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DIGITAL RIGHTS
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Choking The Pipe:

How Governments Hurt Internet Freedom
On A Continent That Needs More Access



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CHOKING THE PIPE: HOW GOVERNMENTS HURT INTERNET FREEDOM ON A CONTINENT THAT NEEDS MORE ACCESS

INTRODUCTION

The year 2016 has shaped up to be the year of Internet shutdowns in Africa, with at least 11 documented cases of shutdowns recorded across the continent. This is in addition to an increasing number of legislations and policies that violate digital rights; and arrests of numerous bloggers, journalists and citizens who exercised their right to freedom of opinion and expression online.

A common trend for Internet shutdowns across the continent has been government orders to private telecommunications and Internet companies to cut off citizens from the Internet, and this shows that private businesses -including global businesses working in countries where they respect citizen rights - still act, in many cases, at the behest of governments across Africa.

Government orders to mobile telecommunication companies also reveal the fact that governments know that majority have access through mobile networks and very few have fixed broadband access.

As if pre-empting the increased abuses of Internet freedom on the continent, the United Nations Human Rights Council (UNHRC) in its 32nd session, in June 2016, delivered a landmark declaration affirming that Internet rights and Internet access are human rights. In the resolutions, the UNHRC¹:

1. Affirms that the same rights that people have offline must also be

¹ United Nations General Assembly. Human Rights Council 32nd Session, Agenda item 3: The Promotion, protection, and enjoyment of human rights on the Internet. <http://bit.ly/2guBecb>

protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

...

9. Condemns unequivocally all human rights violations and abuses, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion, intimidation and harassment, as well as gender based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls on all States to ensure accountability in this regard;

10. Condemns unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all States to refrain from and cease such measures;

Buttressing the position of the Council was the 2016 report² of the United Nations Special Rapporteur on Freedom of Expression and Opinion, David Kaye, to the Human Rights Council, which fittingly put in the spotlight the role of government pressure on Internet businesses in the execution of Internet shutdowns. Of particular relevance are the following sections of his general recommendations:

² United Nations General Assembly. Human Rights Council, 32nd Session, Agenda item 3: Report of the Special Rapporteur on the promotion and protection of the right to freedom of expression. <http://bit.ly/2eXEQmk>



1. States must not require or otherwise pressure the private sector to take steps that unnecessarily or disproportionately interfere with freedom of expression, whether through laws, policies, or extralegal means.

2. Any demands, requests and other measures to take down digital content or access customer information must be based on validly enacted law, subject to external and independent oversight, and demonstrate a necessary and proportionate means of achieving one or more aims under article 19 (3) of the International Covenant on Civil and Political Rights. Particularly in the context of regulating the private sector, State laws and policies must be transparently adopted and implemented.

3. Governments must also adopt and implement laws and policies that protect private development and the provision of technical measures, products and services that advance freedom of expression. They must ensure legislative, policymaking and other relevant norm-setting processes concerning rights and restrictions on the Internet in order to provide the private sector, civil society, the technical community and academia meaningful opportunities for input and participation.

It is important to stress that existing human rights instruments such as the African Charter on Human and Peoples' Rights (ACHPR), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) already recognize access to information and freedom of expression as fundamental human rights.

In addition, the African Commission on Human and People's Rights held its 59th Ordinary session between October 21 and November 4 2016, where a resolution on the Right to Freedom of

Information and Expression on the Internet in Africa was adopted³.

Moreover, the constitutions and legislation of many African States recognize freedom of opinion, expression and association as a fundamental human right.

The challenge, however, has been in the lack of implementation of these instruments on one hand, and the enacting of specific legislation for the purpose of stifling fundamental human rights on the Internet on the other hand.

“The year 2016 has shaped up to be the year of Internet shutdowns in Africa, with at least 11 documented cases of shutdowns recorded across the continent.”

2016, however, was not just about African governments' actions to constrain Internet freedom. It was also very much about how citizens fought back and stood up to defend their rights.

In response to the spate of Internet surveillance and shutdowns across the continent, citizens across African countries increasingly took up the use of circumvention tools and led efforts that challenged the action of their governments.

³ “Final Communiqué of the 59th Ordinary Session of the African Commission on Human and Peoples' Rights”. <http://bit.ly/2g4XHtI>



For example, the top 12 apps downloaded following the Internet shutdowns around the Ugandan elections of February 2016 were VPN apps⁴.

The pervasive abuse of human rights on the Internet across the continent also galvanized civil society to confront the abuses, as in the case of Zimbabwe where instead of stifling citizens' mobilization against the government, the shutdown of communication apps on the Internet instead had the opposite effect of rallying citizens.

“At the ACHPR 59th Ordinary Session, a resolution on the Right to Freedom of Information and Expression on the Internet in Africa was adopted.”

The real story around Internet shutdowns and violations by governments across Africa turned out to be the source of enduring power for African citizens to mobilize in order to defend their rights.

The evidence, from observing the incidents of Internet shutdowns and violations across the continent, suggests that governments got away with encroaching on rights only to the extent citizens allowed them to do so.

This report, which focuses on the year 2016, recognizes the importance of citizen vigilance and lawful action against the constraining of Internet

freedom across the continent and gives a brief account of the legislative and policy environment around Internet freedom, highlights incidents around breached Internet Freedom, and provides information about the telecommunications space in Africa.

The methodology employed in preparing this report involved desk research and a survey conducted among experts resident in the featured African countries.

Population data for the countries profiled was obtained from the World Bank⁵ and Internet penetration data from the International Telecommunication Union (ITU)⁶.

ISP information was obtained from country Telecommunications regulator data, several research reports and BuddeComm⁷.

We hope that the report will spur action among an increasing number of active citizens, noting that we are responsible for upholding and defending human rights and dignity in cyberspace.

This report is part of Paradigm Initiative Nigeria's work towards the creation of awareness about, and advocacy for, digital rights in Africa.

As we create awareness on the threat to Internet freedom and provide information on what can be done to improve digital rights across African countries, PIN leads advocacy efforts for digital rights of citizens and other stakeholders; complete digital rights training for media, advocates and civil society organisations; host the annual Internet Freedom Forum where various stakeholders discuss prevailing issues; and produce this annual report that highlights incidents and discusses digital rights challenges and opportunities across the continent.

⁵ The World Bank. <http://bit.ly/2gdLVfA>

⁶ International Telecommunication Union (ITU) Statistics. <http://bit.ly/2fhY14x>

⁷ BuddeComm. <http://bit.ly/2gIbYiq>

⁴ “How African Governments block social media”. BBC News. April 25, 2016. <http://bbc.in/2bqMktJ>



TRENDS IN INTERNET FREEDOM BREACHES IN AFRICA

Government Directives to Telecommunications Companies and ISPs

Many telecommunications and Internet companies were complicit in the wave of digital rights violations across the continent. They mostly cooperated with government requests for Internet and Internet applications shutdowns, perhaps on the pain of losing their licenses.

African governments must resist the urge to use their authority in this primitive way and telecommunications companies must begin to pay attention to the details of the agreements they sign with African governments before entering a new territory for the possibility of reaching agreements where there are reasonable safe guards to protect Internet freedom.

Corporations must also develop standards that allow them to state their ethical stands to governments, and in cases where such is threatened; they should seek legal redress and at least create precedent in courts across the continent. Human rights, after all, is good for business because the customer, who is *king* or *queen*, is the one whose rights are being respected.

Disregard of Legislation Protecting Citizen Rights and Enacting Specific Legislation to Counter Internet Freedom

Even though the constitutions in many African countries protect fundamental freedoms as codified in international human rights charters, the abuse of digital rights takes place in utter disregard for due process and the rule of law.

In many instances, as shown in the country profiles, specific legislation was

enacted to empower the government to encroach on digital rights.

For example, cybercrime legislation has been passed, or is being considered, in Nigeria, Algeria, Kenya, Tanzania and Zimbabwe. A significant proportion of arrests of bloggers and active citizens online were done using the instrument of cybercrime legislation.

