

International human rights norms and standards apply even, and especially, in emergency situations.¹² While the constitution of Burkina Faso, and the rights it affords to Burkinabes, was suspended at the time of the January 2022 shutdown, all citizens of Burkina Faso were still entitled to their right to free and fair elections, as laid out in Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which Burkina Faso ratified in 1999. Regardless of the level of support the military faction received from the general public, their illegitimate grab for power outside of proper elections severely infringed upon this right. The internet disruption served to cover up this abuse of power and to prevent individuals from exercising their right to freedom of assembly, as laid out in Article 21 of the ICCPR, in protest of the coup.

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Chad: February 2021

Summary

In February 2021, opposition parties in Chad led a nationwide demonstration protesting former President Idriss Déby's running in the April 2021 Presidential elections. Shortly afterwards, security forces attempted to arrest opposition leader Yaya Dillo at his house on Sunday 28 February, killing at least two of his family members in the process. Internet access was severely restricted nationwide for several days following the incident.

Context and previous shutdowns

Internet shutdowns have been a common symptom of Chad's historic political instability. Former Chadian President Idriss Déby came to power through a coup d'état against the then-incumbent dictator and convicted war criminal, Hissène Habré, in December 1990. Déby implemented a multi-party electoral system in 1992 and contributed to significant reforms in the country after Habré's oppression. But he also eliminated term limits for Presidential rule, and his election victories in 1996, 2001, 2006, 2011, 2016 and 2021 are contested, with irregularities noted by international observers and numerous allegations of electoral fraud by opposition politicians.¹ Under Déby, opposition leaders who publicly criticised the government were frequently harassed and arrested by government forces, and armed groups and political factions attempted to seize power several times throughout his rule.²

In his last few years in power, Déby increasingly used internet shutdowns to control the flow of information and suppress protests. In April 2016 he shut down the internet and phone networks nationwide for over 235 days in order to quell dissent over his disputed election win.³ In January 2018, he imposed a nationwide shutdown to prevent an anti-austerity demonstration from taking place.⁴ In March 2018, when protests broke out over reforms to the constitution allowing Déby to remain in power until 2033 despite the reinstatement of term limits, the government ordered telecommunications operators to block access to WhatsApp, Facebook Messenger and the BBC news website.⁵ These restrictions – which remained in place for over a year – severely curtailed citizens' use of the internet and forced them to use VPNs, as most of the nation's internet traffic was routed through these sites at the time.⁶

While the government did not initially claim responsibility for this year-long shutdown, it later said that it had been imposed for "security reasons" in the context of terrorist threats, and the Authority for Regulation of Electronic and Post Communications admitted that it had received the order to prevent access from the Interior Ministry.⁷ The disruption prompted strategic litigation by a group of Chadian lawyers against the country's two main telecommunications servers (Tigo and Airtel), which unfortunately

was not successful.⁸ It also prompted a joint letter signed by dozens of civil society organisations to the African Union's Special Rapporteur on Freedom of Expression and Access to Information in Africa and the United Nations Special Rapporteur for Freedom of Opinion and Expression.⁹

Finally, after a deadly incident between a military official and an individual in a market in July 2020, authorities again blocked WhatsApp for nearly six months, and ordered Tigo and Airtel to throttle internet speeds for two months in order to prevent video and photo footage of the incident circulating online, citing concerns about the spread of messages "inciting hate and division."¹⁰ These disruptions reportedly prompted many Chadian users to begin using VPNs.

February 2021 Disruption

Ahead of the April 2021 Presidential elections, there were numerous demonstrations and protests against Déby's authoritarian rule and against his standing for re-election. Yaya Dillo, the leader of the opposition and a longstanding critic and opponent of Déby's rule, was influential in organising these campaigns. After a particularly successful nationwide demonstration, members of the Presidential Guard went to Yaya Dillo's home on the morning of Sunday 28 February 2021, supposedly with a warrant for his arrest in relation to a defamation case for which he had not responded to judicial summons in 2020.¹¹ Reports of what occurred at Dillo's house are disputed, but at least two members of Dillo's family were killed, and a video of the incident posted to Twitter showed a military tank advancing on a house as a crowd of individuals threw objects at it.¹²

Shortly after this incident at 9.30am local time, national network connectivity dropped to less than half of ordinary levels for more than 6 days,¹³ crucially limiting Dillo and the opposition party's ability to organise and mobilise large groups effectively and quickly to protest against the disproportionate use of force. The shutdown also limited the visibility of those seeking to raise awareness of the government's abuse of its powers and to call for accountability.

