Human Rights Defenders and New Technologies: the Challenging Impact of Information and Communications Technology on Human Rights Protection

Introduction

This paper aims to explore the use and abuse of information and communication technologies (ICT) as a simultaneously problematic and liberating development for human rights defenders at risk due to the nature of their work on the ground. ICT tools and services have been recently acknowledged as liberating and empowering to the work of defenders around the world, assisting them in order to work more efficiently and effectively, but also generating a new wave of campaigning and online activism derived from increased awareness, accessibility and globalization in an information-driven world. However, ICT issues also provide an essentially practical – rather than academic or theoretical – obstacle with regard to the enforcement and protection of human rights around the world. From cyber-censorship in Asia, to intelligence gathering in the para-military conflicts of Latin America, to the reprisals visited upon those exploring the freedoms provided by new technologies in the Middle East, activists face particular challenges as a result of the connection of their work to ICT.

This paper will focus on three divergent strands in order to examine the full impact of ICT on the work of human rights defenders in all its many facets. It will proceed by briefly introducing the concept of human rights defenders. Section II will sketch an overview of some of the various channels through which ICT has become integrated into the world of human rights defenders, drawing on both the positive and negative ramifications of these developments.

Section III will focus on authorities' responses to these developments, including the new risks and dangers that have arisen as a direct result of reliance upon ICT in their work. This section will examine these dangers from a regional perspective, illustrating the variety of means by which state-sponsored actors set out to harass, punish or restrict human rights defenders in their use of ICT.

Section IV will focus upon the responses to these dangers and threats – the entrepreneurship, innovation and creativity used to fight against the tide of encroaching internet and ICT restrictions. It will examine some of most creative uses of ICT in addition to a selection of the specific software or internet-based tools designed to assist human rights defenders in their work.

(I) What is a Human Rights Defender?

Human rights defenders are a relatively new concept at the international organizational level.

Although outspoken individuals have spoken out for the rights of others since time immemorial, human rights defenders were only given official recognition on an international level with the adoption by the General Assembly of the *Declaration the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* on 9 December 1998. Known colloquially as the 'Declaration on Human Rights Defenders', this for the first time recognised the significance of human rights defenders and the work that they do, and acknowledged the legitimacy of their efforts towards the implementation into practice of the lofty rhetoric of instruments such as the Universal Declaration of Human Rights (UDHR). Perhaps more significantly, the Declaration embodies the recognition by States of human rights defenders and embodies a governmental commitment to protecting and promoting the position of human rights defenders and their activities within the national sphere. Finally, the Declaration also provides the UN with the impetus to acknowledge defenders' international standing and legitimacy as human rights actors.

There is no fixed definition of a human rights defender; the Declaration itself avoided a definition, which is naturally to be commended given the danger that a fixed categorisation could be used restrictively[1]. Rather, the Declaration in its Annex acknowledges "the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals..."[2] The basic concept of a human rights defender is set out in Article 1: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."[3]

The UN Fact Sheet which elaborates upon the Declaration describes 'human rights defenders' as "a term used to describe people who, individually or with others, act to promote or protect human rights"[4]. Front Line, the International Foundation for the Protection of Human Rights Defenders, refers to defenders as "people who work, non-violently, for any or all of the rights enshrined in the UDHR."[5] The World Organisation Against Torture (OMCT) uses an "operational definition" of a human rights defender as "any person who risks or who is victim of reprisals, harassment or violations because of his or her commitment, be it individually or in association with others, in favour of the promotion and the implementation of the rights recognised in the Universal

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[1] See the World Organisation Against Torture (OMCT),"Human Rights Defenders", at para. 3. Available at http://www.omct.org/index.php?id=OBS&lang=eng&actualPageNumber=0&articleSet=&articleId=6333

[2] United Nations General Assembly Resolution 53/144 on *Declaration the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* ("the Declaration on Human Rights Defenders"), 9 December 1998. Reprinted in "Human Rights Defenders: Protecting the Right to Defend Human Rights", UN Human Rights Fact Sheet No. 29, OHCHR, available at http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf, at p39

[3] Article 1, Declaration on Human Rights Defenders, *ibid,* at p40

[4] "Human Rights Defenders", Fact Sheet, *supra*, at p2

[5] Front Line, "Protection Manual for Human Rights Defenders", 2005, at pIV. Available online at http://www.frontlinedefenders.org/files/en/2312_Protection%20Manual%20for%20Human%20Rights%20Defenders.pdf

Declaration of Human Rights and guaranteed by various international instruments"[6].

Human rights defenders thus comprise all individuals who work in the defence of the rights of others, individually or in associations, nationally or internationally, full or part-time. They are often human rights professionals, lawyers, journalists, trade unionists, teachers, writers, protesters, community representatives, advocates, investigators, or relatives of vicitms of violations, but they do not necessarily restrict themselves to these categories. The significance of human rights defenders lies in their commitment to the implementation of human rights standards into practice; of holding states accountable to the letter of their domestic laws and to the human rights instruments and treaties which they have ratified. Human rights defenders find themselves at the coalface of human rights protection, documenting, monitoring and publicising rights violations in their country or community, holding authorities to account through local complaints mechanisms, legal cases or public criticism in their own countries as well as holding their countries to account at the international institutional level.

The international community continually encourages human rights defenders to continue their work, and urges governments to respect them as they do so. Kofi Annan declared in 1998 that "the Declaration rests on a basic premise: that when the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe"[7]. However, the precise challenge that human rights defenders present to authorities and governments around the world has led to gross violations of the rights of defenders themselves, many of whom face extreme threats and place themselves in serious and continual danger in order to continue their work. Human rights defenders are regularly subjected to intimidation, harassment, death threats, kidnapping, arbitrary detention, torture, ill treatment and murder. Equally worrying are systematic forms of state intimidation and harassment: legislation prohibiting or restricting activism, judicial harassment, restrictions on funding, imposition of travel bans, raiding of premises, surveillance and phone tapping, information theft and public stigmatisation[8].

It is in this context that the role and application of information and communications technology (ICT) is becoming increasingly significant for human rights defenders. ICT is to be seen opening up new avenues for activism and publicity for defenders in their work, providing tools through which new methods for traditional activism can be developed but also leading to the growth of entirely new areas of social activity. Social networking and information-sharing sites have made it possible

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[6]   OMCT, "Human Rights Defenders", *supra*, at para. 3
[7]   Statement of Kofi Annan at the NGO/DPI Conference, 14 September 1998. Cited in Human Rights First, "Protecting Human Rights Defenders: Analysis of the newly adopted Declaration on Human Rights Defenders". Available at http://humanrightsfirst.us/defenders/hrd_un_declare/hrd_declare_1.htm
[8]   See the Observatory for the Protection of Human Rights Defenders ('the Observatory'), "Steadfast in Protest", The Observatory Annual Report for 2009, 18 June 2009, in particular p11-14, available at http://www.fidh.org/IMG/article_PDF/article_a6686.pdf; Report of UN Special Rapporteur on the situation of human rights defenders, *ibid*, at p6-9; Front Line 2010 Report, *ibid*

for activists to communicate, find and share information, publicise their work and issues, and to generate campaigns in ways which were unimaginable only a few years ago. Significantly, ICT tools are often free, user-friendly and nominally safe, providing defenders with a democratic, uncensored space in which to express themselves and communicate with other defenders and the international community. In addition, ICT provides the possibility of anonymity and actors are less easily traced so that defenders can potentially avoid the risks, threats and dangers of human rights activism described above.