A common thread linking legislation enacted to stifle Internet freedom has been opaque and vague wording, which as Human Rights Watch notes, grants complete discretion to executive power to imprison, shut down the Internet, block social media websites and conduct mass surveillance under the guise of maintaining national security or public order.

According to a Human Rights Watch report, "Every law must have sufficient precision that the public can understand its scope.

Any limits that countries place on free speech (or privacy, for that matter) require real scrutiny and oversight to ensure they are lawful, necessary, and proportionate to a legitimate end"⁸.

Thankfully, these laws are being challenged and some successes have been recorded. In Nigeria, three civil society organizations, Paradigm Initiative Nigeria (PIN), Media Rights Agenda (MRA) and Enough is Enough (EiE) Nigeria, are challenging the constitutionality of sections 24 and 38 of the Cybercrime Act.

In Kenya, section 29 of the Information and Communications Act which infringed on Internet freedom was declared unconstitutional by the Judiciary. In Nigeria, also, a parallel

⁸ Henry Peck. "Speech restrictions cannot be wordplay: governments should ensure rights offline are respected online". Human Rights Watch Dispatches. October 26, 2016. <http://bit.ly/2ff3sGx>



process that seeks to promote positive rights legislation has led to progress on a “Digital Rights and Freedom Bill” which has now passed second reading in the House of Representatives.

Following the second reading, it is expected to have a third and final reading before it is passed (or rejected) by the House of Representatives, after which it will be sent to the Senate for concurrence (or otherwise), and then forwarded to the President for possible assent before it becomes law.

Civil society must work to ensure that the legislative environment governing the Internet supports human rights.

“Now that we know this trend, civil society organisations and the technical community can provide support for citizens towards circumventing shut-downs as they happen.”

Procurement of Surveillance Equipment

Comparing Nigeria’s 2015 and 2016 budget documents revealed that the government increased planned expenses for Internet monitoring and surveillance.

This builds on specific allocation for Internet surveillance equipment that has been monitored by PIN since 2013 when government spent \$40 million to acquire surveillance equipment from Israel-based Elbit Systems.

Elsewhere across the continent, devices such as International Mobile Subscriber Identity (IMSI) catcher - used for intercepting mobile phone traffic - have become commonplace.

Reports have implicated some African governments in the purchase of surveillance equipment⁹ and offering contracts with surveillance teams based overseas to monitor local communications¹⁰ of political associates and opposition members.

Timing of Internet/Internet Application Shutdowns Often Coincide with Elections

A common theme underlying digital rights violations in Africa, in 2016, has been that they mostly had political motives.

Internet or Internet applications shutdowns, and the arrest of bloggers, journalists and citizens - for comments made online - were often done to further the political agenda of governments even though initial reasons given for such arrests were painted as altruistic, including references to “national security” and preventing students from cheating in examinations.

PIN is monitoring all African countries that have elections scheduled to hold before the end of 2016 and we were not surprised that there was shutdown in Gambia during the elections.

Now that we know this trend, civil society organisations and the technical community can provide support for citizens towards circumventing shutdowns as they happen.

⁹ “Elbit Systems Awarded a \$40 Million Contract to Supply a Country in Africa with the Wise Intelligence Technology (WiT[TM]) System.” Elbit Systems. April 23, 2013. <http://bit.ly/2epnzPT>

¹⁰ Alex Hern. “Hacking Team hacked: firm sold spying tools to repressive regimes, documents claim”. The Guardian UK. July 6, 2015. <http://bit.ly/2dsVapy>



2016 DIGITAL RIGHTS VIOLATIONS ACROSS AFRICA

This section of the report profiles various countries across the continent and features demographics so that the context is clear. We also identified Internet Service Providers (ISPs) working in each country as part of a long-term plan to monitor their activities for citizen right infringements. Policies or laws that threaten Internet Freedom, and violations that have occurred so far in 2016, are also included for each country featured in this report. The following countries, in respective regions of the continent (including North Africa), are featured in the report.

Central Africa: Cameroon, Chad, (Republic of the) Congo, (Democratic Republic of the) Congo, Gabon.

East Africa: Burundi, Ethiopia, Kenya, Rwanda, South Sudan, Tanzania, Uganda.

North Africa: Algeria, Egypt, Morocco, Tunisia.

Southern Africa: Angola, Botswana, Mozambique, Zambia, Zimbabwe.

West Africa: Benin, Cote d'Ivoire, Gambia, Ghana, Mali, Mauritania, Niger, Nigeria, Sierra Leone.

ALGERIA



With a population of 39,666,520 and Internet penetration of 38.20%, Algeria's Internet Service Providers (ISPs) include Algérie Telecom (Mobilis), Optimum Telecom, Djezzy (Orascom), Handynet and Ooredoo. Laws/Policies that threaten Internet Freedom include the 2009 Algerian Cybercrimes Law, which gives powers to the government to block websites and monitor Internet traffic. Numerous provisions of the Penal Code give prison terms for peaceful expression.

In June 2016, Algerian authorities temporarily shut access to social media websites, including Facebook and Twitter, to "prevent leaking of matriculation examination questions"¹¹. The Ministry of Post, Information Technology and Communication issued a press statement linking the social media blackout with the examinations. The Algerian National Gendarmerie, on June 9, arrested two social media activists, accusing them of propagating blasphemous materials on social media¹². The First Instance Court of Tlemcen, on March 20 2016, convicted Zouleikha Belarbi, a human rights activist for defaming the Algerian President on Facebook under article 144⁹ of the Penal code.¹³

Belkacem Khencha, national coordinator of the Algerian League for the Defense of Workers' Rights, was sentenced to 6 months' imprisonment after he criticized the First Instance Court in Laghouat, in a Facebook post, having sentenced his colleague

¹¹ Conor Gaffey. "Algeria shuts down Internet to stop exam cheats". Newsweek, June 20, 2016. <http://bit.ly/29zjXfT>

¹² "Algeria: Release Rachid Fodil and H.S. now". Council of Ex-Muslims in Britain, June 26 2016. <http://bit.ly/2adEodg>

¹³ "Algeria: Criminal sentence for a caricature. Activist fined for Facebook post". Human Rights Watch, April 12, 2016. <http://bit.ly/2adrig5>



to 18 months for protesting the government's housing policies¹⁴. An Appeals Court in the eastern Algerian city of Setif confirmed the conviction of activist Slimane Bouhafis for insulting Islam and Prophet Muhammad on Facebook. He was sentenced on August 7 to five years in jail and a fine of 100,000 Algerian dinars (approximately US \$900) for "offending the Prophet" and "denigrating the creed and precepts of Islam" under article 144⁹ of Algeria's Penal Code¹⁵. Similarly, On August 9, 2016, an Algerian Appeal court upheld a 2-year prison sentence handed to Mohamed Tamalt for posting a Facebook video featuring a song offensive to the Algerian President¹⁶.

ANGOLA

Angola has a population of 25,021,970 and Internet penetration of 12.40%. The country's ISPs include Angola Telecom, Mercury Telecom (MSTelcom), Snet, TV Cabo, Unitel, Telesel, Nexus, Wezacom, Multitel, Main One, Maxnet and Net One. The Angolan President used his New Year speech to announce plans to regulate social media¹⁷ and the Angolan government created the "Angolan Social Communications Regulatory Body," run by the ruling party, to ensure adherence to new media laws¹⁸.



BENIN

With a population of 10,879,830 Benin has an Internet penetration rate of 6.79%. ISPs include MTN, Etisalat, Libercom, BCom (Bell Benin), Glo Mobile (Globacom), Benin Telecoms, Kanakoo (BeninNet), Isocel Telecom and FirstNet. Benin has Order No. 69-22 Pr/MJL of July 4, 1969, relating to propagation, publication, broadcast and reproduction of false news and other acts likely to disturb the public peace¹⁹. This presents threats to Internet Freedom. On August 11, 2016, about ten armed police officers in Benin raided the premises of *L'Audace Info* newspaper on grounds of summoning the director of publications, Romauld Alingo. He was accused of publishing defamatory articles in the *L'Audace Info* newspaper about a university group, CERCO and sharing the same articles on WhatsApp²⁰.