A few weeks after the disruption, Access Now coordinated a joint letter to the Chadian government with dozens of African and international human rights groups, calling on them not to disrupt internet access during the 2021 elections, which took place on 11 April.¹⁴ The internet remained on throughout the electoral period, and Déby was recorded as having won 80% of the vote (although the election was boycotted by many members of the opposition).¹⁵

On election day, a political and military organisation called the Front for Change and Concord in Chad (FACT) initiated an offensive campaign against government forces in Northern Chad. Déby, who was commanding troops on the front line, was injured on 19 April and died the following day.¹⁶ Instead of replacing Déby with the Head of Parliament, the national defence forces announced that a Transitional

Military Council (TMC) led by Idriss Déby's son, Mahamat Déby, would replace the elected government and national assembly for 18 months.¹⁷ Mahamat created an interim parliament in September 2021, and in October 2022 – when the 18 months should have come to a close – adopted resolutions that replaced the TMC with a transitional government, allowing him to remain in power for another 2 years and also to run in the next election. Mahamat's actions have prompted widespread dissent and protests by Chadians and concern from the international community.¹⁹

Human rights implications

The attempted arrest of opposition politician Yaya Dillo and killing and injuring of several of his family members constitutes a number of human rights violations, including of the right to life, the right to liberty and security of person, and the right to due process in a court of law. These rights are protected by the International Covenant of Civil and Political Rights (ICCPR),²⁰ which Chad ratified in 1995, and in the African Charter on Human and Peoples Rights (ACHPR),²¹ which Chad ratified in 1986. Furthermore, the fact that the arrest was likely intended to intimidate an opposition candidate and prevent him from running against Déby in the April 2021 elections implies a violation of Chadians' rights to free and fair elections, as protected by Article 25 of the ICCPR.

The internet shutdown itself served to cover up evidence and information about these violations of human rights, and to suppress and silence political dissent over the incident. It severely limited Chadians' right to peaceful assembly, and human rights defenders also noted that the shutdown impeded their work and prevented them from corroborating information to run reports of the incident. This followed a previous pattern of network disruptions to evade accountability and suppress political criticism.²²

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Ethiopia: November 2020–present

Summary

When war broke out in Tigray on 4 November 2020 between the Ethiopian defence forces and regional forces in Tigray, the government announced a state of emergency and imposed a regional internet and telecommunications shutdown. Over the past two years, connectivity in the region has been intermittent, with several areas having no connectivity at all. This has resulted in a multifaceted devastation for the civilian population. The shutdown has disrupted existing community systems, such as businesses, education, healthcare and essential services, making it nearly impossible for Tigrayans to access much-needed assistance. All sides to the conflict have been accused of grave violations of international human rights law, international humanitarian law and refugee law; yet the shutdown has severely restricted information emerging from the region, preventing victims from sharing their experiences and seeking accountability and making it increasingly difficult for journalists, human rights defenders, and activists to corroborate accounts of human rights violations. The shutdown has also exacerbated pre-existing information disorder in a context where narratives were already hotly contested between regional and federal governments, providing an environment for disinformation and misinformation to thrive in the absence of access to reliable information.

Political context and previous shutdowns

The previous prime minister of Ethiopia, Hailemariam Desalegn, resigned in February 2018 due to criticism over government handling of political protests in the Oromia and Amhara regions. In April 2018, Abiy Ahmed was subsequently appointed Prime Minister of Ethiopia through inner party negotiations making him the leader of the Ethiopian People's Revolutionary Democratic Front (EPRDF), a political coalition that had united four political parties – including the Tigray People's Liberation Front (TPLF) – since 1988. He later dissolved the EPRDF coalition and created a new party made up of three parties from the original coalition and five other political parties into a unified political party, the Prosperity party. He was commended by the international community in the first few months of his premiership for facilitating a historic peace agreement between Ethiopia and Eritrea and continuing the political reform inaugurated by his predecessor which included the release of thousands of political prisoners.

