

February 25, 2022

#KeepItOn: Joint letter calling on telecommunication service providers in Belarus to resist internet shutdowns

CEO Helmut Duhs, A1 Belarus
CEO Thomas Arnoldner, A1 Telekom Austria Group
CEO Daniel Hajj Aboumrad, América Móvil Group
CEO Vladislav Andreychenko, MTS Belarus
CEO Erdal Yayla, Life:) Belarus

Dear Helmut Duhs, Thomas Arnoldner, Daniel Hajj Aboumrad, Vladislav Andreychenko, Erdal Yayla,

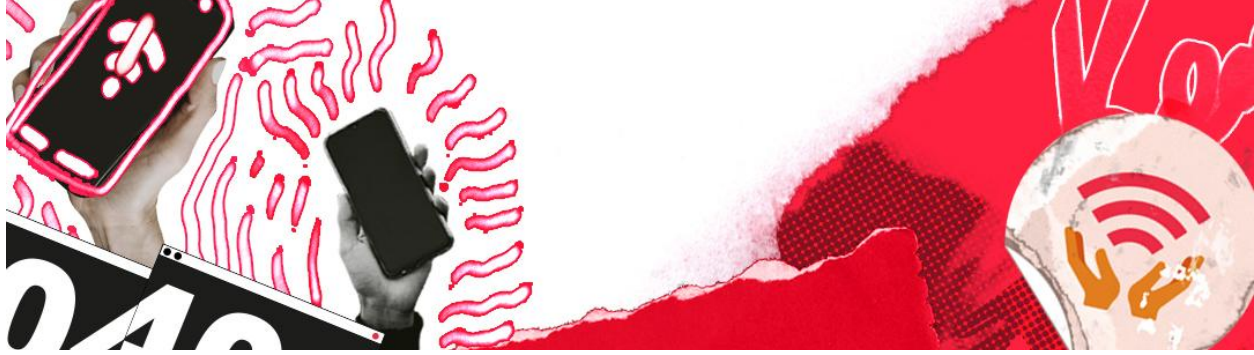
We, the undersigned organizations and members of the #KeepItOn coalition — a global network of over 250 organizations from 105 countries working to end internet shutdowns¹ — **write to urgently request that you publicly pledge your support to maintain free and open internet access in Belarus, and resist and denounce any and all orders by the Alyaksandr Lukashenka government to shut down the internet before, during, and after the constitutional referendum scheduled for February 27, 2022.**

The internet and social media platforms play a critical role in enhancing participatory governance during elections. They provide space for communicating, public debate, seeking information on election processes and candidates, reporting and documenting events and outcomes,² and holding governments accountable for their actions.

It is crucial that you exercise all possible methods to resist internet shutdown orders. In the extreme event you implement internet shutdowns, you must provide information to the public about how and why they are implemented, contribute to reporting on their impact, and challenge their legality in courts.

¹ 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>.

² Jonatan Rozen, Journalists under duress: Internet shutdowns in Africa are stifling press freedom, available at: <https://www.africaportal.org/features/journalists-under-duress-internet-shutdowns-africa-are-stifling-press-freedom/>, 17 August 2017.



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Internet shutdowns in Belarus

Belarus has a sordid history of election-related internet shutdowns. According to various reports, from August 9 through August 12, 2020, Belarus experienced a complete three-day internet outage.³ For the next 120 days — particularly during regular Sunday protests — Belarusian authorities continued shutting down mobile internet and throttling social media.⁴

Research shows that internet shutdowns and violence go hand in hand, as witnessed throughout the 2020 eruptions in Belarus.⁵ Internet shutdowns implemented by telecom service providers have aided efforts by state and non-state actors in Belarus to cover up egregious 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.⁶ **By implementing internet shutdowns and website blocking, telcos assist Alyaksandr Lukashenka’s government in infringing upon the human rights of people in Belarus.**⁷

Internet shutdowns violate human rights and international law

Internet shutdowns violate fundamental human rights such as freedom of expression, access to information, and the right to peaceful assembly, among other rights guaranteed by national, regional, and international frameworks including the Constitution of the Republic of Belarus, and the [Universal Declaration of Human Rights](#) (UDHR).

