



Committee to Protect Journalists

**INPUT FROM THE COMMITTEE TO PROTECT JOURNALISTS TO THE  
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
CONCERNING RESOLUTION 30/15 OF THE HUMAN RIGHTS COUNCIL ON  
HUMAN RIGHTS AND PREVENTING AND COUNTERING VIOLENT EXTREMISM  
18 MARCH 2016**

In response to the request sent by the OHCHR for input into best practices and lessons learned on how protecting and promoting human rights contributes to preventing and countering violent extremism (CVE), the Committee to Protect Journalists submits the following information based on our experience protecting journalists and promoting press freedom. CPJ is an independent, non-profit, non-governmental organization, established in 1981, based in New York, that accepts no governmental or intergovernmental funding.

Human rights, in particularly the right to receive and impart information regardless of frontiers, are fundamental to countering violent extremism, yet too often we have seen anti-extremism and anti-terrorism agendas used to restrict rather than ensure these rights. Throughout 2015 Islamist militant groups such as the Islamic State group and Al-Qaeda were responsible for the murder of at least 30 journalists in eight countries. Yet journalists are also at risk from laws and a climate of fear and repression created by the CVE agenda.

A review of cases from only the past few years shows how anti-extremism or anti-terrorism laws and decrees are used to restrict or retaliate against reporting and the practice of journalism, and are used to condone censorship, as well as to target journalists themselves with charge of incitement to extremism or terrorism. A selection of cases is below. They highlight how such laws are used to restrict legitimate reporting and create a permissive environment for attacks and threats against journalists and the deterioration of press freedom.

The climate created by the anti-extremism agenda has been shown to fuel violence against journalists, leading to attacks on journalists who differ from the government's view. From India to Saudi Arabia, from Pakistan to China, attempts to impose a specific orthodoxy – whether religious, social or political – have used extremism and terrorism as justification to crack down on independent, dissenting and opposing viewpoints. This, in turns, creates an environment in which those with different viewpoints, or those who report on differing viewpoints, are targeted.

The [terms](#) “violent extremism,” “terrorism,” and “extremism” are used interchangeably in the PVE/CVE debate. But these terms are not defined. Despite a warning in the UN Plan to Prevent Violent Extremism that conflating terrorism and extremism can lead to problematic interpretations and overly broad application of terrorism laws, the document itself does just that, as do the CVE plans of the United

States, the United Kingdom, and other countries. Yet CPJ research has shown that overly broad terms and vague legislation have a detrimental effect on press freedom and human rights more broadly.

The online CVE component is part of a broader effort to respond to the Islamic State group, but in failing to specify what, precisely, was meant by “extremism,” the agenda winds up being dangerously broad. It could provide justification to governments around the world to crack down on domestic opposition groups. CVE is used as an excuse by governments wishing to restrict local opposition and reformist groups, providing cover for crackdowns, and leading to the imprisonment of journalists, to online censorship, and to surveillance.

Egypt and Turkey, for example, [rank high](#) on the list of countries that jail journalists, nearly all of who have been imprisoned on charges related to “terrorism.” Of the 199 journalists imprisoned in CPJ's 2015 census, at least 110 were jailed on anti-state charges, often related to terrorism or extremism, which are typically ill-defined offenses.

### **Reporting practices equated with extremism:**

Too often it is the simple fact of working for an opposition news outlet, or the very act of reporting, such as interviewing members of a banned group or traveling to a contested area, that lands reporters in jail. For example:

- In **Tunisia** the government [proposed](#) draft legislation last year that would criminalize "denigration" of police or other security forces. The anti-terrorism law allows for prison sentences of up to five years for a person found to have [praised](#) a terrorist act or a person connected to it. Such overbroad provisions, which echo laws in other countries in the region, infringe on the rights to receive and impart information and to free expression.
- In **Cameroon**, freelance journalist Simon Ateba was reporting on the condition of Nigerians in refugee camps in Cameroon and Chad, including interviewing those who fled Boko Haram. He was [arrested and accused of spying](#) on behalf of Boko Haram.
- The government's [counter-extremism strategy](#) provides the **United Kingdom's** broadcasting regulator, Ofcom, with increased power to take action against radio and television channels for broadcasting “extremist” content. It also requires Internet service providers to do more to take down extremist content and to track those who posted it. We have already seen British terrorism legislation used to violate press freedom. In August 2015, British police used [special powers](#) under the Terrorism Act of 2000 to seize the laptop of Secunder Kermani, a reporter for BBC Two's flagship news show, "Newsnight." The Government Communications Headquarters has scooped up emails to and from journalists working for some of the United States' and the United Kingdom's largest media organizations.
- In **Russia**, the only remaining independent TV news station, Dozhd TV, was subjected to [an audit to check for anti-terrorism violations](#), among other purported legal abuses, in what CPJ and others believe is a politically motivated attack. Attempts to use anti-extremism laws to restrict news and reporting is not new. In 2006, a Russian bill broadened the definition of extremism to include [media criticism](#) of public officials.
- In December 2013, **Nigerian** security forces [assaulted](#) broadcast journalist [Yunusa Gabriel Enemali](#) on the pretext they believed him to be a Boko Haram militant after he took photographs of a policeman demanding a bribe.
- **Morocco's** history of wielding terrorism accusations against journalists and news outlets who report on extremist groups has [extended to Spain](#), where in 2014 authorities investigated *El País* newspaper and one of its journalists at the behest of the Moroccan government, following a

