

April 29, 2015

Dear Special Rapporteurs Maina Kiai, Faith Pansy Tlakula, and David Kaye,

We are writing to urgently request your immediate action on the internet shutdown taking place in Burundi, and your sustained attention to the increasing trend of blocking, throttling, and disconnecting users' digital communications during times of protest.

Shutdowns, sometimes called “network interference,” often entail the blocking or throttling of internet access, SMS, and telephone call traffic. They are carried out by telecommunications companies in response to government demands.

We have tracked several instances of politically motivated shutdowns in 2015, and we fear that this “worst practice” will continue to spread without a high-level international response.

The UN Human Rights Council has affirmed that the rights that are enjoyed offline must also be protected on the internet. Blocking access to the internet, or applications on the internet such as social media, violates the right to freedom of expression by denying the right of persons to seek, receive, and impart information. Shutdowns frequently occur during periods of civil unrest, directly impacting the right to association. As a result, shutdowns often precede and enable egregious human rights violations because journalists and witnesses are unable to effectively report on repressive actions by state and non-state actors.

According to various reports, the government of Burundi ordered the shutdown of certain social media applications on the mobile internet beginning on April 27, 2015. The applications, including Twitter, Facebook, Whatsapp, and Viber, continue to be blocked as of the morning of April 29, 2015 Central Africa Time. Media reports confirm clashes between civilians and between civilians and police. Although fixed-line internet does not appear to be impacted, the majority of internet users in Burundi rely upon mobile internet for connectivity.

Worryingly, the government of Burundi has joined an alarming trend in 2015 — shutdowns are increasing in frequency:

- In the Democratic Republic of the Congo, the government ordered telecom companies to shut down services. The providers complied from January 19 through approximately February 13, 2015.
- In Niger, the government ordered telcos to shut down services. The providers complied from January 22 through January 24, 2015.

This week we have also received reports of traffic slowdowns in Togo. This latest round of shutdowns follows notable disruptions in Myanmar in 2007; Iran in 2009; Egypt and San Francisco, USA, in 2011; Sudan in 2013; and the Central African Republic in 2014.

We humbly request that your Excellencies, in your vital position as Special Rapporteurs, make a joint statement or separate statements:

- declaring internet shutdowns to be a *per se* violation of the right to freedom of expression;
- declaring internet shutdowns to be a *per se* violation of the right to freedom of association when ordered during public demonstrations; and
- calling upon the government of Burundi to withdraw its order to telecommunications companies to shut down social media networks.

We further request that your Excellencies investigate shutdowns, in their various forms, in order to produce a public report that examines this alarming trend and its impact on human rights, and makes recommendation to governments and companies on how to prevent future disruptions.

We are happy to assist you in any of these matters.

Warmest regards,
Access

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