

# GLOBAL INFORMATION SOCIETY WATCH 2014

*Communications surveillance in the digital age*

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# SUDAN

## Systematic violations of digital rights



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### Introduction

Since 1989 Sudan has been ruled by the National Congress Party (NCP), which came to power through a military coup, supported by militant Islamists. In relation to freedom of expression and the media, the current regime, policies and laws are undemocratic, contradicting Sudan's constitution, which respects freedom of expression and opinion.<sup>1</sup> The telecommunications sector in Sudan is regulated by the National Telecommunication Corporation (NTC).

In 2007, Sudan enacted the IT Crime Act, which does not guarantee free speech and criminalises the establishment of websites that criticise the government.<sup>2</sup> The Act provides for fines and prison sentences of between two and five years. In 2008 Sudan established its first Attorney General for Cyber Crimes.

In response to the Arab Spring in different neighbouring countries, Sudan imposed further restrictions on freedom of expression and the media. It also imported advanced technologies and equipment to censor and filter internet communications. The National Intelligence Security Services (NISS) set up a special internet filtering unit called the "Cyber Jihad Unit" to conduct "online defence operations".

This report will discuss the effect of limiting the internet and censorship on activists and human rights defenders during last year's September-October demonstrations against fuel subsidies, the challenges they faced and how to learn from these experiences to develop their capacity and work.

### Policy and political background

In 2007 the NTC set up a special unit to censor and filter internet content before it reaches users inside Sudan. According to its policy, the unit filters content that is "morally offensive and violates public ethics" and "forestalls evil in the society".<sup>3</sup> In practice this unit censors and filters the opposition's websites, including social media and email communications. In 2011 the NISS imported a remote control system (RCS) to manipulate information and to spy on government opposition, journalists, human rights activists and different youth groups.

In December 2012, a media law was proposed and discussed by the information committee in the national assembly. The new draft imposes more restrictions on media and freedom of expression, and includes provisions to regulate online media.<sup>4</sup>

While the government spent a lot of money on raising the capacity of its staff and imported advanced equipment for surveillance, human rights defenders, journalists and activists lack opportunities for proper training. They also do not have access to specialised ICTs and new media tools because of a United States digital technology sanction against the country, which was imposed on Sudan in 1997. Sudanese cannot buy original software, nor access training or courses online. This situation exposes civil society to serious security threats.

### No privacy, no protection

"While I was filming a boy was shot and fell dead right in front of me, around two metres away. I was in a state of shock. I started screaming and I continued filming. I had documented the entire killing of the boy. The officers then approached me and snatched my phone." This is the testimony of Dr. Samar Mirghani to the local and international media, after her detention and her experience while witnessing protests in her neighbourhood. Mirghani, a pharmacist and social media activist, was detained, harassed and tortured by security forces in September 2013. This was after she was pressured by security forces

1 Article (39) of the national interim Constitution 2005 provides that "[e]very citizen shall have unrestricted right to the freedom of expression, reception and dissemination of information, and access to the press without prejudice to order safety or public moral as determined by law - the state shall guarantee the freedom of press and other media shall be regulated by law in a democratic society".

2 Freedom House. (2013). *Freedom on the Net 2013*. www.freedomhouse.org/report/freedom-net/2013/sudan#.Uz89VlPLcfz

3 National Telecommunication Corporation, Internet Information Filtering (Blocking Unit). www.ntc.gov.sd/index.php/en

4 A member of the Sudanese National Council revealed in an interview with the Doha Centre for Media Freedom in April 2013 that the new law would include regulations on online media.

to provide the password to her mobile phone. She refused to do so, and they beat her and opened a case against her. She was charged with the crime of public disturbance.<sup>5</sup> Mirghani's case illustrates the tough and hostile environment in which social media activists operate, the difficulties they face, and the impact of government restrictions on their work. Social media activists face gross violations of their right to privacy, detention, ill treatment, sexual harassment and extralegal intimidation. Mirghani documented the killing of a boy on her mobile. Unfortunately, instead of using the video as evidence against the perpetrator, she has been fined and accused of public disturbance.