(II) Increased human rights activism and usage of ICT

The internet and social networking tools have undoubtedly transformed the basis and nature of the much of the work carried out by human rights defenders, who along with social and political activists are increasingly turning to such tools as a new form of communication, collaboration, publication and protest on a global basis.

Much of the 'buzz' around online platforms connected to the Web 2.0 phenomenon has been generated by the role of social networking activities and applications such as blogging, Facebook, Twitter, Skype, Youtube and Myspace in the world of politics. The newly-found force for mobilisation was perhaps demonstrated most forcefully – and reported on widely – during Barack Obama's presidential campaign. The media marvelled at the Obama campaign's ability to enlist and communicate with millions of supporters on an astonishingly cost-effective basis.

By June 2008, five months before election day, two million activists had already been mobilised to become volunteer workers for his campaign, many through online engagement[9]. The number of viewers and hours of time spent watching Obama videos on Youtube provided the campaign with 14.5 million hours of free publicity which saved them an estimated $47 million dollars in TV advertising fees[10]. Most conspicuously, the Obama campaign raised over $600 million dollars[11], much of it attributed to the millions of small but repeated donations made by the candidate's supporters through either the campaign's internet applications or at fundraising events organised and advertised online by volunteers. Furthermore, since his election, Obama has largely carried his social networking techniques with him into the White House in a concerted bid to stay in touch with his constituents and allow them to have an input into the presidency[12]. As of March 2010, he remains one of the most-followed members of Twitter, with over 3,300,000 individuals recieving his

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[9]   Steve Schifferes , "Internet Key to Obama Victories", BBC News, 18 June 2008. Available at: http://news.bbc.co.uk/2/hi/7412045.stm

[10]   Claire Cain Miller, "How Obama's Internet Campaign Changed Politics", New York Times, Bits Blog, 7 November 2008. Available at http://bits.blogs.nytimes.com/2008/11/07/how-obamas-internet-campaign-changed-politics/

[11]   David Carr, "How Obama Tapped Into Social Networks' Power", New York Times, 9 November 2008. Available at http://www.nytimes.com/2008/11/10/business/media/10carr.html?_r=1&adxnnl=1&adxnnlx=1267628416-hOPqy/T80Xn+5VCliMXivg

[12]   See Michael Scherer, "Obama and Twitter: White House Social Networking", 6 May 2009, Time Magazine. Available at http://www.time.com/time/politics/article/0,8599,1896482,00.html

tweets[13].

The possible implications and uses of such techniques and applications from the perspective of human rights defenders are obvious. ICT provides a user-friendly, cost-effective basis upon which to publicise issues, raise awareness, mobilise support and volunteers, and generate public campaigns. This, by now, is a well-established practice amongst social movements, in particular anti-globalisation protesters[14]. Such campaigning has been seen to be particularly effective in the sense in which it fosters a sense of collective identity and community, and sustains a sense of solidatiry, in that activists can identify with a common experience through their collective grievances.

ICT allows defenders to communicate between themselves and with the international community in a way that was not possible through the use of phone, fax or postal services. Low-cost communication services such as Skype and equipment such as webcams, portable internet devices and even wifi have allowed frequent and fast sharing of information, conference calling and consultative work. These technologies in turn have revolutionised international human rights work in terms of creating networks of interconnected activists (many prominent human rights organisations are composed of coalitions of grassroots organisations), which in turn has led to increased reportage (particularly of human rights violations and incidents taking place on the ground), education (providing training, sharing information and ideas on best practice, circulation of materials), campaigning (organising petitions, coordinating email campaigns or letter writing), organising protests or marches (often through word of mouth or covertly by email/text message) and formulating policy (discussion forums, etc). ICT has allowed human rights defenders to easily and cheaply overcome simply practical difficulties such as physical isolation, in the case of indigenous defenders for example[15.] In fact, online community members even find that their campaigns allowed greater interaction with those who opposed their views, in a way which was constructive and connective[16].

In this sense the tools become larger than the sum of their respective parts: as Peter Daou declared, "Twitter is the latest instance in this ongoing process of pouring the content of hundreds of millions of minds onto a global cyber-canvass, the commixture becoming something new and unpredictable".[17]

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[13]   See Barack Obama's Twitter page, BarackObama, at http://twitter.com/BARACKOBAMA. As of 3 March 2010, 3,363,311 Twitter users follow his account.

[14]   Garrett, R. Kelly, "Protest in an Information Society: A review of literature on social movements and new ICTs", *Information, Communication & Society* 9: 2, 202 — 224, at p204

[15]   See Corinna Spencer-Scheurich, "A new model for globalizing human rights stuggles via the internet: understanding the Chiapas example", 14 *International Legal Perspectives* (2004) 22-29

[16]   Garrett, "Protest in an Information Society", *supra*, at p204-206

[17]   Daou, Peter, "The Philosophical Significance of Twitter: Consciousness Outfolding", The Huffington Post, 16 June 2009, http://www.huffingtonpost.com/peter-daou/the-philosophical-signifi_b_216056.html

ICT tools have undoubtedly been effective in terms of adapting and improving upon traditional methods of campaigning and activism, in that they provide new mechanisms which allow customary activities to be carried out more efficiently. In a human rights context, the advent of email has been revolutionary in allowing for almost instant reporting of human rights violations and rapid issuing of urgent appeals and communications for human rights activists at risk. Amnesty International's letter writing campaigns, for example, now largely take place online through email rather than via their traditional postcards. The expansion in recent years of Urgent Action programs, based on the rapid issuing of urgent appeals and communications to government authorities and international institutions by organisations such as Amnesty International, Front Line, Human Rights First and the Observatory for the Protection of Human Rights Defenders ('the Observatory') is testament to the power of modern communications technology. International organisations can act within hours of receiving reports of violations, widely publicising cases and pressurising national authorities[18]. This can be particularly effective in cases of imminent risk such as when a human rights defender may be at risk of torture in the hours or days following arrest or where a defender has been subject to death threats and requires urgent protection or security measures.

These actions foster an atmosphere of scrutiny and accountability for national governments and local authorities; when aware that their actions are visible and open to international scrutiny and criticism, authorities may be encouraged to act in a manner consistent with legal obligations and to conform to public opinion. It is here that one of the key empowerment techniques provided by ICT becomes apparent: in an era of surveillance and disciplinary society, ICT allows those under state surveillance to turn the tables and observe their oppressors[19]. It is in this freedom to carry out such scrutiny openly and publicly, that ICT has led to the evolution of entirely new and as-yet developing spheres of activity and influence for human rights defenders.

Much of this new activity – the explosion in amateur reporting, documentation of human rights abuses, criticism of authoritarian regimes, discussion of previously taboo or prohibited topics such as homosexuality or women's rights – is derived directly from the unprecedented capacity for freedom of expression that ICT tools provide, and it is this amplification of freedom of speech which may be the supreme and ultimate legacy of the ICT revolution with regard to human rights activism.