criminal complaint filed by the Moroccan prime minister accusing the Spanish newspaper of inciting terrorism in relation to a 2013 blog post that linked to a video about Morocco. The video had purportedly been posted online by the North African branch of Al-Qaeda.

- Freelancer Umar Farooq was detained by police in Osh, southern **Kyrgyzstan**, in March 2015, interrogated for several hours, then transferred to the custody of the local security service, the GKNB, before being deported. Reports said he was held on suspicion of [possessing documents of extremist nature](#). Farooq was in Kyrgyzstan to report on the 2010 ethnic clashes in the region.
- An **Indian** journalist who was held in police custody for six days in 2014 was denied bail in court and faces possible anti-state charges over accusations that he [promoted an outlawed separatist group](#) after interviewing its commander

### **Content removal and censorship:**

The danger of a state's unilaterally choosing to delete material posted to the Internet poses grave threats to freedom of expression and the right to receive information. [CPJ research shows](#) that legislation related to extremism and terrorism are routinely [abused by authoritarian governments](#) to censor critical reporting and commentary. We have seen third party intermediaries, such as publishers, websites, and Internet service providers, being held responsible for policing content, a principle that has been rejected by international human rights advocates.<sup>1</sup> Requiring privately owned companies to act as censors of content considered to be extremist

- The Civil Liberties, Justice and Home Affairs Committee of the **European Parliament** adopted a resolution on October 20, 2015 that included provisions such as requiring privately owned companies to act as censors of content **[who?]** deemed to be extremist.
- In March 2015 **French** government used [vague legislation](#) to [block five websites](#) for "condoning terrorism." The vague and broad language of the law--allowing the banning of content deemed by the Interior Ministry to condone or incite terrorism--leaves too much room for interpretation and could be used to censor a wider range of content, including news sites. Service providers must block prohibited content [no more than 24 hours](#) after receiving notice from the Interior Ministry. The ministry is not required to seek a court order to demand that content be taken down and there is only a weak appeals process that [places the burden](#) of challenging blocking orders on service providers. A [similar law](#) that took effect March 4, 2015, expands these powers to include search engines and email service providers.
- The **United Kingdom's** Metropolitan police's Counter-terrorism Internet Referral Unit has [reportedly](#) removed more than 110,000 pieces of extremist propaganda since 2010, and more than 38,000 pieces in 2015, with referrals from the public up 400 percent from the end of 2013-14 to 2014-15.
- The **Belarusian** parliament adopted restrictive [amendments](#) to a media law signed into law by President Aleksandr Lukashenko on December 20, 2014 that includes [amendments](#) making owners of news websites responsible for content posted on their website, including information deemed to be extremist or capable of harming national interests. Other provisions allow the information ministry to block access to news websites without court authorization and to forbid unregistered foreign TV programs from broadcasting.

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<sup>1</sup> See for example A/HRC/17/27.43 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue.

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf). Also see The Manila Principles on Intermediary Liability <https://www.manilapprinciples.org/>.

