



October 1, 2020

CEO Helmut Duhs, A1 Belarus

CEO Thomas Arnoldner, A1 Telekom Austria Group

CEO Daniel Hajj Aboumrad, América Móvil Group

Re: Joint letter to A1 Belarus calling on telecom service providers in Belarus to be transparent and resist internet shutdowns

Dear Helmut Duhs, Thomas Arnoldner, and Daniel Hajj Aboumrad:

**We, the undersigned organizations and members of the #KeepItOn coalition — a global network that unites over 220 organizations from 99 countries working to end internet shutdowns<sup>1</sup> globally — write to urgently request that you publicly pledge your support to maintain free and open internet access in Belarus, and resist and denounce any and all orders by the Alyaksandr Lukashenka government to shut down the internet.**

**Telecommunications companies have a duty to respect human rights and provide access to remedy.** It is crucial that you exercise all possible methods to resist future internet shutdown orders in Belarus, and denounce the August and September 2020 internet shutdowns, provide information to the public about how and why they were implemented, contribute to reporting on their impact, and challenge their legality in courts.

Election-related repression in Belarus has occurred online and offline. According to various reliable reports, Belarus has shut down and throttled mobile and fixed-line internet on numerous occasions since August 8, 2020. Depending on who the government was targeting, the extent and geographical coverage of these arbitrary shutdowns changed. The most widespread throttling of fixed-line and mobile internet access took place the day of the

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<sup>1</sup> An internet shutdown is defined as an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information. See more at: <https://accessnow.org/keepiton>.



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national elections, August 9, 2020, soon after electoral officials announced a putative landslide victory for the incumbent, Alyaksandr Lukashenka.<sup>2</sup>

As the opposition called for country-wide protests denouncing the election results, the internet was rendered effectively unusable through a state-ordered complete shutdown between August 9 and 12. This was followed by recurring partial shutdowns, with the most recent one documented on September 27, 2020.<sup>3,4</sup> Furthermore, more than 70 websites and open source circumvention tools were blocked, including electoral sites, international and local news media, and large social media platforms — lifelines in times of crises.<sup>5</sup>

### Internet shutdowns violate human rights

We call on A1 Belarus, a subsidiary of A1 Telekom Austria Group, a corporate group led by Mexico's América Móvil and Austrian government investment, to prioritize the fundamental rights to freedom of expression and of access to information of the Belarusian people by providing open and secure internet access throughout the country, and to push back against the government's interference with these rights. In addition to interfering with human rights, internet shutdowns undermine economic activities of businesses and individuals that depend on services offered by A1 Belarus.<sup>6</sup> Unlike its peer companies in Belarus, **A1 has disclosed information on the shutdown orders. However, this fraught moment demands more from telcos, who must “know and show” they respect the rights of Belarusians.**<sup>7</sup>

Research shows that internet shutdowns and violence go hand in hand, and last month's eruption in Belarus simply confirms this.<sup>8</sup> Internet shutdowns implemented by telecom service providers aid efforts by state and non-state actors in Belarus to cover up egregious

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<sup>2</sup> See “Belarusian election tainted by internet shutdown and state-sponsored violence”,

<https://www.accessnow.org/belarusian-election-tainted-by-internet-shutdown-and-state-sponsored-violence/>

<sup>3</sup> <https://twitter.com/a1belarus/status/1310178032544555012?s=21>

<sup>4</sup> For a report of shutdowns from August 1 to September 3, see “Belarus protests: “From internet outages to pervasive website censorship”, <https://ooni.org/post/2020-belarus-internet-outages-website-censorship/>

<sup>5</sup> Ibid.

<sup>6</sup> For more information on the economic effects of the shutdown, see “Protesters find way round Belarus's internet blackout”, <https://www.ft.com/content/3466da92-946e-4d29-81b3-e96ba599a63e>.

<sup>7</sup> For the statements, see the Twitter posts by A1 Belarus :

<https://twitter.com/a1belarus/status/1292378297490460672>,

<https://twitter.com/a1belarus/status/1307645963394310146?s=20> see more on A1 Belarus twitter page:

<https://twitter.com/a1belarus>.