During demonstrations and political or economic crisis, the NISS places extra-restrictive measures on the media, targeting journalists (whether local or international correspondents), social media activists and human rights defenders. In Sudan, during the mass protests known as the "September Revolts", which broke out on 25 September 2013, the authorities responded with excessive force, including the use of live ammunition against protesters by security forces. The people were demonstrating against the government's decision to lift fuel subsidies. More than 177 people were killed and more than 800 were detained. Many well-known political activists and human rights defenders were arrested in their homes in an apparent attempt to stop them from documenting violations and to curb future mobilisation efforts.<sup>6</sup>

Bloggers and activists played an effective role in documenting human rights violations during the protests. They mobilised using the internet – emails, websites, social media and blogs – in the preparation and organisation of demonstrations, and shared news, photos and videos. They succeeded in informing the world about the excessive force used against protesters, which was condemned by the international community. Digital media activism enabled the protest to spread from its starting point in Khartoum and Wed Madni to other cities and urban areas around the country.

The restrictions on freedom of expression and the media in Sudan present serious challenges to the protection and promotion of human rights, the rule of law and democracy. The NISS used to visit newspapers daily to read the content before allowing them to print, and confiscated the papers

supporting independent and opposition parties after they had been printed. More than 20 topics were considered "red line", meaning the media were not allowed to write about them. These included issues to do with price increases, demonstrations, and the conflict in Darfur, South Kordofan and Blue Nile. In order to suppress the media to prevent coverage of human rights violations during the demonstrations, the NISS summoned the editors of the main newspapers to its headquarters and forbid them to publish any information about the protests that did not come from government sources.<sup>7</sup>

Many progressive and independent journalists published actively using new media during the demonstrations, in order to disseminate news and articles which they could not publish in local newspapers. Some newspapers published censored material on their websites, blogs or Facebook pages. Informal journalist groups and youth groups used their websites and Facebook pages to publish reports and news about government violations of human rights and freedom of expression. These included Journalists for Human Rights (JHR), the Sudanese Journalists' Network, Change Now, Abyna and Grifna. At the same time, the security forces used social media to spread false information about activists, protests and gathering places for protests, to mislead the protesters and activists.

The NISS also used social media to spread false information about the situation in Darfur, and about opposition party leaders, rebels and human rights defenders, sometimes accusing them of committing crimes against the state or immoral behaviour. They organised these activities through the Cyber Jihad Unit, using advanced technology and equipment. The government, since 1995, had allocated more than 70% of its budget to defence and security activities. Part of this money was used in importing advanced technology and in training the technical officers of the unit.

The Citizen Lab reports that Sudan, is one of 21 governments that are currently using or have used Hacking Team's RCS spyware.<sup>8</sup> According to Reporters Without Borders, "The NSA [National Security Agency in the United States] and GCHQ [Government Communications Headquarters in the United Kingdom], Ethiopia's Information Network Security Agency, Saudi Arabia's Internet Services Unit, Belarus' Operations and Analysis Centre, Russia's FSB [Federal Security Service] and Sudan's National

5 [sudanspeaks.blogspot.fr/2013\\_10\\_01\\_archive.html](http://sudanspeaks.blogspot.fr/2013_10_01_archive.html); see also Copnall, J. (2013, November 14). Sudan feels the heat from fuel protests. *BBC News*. [www.bbc.com/news/world-africa-24938224](http://www.bbc.com/news/world-africa-24938224)

6 ACJPS. (2013, October 4). Over 170 dead, including 15 children, and 800 detained as demonstrations spread throughout Sudan. *African Centre for Justice and Peace Studies*. [www.acjps.org/?p=1663](http://www.acjps.org/?p=1663)

7 Among others, the newspapers *Al-Midan* and *Al-Jareeda*.

8 Marczak, B., Guarnieri, C., Marquis-Boire, M., & Scott-Railton, J. (2014, February 17). Mapping Hacking Team's "Untraceable" Spyware. *The Citizen Lab*. <https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware>

