

**Internet Thought Police, Offline Attacks:  
Threats to Media Freedom in the Digital Age**

Testimony of Assistant Secretary of State for Democracy, Human Rights and Labor  
Tom Lantos Commission on Human Rights  
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Thank you for giving me the opportunity to discuss both traditional and emerging threats to fundamental freedoms, both online and offline. Mr. Chairman, I ask that these remarks be submitted for the record.

I want to begin by broadening the way we are talking about the new threats to free expression, because the traditional terms “media freedom” and “censorship” no longer reflect the full spectrum of what is happening around the world.

Two hundred years ago James Madison, one of the principle authors of the U.S. Constitution wrote: “A popular government without popular information or the means of acquiring it, is but a prologue to a farce, or a tragedy, or perhaps both.”

The more globalized our world has become, the more critical is the free flow of news and information to our policies, our economies, and the ability of citizens in every country to make informed decisions about their own lives.

Recognizing the vital importance of information, the Obama administration has redoubled the U.S. government’s efforts to track the broad range of threats to media freedom today and to respond to these new challenges. These threats include the use of criminal libel, defamation, or incitement laws, and the misuse of terrorism laws to prosecute journalists; prosecutions designed to inflict crippling financial damage on news organizations; the increase of government ownership of media outlets; the shutdown of websites and social media sites; threats against, physical attacks on, assassinations of, and disappearances of journalists, particularly those reporting on criminal activity, or corruption; and the inability or unwillingness of governments to protect journalists or prosecute those responsible for attacks on journalists.

We all remember the brutal murder of Wall Street Journal reporter Daniel Pearl 10 years ago in Pakistan, where he had gone to report on Al Qaida. In the decade since that tragedy, the use of violence to intimidate journalists and news organizations has worsened. According to the Committee to Protect Journalists, 15 journalists have been murdered so far in 2012, in addition to the 14 killed in the line of duty this year. The number of journalists under duress keeps growing, and so must our work to protect them.

At a moment when a number of important countries are in transition both toward and away from democracy, we need to focus on threats to the free flow of information, which *are* threats to democracy. This spring, when we launched a “Free the Press” campaign in the run-up to World Press Freedom Day, Under Secretary of State Tara Sonenshine observed that media freedom is “the moral equivalent of oxygen. It is how a society breathes.”

When freedom of expression is cut off, economies stagnate, societies suffer, and individuals gasp for breath. The independence of news organizations, the diversity of information sources, and the quality of the information people get all matter, if citizens are to have genuine democratic and economic opportunity. A global information infrastructure that supports free markets and prosperous societies cannot be built atop a foundation of censorship, repression, and intimidation.

And so we are deeply concerned about the worsening climate for media freedom in Russia. Earlier this month the Duma passed laws enabling Internet censorship and re-criminalizing defamation. The Duma has also discussed labeling news outlets that are funded internationally as “foreign agents” – a stigmatizing term now also applied to NGOs.

We are concerned by the recent arrest of Mam Sonando, an independent radio broadcaster in Cambodia, who now faces up to 20 years in prison. U.S. officials, including President Obama, have spoken out about the case of Vietnamese blogger Dieu Cay, and I raised the case again this month on a trip to Vietnam.

We are also concerned when the Bloomberg News website is blocked in China after reporting on the business interests of some members of China’s leadership. While each country has its political sensitivities, in our financially interdependent world, the ability to have diverse and independent reporting of business news is critical to the proper functioning of markets, companies, and international monetary institutions.

It is not just governments that threaten the freedom of the press. It is also criminal gangs, terrorists, and sometimes political factions. We see a rising threat to free media in an established democracy like Mexico, where eight journalists have been killed so far this year. Last month, unknown assailants sprayed bullets and threw grenades into the offices of the *El Norte* and *La Mañana* newspapers, and in desperation, *La Mañana* announced that it would no longer report on drug violence, joining other papers which have quietly adopted a similar self-censorship policy. Last fall, four social media bloggers were murdered in Nuevo Laredo, with two hung from city bridges and two left decapitated—all bodies were found with notes from criminal organizations warning others not to report on their activities. The Government of Mexico is working to improve the protection it provides to journalists and rights defenders, and the United States will continue to be a partner with the Mexican government as it addresses such violence.

We have also repeatedly stressed the need to establish a firm commitment to free expression, assembly, and association in emerging democracies like Tunisia, where the owner of Nessma TV was fined in May for broadcasting a movie that some deemed blasphemous. The film had previously been approved by the Ben Ali government and had already been shown in Tunisian movie theaters. But charges were brought by the current government after angry protests by Islamists against the TV station.

We must send the message that every government has a duty to protect the universal rights of its vulnerable minorities. And as we promote democracy and freedom of expression around the world, the United States must stand up for the principle that popular majorities do not have the

right to restrict the universal human rights of others, including freedom of expression and religion.