The most prominent example of the power and impact of ICT-based reporting in recent times is that of last year's post-election violence in Iran. Despite the Iranian authorities' attempts to restrict

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18   See "Front Line Emergency Support", http://www.frontlinedefenders.org/emergency; The Observatory, Urgent Appeals, http://www.fidh.org/+-Appels-Urgents-+?lang=en; Human Rights First, Human Rights Defenders, http://www.humanrightsfirst.org/defenders/hr_defenders.aspx
19   Garrett, "Protest in an Information Society", *ibid*, at p209

internet access and text messaging, and to limit media access to protests, use of ICT to report events on the ground, post photographs and videos, and coordinate protests increased in the days following the elections[20]. In the absence of media presence in Iran, such reports and postings formed the bulk of international coverage of events and irrefutably damaged the legitimacy of the ruling authorities. Censorship and restriction of internet services has continued into 2010; during renewed protests in Tehran in early February, there were reports of severe restrictions to internet access and mobile messaging services, including access to Gmail[21]. The pointed significance of internet usage to document ongoing violence and repression since June 2009 has demonstrated the strength of civil society in Iran, which has nearly a million bloggers, around 10% of whom are active. Iran's native language, Farsi, is among the top 10 languages used online[22].

In the Iranian context, the outpouring of information and activism spilled over to international civil society, the diplomatic community and even to the ICT service providers themselves. Twitter itself – in what can be seen as either a well-timed, cynical act of self-promotion or a dynamic and flexible response to its users needs - publicly announced that it would be delaying a routine upgrade to avoid any disruption to its service, in recognition of "the role Twitter is currently playing as an important communication tool in Iran"[23]. Perhaps more intriguingly, it later emerged that Twitter had made this decision after a request by the US State Department[24], demonstrating that inevitably, one must remember that ICT services are not themselves the activism, but merely the tools, which remain as open to political manipulation as any other[25].

Hence the Iran example highlights the fact that ICT as a medium is not infallible: in a situation like that of Iran, it is impossible to distinguish the political from the peaceful, which can generate particular difficulties in a human rights context, especially for international monitoring organisations who seek to remove themselves from particular political agendas in a bid to retain a reputation for partiality. From a journalistic point of view it is difficult to verify information, to distinguish bias or agenda or to trust second hand accounts. There was at least one serious exaggeration of the numbers of participants taking part in an Iranian protest, which was reported internationally[26].

[20] Brad Stone and Noam Cohen, "Social Networks Spread Defiance Online", New York Times, 15 June 2009. Available at http://www.nytimes.com/2009/06/16/world/middleeast/16media.html

[21] "Iran's Dilemma over Democracy and Nukes: Are they Fearless or Foolhardy?" The Economist, 13 February 2009. It has recently been reported that Iranian authorities are launching a national webmail service via iran.ir, which will be intended to replace free foreign webmail services with a domestic one that is easier to control. See Dehghan, "Iran.ir: an Ominous Sign", *ibid*.

[22] Saeed Kamali Dehghan, "Iran.ir: an Ominous Sign", 4 February 2010, The Guardian. Available at http://www.guardian.co.uk/commentisfree/2010/feb/04/iran-protests-email-google-china

[23] "Down Time Rescheduled", Twitter Blog, 15 June 2009. Available at http://blog.twitter.com/2009/06/down-time-rescheduled.html

[24] Lev Grossman, "Iran Protests: Twitter, the Medium of the Movement", Time Magazine, 17 June 2009. Available at http://www.time.com/time/world/article/0,8599,1905125,00.html

[25] See Ariel Kastner, "Obama's Twitter Strategy", The Brookings Institute, 19 June 2009 (available at http://www.brookings.edu/opinions/2009/0619_twitter_kastner.aspx) for a discussion of the similarities between Barack Obama's campaign use of ICT, and the ICT strategies used during by the Iranian reform movement and citizen protesters.

[26] Hamid Tehrani, "Iran: Myth and Reality about Twitter", Global Voices, 4 July 2009. Available at http://globalvoicesonline.org/2009/07/04/iran-myth-and-reality-about-twitter/

In the context of human rights defenders, the ICT revolution does not always gain headlines. An under-reported but steadily increasing movement behind the scenes involves the use of blogging, online debate, creative output and community-based networking to quietly empower those with a less prominent voice in society. This has been particularly useful for women's rights defenders, notably in societies and cultures where it is less acceptable for women to take a role in public life.

Looking again to Iran, the *One Million Signatures Campaign* has been particularly successful in terms of using ICT to enhance activism from a women's point of view. Also known as *Change for Equality*, *One Millions Signatures* has demanded an end to discriminatory laws against women in Iran, such as unequal divorce and family laws, discriminatory provisions related to criminal testimony, criminal prosecution and punishment, and civil suits[27], with an emphasis upon protest, publication and the compilation of signatures online. Since its inception in 2006, the campaign has been marked by the repeated arrest, imprisonment, detention and harassment of its members but has garnered international praise, and is supported by numerous international human rights organisations[28].

Bypassing internet and communications restrictions imposed by the Iranian government, *One Million Signatures* has maintained an active online presence and has become widely known outside Iran. The arrests, detention and harassment of its members are regularly reported by international organisations, in particular Front Line, Reporters Without Borders, the Observatory, Human Rights First, the International Campaign for Human Rights in Iran, Women Human Rights Defenders International Coalition, and others[29]. One of the campaign's key strengths has been to maintain a functioning website, updated regularly with information about the campaign's activities and the harassment of its members. Continuous efforts by the Iranian authorities to hack and block access to the website requires the campaign to frequently change its web address and to maintain different addresses for those accessing the site from inside and outside Iran. Front Line reported on 14 October 2008 on the 16th occasion on which campaign's website had been blocked[30].

A more light-hearted example of women's rights defenders in action is that of the Pink Chaddi Campaign. Demonstrating the particular usefulness of ICT services to stimulate and encourage innovative human rights activism on a simple premise, a group of young Indian women terming themselves the "Consortium of Pub-going, Loose and Forward Women", proved that acting as

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27 See Shirin Ebadi, "One Million Signatures Demanding Change to Discriminatory Laws", Press Release of the Observatory for the Protection of Human Rights Defenders, 22 November 2006. Available at http://www.fidh.org/One-Million-Signatures-Demanding-Changes-to

28 See Sussan Tahmasebi, "One Million Signatures Campaign: Answers to your most frequently asked questions", 24 February 2008, available at http://www.we-change.org/english/spip.php?article226;

29 Citations for various Urgent Appeals and Press Releases for the organisations listed are available from the author by request.

30 "Site of the 'One Million Signatures Campaign' Blocked for 16th Time", Press Release, Front Line, 14 October 2008. Available at http://www.frontlinedefenders.org/node/1589

women's rights defenders required no more than a Facebook account, some postage stamps and some free time. In early 2009 members of Sri Ram Sena (SRS - Lord Ram's Army), an ultra-conservative Hindu organisation, assaulted several young women in a pub in Mangalore, a college town in the southern state of Karnataka. Pramod Mutalik, the SRS leader, said that his followers were "custodians of Indian culture" who had prevented the women at the pub from going astray, and the group furthermore threatened to attack unmarried couples who celebrated Valentines Day[31].