¹⁴ "Algeria: Prison for criticizing Judiciary. Labour Rights Defender convicted for Facebook video". Human Rights Watch, June 7, 2016. <http://bit.ly/2egk55O>

¹⁵ "Algerian Court upholds conviction of Activist jailed for insulting Islam on Facebook". Advox Global Voices, September 6, 2016. <http://bit.ly/2dv215v>

¹⁶ "Algeria: 2-Year sentence for Facebook poem". Human Rights Watch August 31, 2016. <http://bit.ly/2ggUXf7>

¹⁷ Manuel Nunes Ramires Serrano. "Angola's digital last frontier". Open Democracy, February 17, 2016. <http://bit.ly/2a1Qwhh>

¹⁸ D Quaresma Dos Santos. "Angola passes laws to crack down on press and social media". The UK Guardian, August 19, 2016. <http://bit.ly/2c9Yvgp>

¹⁹ "Benin". Media Foundation for West Africa. <http://bit.ly/2glq6R9>

²⁰ "Benin: Armed Policemen storm Newspaper office". Media Foundation for West Africa. August 15, 2016. <http://bit.ly/2eMJ93D>



BOTSWANA

With a population of 2,262,490, Botswana's Internet penetration stands at 27.50%. ISPs in the country include Mascom, Orange and beMobile. The Penal Code of Botswana proscribes any publication that might cause disaffection against the President, and this presents threats to Internet Freedom.



BURUNDI

Burundi's population is 11,178,920 while its Internet penetration is 4.87%. ISPs include VTel Holdings (Tempo, Africell Safaris), Yahsat, Office National des Telecommunications (Onatel, Onamob), U-Com (Orascom, Telecel Globe, Leo), Econet Wireless Burundi (Spacetel) and LaCell SU (Smart Burundi).



Burundi Media Law of 2013 restricts freedom of expression and limits topics that can be reported. The bill prohibits stories that could affect Burundi's "national unity; public order and security; morality and good conduct; honour and human dignity; national sovereignty; the privacy of individuals; the presumption of innocence" or issues bordering on "propaganda of the enemy of the Burundian nation in times of peace as of war" and "information that could affect the credit of the state and the national economy."²¹

Police in Burundi arrested eight people in August 2016 for allegedly circulating defamatory anti-government statements on social media²². Julien Barinzigo²³, a journalist with Oximity News website in Cibitoke, a district north of Bujumbura, was arrested for "insulting the president and endangering internal state security" in June.

CAMEROON

Cameroon has a population of 23,344,180 and an Internet penetration rate of 20.68%. Internet Service Providers in the country include Cameroon Telecommunications (Camtel), Orange CM, MTN Cameroon, Cameroon Mobile Telecommunications (CMT), Pastel, CamNet, Matrix Telecoms and Nextell Cameroon (Viettel).



Law N° 2010/012 of December 21 2010, on Cybersecurity and Cybercrime, governs the security framework of electronic communication networks and information systems. It also defines and punishes offences related to the use of information and communication technologies in Cameroon. While this law was hailed by a section of the public as a step in the right direction to curb Cameroon's burgeoning cybercrime

²¹ "Burundi passes media law restricting journalistic freedom". Jurist.org. June 5, 2015. <http://bit.ly/2fCcdZv>

²² Jill Craig. "Social media crackdown in Africa: The new normal for Africa?" Voice of America. August 25, 2016. <http://bit.ly/2cgSOxu>

²³ "Burundi: Regime threat to Journalists, even those who have fled abroad". Reporters Without borders. August 3, 2016. <http://bit.ly/2ees8NJ>



industry, others criticized it for being light on Internet security and heavy on sanctions, particularly with regards to sanctioning online expression.

Also, Decree N° 2012/180/PR of April 10 2012 assigned new missions to the National Agency for Information and Communications Technologies (ANTIC), including the regulation of electronic security activities and the regulation of the Internet in Cameroon. With this decree, the ANTIC became the key actor in terms of restrictions imposed by the government on the free flow of online information.

Other laws that threaten Internet freedom include Law N° 98/014 of July 14 1998, which regulates telecommunications, Law N° 2010/021 of December 21 2010 governing electronic commerce and Law N° 2010/013 of December 21 2010 governing electronic communications in Cameroon.

On November 10, 2016, the Speaker of the National Assembly of Cameroun, in a speech that referred to social media as a “new form of terrorism”, spoke against freedom of expression on the Internet and social media²⁴, possibly hinting at a planned government policy to curb freedom of expression online. This development is seen as the government’s reaction to the widespread use of social media to report the October 21 train accident in Eseka, 74 miles west of the capital Yaounde, where many lives were lost and many others were injured²⁵.

The accounts of the mishap on social media conflicted with the government’s reports and were considered embarrassing to the Cameroonian government. Cameroon is preparing for presidential elections in 2018 and the country’s president for the past 34 years is expected to run for another term of 7 years, following early campaigns by politicians²⁶.

CHAD



Chad has a population of 14,037,470 and an Internet penetration of 2.70%. ISPs in the country include Sotel Tchad, TchadNet, Bharti Airtel and Tigo Chad. The Government of Chad shut down the Internet and social networks²⁷ after a February 2016 gang rape of a girl, by sons of Chadian army generals, spawned protests for days. There was another Internet shutdown during Chad’s April 2016 elections²⁸.

²⁴ The Rt. Hon. Cavaye Yeguie Djibril. “Opening Speech of the Speaker of the National Assembly of Cameroun”. November 10, 2016. <http://bit.ly/2fRmz9Z>

²⁵ Dibussi Tande. “Cameroonian Government Launches Campaign Against Social Media, Calls It “A New Form of Terrorism””. Advox Global Voices. 16 November 2016. <http://bit.ly/2f4k3fn>

²⁶ Yerima Kini Nsom, “Senators Begin Campaigning For Biya Ahead Of 2018 Election”. Cameroon Postline. January 26, 2016. <http://bit.ly/2guPKAJ>

²⁷ Christine Harjes. “African authoritarian regimes’ dread of social media”. DW. February 23, 2016. <http://bit.ly/29DKxUJ>

²⁸ “Media obstructed during Chad’s Presidential elections”. Reporters without Borders. April 13, 2016. <http://bit.ly/29Jj6IP>



(DR) CONGO



The Democratic Republic of Congo (DR Congo) has a population of 77,266,810 and Internet penetration of 3.80%. ISPs include Orange Group, Tigo DRC, Smile Telecom, Bharti Airtel (Zain, Celtel), Congo Chine Telecom (CCT, Orange Congo), Africell (Lintel), Tatem Telecom, Standard Telecom, Telecel International, Microcom, Cielux Telecom, Global Broadband Solution (GBS), Afrinet and Geolink.

DR Congo's Telecommunications Framework Law No. 013-2012 allows the government to ban the use of telecommunication facilities, in full or part, for any period of time, as it deems fit, in the interests of public security or national defence, the public telecommunications service, or for any other reason²⁹. In January, Internet and SMS services were cut off during protests that left 42 dead and about a thousand injured³⁰.

(REPUBLIC OF) CONGO



With a population of 4,620,330, Congo has an Internet penetration of 7.62%. Its ISPs include Afripa Telecom, Air Net, Alink Telecom, Congo Telecom, Drtvnet, Microcom and MTN Congo. On March 19, Congolese Interior Minister, Raymond Mboulou, ordered telecommunications companies to cut all mobile phone, text message, and Internet service³¹ for at least 48 hours in order to prevent "illegal" reporting of election results.

COTE D'IVOIRE



Cote d'Ivoire has a population of 22,701,560 and Internet penetration stands at 21%. ISPs in the country include Cote d'Ivoire Telecom, Comium, Etisalat (Moov), Globacom, Orange and MTN. Law 2004-644 of December 14, 2004, on broadcast communications³² is considered as one that has provisions that threaten Internet Freedom. During the period covered by this report, an Ivorian journalist and blogger, a leader in the National Association of Ivorian Bloggers, received death threats³³ for his critical articles.