The U.N. Human Rights Committee, the official interpreter of the [International Covenant on Civil and Political Rights](#) (ICCPR), ratified by Belarus, emphasizes in its *General Comment No. 37* that “states parties must not, for example, block or hinder Internet connectivity in relation to peaceful assemblies.” Since 2016, the United Nations General Assembly and Human Rights Council, through several resolutions, has condemned intentional disruptions to internet access in violation of

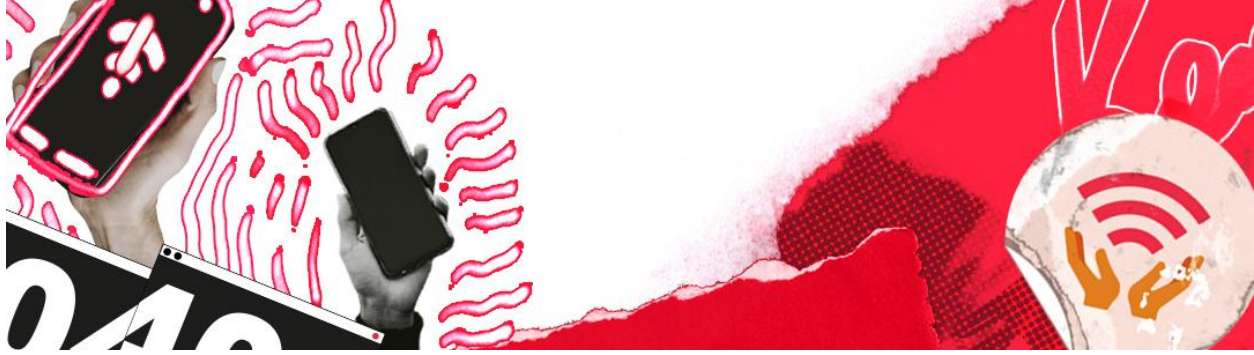
³ Net Observatory, *Internet Shutdown in Belarus*, available at <https://netobservatory.by/belarus-shutdown-2020-en/>, 2020.

⁴ Maria Xynou and Arturo Filastò, *Belarus protests: From internet outages to pervasive website censorship*, OONI, available at: https://ooni.org/post/2020-belarus-internet-outages-website-censorship/?fbclid=IwAR3WLNi-mf_QNA0E0WxHdhY-1R7CtKb7P0IY3j2PrcZ6oL96-7b4IlyLYoc, 15 September 2020.

⁵ See, for example, Anita R. Gohdes, *Pulling the Plug: Network Disruptions and Violence in the Syrian Conflict*, available at: http://www.anitagohdes.net/uploads/2/7/2/3/27235401/gohdes_synetworkaug14.pdf

⁶ The New York Times, *Belarus Protest Leader Vanishes Amid Reports of Masked Abductors*, available at: <https://www.nytimes.com/2020/09/07/world/europe/belarus-protest-kolesnikova-leader.html>, 7 September 2020.

⁷ For a list of websites blocked by telecom providers, see Quirium, *Internet blocking in Belarus*, available at: <https://www.quirium.org/alerts/belarus/internet-blocking-in-belarus/>, 23 September 2020.



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international law. In 2018, the Human Rights Council reaffirmed that “the same rights people have offline must also be protected online, in particular freedom of expression.”

While the 2020 shutdowns in Belarus lacked any national legal basis,⁸ on May 24, 2021, Alexander Lukashenko signed a new amendment to the laws on telecommunications, allowing the government to suspend or completely cut off services “in order to prevent situations threatening the national security of Belarus.”⁹ However, as the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule, [has rightly stated](#), “general or vague assertions that internet shutdowns are necessary for maintaining public order or protecting national security [...] are inconsistent with article 21” of ICCPR.

The world is outraged by Belarus’ arbitrary use of internet shutdowns. In September 2020, 29 countries around the world, from Austria to Denmark, Poland to Japan, and Ukraine to the United States of America, [condemned authorities’ actions](#), highlighting the impact of shutdowns on restricting people’s rights, and their lack of fairness and transparency.

