



October 11, 2013

Dear Mr. Ali Ahmed Yarouf [Canar Telecom], Mr. Muhammad Ziaullah Siddiqui [MTN Sudan], Mr. Ihab Osman [Sudatel], & Mr. Elfatih M. Erwa [Zain Sudan],

As advocates for human rights online, we write with serious concerns over reports of the disruption of Sudan's international Internet connectivity on Sept. 25-26. Publicly available information suggests that the shutdown was a coordinated move by the Sudanese government that your companies, as network operators, may have been involved with. Considering the core human rights principles at stake, we write to inquire as to how the disruption occurred, and what remedies, including guarantees of non-repetition and notification to users, are now being offered.

According to the RIPE Atlas<sup>1</sup> project and network monitoring conducted by Arbor Networks<sup>2</sup> and Renesys<sup>3</sup>, on September 25 and 26, 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 (Canar Telecom, Sudatel, MTN Sudan, and Zain Sudan) and appears to have been the result of actions taken by the service providers.

Upon the first reports of network disruptions, Access notified<sup>4</sup> our broad global community of these events and shared our concerns about the implications of such a shutdown. Since the restoration of access, official explanations for the blackout have varied, from a seeming acknowledgement<sup>5</sup> of a deliberate shutdown by Ahmed Bilal, Sudan's Minister of Culture and Information, to claims<sup>6</sup> by the Sudanese embassy in the United States that a fire at Canar Telecom caused the outage. Both government claims seem questionable given that Canar Telecom's service was restored<sup>7</sup> after approximately five hours, while the other networks were restored within a day. These differences in patterns of disruption and restoration, as well as the continued connectivity of core infrastructure, are more consistent with the incident being the

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<sup>1</sup> <https://labs.ripe.net/Members/emileaben/sudan-internet-disruptions>

<sup>2</sup> <http://www.arbornetworks.com/corporate/blog/5001-sudan-drops-off-the-internet>

<sup>3</sup> <http://www.renesys.com/2013/09/internet-blackout-sudan>

<sup>4</sup> <https://www.accessnow.org/blog/2013/09/25/mass-internet-shutdown-in-sudan-follows-days-of-protest>

<sup>5</sup> <http://sudantribune.com/spip.php?article48192>

<sup>6</sup> <http://news.yahoo.com/government-sudan-regrets-loss-life-restoring-rule-law-001000529.html>

<sup>7</sup> <https://twitter.com/renesys/status/382921016642527233/photo/1>



result of compliance actions taken by the network providers, rather than with direct action by the government itself.

Access believes that any mass shutdown of communications networks immediately violates the fundamental human rights of access to information, freedom of association, and freedom of expression, and places individuals directly at risk. Communications shutdowns enable the violation of other human rights by denying the public a voice in international forums and outlets for accountability. During the darkness of Sudan's blackout, government forces are reported<sup>8</sup> to have committed widespread atrocities, with tens or possibly hundreds of people killed.

While we continue to correspond with several of your companies, we also believe that a public dialogue is required in view of the serious and potentially vast human rights violations that have been reported during the internet shutdown. In order to shed more light on the shutdown, and to prevent further infringement of human rights, we request clarification of the following questions:

1. Did a government entity either request or order the shutdown on September 25? If so, in what manner and medium was the request made?
2. Did you receive or request any legal justification for the shutdown, such as a court order? Were any reasons given for the shutdown, such as public safety or to forestall protests?
3. Do you control the infrastructure and networks that were shut down? If not, who does control them?
4. Under what conditions were you able to restore your networks?
5. Do you have any formal written policies on how to process compliance requests from government officials? Do you have any policies specifically on when and how to shutdown your networks?
6. What remedies have you or will you offer to customers for the disruption to their communications?
7. Have you notified users or provided an explanation for the outage?
8. What steps are you taking to ensure that a network shutdown will not reoccur?

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<sup>8</sup> <http://www.reuters.com/article/2013/09/30/sudan-protests-idUSL6N0HQ41P20130930>;  
<http://allafrica.com/stories/201309300654.html>



If your companies have not done so already, establishing and implementing a human rights policy will help to prevent human rights infringements and also inspire the confidence of the international community. The Access [Telco Action Plan](#) (Attachment B) encourages telcos to have plans in place to identify and respond to orders that may impact human rights, before they may occur again. Similarly, Access' [Telco Remedy Plan](#) (Attachment C) offers both substantive and procedural guidance on how telcos can meet their obligation to provide remedy for human rights abuses articulated in the UN Guiding Principles on Business and Human Rights.

In the interest of your customers, your companies, and your obligations under international law to respect human rights, we look forward to a prompt and detailed response, and ask that you share this letter with your respective Boards of Directors.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Solomon".

Brett Solomon, Access

CC

Adam Szubin, Director, Office of Foreign Assets Controls, U.S. Department of State

Linda Specht, Director, Office of Terrorism Finance and Economic Sanctions Policy, U.S. Department of State;

Andrew Burnett, Policy Coordination, Office of the Special Envoy for the Sudans and South Sudan, U.S. Department of State;

Faith Pansy Tlakula, African Special Rapporteur on Freedom of Expression and Access to Information;

Mashood Adebayo Baderin, UN Independent Expert on the situation of human rights in Sudan