²⁹ "Provision of real-time lawful interception assistance". Telecommunications Industry Dialogue <http://bit.ly/2fS9nj4>

³⁰ Issa Sikiti da Silva. "DRC govt cuts internet, SMS to quell deadly protests". BizTech Africa. January 26, 2016. <http://bit.ly/2fzIamF>

³¹ "Congo imposes total communications blackout during election". Committee to Protect Journalists. March 22, 2016. <http://bit.ly/2e140hk>

³² "Cote d'Ivoire". Media Foundation for West Africa. <http://bit.ly/2eCVPW6>

³³ "Cote d'Ivoire: Journalist received death threats for critical stories." Media Foundation for West Africa. April 21, 2016. <http://bit.ly/2eRgTwT>



EGYPT



Egypt has a population of 91,508,080 and Internet penetration of 35.90%. ISPs in the country include Telecom Egypt, Orascom Telecom, Etisalat, Menatel, Orange Egypt and Vodafone.

The Telecommunication Regulation Law of Egypt No. 10 of Egypt (2003) was the legal basis for the communications shutdown during the Egyptian Arab Spring³⁴. Article 67 of the Law allows the authorities to shut down telecommunications operator's networks for reasons of "national security" as defined by the authorities³⁵.

The Draft Press and Media Law has a minimum capital limit which could be used to force small digital media organizations to shut down. Also, the Anti-terrorism Law of 2015 imposes stiff penalties for the propagation of ideas that advocate terrorism - which is so broadly defined it potentially criminalizes even private expressions of opposition to the government³⁶.

The Cybercrime Bill criminalizes insulting citizens and the State on the Internet. Article 19 empowers Law Enforcement Agents to block websites deemed a threat to national security³⁷. The formation of a "Higher Council for Cybersecurity" in December 2014 and a committee to consider amendments to national security laws in February 2015 were considered by Egyptian human rights activists as steps towards curbing freedom of expression online.

So far in 2016, online journalists Amr Badr and Mahmoud Sakka were held in detention for attempting to overthrow the regime and incitement on social media³⁸ while a news website photographer was jailed for 2 years³⁹.

Hamdy Mokhtar, a photographer for an opposition news website⁴⁰ was also sentenced to 2 years imprisonment. Khaled Elbashy, the Chief Editor of Al Bedaiah online newspaper and board member of Egypt's Press Syndicate was detained on May 29, 2016, for "disseminating false news and rumours" and "sheltering criminals"⁴¹. Egyptian authorities have also been accused of abusing the 2-step verification process for the surveillance of bloggers⁴² and shut down telephone and Internet services in the North Sinai region during the weekend of September 17, 2016.⁴³

³⁴ "Egypt: Telecommunication Regulation Law". Article 19/aft. April 2015. <http://bit.ly/2fV4S7y>

³⁵ "Provision of real-time Interception assistance". Telecommunications Industry Dialogue. <http://bit.ly/2fV0e9G>

³⁶ "Egypt: Counterterrorism Law erodes basic rights". Human Rights Watch. August 19, 2015. <http://bit.ly/2fSmpM5>

³⁷ Ragab Saad. "Egypt's Draft Cybercrime Law undermines freedom of expression". Atlantic Council. April 24, 2015. <http://bit.ly/2f0nUtQ>

³⁸ Madamasr.com Arabic. May 2, 2016. <http://bit.ly/29oF7b5>

³⁹ Elfagr.com. February 17, 2016. <http://bit.ly/29ulTmX>

⁴⁰ "Egypt sentences Journalists to Prison for 'Publishing false news'". Committee to Protect Journalists. January 13, 2016. <http://bit.ly/29o1DoA>

⁴¹ Sinem Bilen-Onabanjo. "Digital Insurgency". New African. November 2016.

⁴² Mohamed Najem (April 7, 2016). "Two step verification in Egypt: Strength or weakness for Online Security?" Advox Global Voices. <http://bit.ly/29wXUF3>

⁴³ "Netizen report: Internet shutdowns are ever-present in Egypt's Sinai Peninsula". Advox Global Voices. September 22, 2016 <http://bit.ly/2fFmzHq>



ETHIOPIA

Ethiopia has a population of 99,390,750 and Internet penetration rate of 11.60%. Ethio Telecom (formerly Ethiopian Telecommunications Corporation) remains the only ISP in the country. The country's telecommunications regulator, Ethiopian Telecommunication Agency, is not independent.



In June 2016, Ethiopia passed the Computer Crime Proclamation, which criminalises defamatory speech, spam and pornography, among other offences, with jail sentences of up to 10 years⁴⁴. This joins many other laws/policies that already threaten Internet freedom in the country.

The Proclamation on Telecom Fraud Offences prohibits certain services, such Call Back services and Fax over the Internet, while extending the provisions of the Criminal Code of 2004 and Anti-Terrorism Proclamation of 2009 (which already infringe on freedom of expression and information) to electronic communications⁴⁵.

An Ethiopian blogger was sentenced to 5 years and 4 months imprisonment⁴⁶, while the Ethiopian government shut down social media during examinations⁴⁷ "to prevent examination malpractice".

Ethiopia joined South Africa, Kenya and others to abstain from the United Nations Human Rights Council online freedom resolution⁴⁸ in June 2016. During the year, Twitter and WhatsApp were shut down for over a month in the Oromia area of Ethiopia during protests⁴⁹.

GABON

With a population of 1,725,290, Gabon has an Internet penetration rate of 23.5%. Its ISPs include Airtel Gabon, Gabon Telecom, Moov (Telecel Gabon), Bintel (USAN, Azur) and Libertis. The National Communications Council legal framework has been recognized as one with potential threats to Internet Freedom. Access to the Internet was blocked in the midst of post-election violence⁵⁰ in September 2016.



⁴⁴ Patrick Kihara and Juliet Njeri. "Africa cracks down on social media". BBC News. September 10, 2016. <http://bbc.in/2fjonJe>

⁴⁵ "Ethiopia: Proclamation on Telecom Fraud Offences". Article 19. August 6, 2012. <http://bit.ly/2fStbBF>

⁴⁶ Tedla D. Tekle. "Ethiopian Blogger and Activist sentenced to five years and four months". Advox Global Voices. May 16, 2016. <http://bit.ly/29t33u6>

⁴⁷ "Ethiopia blocks social media ahead of exams". News24.com. July 10, 2016. <http://bit.ly/2fb1Tea>

⁴⁸ Yohannes Anberbir "Ethiopia abstains UN online Freedom resolution". The Reporter. July 23, 2016. <http://bit.ly/2ezuubf>

⁴⁹ William Davison. "Twitter, WhatsApp down in Ethiopia Oromia area after unrest". Bloomberg Technology. April 12, 2016. <http://bloom.bg/2e0PzdY>

⁵⁰ Yves Laurent Goma. "Huge fire and clashes break out in capital Libreville as President Ali Bongo declares victory". The UK Independent. September 1, 2016. <https://t.co/HW6z8N4kCG>



GAMBIA



The Gambia has a population of 1,990,920 and Internet penetration of 17.12%. ISPs include Gamtel (Gambia Telecommunications Company Ltd.), Comium Gambia Co. Ltd, Africell, QCell and Gamcel. Section 138 of the 2009 Information and Communications Act allows authorities to monitor, intercept, and store communications⁵¹. Libel remains a criminal offence⁵². The law on seditious publication and the Criminal code (Amendment) Act 2013 also contain clauses that infringe on freedom of expression. A journalist was incarcerated for pictures shared privately which rapidly spread online⁵³ while WhatsApp stopped working during Presidential elections⁵⁴. On November 30, the day before presidential elections, government shut down the Internet and cut off telecommunications⁵⁵. Services were restored as news of electoral loss by the incumbent president filtered in the day after the elections⁵⁶.

GHANA



Ghana has a population of 27,409,890 and Internet penetration of 23.48%. ISPs serving customers in the country include MTN Ghana, Vodafone Mobile, Millicom Ghana (Tigo), Surfline and Glo Mobile.