Additionally, the European Union at the United Nations 45th session of the Human Rights Council denounced the use of “complete internet shutdowns and targeted content blocking,”¹⁰ among other human rights violations recorded in Belarus in 2020.

Telecom companies must respect human rights

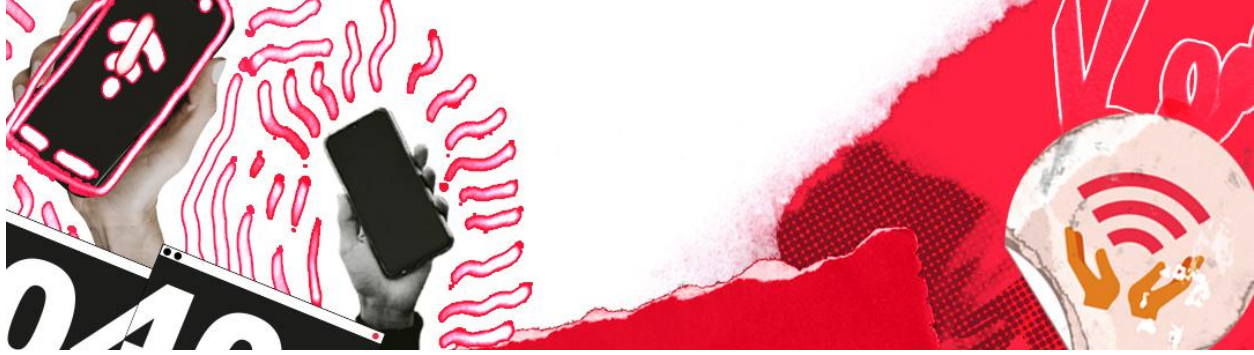
Businesses have a responsibility under the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) and the [OECD Guidelines for Multinational Enterprises](#) to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to. In the case of state-owned enterprises, “states should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State.”

⁸ Human Constanta *et al.*, *Urgent appeal concerning Internet service disruptions in Belarus in the context of the presidential elections of 9 August 2020*, available at:

<https://humanconstanta.by/en/urgent-appeal-concerning-internet-service-disruptions-in-belarus-in-the-context-of-the-presidential-election-s-of-9-august-2020/>, 13 August 2020.

⁹ President of the Republic of Belarus Official Website, *The Law on Telecommunications signed*, available at: <https://president.gov.by/ru/events/podpisan-zakon-ob-elektrosvyazi>, 24 May 2021.

¹⁰ See, HRC45, *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*, available at: https://eeas.europa.eu/delegations/un-geneva/85360/hrc45-urgent-debate-situation-human-rights-belarus-eu-statement_en, 18 September 2020



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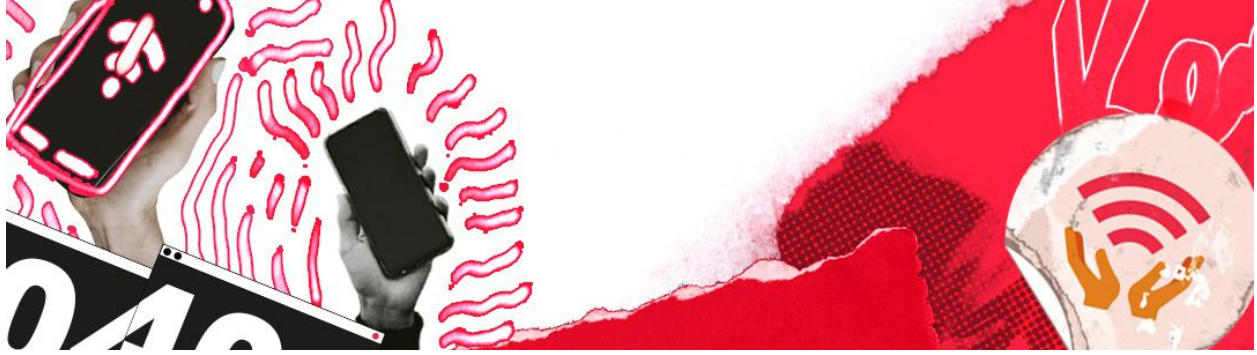
We are reminding companies about your obligation to enable the remediation of any adverse human rights impacts that your actions cause or contribute to (*Guiding Principle 15 of UNGPs*). Such remedy may be sought in courts, challenging the legality of the governmental order, and may be provided through introduction of company’s policies on internet shutdowns.