<sup>8</sup> See, for example, Anita R. Gohdes “Pulling the Plug: Network Disruptions and Violence in the Syrian Conflict”, [http://www.anitagohdes.net/uploads/2/7/2/3/27235401/gohdes\\_synnetworkaug14.pdf](http://www.anitagohdes.net/uploads/2/7/2/3/27235401/gohdes_synnetworkaug14.pdf)



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rights violations, such as excessive use of force by law enforcement and security agents against protesters, arbitrary detention, and torture — including of leading opposition figures.<sup>9</sup>

**By implementing internet shutdowns and website blocking, A1 Belarus and others have, and continue to, abet the government of Alyaksandr Lukashenka and infringe upon the human rights of Belarusians.**<sup>10</sup>

These actions carried out by telecom companies have denied people the right to freely express themselves, access information, and peacefully assemble. Additionally, they have prevented journalists, activists, and ordinary people from reporting the situation on the ground in real-time, hindering their efforts to expose acts of human rights violations. Several journalists, including some associated with state-owned media enterprises, denounced attacks on independent news reporting.<sup>11</sup> These recurrent disruptions in Belarus curbed voters' access to basic information before, during, and after the election, limited people's ability to organize peaceful protests, and hampered their capacity to share information both within the country and with the rest of the world.<sup>12</sup> The gravity of the situation is only exacerbated by the COVID-19 pandemic, which makes accessing updated health-related information necessary for health and safety.<sup>13</sup>

### **Internet shutdowns violate international law**

A growing body of findings and resolutions state that intentional disruptions to the internet violate international law. Recently, the European Court of Human Rights found that the collateral blocking of an entire website is a disproportionate measure that violates the rights to freedom of expression and to an effective remedy (Articles 10 and 13 of the *European Convention on Human Rights*).<sup>14</sup> Belarus itself may not be a signatory of the *European*

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<sup>9</sup> See “Leading opposition figures were detained, transported in unmarked cars and became uncommunicable”, <https://www.nytimes.com/2020/09/07/world/europe/belarus-protest-kolesnikova-leader.html>

<sup>10</sup> For a list of websites blocked by telecom providers, see “Internet blocking in Belarus” <https://www.qurium.org/alerts/belarus/internet-blocking-in-belarus/>

<sup>11</sup> See, “Belarus media strike: 'if we can't do honest journalism, we won't work'”: <https://www.theguardian.com/world/2020/aug/17/belarus-media-strike-if-we-cant-do-honest-journalism-we-wont-work>

<sup>12</sup> See “Belarus Blocks and Shuttters News Outlets as Protests Swell”, <https://www.nytimes.com/2020/08/22/world/europe/belarus-block-news-outlets.html>

<sup>13</sup> For testimony on the impact of internet shutdowns impact during the COVID-19 pandemic, see “KeepItOn: Internet shutdowns put lives at risk during COVID-19”, <https://www.accessnow.org/keepiton-internet-shutdowns-put-lives-at-risk-during-covid-19/>



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Convention on Human Rights, but A1 Belarus' parent company A1 Telekom Austria is based in Austria — a signatory of the convention.

We also note the joint statement recently signed by 29 countries around the world, including the Austria, Denmark, France, Germany, Netherlands, Ireland, Poland, Japan, Ukraine, the United States of America among others condemning the internet shutdowns in Belarus, their impact on restricting the rights of peaceful assembly, association, and expression, and the lack of fairness and transparency.<sup>15</sup>

Additionally, the European Union at the United Nations 45th session of the Human Rights Council also denounced the use of “complete internet shutdowns and targeted content blocking,”<sup>16</sup> among other the human rights violations recently recorded in Belarus.

Belarus has ratified the *International Covenant on Civil and Political Rights*, which affirms the freedoms of expression, association, privacy, and other fundamental freedoms. The new, official interpretation of the right to freedom of peaceful assembly, General Comment 37, declares, “states parties must not, for example, block or hinder Internet connectivity in relation to peaceful assemblies.”<sup>17</sup> Since 2016, the United Nations General Assembly and Human Rights Council, through several resolutions, has condemned intentional disruptions to internet access in violation of international law.<sup>18</sup> In 2018, the Human Rights Council reaffirmed that “the same rights people have offline must also be protected online, in particular freedom of expression.”<sup>19</sup>