However, Prime Minister Ahmed's moves were perceived by some to shift power away from regional governments and towards the central government in Addis Ababa, exacerbating longstanding tensions between the federal government and the TPLF, who have consistently sought more regional autonomy.¹ The TPLF strongly opposed the new Prosperity Party, arguing that it would undermine the system of ethnic federalism and undermine the TPLF's influence within federal institutions,² and refused to join. This

meant they became an opposition party in the federal government but remained leaders of the regional government.³ The relationship between the central government and Eritrea's leader Isaias Afewerki – who had openly vocalised animosity toward TPLF and Tigray – following the opaque Ethio-Eritrea peace deal also played its part to further erode the relationship between the TPLF and Ahmed's government.

In 2020, the federal government postponed all elections due to COVID-19, but the TPLF rejected this order and held the Tigray regional election anyway in September 2020. The election was boycotted by the opposition Tigray Democratic Party and the results were rejected by the federal government, who then cut the regional Tigrayan government's funding.⁴ This long history of contested leadership and disputed narratives is the backdrop to the outbreak of civil war in November 2020.

In terms of internet disruptions, telecommunications are regulated by the Ethiopian Telecommunication Agency and access is provided exclusively through Ethio telecom, both of which are under state control. The previous Prime Minister Hailemariam Desalegn frequently employed network disruptions since 2015,⁵ and Abiy Ahmed also made it clear that he would continue to use network disruptions wherever necessary for "national security".⁶ In total, at least 20 shutdowns have taken place since 2016 with increasing frequency and severity.⁷ For example, there were at least three shutdowns in 2019 related to a potential cyber attacks, exam cheating and protests over assassinations in the Amhara region, lasting up to ten days;⁸ and in June 2020 the internet was shut down for an entire month after protestors took to the streets to protest at the shooting and killing of singer and political activist Hachalu Hundessa.⁹

Current disruption

On 3 and 4 November 2020, armed forces loyal to the TPLF allegedly attacked government bases in the Tigray region, claiming they were acting in pre-emptive self-defence. In response, the federal government issued a state of emergency, suspended all government services and deployed the Ethiopian National Defence Force (ENDF) as well as regional military forces from Amhara and Fano. The federal government also coordinated with the Eritrean Defence Force (EDF), which was deployed in the North of Tigray.¹⁰ These measures were described as "law enforcement operations" by Ahmed,¹¹ but constitute a non-international armed conflict, according to the UN.¹² The conflict has been marked by horrific violence against civilians since its outset,¹³ with grave implications for human rights (see below). While a tentative ceasefire was agreed by the conflict parties in March 2022, fighting broke out again in August, leading to renewed conflict and a suspension of humanitarian access to the region.¹⁴

In addition to deploying federal military forces, from 01:00am local time on 4 November 2020 internet and telecommunications services for the Tigrayan region – including broadband, mobile internet and phone lines – were cut off,¹⁵ resulting in a near total communications blackout. Some of these services were restored in parts of Tigray in the following weeks and months;¹⁶ but the federal government disconnected

telecommunications and electricity infrastructure again in June 2021 as the Tigrayan Defence Force (TDF) retook large areas of Tigray and the Ethiopian National Defence Forces (ENDF) were forced to retreat.¹⁷ Since June 2021, internet and communications access has continued to be sporadic or non-existent, and some areas of Tigray have remained without any internet or telecommunications access for over two years.

Despite its tight control over internet and telecommunications infrastructure,¹⁸ the federal government has repeatedly denied responsibility for these shutdowns, claiming that the disruption is due to cyber attacks²⁰ or due to Tigray forces damaging core telecommunications infrastructure such as power sources or fiber optic cables.²¹ Reports also indicate that these claims have then been used to justify continued communications shutdowns due to the need for repairs by federal forces. Yet international investigations indicate that it was in fact the Federal government which suspended internet and telecommunications services both in November 2020 and June 2021.²² There is also evidence that Federal government forces and allies have further sought to restrict communications and the public sharing of information about the conflict by arresting and attacking journalists and revoking their licences,²³ and by confiscating the satellite phones of UN and humanitarian agencies.²⁴ Frequent electricity cuts have also made it harder for even those with intermittent signal or internet access to communicate outside of Tigray.²⁵ Dozens of civil society organisations have called on all parties to the conflict to reinstate internet access in affected areas, and on the federal government to refrain from arbitrarily shutting down, or forcing Ethio Telecom to shut down, internet and communications services.²⁶

Human Rights Implications

Ethiopia has ratified seven of the nine core human rights treaties, the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child, as well as the Geneva Conventions and Additional Protocols. While the TPLF and its military arm, the TDF, are a non-state armed group, as a party to an armed conflict they also carry responsibilities under international humanitarian law.²⁸ Ethiopia's national Constitution also includes a comprehensive bill of rights and reinforces the human rights commitments made by Ethiopia through international treaties.