Section 208 of the country's Criminal Code contains provisions that are inimical to free expression⁵⁷, for example the provision that "any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace knowing or having reason to believe that the statement, rumour or report is false is guilty of a misdemeanour". The Electronic Communication Act 2008 (ECA or Act 775) allows the President to order telecommunications operators to intercept communications and to provide user information in the aid of law enforcement or national security and empowers the National Communication Authority (NCA) and other authorities to obtain metadata relating to customer communications such as traffic data, service use information and subscriber information⁵⁸.

The Ghanaian Police boss threatened to shut down social media during the Ghanaian elections, saying its abuse by citizens and political parties create tension⁵⁹. Also, Ghana's Deputy Attorney General and Member of Parliament filed a

⁵¹ Freedom House. Freedom on the Net Report 2015.

⁵² "Gambia". Media Foundation for West Africa. <http://bit.ly/2glFhYY>

⁵³ Human Rights Watch (March 9, 2016). Gambia: Free ailing journalist. <http://bit.ly/2aHkJUq>

⁵⁴ Lily Kuo. "Switched off: Mali is the latest country to impose a social media blackout". Quartz Africa. August 19, 2016. <http://bit.ly/2fw5liS>

⁵⁵ Abdi Latif Dahir. "Gambia's government has shut down the internet on the eve of elections". Quartz Africa. December 1, 2016. <http://bit.ly/2h3z0MV>

⁵⁶ "On Gambia, Internet Shutdowns and Africa". Paradigm Initiative Nigeria. December 2, 2016. <http://bit.ly/2h8wGZe>

⁵⁷ "Ghana". Media Foundation for West Africa. <http://bit.ly/2ghgrWr>

⁵⁸ "Provision of real-time Interception assistance". Telecommunications Industry Dialogue <http://bit.ly/2fBYcub>

⁵⁹ "Police consider shut down of social media on election day". CitiFMOnline. 26 May 2016. <http://bit.ly/2fCnNWp>



defamation suit against a citizen, Evron Hughes for comments made on Facebook regarding a government contract⁶⁰.

KENYA

Kenya's population stands at 46,050,300 and the country's Internet penetration is 45.62%. ISPs working in Kenya include Bharti Airtel, Orange Kenya, Safaricom, and Liquid Telecom.



The Computer and Cybercrimes Bill of 2016, Information Communication and Technology Practitioners Bill 2016 and the Security Laws Act 2014 have clauses infringing on freedom of expression on the Internet. The National Cohesion and Integration Act of 2008, although intended to foster national unity, restricts freedom of expression online.

In June, a blogger was taken to court, by the National Bank of Kenya, for "defamatory" blog posts⁶¹. Kenyan authorities also banned a YouTube video on same sex marriage, in February, after unsuccessful requests to Google to take it down⁶². Ten bloggers were questioned over blog posts considered "provocative and criminal". They were invited by the Kenyan Directorate of Criminal Investigations (DCI) "for allegedly misusing licensed telecommunication gadgets under Section 29 of the Information and Communication Act."⁶³ Kenyan tax authorities threaten the privacy of mobile money users by seeking access to private records of transactions⁶⁴ and authorities detained blogger Yassin Juma for two days for social media posts of pictures of a terrorist attack⁶⁵ while another Kenyan journalist, Elijah Maina, was arrested for publishing photos of the local governor's daughter obtained from her social media accounts. His news website had acquired a reputation for publishing allegation of corruption against local officials⁶⁶.

On June 14, 2016, Jackson Njeru and Jackline Ogutu were jailed for three months each for contempt of court by a Nairobi Magistrate for being administrators of a Facebook account known as Buyer Beware⁶⁷. Also, Kenya joined South Africa and Ethiopia in voting against the 32nd United Nations Human Rights Council resolution on human rights on the Internet.

⁶⁰ "Deputy AG sues banker over 'defamatory' Facebook post". Graphic.com.gh. 18 February 2016. <http://bit.ly/2gpMEi3>

⁶¹ Ndesanjo Macha. "National Bank of Kenya taken to court for defamatory blog posts". Advox Global Voices. 21 June, 2016. <http://bit.ly/29Ae3L5>

⁶² Corazon Mwendu. "In Kenya, banned music video celebrating same-sex love stays on YouTube" Advox Global Voices. 6 April, 2016. <http://bit.ly/29DsFWM>

⁶³ Cyrus Ombati. "10 Bloggers to be grilled over Internet posts". Standard Digital. January 26, 2016. <http://bit.ly/29x0LOS>

⁶⁴ Joshua Masinde. "The privacy of mobile money users is under threat as the Kenyan taxman chases new revenue". Quartz Africa. July 15, 2016 <http://bit.ly/2fmBbiM>

⁶⁵ "Kenya detains blogger for two days". Committee to Protect Journalists. January 25, 2016. <http://bit.ly/2f95144>

⁶⁶ "Kenya Journalist arrested". Committee to Protect journalists. January 12, 2016. <http://bit.ly/2eekT92>

⁶⁷ Shitemi Khamadi. "Jackson Njeru jailed for three months for contempt of court". Kenya Monitor. June 16, 2016. <http://bit.ly/2f4eYCO>



MALI

Mali has a population of 17,599,690 and an Internet penetration rate of 10.34%. ISPs in the country include Orange Mali and Sotelma. Internet users in the capital, Bamako, reported not being able to use Facebook and Twitter after protests against the detention of a popular radio host on August 17, 2016, turned violent, resulting in three deaths⁶⁸.



MAURITANIA

15.20% of the country's 4,067,560 citizens are connected to the Internet. ISPs in Mauritania include Mauritel, Mattel and Chinguitel. The 1991 Constitution of Mauritania has provisions that threaten Internet Freedom. A court sentenced a blogger who spoke out against caste-based discrimination to death⁶⁹.



MOROCCO

Morocco has a population of 34,377,510 and Internet penetration of 57.08%. ISPs in the country include Maroc Telecom, Wana and Orange Morocco. The Anti-terrorism law defines terrorism in terms so broad as to include activities targeting a government or the political regime, even when such activities may involve legitimate political dissent or protest⁷⁰. Several bloggers were arraigned in court⁷¹ while Moroccan Telecom blocked the use of Whatsapp, Viber and Skype⁷² in a clear infringement of freedom of expression. Also, a group of journalists were put on trial for running a smartphone app training for citizen journalists⁷³.



MOZAMBIQUE

The country has an Internet penetration of 9% and a population of 27,977,860. ISPs in the country include Movitel SA, Mozambique Telecom, Teledata Mozambique, Inmoz,



⁶⁸ Lily Kuo. "Mali is the latest African country to impose a social media blackout". Quartz Africa. August 19, 2016. <http://bit.ly/2fw5liS>

⁶⁹ Abdoulaye Bah. "Death penalty still looms Mauritanian blogger who spoke against caste-based discrimination". Advox Global Voices. August 29, 2016. <http://bit.ly/2eeIPsU>

⁷⁰ "Algeria, Morocco and Saudi Arabia: Response to Terrorism". The Law Library of Congress. September 2015. <http://bit.ly/2fcVZET>

⁷¹ "Justice4Morocco: End Criminal Prosecution of Freedom of Expression Advocates". Advox Global Voices. 1 February, 2016. <http://bit.ly/2f5jzny>

⁷² Mona Abisourour. "Moroccan Telecom providers block users of Whatsapp, Viber and Skype". Morocco World News. January 5, 2016. <http://bit.ly/2f5iEDS>

⁷³ "Morocco: Journalists risk imprisonment for smartphone app training". Amnesty International. June 28, 2016. <http://bit.ly/2eMpVdL>



Mcel, Teledata, Tropicalnet, Vodacom, Tropicalnet and Vodacom. A government mass surveillance program was discovered⁷⁴ in May 2016 and has been criticized in media reports.

NIGER

With 441,760 Internet users and a population of 19,899,120, Niger's Internet penetration is 2.22%. ISPs in the country include Alink Telecom, IX COM, Liptinfor, Orange, Sahel Com, Sonitel, Airtel and Moov. In, 2016, a social media activist, Abdoul Moumouni, was handed a 6-month suspended sentence and issued a fine of CFA50,000 (about US \$100) for "criticising the government's response to the Boko Haram insurgency in on Facebook"⁷⁵.