In response, a group of young Indian women founded the Consortium on Facebook and launched a campaign encouraging supporters to send pink *chaddi (*panties) to Pramod Mutalik for Valentines Day, and to mark the date by going to a bar with friends. The campaign received international attention, and triggered a national debate within India about the nature and availability of women's rights and the role of women in Indian society[32]. The Facebook page was an internet sensation; it gained upwards of 59,000 members and an estimated 40,000 pairs of underwear arrived at SRS' headquarters[33], demonstrating the power of a simple ICT-based idea to launch a nationwide campaign and trigger substantial debate on human rights in society. It is in relation to cases such as this that one can identify the emergence of entirely new new spheres of activity and influence as a direct result of the ICT revolution.

(III) The backlash: authorities' responses to ICT activism

The explosion of ICT usage amongst human rights defenders and the limitless possibilities for engagement, campaigning and freedom of expression provided by the internet are naturally of grave concern to authorities and governments worried for their own continued dominance. Thus ICT tools and services are, in a sense, victims of their own success: human rights defenders work in publicising their causes, and criticising the authorities are too effective to be allowed to continue.

The Pink Chaddi campaign falls into this category; the success of the Facbook campaign led conservative activists to adopt the campaign's own methods. The Consortium's Facebook page was repeatedly hacked, the names of its members removed, pornographic material and lewd commentary posted, and the group was renamed with racist and offensive slogans. The creator's account was eventually blocked by Facebook for reported abuse, allegedly after repeated emails to

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[31] Jeremy Page, "Facebook women say 'knickers' to pub ban bullies", The Times, 11 February 2009. Available at http://www.timesonline.co.uk/tol/news/world/asia/article5702370.ece

[32] See Beena Sarwar, "Peaceful Pink Panties to Tame Right-wing Goons" Inter-press Agency (IPS), 13 February 2009, available at http://ipsnews.net/news.asp?idnews=45757; Philip Reeves, "'Moral Police' in India to get Valentine's Underwear", NPR, 13 February 2009, http://www.npr.org/templates/story/story.php?storyId=100624625;

[33] Randeep Ramesh, "Indian Pub Attack Prompts Pink Knickers Protest", the Guardian, 20 February 2009, http://www.guardian.co.uk/world/2009/feb/20/india-knickers-protest; Himanshi Dhawan, "'Pink chaddi' campaign a hit, draws over 34,000 members", the Times of India, 14 February 2009, http://timesofindia.indiatimes.com/india/Pink-chaddi-campaign-a-hit-draws-over-34000-members-/articleshow/4126529.cms

the company requesting help were ignored[34].

It was stated in Section (I) that increased opportunities for, and greater means to, freedom of expression could be ICT's most important contribution towards the development and expansion of civil society. Correspondingly, authorities are in many instances concerned with limiting that liberty through a variety of means. Internet censorship and the restriction of access to certain websites and services are well-known and have been frequently discussed and criticised, particularly with regard to China[35].

However, efforts to restrict human rights defenders from making full and free use of ICT tools and services take a variety of forms and are not restricted to physical interference with internet services through the use of legal restrictions, firewalls, etc. Suppression of defenders' use of ICT varies on a regional basis, not only in intensity and scale but also in terms of particular trends and patterns of harassment, intimidation and reprisals. The sections below will look to the regions of the Middle East and North Africa (MENA), Europe and Central Asia, Latin America and Asia to give a very brief overview of the some of the regional trends of harassment of defenders due to their use of ICT and to briefly illustrate the variety of means by which use of ICT can be transformed into a dangerous or subversive activity for human rights defenders.

A. Middle East and North Africa (MENA)

Severe restrictions upon freedom of speech and expression are enforced in many states across the MENA region, and are amongst the most significant challenges for human rights defenders operating in the area. Often, it is not the use of ICT tools or services specifically which is the impugned or dangerous activity in the Middle East, but what is stated or expressed *through* ICT as a medium. Monitoring or documenting human rights violations, filing complaints against state authorities, suggesting changes or improvements in government behaviour and practices, or merely discussing human rights issues can result in criminal charges, arrest, detentionm abuse or harassment for human rights defenders.

In such a repressive atmosphere, human rights defenders have increasingly turned to the internet as a means of debate, discussion and publication. However, governments in turn have expanded the scope of laws traditionally used against writers and journalists in order to criminalise and reign in bloggers and users of other internet-based tools. Provisions making it an offence to insult the monarchy or government, criticise the state (often described as a form of treachery or betrayal),

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[34] "Moral Police Hack Pink Chaddi on Net", The Hindu, 14 April 2009. Available at http://www.hindu.com/2009/04/14/stories/2009041459890400.htm
[35] See "Sixty Years of News Media and Censorship", Report on the 60th Anniversary of the Founding of the People's Republic of China, Reporters Without Borders, 1 October 2009. Available at http://www.rsf.org/spip.php?page=article&id_article=34630

publicise "false news" or "propaganda", or "promote terrorism" are frequently used to criminalise what in effect amounts to the exercise of a legitimate right to freedom of expression. Front Line noted with particular concern the deterimental effects of targeting bloggers and cyber-activists, given that human rights organisations are not allowed to function in many states in the region[36]. The Threatened Voices project is currently monitoring the cases of 211 bloggers who have been arrested or threatened, many in the MENA region[37].

Amnesty International reported that in 2008 Syria, a government intolerant of virtually any dissent, targeted bloggers accused of "spreading false news" or "weakening national sentiment" under vaguely-worded laws designed to suppress freedom of expression, while authorities in Kuwait and Oman were seen to increase controls on freedom of expression through the internet. In Bahrain, the authorities routinely blocked access to parts of Facebook deemed 'subversive', particularly pages linked to the Bahrain Centre for Human Rights[38]. The governments of Tunisia and other states routinely blocked critical internet sites and cut internet connections between local human rights NGOs and the outside world[39], while the authorities in Iran supplemented their attempts to block internet access by detaining and prosecuting bloggers and internet activists[40].

Some recent, illustrative examples of human rights defenders harassed for their activities online include Mr Ra'if Badawi, a Saudi Arabian blogger who set up a website in which he criticised the religious police for human rights violations. Mr. Badawi was arrested and interrogated by the Saudi Arabian Prosecution Service in relation to his human rights writings in March 2008, after which he was charged in absentia with "setting up an electronic site that insults Islam", a criminal offence which can carry a sentence of up to five years in prison and a 3 million riyal (US$800,000) fine. Although the case has not gone forward, the charges against him have not been dropped and since then he has been subject to a travel ban, had his bank accounts frozen, and his website has been repeatedly hacked[41].