Intelligence and Security Service are all security agencies that have gone far beyond their core duties by censoring or spying on journalists and other information providers.”<sup>9</sup>

Using its advanced technology and equipment on 25 September 2013, the NISS disconnected the internet throughout the country for more than 24 hours. Then, on the following days, the internet slowed down drastically.<sup>10</sup> The international monitoring group Access wrote an open letter to telecom service providers in Sudan on 11 October asking about the internet blackout, which states: “We write with serious concerns over reports of the disruption of Sudan’s international internet connectivity on September 25 and 26 [when] a substantial portion of the country’s networks became unreachable, effectively removing Sudan from the broader Internet at the height of protests in Khartoum. This shutdown occurred on all major data providers (...) and appears to have been the result of actions taken by the service providers.”<sup>11</sup>

During the internet blackout, many reported that even SMS messages were blocked. And services such as tweeting via SMS were interrupted by the sole telecommunications provider that carries this service, Zain.<sup>12</sup> The authorities had done the same in June 2012. According to Reporters Without Borders (RSF), at that time there was an eight-hour internet blackout during a gathering organised by the Umma Party<sup>13</sup> that attracted thousands of people. During these protests, the internet slowed down drastically on the night of 29 June, before a large protest was announced.<sup>14</sup> Sudanese news websites such as *Sudanese Online*, *Hurriyat* and *Al-Rakoba* were shut down and YouTube was blocked several times.

The opposition parties accused the NISS of spying and filtering opposition leaders’ phone calls, Twitter accounts, Facebook pages and emails. According to *Elterieg*, a Sudanese online news site, the NISS established special filtering units in each of the telecommunications companies in Sudan. These units are totally controlled by the NISS.<sup>15</sup>

The website mentioned that the NISS asked the communications companies to save SMS and online communications data for five years, instead of two years in the past.

Despite this hostile environment, the blocking of websites and the imposition of restrictions on different types of media, Sudanese activists and human rights defenders succeeded in organising, mobilising the people, cooperating and communicating with the international community, and reporting on most of the violations that occurred during demonstrations. They used proxy programmes such as Tor and Hotspot Shield to open blocked websites and developed their digital skills to find secure ways to upload their images, videos, news and articles.

Social media activists developed different measures to protect themselves in case of detention. They informed close relatives or friends about their Facebook and email passwords so that they could change them or delete the accounts in case of detention. These applications and platforms could expose them to torture or ill treatment by security forces during detention. Other activists had more than one Facebook page with different accounts in order to confuse the authorities.

On 27 May 2014 the NTC announced that it was conducting technical studies on social networking sites, particularly Facebook and WhatsApp, in a bid to find ways to control their use in the country. Many observers believe that this is an attempt to prevent the leaking of information on government corruption relating to senior figures.<sup>16</sup> By taking these measures, the government can easily block citizens from online information and communication with the international community. This will free the NISS’s hand to torture and harass journalists, online activists and human rights defenders without fear of punishment or the condemnation of the international community.

On 19 May 2014 the minister of communications, in a report submitted to parliament, showed the difficulty in controlling Facebook and WhatsApp. The report explained that the Ministry of Culture and Information in Khartoum state is seeking to block Facebook and WhatsApp sites using advanced and sophisticated equipment, adding that the government will continue its strategy and policy to control and suppress social media using different tools. Their aim is to legalise the blackout of social media and other websites. The government is trying to convince the Sudanese that they are doing this to

9 Reporters Without Borders. (2014). *Enemies of the Internet 2014*. [12mars.rsf.org/2014-en/enemies-of-the-internet-2014-entities-at-the-heart-of-censorship-and-surveillance](http://12mars.rsf.org/2014-en/enemies-of-the-internet-2014-entities-at-the-heart-of-censorship-and-surveillance)