NIGERIA

Nigeria's population is 182,201,960 and the country has 47.44% Internet penetration. Popular ISPs in Nigeria include Globacom, MTN Nigeria, Etisalat, Airtel, Ntel, Smile Network, Swift Network, VDT Communications, Spectranet, IPNX Nigeria, Layer3 and SimbaNet, among others.



The Draft Lawful Interception of Communications Regulation by the telecommunications regulator, Nigerian Communications Commission (NCC), provides the authorities unconstitutional access to invade citizens' privacy.

Comparing the 2015 and 2016 budgets revealed that the government has increased the budget for Internet monitoring and surveillance. This builds on specific allocation for Internet surveillance equipment that has been monitored by PIN since 2013 when government spent \$40 million to acquire surveillance equipment from Israel-based Elbit Systems.

Sections 24 and 38 of Cybercrimes Act 2015 infringe on citizens' freedom online, and various proposed laws have clauses that threaten Internet Freedom. These include the *Telecommunications Facilities (Lawful Interception of Information) Bill 2015*; *Electronic Transaction Fraud And Crime Bill*; *Short Messaging Service (SMS) Communication And Internet In Criminal Investigations Bill*; *National Communications Commission Act 2003 (Amendment) Bill* (for Police and Security Agencies to track, intercept and monitoring conversations and text messages); and a *Caller Location Information Bill 2016*.

In January 2016, a lecturer with Kaduna State University was suspended⁷⁶ for comments made on Facebook. He was later arrested by security officials. Ruqayyat Tijjani Usman, a civil servant in the service of the Nasarawa state government was

⁷⁴ Dércio Tsandzana. "The government of Mozambique is "Spying on its Citizens", according to @Verdade". Advox Global Voices. May 16, 2016. <http://bit.ly/29JdHSc>

⁷⁵ "Social Media activist sentenced for Facebook comment". Media Foundation for West Africa. <http://bit.ly/2e9ypYs>

⁷⁶ Mohammed Lere. "Kaduna University suspends lecturer over Facebook 'hate speech'". Premium Times. January 27, 2016. <http://bit.ly/2gHqcQG>



sacked for criticizing the state government's response to the Lassa fever outbreak in the state⁷⁷. On August 8, The Economic and Financial Crimes Commission (EFCC) arrested Abubakar Sidiq Usman, a prominent blogger⁷⁸. Blogger and Journalist Musa Babale Azare was arrested by agents of Bauchi state government of Nigeria using section 24 of the Cybercrime Law on cyberstalking⁷⁹. Iroegbu Emenike, a blogger and publisher of Abia Facts, was arrested by State Security Service (SSS) in Uyo on September 6, 2016⁸⁰, while Jamil Mabai was arrested and detained by Police in Kaduna state for criticizing Katsina state Governor in a blog post⁸¹. On November 21, Journalist Aku Obidinma was arrested by agents of the State Security Service (SSS) for critical comments on Facebook⁸² directed at the Deputy Governor of Imo state⁸³.

RWANDA



Rwanda has a population of 11,609,670 and Internet penetration rate of 18%. ISPs in the country include Artel Communications, Liquid Telecom, MTN Rwanda, Tigo Rwanda, Rwanda Olleh Networks (ORN), Bharti Airtel and RwandaTel (Terracom, LapGreen). Laws/policies that threaten Internet freedom include the Rwandan Media Law of 2009, adopted in March 2013, which contains provisions that threaten independence of online media⁸⁴. Also, the law regulating the interception of communications permits the interception of communications without prior authorization by a judge⁸⁵.

SIERRA LEONE



Sierra Leone has a population of 6,453,180 and Internet penetration of 2.5%. ISPs include the state-owned Sierratel, Orange and Airtel. The 2009 Revised NGO Policy Regulations criminalizes the reporting of false news⁸⁶. Section 33 of its Public Order Act 1965 maintains seditious libel as a crime⁸⁷, thus restricting freedom of expression.

⁷⁷ "Woman sacked by Nasarawa Civil Service for expressing her mind on FB". February 27, 2016.

<http://bit.ly/2fhgGnl>

⁷⁸ "Nigeria anger over blogger Abubakar Sidiq Usman's arrest". BBC News. August 9, 2016.

<http://bbc.in/2ejaAk0>

⁷⁹ Abdulwasiu Hassan. "Police arrest blogger in Abuja for criticising governor". Daily Trust Newspapers. August 20, 2016 <http://bit.ly/2ejg5iD>

⁸⁰ David Oputah. "Release Blogger, Iroegbu Emenike immediately – Human Rights Group insists". The Will Nigeria. September 7, 2016. <http://bit.ly/2eXCAYW>

⁸¹ Sani Tukur. "Nigerian Blogger detained for five days". Premium times. September 23, 2016.

<http://bit.ly/2f041kV>

⁸² Dipo Olowookere. "MIIVOC Fumes Over Continued Detention Of Obidinma By DSS". Business Post. November 25, 2016. <http://bit.ly/2fjznqn>

⁸³ RightsAfrica Twitter handle. <http://bit.ly/2fjzOAR>

⁸⁴ "Rwanda: Media Law does not go far enough". Article 19. 18 March 2013. <http://bit.ly/2gcIpX9>

⁸⁵ "UN calls on Namibia, New Zealand, Rwanda, South Africa, and Sweden to reform surveillance. Will the Governments act?" Privacy International. April 1, 2016. <http://bit.ly/2eC8xJu>

⁸⁶ "Civic Freedom Monitor: Sierra Leone". The International Centre for Not-for-Profit-Law. June 27, 2016. <http://bit.ly/2g90znG>



On November 18, 2016, the Director, Ministry of Information and Communications, on behalf of the Government, issued a statement announcing Government's plans to censor social media. The publication required WhatsApp Group administrators to regulate the content of online posts. Also, Theresa Mbomaya, a 20 year old student of Fourah Bay College, was arrested and charged with incitement for sharing inciting posts on social media⁸⁸.

SOUTH SUDAN

South Sudan has a population of 12,339,810 and Internet penetration of 17.93%. The country's ISPs include Fast Networks, MTN South Sudan and Zain South Sudan. Alfred Taban, a South Sudanese editor was arrested, in July 2016, for criticising government through his online (and print) newspaper, Juba Monitor, and he was asked to stop publishing⁸⁹.



TANZANIA

Tanzania has a population of 53,470,420 and Internet penetration of 5.36%. ISPs in the country include Smile, Tanzania Telecommunications Company (TTCL), Zanzibar Telecommunications Corporation (Zantel), Vodacom Tanzania, Bharti Airtel (Zain), Millicom (Tigo), Benson Informatics Limited (BOL), Sasatel (Dovetel), Tele2, Alink, Cats-Net, Africa Online, Airtel Tanzania, Alink Telecom, Sasatel, SatCom Net and SimbaNET.



In addition to the Cybercrime Act (2015), Newspapers Act (1976) and the Tanzania Prevention of Terrorism Act (2002), which gives a police officer the authority to intercept and retain communications transmitted through any electronic medium with the help of service providers⁹⁰, the Electronic and Postal Communications Act also has clauses that threaten freedom of expression online.

In June 2016, Tanzania's telecommunications regulator cut off access to users of 600,000 "fake" phones⁹¹. In total, about 1.2 million phones were expected to be disconnected⁹². In the same month, Isaac Habakuk Emily was jailed for three years after he was found guilty of insulting President John Magufuli through a Facebook post contrary to the country's CyberCrime Act of 2015⁹³.