In a similar case, Syrian blogger Mr. Karem Arbaji was sentenced to three years in prison on 3 September 2009 for "publishing mendacious information liable to weaken the nation's morale", a criminal offence under Article 286 of the Syrian Penal Code. Mr. Arbaji had been detained for over

[36] Front Line Annual Report 2010, *supra*, at p6
[37] Threatened Voices, tracking suppression of online free speech; a project of Global Voices Advocacy. See Threatened Voices webpage, at http://threatened.globalvoicesonline.org/
[38] "Authorities Block Links Posted on BCHR Facebook Page", Alert issued by IFEX (International Freedom of Expression eXchange: The global network for free expression), 17 March 2009, available at http://www.ifex.org/bahrain/2009/03/17/authorities_block_links_posted/
[39] Amnesty International Report 2009: State of the World's Human Rights, from p46-49. Available to download at http://thereport.amnesty.org/sites/report2009.amnesty.org/files/documents/air09-en.pdf
[40] See "Ongoing detention and judicial harassment of human rights defenders", Urgent Appeal issued by Front Line, 11 September 2009, http://frontlinedefenders.org/node/2159, and "Release of human rights defender, Ms. Shiva Ahari, on disproportionately high bail", Press Release issued by Front Line, 24 September 2009, http://frontlinedefenders.org/node/2179
[41] "Travel ban against blogger Mr. Raif Badawi for criticising religious police", Front Line Urgent Appeal, 8 December 2009. Available at http://frontlinedefenders.org/node/2281

two years prior to his trial and had reportedly been subject to torture whilst in detention. His crime was most likely to have voiced opinions on a forum, Akhawiya, which has since been blocked[42].

In Oman, journalist and cyber-activist Mr. Ali al-Zwaidi was charged with using "a system or a device or a means of communication to direct a message while knowing it is untrue or causes harm to a person or a service" under Article 61 of the Telecommunications Law of Oman, which carried a sentence of up to one year in prison or a fine of one thousand Omani riyals (approx. US$2,600). Mr al-Zwaidi was the supervisor of the online forum, "Sablat Oman", and had permitted the publication of an anonymously-authored article making allegations of corruption against an Omani telecommunications company[43].

B. Europe and Central Asia

Freedom of speech remains a problem throughout former Soviet states, and investigative work remains a particularly dangerous activity; human rights defenders reporting on human rights abuses are routinely killed. Most prominent among them in 2009 was Natalya Estemirova, an award-winning defender who ran great personal risk to investigate and document abuses in Chechnya in assocaition with the organisation Human Rights Memorial. On 15 July 2009 she was forced into a car by several men, and her body was discovered later that day with two shotgun wounds to the head[44]. At least six human rights defenders were killed in 2009 in Russia alone[45].

In general, defamation campaigns in state media presenting HRDs as anti-patriotic or as serving Western interests became more frequent in 2009. Turkmenistan was singled out in particular for its efforts to restrict national media, exclude international press and harass journalists: the internet is monitored by a special police branch[46]. Turkish courts were criticised specifically for their excessive adminstrative scrutiny of human rights organisations, which often led to court rulings ordering them to shut down their websites[47].

A particular trend emerging amonst Eastern European states to restrict human rights defenders' and organisations' use of ICT is criminal prosecution for possession of unlicenced computer software. From the authorities' perspective, this can be an effective strategy in terms of harassing, threatening and intimidating defenders, as it impedes their work through the confiscation of

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[42]   "Blogger Kareem Arbaji sentenced to three years in prison", Global Voices Online, 19 September 2009, available at http://advocacy.globalvoicesonline.org/2009/09/19/syria-blogger-kareem-arbaji-sentenced-to-three-years-in-prison/

[43]   "Journalist Ali al-Zwaidi on trial, facing possible year-long prison sentence for publication of article on corruption", Alert issued by IFEX 9 March 2009, available at http://www.ifex.org/oman/2009/03/09/journalist_ali_al_zwaidi_on_trial/

[44]   Nico Hines, "Human rights activist Natalya Estemirova shot dead in Russia", the Times, 15 July 2009. Available at http://www.timesonline.co.uk/tol/news/world/europe/article6715074.ece; See "Obituary: Natalya Estimirova", BBC News 15 July 2009, available at http://news.bbc.co.uk/2/hi/8152648.stm

[45]   Front Line, Annual Report 2010, *supra*, at p5

[46]   Front Line, Annual Reoprt 2010, *ibid*, at p5

[47]   Amnesty International Report 2009, *supra* at p36

expensive equipment and infrastructure, and creates financial difficulties as a result of the imposition of large fines. Furthermore, public condemnation and imprisonment of "offending" organisations has the effect of stigmatising the defenders, discouraing others from joining their work and turning public opinion away from their activities.

To provide one example, on 28 August 2007 police officers from the Department to Combat Crimes in Relation to Information Technology raided the offices of the Nizhny-Novgorod Foundation to Support Tolerance, an organisation which provides support to migrants in Russia. The police confiscated four computers after declaring that the Foundation could not provide the licences for their software. On the 30 August, police also raided the offices of the Novaya Gazeta, an independent newspaper, to seize computers, followed by the attempted seizure of computers from the Nizhny-Novgorod Human Rights Alliance some time later[48].

In October 2009, Anastasia Denisova, President of the Youth Group for Tolerance "ETHniCS" was similarly harassed when officials from the local Economic Crime Department and a commerical firm known as "SPECTR" raided her office to search for counterfeited computer software. The officials seized computers which did not in fact belong to the organisation, and the address in the complaint which provoked the search did not correspond to the address of the raided office. In August 2009, Ms. Denisova had been travelling with a photo-journalist when they were stopped by customs officials who confiscated 20 GB of information from the journalist's laptop and who searched Ms. Denisova for any electronic information devices[49].

C. Latin America

Human rights defenders in Latin America are particularly involved with documenting, publicising and campaigning for justice for vicitims of atrocities and abuses which have occurred in the context of the region's endemic civil wars, paramilitary conflicts and gangland warfare. In addition, serious atrocities are committed against indigenous peoples, often in an effort to displace them from their lands in order to gain access to valuable natural resources. For human rights defenders, such work can be extremely hazardous; activists are routinely subject to assassinations, kidnappings, death threats and other forms of intimidation[50].

In terms of ICT, prosecution for use of technology or for activities carried out with the help of technology is less common than in other regions. Rather, we see the inverse of developments in

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[48] "Acts of harassment against several human rights NGOs in Nizhny-Novgorod", Urgent Appeal issued by the Observatory, 30 August 2007, available at http://www.fidh.org/Acts-of-harassment-against-several-human-rights
[49] "Intimidation and harassment of human rights defender Ms. Anastasia Denisova", Urgent Appeal issued by Front Line, 20 October 2009. Available at http://www.frontlinedefenders.org/node/2205
[50] See the report of the UN Special Rapporteur on the situation of human rights defenders on her 2009 Mission to Colombia, presented to the 13th Session of the UN Human Rights Council, Doc. No A/HRC/13/22/Add.3 Available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-22-Add3.pdf

other regions as ICT has become increasingly incorporated into the activities of those who seek to suppress and harass human rights defenders, being recognised as a useful tool to more efficiently threaten, intimidate and silence activists. Hence threats are now frequently recieved via text message or email[51], such as the death threats recieved via text message by Ms. Luz Elsia Almanza, a defender working to end impunity for enforced disappearances in Colombia, in November 2009[52], or the death threats posted to the blog of Ms. Lydia Cacho Ribeiro, who works with victims of sexual violence in Mexico, in February 2009[53].