10 Reporters Without Borders (2013, September 30). All-out censorship in response to anti-government protests. *Reporters Without Borders*. [en.rsf.org/sudan-all-out-censorship-in-response-to-30-09-2013,45248.html](http://en.rsf.org/sudan-all-out-censorship-in-response-to-30-09-2013,45248.html)

11 <https://www.accessnow.org/page/-/Open%20Letter%20to%20Sudan%20Telcos.pdf>

12 Access letter to data providers, on file with Human Rights Watch, dated 11 October 2013.

13 A political party led by Sudanese ex-prime minister Sadiq al-Mahdi.

14 Reporters Without Borders. (2014). Op. cit.

15 [www.altareeq.info/ar/control-the-internet-and-phones-open-spaces-in-the-hands-of-the-security/](http://www.altareeq.info/ar/control-the-internet-and-phones-open-spaces-in-the-hands-of-the-security/)

16 Sudan Tribune. (2014, May 27). Sudan looking into ways to control Facebook and Whatsapp. *Sudan Tribune*. [www.sudantribune.com/spip.php?articles1144](http://www.sudantribune.com/spip.php?articles1144)

protect the community from the negative impact of social media, and content which goes against traditions and religious beliefs.

In 2012 the Sudanese authorities proposed a new media law, which seeks to control social media and online activities. The proposed law gives authorities the power to ban journalists from writing, and to censor newspapers and internet content.

The NISS Act (2010) gives security officers power to spy, to intercept the communications of any citizen without judicial permission, and to track them in real time. The act gives the NISS immunity from prosecution.

## Conclusions

The crackdown against internet freedom and grave violations of privacy rights pose a serious security situation for human rights defenders and online media activists. Because of mass surveillance, most of them are subject to detention, torture and ill treatment by NISS officers. At the same time there is no legislation protecting human rights and privacy rights. Most journalists, social media activists and human rights defenders lack awareness of protection and digital security and have limited knowledge of ways to stay digitally safe. To improve the situation there is a genuine need to reform the current legislation to be in line with human rights standards and the country's constitution. There is also a need to raise the capacity of human rights defenders, journalists and social media activists when it comes to online protection and digital security.

According to Reporters Without Borders, Sudan scores high in censorship – it is considered one of the 2014 “Enemies of the Internet”. Most of the information about freedom of expression and human rights defenders is researched and published by international organisations such as Reporters Without Borders, Human Rights Watch, Freedom House and Amnesty International, by regional human rights organisations such as the East and Horn

of Africa Human Rights Defenders Network and the African Centre for Justice and Peace Studies, or by Sudanese organisations in the diaspora and their allies inside the country, such as JHR.

Restrictions on NGOs limit their role in monitoring and documenting human rights violations and internet censorship, as well as their ability to develop capacity-building projects and training programmes for human rights defenders and activists.

## Action steps

The deterioration of the human rights situation and restrictions on freedom of expression in Sudan as a result of the economic crisis and armed conflict in five countries in the region is a matter of concern and needs to be addressed at regional and international human rights platforms such as the UN Human Rights Council and the African Commission on Human and Peoples' Rights. According to activists, regional and international pressure helps advocacy initiatives.

Human rights organisations have for years used different tools to mobilise available avenues to inform the world about gross violations of human rights and freedom of expression in Sudan, and to ask the state to fulfil its international and regional human rights obligations. In 2015 Sudan will submit its second Universal Periodic Review (UPR) report to the UN Human Rights Council. The government of Sudan should take serious steps to implement the recommendations which were received in the first UPR process and accepted by Sudan.<sup>17</sup> The recommendations include ratifying international human rights treaties; reviewing the institutional and legislative framework to be in accordance with international human rights standards; reforming the repressive Press and Publication Act of 2009 and the 2007 IT Crime Act; and lifting restrictions on freedom of expression and censorship of the internet.

<sup>17</sup> Statement made by Sudan under review at the HRC under item 6 after the adoption of the UPR report on 16 March 2012.