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<sup>14</sup> See “Collateral website blocking unlawful: European Court of Human Rights orders Russia to pay €12,000 in damages”, <https://www.accessnow.org/collateral-website-blocking-unlawful-russia/>

<sup>15</sup> See, “Joint Statement on Internet Shutdowns in Belarus” (Sept2020), <https://ge.usembassy.gov/joint-statement-on-internet-shutdowns-in-belarus/>

<sup>16</sup> See, “EU Statement read by H.E. Mr. Michael Freiherr von UNGERN-STERNBERG, Ambassador, Permanent Representative of the Federal Republic of Germany, on behalf of the European Union” (Sept2020), [https://eeas.europa.eu/delegations/un-geneva/85360/hrc45-urgent-debate-situation-human-rights-belarus-eu-statement\\_en](https://eeas.europa.eu/delegations/un-geneva/85360/hrc45-urgent-debate-situation-human-rights-belarus-eu-statement_en)

<sup>17</sup> See “UN Human Rights Committee (UN, July 2020) General comment No. 37”, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsrdB0H1I5979OVGG B%2BWPAXj3%2Bho0P51AAHSqSubYW2%2FRxcFiagfuwxycuvi40wJfdPLI9%2FceDWBX%2Fij2tgqDXgdjqx8wTK KbloysyDPtsMO>

<sup>18</sup> See UN Human Rights Council, (June 2016) “The promotion, protection and enjoyment of human rights on the Internet”, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/32/L.20](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.20).

<sup>19</sup> See UN Human Rights Council, (July 2018) “The promotion, protection and enjoyment of human rights on the Internet”, <https://digitallibrary.un.org/record/1639840>



## Telecom companies must respect human rights

Businesses have a responsibility under the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises* to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to.<sup>20</sup> In the case of enterprises like A1 Telekom with state investment, “states should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State.”<sup>21</sup>

By disclosing information on shutdown orders, A1 has taken an important step to respecting human rights. However, to truly fulfill its responsibility to prevent and mitigate further harms, **A1 Belarus should urgently adopt the recommendations outlined below.** Internet shutdowns — whether in Belarus or other countries — must never be allowed to become the new normal, and we encourage you to integrate these practices for responding to censorship and network disruption requests in all markets where you operate.

Recommendations:

- **Publicly denounce internet shutdowns and disruptions** in Belarus and other countries, and highlight their devastating impact on your customers, your company, and the society at large;
- **Preserve evidence and reveal any demands from the Belarusian government** urging you to disrupt internet access, and any pressure to conceal those demands;
- Publicly **disclose details** such as when the internet and related services have been disrupted, their status throughout the shutdown, and when they come back online;
- **Contest the legality of internet shutdown orders** in court; and
- **Consult civil society and rally peer companies to jointly push back** against government censorship demands, and issue regular transparency reports to ensure open and secure internet access and deter future shutdown orders.

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<sup>20</sup> See “OECD Guiding Principles on Business and Human Rights”, [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>21</sup> The OECD guidelines also advance that enterprises are encouraged to “support, as appropriate to their circumstances, cooperative efforts in the appropriate fora to promote Internet Freedom through respect of freedom of expression, assembly and association online”. See the “OECD Guidelines for Multinational Enterprises”, <http://www.oecd.org/daf/inv/mne/48004323.pdf>



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The undersigned civil society organizations in Belarus and worldwide appreciate your swift attention to these recommendations, and pledge our support in assisting your efforts to deter future internet shutdowns.

Sincerely,

Access Now

ADISI-Cameroun

Advocacy Initiative for Development (AID)

African Freedom of Expression Exchange (AFEX)

Africa Open Data and Internet Research Foundation

AfroLeadership

Azerbaijan Internet Watch

Bloggers of Zambia

Blueprint for Free Speech

Campaign for Human Rights and Development International - CHRDI

Center for Media Studies and Peacebuilding (CEMESP-Liberia)

Centre for Multilateral Affairs (CfMA)

Committee to Protect Journalists (CPJ)

epicenter.works

Human Constanta (Belarus)

Liberia Information Technology Student Union

Media Foundation for West Africa (MFWA)

Media Institute of Southern Africa-Zimbabwe Chapter

Paradigm Initiative (PIN)

PEN America

Southeast Asia Freedom of Expression Network (SAFEnet)

Xnet