Worringly, ICT tools and services have been used systematically for surveillance and intelligence gathering of human rights defenders. In 2009 a wiretapping scandal unfolded in Colombia, where it emerged that the Department of Administrative Security (DAS), the state intelligence agency which reports directly to the President, had for years been illegally monitoring the communications of opposition politicians, judges, journalists and others, with a particular emphasis on human rights activists[54]. An official investigation by the Attorney General has led to the resignation of many senior DAS officials, accusations of murder against the former director, Jorge Noguera, and the dismantling of G-3, the secret unit which carried out the surveillance of those critical of the ruling government. This included prominent human rights organisations the Colombian Commission of Jurists, the Inter-Church Justice and Peace Commission, and the José Alvear Restrepo Lawyers Collective, in addition to international human rights organisations such as Human Rights Watch and the UNHRC. Defenders who have since accessed their files found photos of their families and children, transcripts of private phone calls and copies of emails[55].

In the context of human rights defenders, the involvement of the DAS in the scandal is extremely worrying given that it was simultaneously responsible for the government-run protection program, which provided bodyguards, mobile phones and secure transport to human rights defenders at risk. The implication that defenders' supposed protectors were likely spying on them is extremely problematic, particularly combined with the high incidence of corruption in Colombia which makes it possible that intelligence information could have been sold by corrupt security or police officers[56]. Much of the protection program has since been transferred to private security firms, but serious

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[51]   Statement of the UN Special Rapporteur on the situation of human rights defenders, as she concludes her visit to Colombia, Press Release of 18 September 2009, available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=111&LangID=E

[52]   Amnesty International, Urgent Action issued on 27 November 2009, UA: 319/09 Index: AMR 23/029/2009 Colombia. Available at http://www.amnesty.org/es/library/asset/AMR23/029/2009/es/4ce34f70-e387-4180-b503-2a76aab0884f/amr230292009en.pdf

[53]   "Death threats against human righst defender and journalist Ms Lydia Cacho Ribeiro", Urgent Appeal issued by Front Line, 29 May 2009, available at http://frontlinedefenders.org/node/2013

[54]   "Colombian Intelligence Agency Scandal", Semana, 23 February 2009. Available at http://www.semana.com/noticias-international/colombian-intelligence-agency-scandal/121057.aspx

[55]   Carlos Villalon, "A scandal over spying intensifies in Colombia", New York Times, 16 September 2009. Available at http://www.nytimes.com/2009/09/17/world/americas/17colombia.html; "Spy chief accused of murder", Semana, 12 May 2009, available at http://www.semana.com/noticias-print-edition/spy-chief-accused-of-murder/123929.aspx

[56]   For example, Semana magazine reported about a computer in the possession of rebels containing information collected by the DAS on military plans against the group. See Villalon, "A scandal over spying", ibid.

concerns remain as to the reliability of such contractors[57].

D. Asia

Asia's media and internet censorship is well known, particularly in relation to China. Technical interference with communications and restrictions on the use of technology are amongst the key ICT-related issues for Asian human rights defenders, not only in China but also in Vietnam, Malaysia and elsewhere. In North Korea, mobile phones were prohibited in general in 2004 and official policy has been to decline to make internet available in the country[58]. Interference and limitation of ICT usage is closely connected to limitations on freedom of speech and expression; the most frequent harassment, prosecution and stigmatisation of defenders relates to how they use ICT in order to criticise the authorities or discuss human rights issues.

In China, human rights defenders have limited access to many websites and internet services, including Skype, Twitter and Facebook, and emails are routinely monitored or interfered with. In addition, targeted attacks are also carried out against websites, blogs and email accounts in order to disrupt communications or impede defenders in their human rights activism. Google's decision to end its enforcement of China's internet censorship rules was ultimately triggered by Chinese hacking of the Gmail accounts of human rights defenders, and of information theft from its own "corporate infrastructure"[59].

Not long after this decision, five websites run by Chinese human rights defenders were interrupted by a denial of service (DDoS) attack for a period of some 16 hours, and infected with malware software on the websites. The group confirmed that it frequently suffers such attacks[60]. In January 2009, the authorities carried out a sweeping internet attack aiming to block internet sites carrying "harmful comments", in particular pornography. However, the attack also closed a website used by activists which was deemed to be harmful due to its current affairs content[61]. Such actions are doubly harmful to human rights defenders, as in addition to disrupting their human rights activities, they suffer a public stigmatisation by being publicly linked to pornography.

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[57] Written Submission of Amnesty International to the Human Rights Council 13'th Session on the Situation of Human Rights Defenders in Colombia, Doc. No. A/HRC/13/NGO/107, at p3. Available at https://webmail.ohchr.org/mail/hrdra.nsf/0/A46D94E3C5D23822C12576DC0041BFE4/$File/,DanaInfo=ubos.lan.ohchr.org+HRDs%20in%20Colombia%2C%20written%20statement%20to%20HRC13%20-%20A-HRC-13-NGO-107.pdf?OpenElement&FileName=HRDs%20in%20Colombia%2C%20written%20statement%20to%20HRC13%20-%20A-HRC-13-NGO-107.pdf,

[58] Tom Zeller Jr., "The internet black hole that is North Korea", New York Times, 23 October 2006, available at http://www.nytimes.com/2006/10/23/technology/23link.html

[59] See Official Google Blog, "A New Approach to China", 12 January 2010. Available at http://googleblog.blogspot.com/2010/01/new-approach-to-china.html

[60] Owen Fletcher, "Chinese Human Rights Sites Hit by DdoS Attack", IDG News Service, 25 January 2010. Available at http://www.cio.com/article/522416/Chinese_Human_Rights_Sites_Hit_By_DDoS_Attack; "Five Chinese Activists Websites Attacked by Hackers", Urgent Action issued by China Human Rights Network, 25 January 2010, see http://chrdnet.org/index.php/2010/01/25/five-chinese-activists-websites-attacked-by-hackers/

[61] Anita Chang, "Edgy China blog site shut amid Internet porn sweep", Associated Press, 9 January 2009. See http://cyberlaw.org.uk/2009/01/13/the-associated-press-edgy-china-blog-site-shut-amid-internet-porn-sweep/

Human rights defenders also suffer from more direct forms of punishment for their internet activism. Prominent Tibetan blogger Tsering Woeser was held under house arrest in 2008, her detention coinciding with the beginning of the anti-Chinese protests in Tibet[62]. Woeser's period of house arrest followed the enforced closure of one of her blogs in 2007 after she posted a photo of the Dalai Lama on the site, and her blog has been repeatedly blocked on other occasions[63].