The human rights implications of the ongoing conflict in Tigray are numerous and severe. At various points since the start of the war, experts have warned heightened risk of genocide against Tigrayans.²⁹ Research by international organisations indicates that Amhara and Fano military forces were responsible for the "ethnic cleansing" of Tigrayans from Western Tigray, and that the federal government was complicit in this.³⁰ The UN's in-depth investigations into the conflicts have repeatedly found that all parties to the conflict had carried out attacks against civilians, extrajudicial killings and executions, torture, arbitrary detention, destruction of property, "staggering" levels of sexual and gender-based violence, and forcible displacement of civilians.³¹ These incidents constitute severe violations of the right to life and right to

freedom from torture and degrading treatment and violations of international humanitarian law governing non-international conflicts. UN investigators also found reasonable grounds to believe that a number of the most egregious incidents – such as attacks on civilians by the ENDF, extrajudicial killings by Tigrayan forces and drone strikes on internally-displaced persons by Amhara armed groups – were severe enough to constitute crimes against humanity and war crimes under international law.³²

In addition, the conflict has resulted in the destruction of essential infrastructure and lack of essential services for populations that were already food insecure, meaning that nearly three million Tigrayans were in severe need of food as of August 2022.³³ The internet disruption has made it virtually impossible for Tigrayans to access or contact essential services for aid, and also prevented humanitarian actors from sending staff into conflict zones.³⁴ In preventing victims and reporters from sharing information about the atrocities with external parties, the internet shutdown has also severely hampered investigations into the abuses and crimes outlined above,³⁵ making it difficult to verify survivors' claims and sowing uncertainty around contested narratives between federal and regional forces.³⁶ The result is that perpetrators have not been held accountable and continue to commit crimes with impunity.

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Iran: September 2022 – present

Summary

The killing of Mahsa Jina Amini in September 2022 prompted outrage and protests across Iran and internationally. Iranian authorities responded with violence and repression, killing and injuring hundreds of protestors and arresting thousands. This repression was coordinated with a complex web of internet restrictions across different regions, services, websites and devices. These disruptions forced more people to use the domestic network, where authorities can more easily surveil user activity, and made it more difficult for people to raise awareness of the human rights violations and call the perpetrators to account.

Context and previous shutdowns

Iranian authorities have been tightening their grip on internet communications and critical telecommunications infrastructure for many years. The Computer Crimes Law of 2010 established legal regulations for internet censorship, and tens of thousands of international websites and platforms have been filtered to date, including Facebook, YouTube, Telegram and Twitter.¹ The Supreme Council of Cyberspace (SCC), which was founded in 2012 to oversee internet policy and censorship, has gradually developed and deployed infrastructure for a National Internet Network (NIN). The NIN is a domestic and state-controlled intranet which includes a domestic video sharing platform, search engine, messaging app, email service and e-commerce apps.² (Iranian officials have argued that developing the NIN was necessary because US sanctions have prevented US-based technology companies from providing hosting and storage services in Iran.³) More recently, the User Protection Bill has laid out the government's plans to delegate control over key communication infrastructure to the armed forces and to criminalise the use of VPNs with up to two years in prison.⁴

As well as this long term tightening of control over online content, authorities have also implemented numerous restrictions on internet services in recent years, particularly during periods of unrest or political upheaval. Previous examples include the nationwide shutdown implemented on 16 November 2019 in response to protests against fuel prices, and the regional shutdown in the Sistan and Baluchistan Province in February 2021 in response to protests over the deaths of 10 people at the hands of security forces. In the former, authorities ordered all mobile internet providers and fixed line and SMS services to be shut down for several days, but the NIN remained operational and continued to run essential government services.⁵ This shutdown obscured grave violations of human rights by security forces, who killed at least 300 people during this time (although the real figure is estimated to be much higher).⁶ In the second example of February 2021, mobile operators in five cities in the Sistan and Baluchistan