⁸⁷ Joel Tejan Deen-Tarawally. "Seditious libel and international limitation standards on freedom of expression: weighing the Sierra Leone seditious libel law on the scales of justice and democracy". Expo Times. November 4, 2015. <http://bit.ly/2fK8dbe>

⁸⁸ Patric Foryoh. "Sierra Leone students to protest colleague's detention- Free Theresa M'boma Now". Makoni Times. November 18, 2016. <http://bit.ly/2fxa3sZ>

⁸⁹ "South Sudan authorities arrest editor, order Juba Monitor to cease publishing". Committee to Protect Journalists. July 18, 2016. <http://bit.ly/2fdfxtW>

⁹⁰ "ICT governance in Tanzania – Policies and Practice". CIPESA ICT Research series No. 07/15 October 2015

⁹¹ "Tanzania regulator cuts off 600,000 counterfeit cellphones". eNCA . June 17, 2016. <http://bit.ly/29qImBD>

⁹² "Tanzania 'cuts off 630,000' fake phones". BBC News. June 17, 2016. <http://bbc.in/29l6PJV>

⁹³ Patrick Kihara and Juliet Njeri. "Africa cracks down on social media". BBC News. September 10, 2016. <http://bbc.in/2fjonJe>



Leonard Mulokozi was also charged on June 22, 2016 for insulting the President through a Whatsapp message⁹⁴. Meanwhile, government workers were banned from social media and WhatsApp during working hours⁹⁵ and 5 people were charged with insulting the President on social media on September 15, 2016⁹⁶. Furthermore, Dennis Temu, Suleiman Nassoro, Shakira Makame, Juma Mtatuu and Dennis Mtegwa, were charged with insulting the President and the Police on social media between August 24 and 30, 2016, in violation of section 118 (a) of the Electronic and Postal Communications Act⁹⁷.

TUNISIA



Tunisia's 5,389,504 Internet users make up 48.52% of the country's population of 11,107,800. Notable ISPs include Orange Tunisie, Tunisie Telecom, Hexabyte, Tunet, Topnet, Ooredoo (Tunisian, Orascom, Wataniya, Qatar Telecom/Qtel), Planet Tunisie, 3S GlobalNet, HexaByte, Tunet, Topnet and Divona Telecom.

Tunisia's Penal Code criminalizes speech likely "to cause harm to the public order or public morals." It also criminalizes undermining public morals by "intentionally disturbing other persons in a way that offends the sense of public decency"⁹⁸. The telecommunications code also criminalizes "harming others or disrupting their lives through public communication networks."

Tunisian military courts handle cases involving civilians, including journalists and bloggers, and provisions of the Military Justice Code inhibits public debate and freedom of expression⁹⁹.

On June 30, 2016, Tunisian authorities ordered human rights defender and blogger Lina Ben Mhenni, who played an active role in the 2011 revolution, to report to the police station, in relation to an earlier complaint of verbal and physical abuse by the security services. She was charged with insulting a police officer¹⁰⁰.

Also, Mohamed Haj Mansour, the director of online newspaper, *Al-Thawra News*, was presented with a warrant for his arrest on October 3, 2016, by the presiding judge at the Military Court following publication of an article in his online newspaper¹⁰¹.

⁹⁴ Ndesanjo Macha. "Tanzanian prosecuted for insulting the President on WhatsApp". Advox Global Voices. June 27, 2016. <http://bit.ly/2eUzreM>

⁹⁵ "Tanzania civil servants' social media ban". BBC News. March 9, 2016. <http://bbc.in/2fdTZ0g>

⁹⁶ Rosina John. Five charged with insulting Magufuli. The Citizen. September 16, 2016. <http://bit.ly/2fv915p>

⁹⁷ Ndesanjo Macha. "In Tanzania, Expressing Political Opinions on Social Media is Becoming Increasingly Dangerous". Advox Global Voices. September 30, 2016. <http://bit.ly/2fgJHLS>

⁹⁸ "Tunisia". End-Blasphemy-laws.org. <http://bit.ly/2f3MEI3>

⁹⁹ "Tunisia: When Military Justice threatens Freedom of Expression". Article 19. November 1, 2016. <http://bit.ly/2fwuXv4>

¹⁰⁰ "Ongoing judicial harassment against human rights defender Lina Ben Mhenni". Frontline Defenders. July 13, 2016. <http://bit.ly/2fULxDd>

¹⁰¹ "Tunisia: When Military Justice threatens Freedom of Expression". Article 19. November 1, 2016. <http://bit.ly/2fwuXv4>



UGANDA



Uganda has a population of 39,032,380 and Internet penetration of 19.22%. ISPs in the country include Africell, Bharti Airtel, MTN Uganda, Smile Telecom and Uganda Telecom (UTL, LAP Green, Orascom, and Deutsche Telecom).

Regulations on Interception of Communications 2010, Computer Misuse Act 2011, Anti-Pornography Act 2014, Anti-Terrorism Amendment Act 2016 and Uganda Communications Commission Act 2013 have clauses that infringe on privacy and freedom of expression. Data Protection and Privacy Bill 2014 has been criticized by civil society for being open to misinterpretation and for its breach of data privacy under the guise of upholding national security.

However, on April 20, 2016, it passed its first reading in the Ugandan parliament. A human rights organization, Article 19 suggests that the 2016 bill “needs to better harmonize its protections with the fundamental right to freedom of expression and the right to information”¹⁰².

Social media platforms, especially Twitter, Facebook and Whatsapp - and mobile money services - were shut down during the Ugandan elections in February 2016¹⁰³. The authorities explained that the social media shutdown was a security measure. In addition, the Ugandan government unveiled plans to purchase an online porn detector, to monitor citizens’ viewing of online pornography¹⁰⁴.

This action led to public uproar as Ugandan citizens criticized the government’s misplaced priorities given the poor state of the nation’s health facilities. Furthermore, Ugandan authorities blocked social media websites for the presidential inauguration in May 2016¹⁰⁵.

Facebook was asked to unmask a Ugandan activist who had used the social networking platform to expose alleged corruption in the country¹⁰⁶.

In a separate incident, Sadati Waligo, a journalist attached to Kamunye, a sister tabloid of Red Pepper newspaper, was remanded to prison for alleged criminal libel. Waligo appeared before a Magistrate and was charged for publishing a defamatory story in Kamunye and also posting on his Facebook account on January 17 “with intent to injure the reputation of Lyantonde Resident District Commissioner, Sulaiman Tiguragara Matojo”, who he alleged was involved in the theft of cows¹⁰⁷.

¹⁰² “Legal Analysis. Uganda: Data Protection and Privacy Bill”. Article 19. July 9, 2016. <http://bit.ly/2f3sC8h>

¹⁰³ James Propa. “Ugandans are finally back on social media after days-long blackout”. Advox Global Voices. May 17, 2016. <http://bit.ly/29t1NY8>

¹⁰⁴ Prudence Nyamishana. “Ugandans Blast Government's Porn Detector Priorities After the Country's Only Radiotherapy Machine Breaks”. Advox Global Voices. April 16, 2016. <http://bit.ly/29L5iJm>

¹⁰⁵ “Uganda blocks social media sites for Presidential inauguration”. Committee to Protect Journalists. May 12, 2016. <http://bit.ly/2e4zyW4>

¹⁰⁶ Aaron Rogan. “Facebook told to unmask Ugandan activist”. The Times UK. September 1, 2016. <http://bit.ly/2eXolpj>

¹⁰⁷ “Update: Freedom of Expression in East Africa”. Article 19 Newsletter. August 10, 2016. <http://bit.ly/2fhnGh2>



ZAMBIA

With a population of 16,211,770, Zambia has an Internet penetration of 21%. ISPs in the country include Vodafone Zambia, Zambia Telecommunications (Zamtel, LapGreen), MTN Zambia, Bharti Airtel, Cell Z (Zamtel), AfriConnect, Liquid Telecom, Neotel, Zamnet, Microlink Technologies Limited and Coppernet Solutions.



Freedom of expression is limited by clauses in the Penal Code that criminalizes defamation of the president¹⁰⁸. In March 2016, Zambia's Deputy Minister of Health, Dawson Kafwaya, attacked a bank employee over Facebook comments he considered offensive¹⁰⁹.

Internet and network outages were also reported in Zambia while protesters demonstrated against the August 2016 presidential election narrowly won by incumbent president, Edgar Lungu¹¹⁰. The website and Facebook page of the *Zambian Watchdog*, an investigative journalistic site became inaccessible, from September 21, 2016. A week later, government agents raided the offices of a Lusaka-based web hosting company in search of its servers¹¹¹.