Yet China is not the only country in Asia with severe restrictions upon internet usage. In Vietnam, internal censorship and harsh repression of those who exercise freedom of expression is not as widely reported as that in China, but is equally worrying. It was reported in 2009 that access to Facebook[64] and Catholic websites[65] were frequently restricted. Internet activists have been arrested, prosecuted and imprisoned. Prominent amongst them is Bloc 8406, a loose affiliation of pro-democracy activists who published and distributed online an appeal for freedom of political association, along with a Manifesto for Freedom and Democracy in Vietnam. In 2009 alone, at least 11 of Bloc 8406's members and supporters were sentenced to prison terms[66], with many more subject to ongoing harassment[67].   Bloc 8406 members are noted for their attempts to circumvent internet restrictions: they have utilized digital telephone and encryption technology on websites provided by Voice Over Internet Protocol providers such as PalTalk, Skype and Yahoo!Messenger, for example[68].

(IV) Innovation, initiative and entrepreneurship – ICT as a creative force

The situations and cases described above are merely a representative sample of the kind of human rights violations taking place around the world in connection with ICT, and of the variety of shapes and forms these violations take. It is self-evident that ICT can potentially be viewed as a mixed blessing. Insofar as it offers an ever-evolving set of tools to aid and assist human rights defenders in their activities, ICT can also come as a wolf in sheep's clothing, frequently turned against defenders, as in Latin America, or generating new cycles of increased repression, as in

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[62]   "Tibetan Writer Under House Arrest in Beijing (blogger)", Radio Free Asia, 21 March 2008, see
http://www.rfa.org/english/news/arts/woeser_house_arrest-20080321.html

[63]   "Banned, Blocked Tibetan Writer Vows to Speak Out in China", Radio Free Asia 1 August 2006, see
http://www.rfa.org/english/news/arts/tibet_author-20060801.html

[64]   Ben Stocking, "Vietnam internet users fear Facebook blackout", Associated Press, 17 November 2009. See
http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2009/11/17/international/i033256S37

[65]   "Vietnamese government expands internet censorship to block Catholic websites", Catholic News Agency, 6 August 2009. Available at
http://www.catholicnewsagency.com/news/vietnamese_government_expands_internet_censorship_to_block_catholic_websites/

[66]   Amnesty International, Report 2009, *supra*, at p355

[67]   For an illustrative example, see "Human Rights Defender Ms Pham Thanh Nghien in prison for over one year for attempting to stage a peaceful protest", Urgent Appeal issued by Front Line, 11 December 2009. Available at
http://www.frontlinedefenders.org/node/2293

[68]   Carlyle A. Thayer, "Vietnam and the Challenge of Political Civil Society", 31 *Contemporary Southeast Asia* 1 (2009) 1-27, at p14

Asia and the Middle East.

Development of ICT tools and services, techniques and strategy, can been seen as a game of cat and mouse, with the activists and authorities largely vying to stay one step ahead of the other, with varying results. This author believes that the creativity and ingenuity demonstrated by a torrent of innovative new products and initiatives emerging from this sector is to be commended. Although the potential for restriction and disruption increases in pace with the development of new technology, ICT does provides the possibility of a host of new tools for human rights work.

It cannot be possible to describe or investigate the full range of internet and technology-based solutions useful to human rights defenders. This section can only aim to provide a brief overview of some of the new and useful ideas emerging in this sector.

Some of these initiatives take the form of technology-based applications and products which are specifically aimed at helping human rights defenders overcome the technical difficulties of censorship and restrictions. Many of these solutions are NGO-driven, the result of organisational identification of ICT issues as a threat and challenge to human rights activism. From a structural perspective, awareness of the necessity of digital, internet and communications-related integration and mainstreaming in policy formation, advocacy, educational strategy and organisational investment will be key to ensuring that these risks can be dealt with effectively from an international and institutional level. From a grassroots perspective, techniques and tools are emerging through local adaptation and initiative, in addition to the adoption of targeted tools developed for individual and low-level organisational use.

Examples of targeted products include Security in a Box, a set of open-source, freely downloadable software programs designed for advocates and defenders' digital security needs, generally organised around the concept of securing computers particularly from targeted attacks and introduction of viruses or malware, protecting information from theft and interference – both digitally stored but also digitally transmitted information - and maintaining the privacy of internet communications. Specifically designed to operate on a user-friendly, bottom-up basis, available in several languages, the toolkit contains an information booklet guiding the identification of security risks and design of protection strategies to reduce those risks; a guide to the software included; and portable versions of software designed for storage on portable devices such as UBS memory keys[69].

Security in a Box is a collaborative initiative of international organisations Front Line and Tactical Tech Collective. Front Line has focused on digital security as a targeted branch of their

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[69]   See the Security in a Box website, http://security.ngoinabox.org/welcome

organisational strategy. In response to requests from human rights defenders for support in this area Front Line has published a manual on Digital Security and Privacy for Human Rights Defenders[70], and carries out a program of digital security training programs on a regional basis. These include training of trainers programs, and consultancy with other human rights organisations and defenders in order to address changing digital security concerns[71]. In the context of international organisations the adoption of this type of multi-faceted approach to ICT issues is notable and aids the effective mainstreaming of ICT throughout an organisation's lobbying, advocacy and aware-raising capacities.

Tactical Tech, differing slightly in that it is more specialised than many organisations, is an international NGO focusing on assisting human rights defenders to use ICT to maximise the impact of their advocacy work. Since 2003 the organisation has trained over 1,000 defenders in the global south in the use of technology to support their advocacy work, provided consultancy services and developed targeted tools and software[72]. In addition to Security in a Box, they have developed Mobiles in a Box, a similar toolkit which focuses on mobile phone technology in terms of security, but also in relation to maximising mobile phone usage for campaigning and activism, such as use of bulk SMS services, SMS hubs and mobile media features[73].

Similar ICT-focused organisations include the Electronic Frontier Foundation, which combines legal work, policy analysis, activism and technology to cover a wide range of ICT-related issues. Amongst their initiatives is their work on blogging, which includes the publication of a Legal Guide for Bloggers[74], including information on freedom of speech provisions and the concept of anonymity. Hacktivismo, describing itself as an "international group of hackers, human rights workers, lawyers and artists", is a publishing and computer security group grounded in the principles of the Universal Declaration on Human Rights, which conducts and publishes scientific research on ICT with a view to aiding NGOs, social justice groups and human rights entities in the use of advanced information technologies[75].

Development of such projects is commendable, but they are largely driven by top-down organisational concerns. Bottom-up initiatives often rely upon popular or commercial applications and services, with frequently successful results. Notable examples include the Free the Wall Prisoners campaign, focusing on the release of Palestinian activists imprisoned as a result of their activities campaigning against the building of the Security Wall in the West Bank. The campaign began after the arrest of Mohammad Othman on 22 September 2009 as he tried to re-enter the West Bank after a speaking tour in Europe. Within days a blog had been set up, calling for his

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[70] "Digital Security and Privacy for Human Rights Defenders" http://www.frontlinedefenders.org/manual/en/esecman/
[71] See http://www.frontlinedefenders.org/digital-security
[72] See Tactical Tech Collective's website, http://www.tacticaltech.org/
[73] See Mobile in a Box, http://www.mobiles.tacticaltech.org/
[74] See Legal Guide for Bloggers, http://www.eff.org/issues/bloggers
[75] See http://www.hacktivismo.com/about/index.php

release and regularly posting updated information about Mr. Othman's hearings and condition in prison[76]. The accompanying Facebook campaign[77] attracted thousands of members and in the opinion of this author, was a generally reliable source of information. Supported by urgent appeals, press statements and petitions by numerous international organisations[78], many of which were distributed online, the story was soon reported by the international press[79]. The success in publicising the arrests (Mohammad Othman's detention was followed by that of two of his colleagues) and mobilising public opinion on the issue was doubtless helped by the concerted efforts of well-known Palestinian human rights organisations to which Mr. Othman was connected, including Adameer and the Stop the Wall Campaign. However, the extent to which the case was visible was largely in part to the campaign's prominent online presence, which demonstrates the effectiveness of using online tools and services for more effective activism.