Province were completely disconnected for three days, cutting off 95% of the region's internet traffic from both NIN-hosted and international mobile internet services.⁷ The disruption prompted a joint letter by major human rights groups calling on Iranian authorities to reinstate access and end their lethal force against protestors.⁸ Shortly after this incident, the #KeepItOn coalition also coordinated a joint letter signed by over 40 organisations around the world calling upon the Iranian government not to restrict internet access during the election period in June 2021.⁹

September 2022 disruption

On 19 September 2022, an Iranian woman named Mahsa Jina Amini was arrested for defying mandatory hijab rules and tragically died in police custody. While officials claim that she died from a stroke, it is believed that she died from injuries caused by police brutality during her arrest.¹⁰ The incident stoked longstanding frustration around the government's restrictive treatment of women, state violence and authoritarian rule, and protests erupted around the country.¹¹ In response, the government has ruthlessly cracked down on demonstrators, with security forces violently arresting and using indiscriminate force and live rounds against protesters.¹² Authorities have also severely disrupted internet services in a variety of ways, as discussed in detail in a technical multi-stakeholder report on Internet shutdowns coordinated by OONI and ISOC with contributions from IODA, M-Lab, Cloudflare, Kentik, Censored Planet, and Article19.¹³

- Imposing curfews on mobile network operators (including Iran Mobile Communications Company (MCI), Rightel, IranCell and Mobinnet) for several hours each afternoon and evening from 19 – 27 September and again on 8, 12 and 15 October;
- Implementing regional internet shutdowns and restrictions, for example in Kordestan and Khuzestan provinces and in Sistan-Baluchistan;¹⁴
- Blocking protocols used for transferring web data securely;
- Blocking encrypted Domain Name Systems (DNS) through interference not only at the Transport Layer Security level but also through blocking of more DNS-over-HTTPS endpoints;¹⁵
- Blocking the last remaining social media platforms available in Iran, including Instagram, WhatsApp, LinkedIn and Skype; and
- Blocking app stores (and also limiting app store downloads of VPNs¹⁶)

The complexity, precision and rapidity of these aggressive disruptions is largely unprecedented, and stands in stark contrast to the 2019 nationwide shutdown, where authorities took 24 hours to fully restrict services.¹⁷ Authorities have allowed essential digital infrastructure running on the NIN to remain mostly in operation, and encouraged users to switch to the NIN to avoid disruptions.¹⁸ They have said that restrictions will remain in place until the threat to national security has passed.¹⁹ They also plan to criminalise the sale of VPNs to further prevent Iranians from circumventing the restrictions,²⁰ and have announced public trials for 1,000 protestors.²¹

The international community has widely condemned the actions of the Iranian authorities. The US and EU imposed new sanctions on senior Iranian officials, law enforcement bodies and cyber-related entities,²² and several UN bodies and experts have made public statements urging Iranian authorities to ease the crackdown and provide redress for victims.²³ The 36 member states of the Freedom Online Coalition have issued a joint statement calling upon Iranian authorities to end the network disruptions and respect Iran's international human rights obligations.²⁴ Furthermore, many civil society groups have called upon the Iranian government to restore internet access and protect human rights,²⁵ including through a joint letter coordinated by the #KeepItOn coalition.²⁶

Technology companies have also taken steps to assist, particularly once the US had eased its restrictions on technology exports to Iran.²⁷ As well as the existing tools available to help Iranians circumvent restrictions,²⁸ encrypted messaging service Signal has made its proxy service available to iOS users;²⁹ Google Jigsaw has expanded the availability of its VPN-supporting tools;³⁰ and Tesla-owner Elon Musk has offered the use of his Starlink satellites.³¹ The Facebook Oversight Board also selected a case relating to Meta's content moderation policies towards posts which are critical of the Iranian government.³²