- May 2014 amendments to **Russia's** anti-terrorism law expanded the already-vast clout of the country's Federal Security Service and changed penalties for terrorism and extremism-related crimes, potentially encouraging [self-censorship](#).
- In **Crimea**, the founder and director of the news agency QHA was summoned in April 2014 by the counter-extremism police unit and given orders to [delete all articles](#)--including those published prior to Crimea's annexation--about Ukrainian nationalist groups and individuals deemed extremist in Russia.
- In 2012, the Pakistan's highest court affirmed **Baluchistan** High Court's order to [bar news coverage of banned groups](#). The order restricts news media from publishing or broadcasting news items that cover banned groups or reflect their views.
- **Iraq's** independent television channel Al-Sharqiya had its license [suspended](#) by the Iraqi Commission of Media and Communications in 2013 for using a "sectarian tone" in its coverage of Sunni protests.
- In June, 2014, the **Nigerian** military [confiscated or destroyed](#) copies of at least four leading newspapers, *Punch*, *Leadership*, *Vanguard*, and *The Nation*, amid [claims](#) that authorities were looking for "materials with grave security implications."

#### Charges of extremism or terrorism:

- **Turkey's** president has repeatedly equated journalists with terrorists. Authorities have charged journalists with [aiding a terrorist group](#) because of their reporting, and has [taken over](#) the largest circulation newspaper, *Zaman*, for allegedly supporting a terrorist organization. Authorities have told Turkey's largest satellite provider to permanently [drop the signal](#) for the privately owned channel IMC TV, alleging it was spreading propaganda for a terrorist group. Authorities have jailed journalists working for [pro-Kurdish](#) outlets or posting pro-Kurdish articles on [social media](#), [jailed](#) journalists on charges of being a [member](#) of a [terrorist](#) organization, [deported](#) a journalist reporting on pro-Kurdish groups, and stripped journalists of opposition newspapers of their press cards.
- **Egyptian** freelance investigative journalist and researcher Ismail Alexandrani [was charged](#) on December 1, 2015, with publishing false news and belonging to a banned group, the Muslim Brotherhood. He had written critically of the Egyptian military's efforts to combat an armed insurgency in the Sinai Peninsula.
- [Bahrain](#) and [Saudi Arabia](#) have both charged critical journalists with terrorism, and the former stripped several journalists of their [citizenship](#) on charges related to terrorism.
- The Simferopol-based anti-extremism department of **Crimea's** interior ministry sent a letter to the independent regional broadcaster ATR (the only regional broadcaster of the ethnic Crimean Tatar minority) in September 2014, [accusing it of inciting extremism](#) and ordering its management to submit a list of the broadcaster's documents, including its registration and licenses and staff names and schedules. Also in 2014, independent reporter and blogger Elizaveta Bogutskaya [fled Crimea](#) after authorities raided her home, confiscated notebooks and other reporting equipment, and detained her for six hours over allegations of extremist activity.
- A freelance [journalist](#) who covered human rights abuses by local authorities was charged with terrorism in India, where Maoists are a designated terrorist group.

#### Conclusion:

Calls for restrictions on online extremism and hate speech have risen amid the expansion of the so-called Islamic State and its use of online recruitment strategies as well as in the wake of the attacks on the French satirical newspaper *Charlie Hebdo*. But blanket restrictions on content that advocates, supports or glorifies extremism are too easily abused, as the examples above indicate, and they are likely to prompt private internet companies compelled to implement them to err on the side of caution.

The false dichotomy between national security on the one hand, and free expression and journalistic practices on the other, makes it increasingly difficult for journalists and media organizations to report freely and independently. It also makes it difficult for technology firms to resist censorial pressure and efforts to undermine encryption while making it difficult for civil-society groups and news media to push back against a restriction of human rights online.

Calls for censorship of extremist content online, coupled with the debate over surveillance and encryption backdoors, have put Internet companies at the forefront of efforts to fight terrorism, pitting privacy and free expression advocates against national-security and law-enforcement officials, and forcing companies to navigate a highly politicized debate without running afoul of their customers or regulators. Furthermore, as countries seek to leverage companies' terms-of-service agreements to remove objectionable content, concerns over due process, rule of law, and transparency become even more acute.

Efforts to counter violent extremism by focusing on online speech and technology could have a long-term detrimental impact on privacy and trust online that will tilt the balance in favour of law enforcement's desires over measures to protect fundamental human rights. However, reorienting the CVE agenda away from a focus on online speech and recruitment will become increasingly difficult as funding streams and CVE projects continue to gain momentum and civil society initiatives reorient their work to focus on the latest trend.

As countries around the world have sought to respond to real and perceived threats from extremist groups, the latest iteration of the "War on Terrorism" has put press freedom in its crosshairs. The current CVE agenda enables governments to use terrorism-related charges to jail journalists, while policy debates about countering violent extremism online threaten free expression and undermine the fabric of a free and independent Internet, thereby threatening the fundamental human rights to free expression and to receive information.