ICT tools have also been used to engage and organise activists by integrating internet-based services into traditional forms of protest, particularly the principles of civil disobedience. Early instances of electronic civil disobedience were organised by The Electronic Disturbance Theater (EDT), an internet-based group of protesters taking part in electronic "sit-ins" which aimed to disrupt the functioning of targeted websites through forms of DDoS attacks. On 19 March 2008, EDT targeted the websites of nano- and biotech corporations in a protest timed to coincide with the fifth anniversary of the invasion of Iraq, and EDT claim that over 27,000 protesters took part in a sit in on anti-immigrant websites on July 20-22nd, 2005[80]. Similar initiatives include The borderLands hackLab, a group of technology activists based in San Diego, Caliornia[81], and it was recently reported that a group known as Anonymous blocked Australian government websites to protest against the Australian government's proposals to apply filters to the internet in the country[82].

These groups are difficult to identify or categorise from an organisational point of view; many of them are loose collectives or affiliations with unsophisticated websites and few available contact details. Their shadowy nature is derived from their open nature and the requisite anonymity of their organisers (DDoS attacks are illegal in the UK, for example[83]), but in reality they are no more untrustworthy or unreliable than a Facebook group, for instance. Consequently, the real

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[76]   http://freemohammadothman.wordpress.com/
[77]   See http://www.facebook.com/group.php?gid=36429272741&ref=search&sid=632200170.2995717935..1 and http://www.facebook.com/#!/group.php?gid=137898806761&ref=ts
[78]   See "Israel must stop harassment and detention of Palestinian activists", Petition by Amnesty International, http://www.amnesty.org/en/appeals-for-action/israel-must-stop-harassment-and-detention-palestianian-activists; "Detention of human rights defender Mr. Mohammad Othman extended", Urgent Action issued by Front Line, 13 October 2009, http://www.frontlinedefenders.org/node/2199; "End Arbitrary Detention of Human Rights Activist", Human Rights Watch Press Release, 4 December 2009, http://www.hrw.org/en/news/2009/12/04/israel-end-arbitrary-detention-rights-activist
[79]   Christoph Schult, "Palestinians Behind Bars with no Recourse to Justice", Der Spiegel, 23 October 2009;
[80]   See http://www.thing.net/~rdom/ecd/ecd.html
[81]   See http://deletetheborder.org/files/sdhl-zine-halfsheet.pdf
[82]   Zoe Kleinman, "Cyber attacks against Australia 'will continue'", BBC News, 12 February 2010. Available at http://cyberlaw.org.uk/2010/02/12/bbc-news-cyber-attacks-against-australia-will-continue/
[83]   Kleinman, "Cyber attacks against Australia 'will continue'", *ibis*

significance of such groups may be their engagement of activists outside human rights circles, a mobilisation in which the masses can become active campaigners and lend their voice to issues in which they are interested in a way which is time efficient, non-intrusive and pro-active. This can be particularly effective in terms of engaging migrants and workers who are no longer in their home countries but who are interested in engaging with issues in their home states. This has been most effective in relation to troubled states with significant numbers of citizens overseas such as Iran, Zimbabwe or Mexico, who are often instrumental in publicising internationally human rights issues in their countries.

Uniquely creative ideas for this type of "engagement activism" are to be seen emerging as defenders and campaigners engage fully with the new generation of ICT tools and services. The recent death in prison of Cuban prisoner of conscience Orlando Zapato Tamayo as a result of hunger strike led to an outpouring of web-based protests and expressions of grief. Orlando Luis Pardo of Boring Home Utopics posted a series of solid black images, one after another, instead of words. Blogger Yoani Sanchez posted a video she made of the prisoner's mother waiting outside the hospital where her son died, and proposed a (presumably virtual) prayer chain for the morning of Zapata Tamayo's funeral[84].

Amnesty International has developed new variations on its customary silent protests which integrates ICT concepts and encourages its internet volunteers to participate. It recently ran a campaign on behalf of Hakamada Iwao, believed to be the world's longest-serving prisoner on death row, urging volunteers around the world to take a photo of themselves holding a sign saying 'Free Hakamada' and to upload the pictures to a campaign Flickr group. Amnesty will then turn the pictures into "a giant visual message to present to the Japanese embassy in London" on the date of Hakamada's 74th birthday[85].

Finally, it is worth referring to the power of Twitter one final time. The service has been used to organise and advertise planned protests and demonstrations not only in Iran but in Moldova[86], Cuba (where bloggers quickly organised a global vigil march for the release of all Cuban political prisoners after Zapato Tamayo's death, which was advertised on Twitter)[87] and even in China itself. Internet activists continue to circumvent state-run firewalls by way of proxy servers or virtual private networks (VPNs), and it has been reported that in February 2010 Chinese tweeters helped get the 'Great Firewall [of China]' onto the list of Twitter's top 10 "trending topics" (or most tweeted terms), which - given that Twitter itself is supposedly inaccessible in China - speaks for itself about the

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[84] See Susannah Vila, "Hunger striker dies in Havana Prison", Global Voices Online, 25 February 2010. Available at http://globalvoicesonline.org/2010/02/25/cuban-hunger-striker-dies-in-havana-prison/

[85] See Amnesty International "Justice for Hakamada Iwao", http://www.amnesty.org.uk/actions_details.asp?ActionID=533

[86] "Moldova's 'Twitter revolutionary' speaks out", BBC News, 25 April 2009, available at http://news.bbc.co.uk/2/hi/europe/8018017.stm;

[87] See Vila, "Hunger striker dies in Havana Prison", *supra*

possibility of empowerment and the continued ingenuity enabled by ICT.

In this sense, the Colombian wiretapping scandal is illustrative of the wider implications of ICT for human rights defenders, including those beyond the Latin American region: as discussed by Nelson Arteaga Botello, the use of surveillance, and by analogy ICT in general, has as much to do with power relations and the implementation of social control as it does to do with protection and security[88]. It is not the technology and tools themselves that produce violence, exclusion or social control; it the use and abuse of them. Behind the technology lies power imbalance and abuse of authority, before it is empowerment, autonomy and tolerance.

Insofar as ICT can be seen as limiting defenders, it must also be considered empowering, a medium through which the silent can be given voice, the marginalised can be integrated, the hidden can be illuminated and the passive can be engaged. Given the new ideas, developments and solutions emerging in recent years, there is good reason to believe that communication and technology-based initiatives will continue to do so in the future.

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[88] See Nelson Arteaga Botello, "An Orchestration of Electronic Surveillance: A CCTV Experience in Mexico", 17 *International Criminal Justice Review (*2007) 325-335