Human Rights Implications

Iran has ratified several international human rights treaties, including the International Covenant of Civil and Political Rights (ICCPR) in 1975 and the Convention on the Rights of the Child (CRC) in 1994. The original incident which prompted the weeks-long crackdown and coordinated internet disruptions was the mistreatment and killing of Mahsa Jina Amini, which in itself constitutes a grave violation of her right to liberty and security of person, right to freedom from torture and degrading treatment, right to a fair trial and right to life.³³ Security forces have also committed grave human rights violations in response to the largely peaceful nationwide protests triggered by Amini's death. As of 16 November 2022, at least 358 protestors (including 29 children) had been killed by security forces, with nearly 16,000 arrested.³⁴ An unspecified number of child protestors were sent to "psychological centres" for correction,³⁵ and Amnesty International has also documented extensive evidence of torture, ill-treatment and sexual violence against protestors by security forces.³⁶

It is clear that the internet disruption is intended at least in part to counter the sharing of evidence of these grave abuses and prevent Iranian citizens from sharing their stories and perspectives online.³⁷ Authorities have reportedly attempted to cover up many of the protestors' deaths by swearing their families to secrecy,³⁸ pressuring medical professionals to record a false cause of death on death certificates,³⁹ and detaining several social media users who have been sharing information about the crackdown.⁴⁰ The disruption has ultimately aided the government in concealing the extent of the protests and the police response, and made it harder for individuals in Iran to mobilise and exercise their right to freedom of assembly.⁴¹

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Sudan: October 2021

Summary

After former dictator Omar al-Bashir was overthrown by a military coup d'état that followed the Sudan uprising on 11 April 2019, a civilian-led transitional government was put in place to lead the country towards elections in 2023. However, in October 2021 a military-led coup dissolved the transitional council of ministers and replaced it with a military-led government, shutting down the internet for almost a month in the process. This shutdown obscured brutal violence by security forces against pro-democracy protests and made it more difficult for citizens to challenge the military junta and hold perpetrators accountable. The military junta have continued to use internet disruptions to silence dissent since the coup.

Context and previous shutdowns

Sudan experienced several internet shutdowns under former dictator Omar al-Bashir, who took power through a coup in 1989 and ruled Sudan for 3 decades. He imposed a nationwide internet shutdown in September 2013 to cover up arrests of over 700 people and the extrajudicial killing of dozens of individuals,¹ and in December 2018 blocked access to social media in an attempt to quell protests in Khartoum and other areas of the country.² These restrictions lasted until 11 April 2019, when Al-Bashir was ousted by a military-led coup and a Transitional Military Council (TMC) took control of the country, headed by the Inspector of the Armed Forces General Abdel Fattah al-Burhan.

Many opposition groups and trade unions – including members of the Forces of Freedom and Change (FFC) coalition which had called frequently for Al-Bashir to be removed from power – criticised the TMC for its lack of accountability and its links to the former regime under Al-Bashir. These groups organised sit-in protests in Khartoum for several weeks, demanding that the TMC be replaced by a civilian-led transitional government. While the TMC engaged these groups in dialogue, tensions remained high, and on 3 June 2019, the military forces of the TMC opened fire on the protestors and massacred over 100 people. On the same day, a near-total internet blackout was imposed until 9 July.³ Domestic lawyers, international human rights organisations and human rights experts of the United Nations strongly condemned the shutdown,⁴ but the government claimed that they had implemented the shutdown in the interests of national security.⁵

Following the Khartoum massacre, in July 2019 the TMC and the FFC agreed upon the formation of a transitional “Sovereignty Council”, which would include civilian members as well as military leaders and would dissolve the TMC (although the Sovereignty Council would still be led by General Al-Burhan). The Draft Constitutional Declaration laying out these arrangements was signed in August, including the rule

that members of the Sovereignty Council would not be able to run in the 2022 general election designed to end the transitional period. Abdalla Hamdok was appointed as the new Prime Minister of Sudan on 21 August.