We acknowledge the fact that unlike its peer companies in Belarus, **A1 has disclosed information on the shutdown orders in 2020 and has warned its users about the time and length of internet disruptions.**¹¹ We welcome these steps to mitigate the impacts of kill switch orders and encourage other telcos in Belarus to uphold these minimum standards.

However, the upcoming referendum, fraught with controversy, demands more from telcos, who must prove they respect the rights of people in Belarus.

To truly fulfill your responsibility to prevent and mitigate further harms, all **telcos in 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.

¹¹ For the statements, see the Twitter posts by A1 Belarus available at: <https://twitter.com/a1belarus/status/1292378297490460672>, <https://twitter.com/a1belarus/status/1307645963394310146?s=20>, August-September 2020.



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Recommendations:

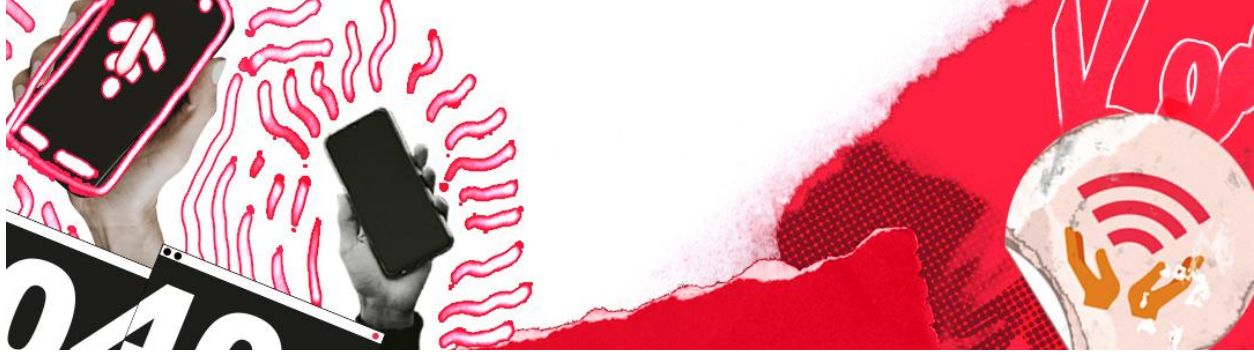
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- 1. Publicly denounce internet shutdowns and disruptions** in Belarus and across the globe, and highlight their devastating impact on your customers, your company, and society at large;

 - 2. Preserve evidence and expose any demands from the government of Belarus** urging you to disrupt internet access, and any pressure to conceal those demands;

 - 3. Publicly disclose details** such as when the internet and related services have been disrupted, their status throughout the shutdowns, and when they come back online;

 - 4. Contest the legality of internet shutdown orders** in court; and

 - 5. 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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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,

ORGANIZATIONS

Access Now

Advocacy Initiative for Development (AID)

African Freedom Expression Exchange (AFEX)

Africa Freedom of Information Centre (AFIC)

Africa Open Data and Internet Research

Foundation (AODIRF)

AfricTivistes

Azerbaijan Internet Watch

Bareedo Platform Somalia

Censored Planet

Common Cause Zambia

Computing and Information Association (CIA)

Global Voices

International Press Centre (IPC)

Internet Protection Society (Russia)

Kijiji Yeetu

Last Mile4D

Media Diversity Institute - Armenia

Media Foundation for West Africa (MFWA)

Media Institute for Southern Africa (MISA

Zimbabwe)

Open Net

Open Observatory of Network Interference
(OONI)

Organization of the Justice Campaign

Ranking Digital Rights

Sassoufit collective

SOAP

SMEX

Ubunteam

YODET

Zaina Foundation

For more information, please contact:

Felicia Anthonio | Campaigner, #KeepItOn Lead | felicia@accessnow.org