ZIMBABWE

Zimbabwe has a population of 15,602,750 and Internet penetration of 16.36%. ISPs in the country include TelOne, NetOne, Econet, Telecel, TeleAccess, Afritell, Liquid Telecom, Powertel Communications, Broadlands Networks, Aquiva, Africa Online, iWay Africa (MWEB), Zimbabwe Online (ZOL), Telecontract and Ecoweb.



The Cyber Crime and Data Protection Bill has restrictions on social media engagement and freedom of expression. Also, the Interception of Communications Act and the law stating that insulting President is an offence¹¹² threaten Internet freedom.

WhatsApp, which constitutes about 34% of all mobile internet traffic in Zimbabwe and is a vital communications tool for Zimbabweans¹¹³, was shut down after the #ZimShutDown2016 protests on July 6, 2016. In response to citizens' social media activity, the government unveiled plans to build a local "social media" which is closely monitored by government¹¹⁴. During the same period, there was a failed attempt to

¹⁰⁸ Freedom House . Freedom on the Net 2015.

¹⁰⁹ Isabella Mukanda-Shamambo. "Zambian Deputy Minister attacks bank employee over Facebook comments". Advox Global Voices. April 5, 2016. <http://bit.ly/29uTvkK>

¹¹⁰ Lily Kuo. "Mali is the latest African country to impose a social media blackout". Quartz Africa. August 19, 2016. <http://bit.ly/2fw5liS>

¹¹¹ "The Plight of the *Zambian Watchdog*: Embattled Opposition News Site Goes Down". Balancing Act. October 14, 2016. <http://bit.ly/2ghrSkD>

¹¹² New Zimbabwe. "Mocking Zimbabwe: 150 arrested to date". The Zimbabwean. March 25, 2016. <http://bit.ly/2fekhBA>

¹¹³ Toby Shapshak. "WhatsApp shutdown in Zimbabwe during protests – following Burundi, DRC and Uganda". Forbes. July 6, 2016. <http://bit.ly/29nrxr2>

¹¹⁴ Lincoln Towindo. "Government to regulate the social media". The Sunday Mail. April 10, 2016. <http://bit.ly/2fxZXfQ>



abduct the leader of Zimbabwe’s social media protests¹¹⁵ and Zimbabwe’s data prices were hiked by up to 500% to curb social media activism and dissent¹¹⁶.

There were a number of arrests for comments and posts online. In an incident, the head of the Zimbabwe Media Center, Ernest Mudzengi, and two of his colleagues were summoned by police on April 7 and 8, 2016, over a blog report critical of President Robert Mugabe¹¹⁷. Another man was arrested for portraying Robert Mugabe as frail on WhatsApp¹¹⁸. A school headmaster was also arrested for posting a picture of Robert Mugabe, with superstar singer Rihanna, in a position “suggesting that they were in love”¹¹⁹. Also, the spokesperson for the People First Party, Jealousy Mawarire, was charged over a tweet accusing Education Minister, Jonathan Moyo, of financial impropriety. With the Cybercrime Bill still in the draft stage at the time of writing this report, he was charged under the old Posts and Telecommunications Act, which outlaws the sending “by telephone, any message that is grossly offensive or is of an indecent, obscene or threatening character”¹²⁰.

¹¹⁵ Tatira Zwinoira and Obey Manayiti. “Attempts to abduct leader of Zimbabwe’s social media protests fail” Africacradle.com. <http://bit.ly/2fky4mw>

¹¹⁶ Lungelo Shezi. “Zimbabwe data prices hiked by up to 500% to curb social media activism and dissent”. Mail & Guardian. August 5, 2016. <http://bit.ly/2aGq132>

¹¹⁷ Sebastian Mhofu. “Zimbabwe cracks down on online dissent”. VOA News. April 11, 2016. <http://bit.ly/2c4wGU1>

¹¹⁸ David. “Man arrested for insulting President Mugabe on WhatsApp”. Fojusi.com. April 6, 2016. <http://bit.ly/2f3SWiA>

¹¹⁹ New Zimbabwe. “Mocking Mugabe: 150 arrested to date”. The Zimbabwean. March 25, 2016. <http://bit.ly/2fekhBA>

¹²⁰ Patrick Kihara and Juliet Njeri. “Africa cracks down on social media”. BBC News. September 10, 2016. <http://bbc.in/2fjonJe>



CONCLUSION: MOBILIZING AGAINST DIGITAL RIGHTS ABUSES

The extent to which we enjoy freedoms is often limited by the degree to which we exercise our rights as active citizens. Breaches to Internet freedom thrive and flourish when there is no co-ordinated citizen and active society pushback. Full-blown Internet shutdowns for instance don't just happen - they usually have been preceded by erstwhile "routine" acts such like mandatory SIM card registrations, without the corresponding legislation to protect citizens' data.

There are at least 38 African nations where mandatory SIM card registrations are required - Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, (Democratic Republic of the) Congo, (Republic of the) Congo, Cote d'Ivoire, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Kenya, Liberia, Mali, Mauritius, Morocco, Mozambique, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, South Sudan, Sudan, Tanzania, Togo, Uganda, Zambia and Zimbabwe.^{121, 122, 123, 124}

Many of these countries do not have data privacy laws or have legislation that is disregarded. Indeed, SIM card registrations are proving to be a definite route African governments take towards blanket surveillance of citizens, especially as Africa is a mobile continent where majority get access to the Internet through their mobile phones. It is no coincidence that 11 out of the 38 African countries that require SIM registration experienced partial or full

Internet shutdowns in 2016 and that every African country that shut down the Internet in 2016 requires SIM registration. Algeria, (Democratic Republic of the) Congo, (Republic of the) Congo, Chad, Ethiopia, Gabon, Gambia, Mali, Morocco, Uganda and Zimbabwe shut down the Internet in 2016.

Active citizens and civil society constrain the tendency of those who abuse positions of authority to perpetuate digital rights violations. Or, at least, the problem gets attention and forces either denial or in some cases, reversal of violations. Civil society and active citizens can engage more with government and policy makers, thereby influencing the enactment of digital rights friendly laws and policies, and repealing of legislation or clauses in legislation that violate digital rights.

Training lawyers and law enforcement officials on digital security should also be a priority for civil society actors because some digital rights violations stem from the lack of understanding of the technology, and the understanding of the sometimes-new legislation enacted for information and communications technologies. There is also the need for civil society actors to form coalitions to amplify their impact, not neglecting the role of socially responsible Internet businesses as stakeholders in the fight for digital rights.

With at least 11 countries imposing Internet or Internet application shutdowns, unfortunately, Africa was the hotbed for violations to digital rights. While many of the underlying causes of digital rights violations are linked with the systemic political and economic underdevelopment in the continent - whereby millions of citizens are too engrossed in the struggle for daily bread to mind what happens with digital rights - an opportunity has arisen for civil society to fight for digital rights and make the right decisions on behalf of the rest of society. Africa is already

¹²¹ Steve Song, "35 Reasons to worry about Privacy in Africa". Many Possibilities. September 17, 2012. <http://bit.ly/2eboRSP>

¹²² "Morocco to require Prepay SIM Card Registration". Cellular News. February 12, 2014. <http://bit.ly/2fgSm3u>

¹²³ Nicola Jentzsch, "Implications of Mandatory Registration of Mobile Phone Users in Africa" in DIW Berlin Discussion Papers, 2012. <http://bit.ly/2g0ZRwM>

¹²⁴ Law No. 2011-023 / P-RM of 28 September 2011 on compulsory SIM registration for Mali. <http://bit.ly/2gFGvhJ>



behind on many development indices but the Internet presents perhaps a chance to bridge many of those gaps through the access it grants to life-changing information, communications, education, opportunities and its role in the development of the political space.

Those who constrain Internet freedoms should be seen as adversaries of

development - something Africa needs in a hurry. All hands must be on deck to ensure that the Internet is maintained free for it to deliver its dividends for the future of the continent. We must mobilize against digital rights abuses to ensure Internet freedom and to benefit from the economic opportunities that Internet crackdowns prevent.



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