October 2021 disruption

An attempted military coup against the Sovereignty Council in September 2021, which was later linked to followers of former President Al-Bashir, re-stoked tensions, and pro-military and pro-democracy groups coordinated several protests throughout October 2021.⁶ On 24 October, pro-military protestors blocked roads and bridges in Khartoum, leading to violent clashes with security forces. Overnight, military forces arrested Prime Minister Abdalla Hamdok and other senior government figures, and General Al-Burhan declared a state of emergency and announced the dissolution of the government and the Sovereignty Council. These actions were declared to be illegal and unconstitutional by the FFC, government ministries, industry bodies and international bodies.⁷

From 3.00 am UTC on 25 October, internet and telecommunications services were severely restricted as thousands across Sudan took to the streets to protest the coup.⁸ A nationwide march was planned for 30 October, but ahead of this phone and SMS services were also cut for two days in addition to the ongoing network shutdown.⁹ Protestors were met with violence by law enforcement, and many died or were injured – exact numbers remain unknown due to the communications blackout – which made it extremely difficult for journalists and human rights defenders to report and document these violations. One researcher also highlighted that emergency healthcare service lines were also impacted by the blackout, impeding access to emergency services for those requiring medical assistance, and that the operations and communications of humanitarian organisations were also disrupted.

The Khartoum Court ordered all telecommunications providers to restore internet access across Sudan on 11 November 2021 following a lawsuit by the Sudanese Society for Consumer Protection (SSCP), but the next day the Telecommunications and Post Regulatory Authority ordered the shutdown to remain in place in the interests of national security.¹⁰ Eventually, internet access returned on 18 November after 25 days of the blackout, with Zain and MTN the first to come back online followed by Sudatel and later by other providers.¹¹

Since the coup, the military junta has continued to use sporadic internet disruptions to curb or limit pro-democracy protests.¹² For example, on 30 June 2022, ahead of pro-democracy marches planned to mark the third anniversary of the 30 June 2019 marches, internet access and mobile services were restricted for most of the day.¹³ While the country's interior ministry has continuously denied that the police used lethal force at these protests, reports indicate that security forces opened fire on the protestors, killing at least nine people and injuring many others.¹⁴ The UN mission in Sudan, the African Union, and the eight-

nation east African regional Intergovernmental Authority in Development group strongly condemned the violence via a joint statement,¹⁵ and many domestic groups also issued statements.¹⁶ Finally, on 25 October 2022, Sudanese authorities again limited mobile and fixed-line services for eight hours ahead of planned demonstrations on the anniversary of the October 2021 coup.¹⁷

Local researchers have noted that the deployment of internet shutdowns to quell protests in Sudan has considerable political bias. For example, when the pro-military group “Sudan People’s Appeal Initiative” protested in front of the UN buildings in Khartoum in June 2022 against what they perceived to be UN interference with Sudanese domestic affairs, the military did not shut down the internet.¹⁸ This would suggest that military leaders may be strategically using internet shutdowns to further their own interests, rather than as a genuine attempt to protect national security.

Human Rights Implications

In contexts where an incumbent dictator is deliberately preventing citizens from exercising their rights to free and fair elections, a coup may be the only means through which citizens and political groups can progress towards a more democratic system of governance. This was certainly the case in the 2019 coup, where there was widespread support across Sudan for removing Al-Bashir from power. However, the October 2021 military coup dissolved the transitional government tasked with transitioning the country towards elections in 2023, replacing it with a pro-military interim caretaker government led by a military junta that many citizens did not want to rule the country. This coup, therefore, constitutes a grave violation of Sudanese rights to free and fair elections, as protected in Article 25 of the International Covenant of Civil and Political Rights (ICCPR), which Sudan ratified in 1986. The internet disruption that accompanied the coup was deliberately implemented to prevent people from coordinating to resist and calling attention to this violation of their rights and subversion of democratic processes and the rule of law.

Furthermore, when protestors took to the streets to protest both the military coup and the internet shutdown, security forces responded with violence. Since the protests began, more than a hundred people have died, including at least 18 children according to the Sudanese Doctors Committee.¹⁹ These actions constitute violations of the right to life and the right to liberty and security of person, and severely restricted and discouraged individuals from exercising their right to freedom of assembly. These rights are protected in the ICCPR,²⁰ the African Charter of Human and Peoples Rights (which Sudan ratified in 1986)²¹ and the Convention on the Rights of the Child (which Sudan ratified in 1990).²² Ultimately, although the internet shutdown was intended to prevent demonstrations, it paradoxically forced more people to take to the streets to voice their dissent at the coup, endangering their lives and safety.²³ The shutdown also made it more difficult to hold the security forces to account for their abuses and to document and communicate the extent of the violence nationwide and internationally.

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