While the United States is eager to cooperate with other countries in combating terrorism, we will voice our concerns when governments abuse anti-terrorism laws to suppress free speech. We spoke out against the June conviction of Ethiopian journalist Eskinder Nega, a journalist and online columnist known for writing pieces that advocate for human rights, and one of more than 100 opposition political figures, activists, and government critics arrested last year. We have made clear in our human rights dialogues with the Ethiopian government that media freedom is a fundamental element in a democratic society.

Finally, we continue to raise press freedom cases in the most difficult countries. During our “Free The Press” campaign this spring, we spotlighted cases of journalists under duress in Vietnam, Cuba, Belarus, Eritrea, Sri Lanka, and China. I continue to raise cases in many other countries, publicly and privately, and will continue to do so.

Whether we are promoting Internet freedom, press freedom, or the safety of journalists, training independent media, or advocating for the role of civil society groups in building healthy societies, we are rooted in the same fundamental principles: that all individuals are entitled to the universal freedoms of expression, assembly, and association. These principles are enduring, but rapid technological change requires us to adopt a broader conceptual framework for defending freedom in the digital age. I want to highlight three new trends we see emerging.

The first trend is the changing nature of censorship. A decade ago, media censorship was based primarily on a system of prior restraint. Most governments that censored had a stable and predictable relationship with newspapers, magazines, and TV stations, whether state-owned or private. Government redlines were known to reporters and editors, and so were the likely punishments for failure to practice self-censorship. This kind of traditional censorship was physically possible because of the finite number of publishing or broadcasting outlets, and the ability of states to control access to newsprint or broadcast frequencies.

Today, every individual with access to social media can be a publisher or a broadcaster. Anyone with a laptop or even a smart phone can now basically operate as an investigative reporter, war correspondent, photographer, cameraman, columnist, newspaper delivery boy, or senior television executive. Ordinary citizens with no journalism training can and do disseminate information 24-7 from nearly every country in the world. They can do a 140-character Tweet, a 1,400 word blog post, or a 14-minute documentary film. They can use free software to send out 14,000 photos or text messages to cell phones. And they can do it all at a production cost of next to nothing. Some have died to report the truth in places like Syria, where most international news organizations have not been able to send staff and must rely on citizen journalists to cover the conflict.

When everybody is a news-gatherer, publisher, and broadcaster, prior restraint is far less feasible. Very few countries have the manpower or the technology to troll the social media deleting every Facebook post that criticizes the government or tweet calling for protestors to assemble – though more countries appear to be trying. A number of countries try to make

websites do the censorship for them by instituting licensing requirements and rescinding the licenses of websites that do not sufficiently censor their users. Still, Internet users continue to find ways to gain access and post material, and we continue to fund tools and trainings to help them do so. What governments that cannot prevent posting of content they dislike can do, however, is punish anyone whose message “goes too far” – creating a chilling effect that discourages citizens from attempting to exercise their rights.

The second trend is social media repression – governments prosecuting or persecuting Internet and social media users for what they blog, post, tweet, or text. We have reported on more than 60 individuals in 17 countries who have been arrested for their online activities in the past 20 months. These individuals range from journalists, editors, bloggers, and webmasters to students and grandfathers arrested for their tweets; from people who have questioned their own religion to those who were accused of insulting people of other religions; from political activists to an ordinary Saudi woman sentenced to 50 lashes allegedly for using swear words in a text message.

These individuals are being prosecuted under a dizzying array of existing laws being repurposed for use against digital expression. Charges have included libel, “distortion,” “disrupting social order,” incitement of protest or of ethnic hatred, blasphemy, subversion, terrorism, defamation, and “inciting others to action under the pretext of freedom of expression.”

This phenomenon looks different in different countries, and there is no one-size-fits-all U.S. diplomatic response. At the same time, many of these cases have attracted widespread media attention because they are seen as arbitrary, overly harsh, or the result of sophisticated government surveillance of the Internet and social media, including communications such as text messages that many users assumed were private. It exemplifies the abuse of the same technologies that bring us advanced communications – neutral tools that can be used with benevolent or malevolent intent. Social media can be an invaluable tool for governments that want to understand the needs, views, and problems of their people and respond quickly, including in cases of natural disaster. It must not become a new frontier for micro-targeted repression.

Because much of the public debate now takes place online, the persecution of people for what they post online amounts to criminalizing conversation. The advent of Internet thought police trolling the social media for “criminal” forms of expression is a violation of human rights and a serious step backwards for freedom.

The third trend is the continuing threat to Internet freedom in individual countries and to the global system of Internet governance. In most of the wired world, any threat to Internet freedom is by definition a threat to media freedom. Last year China and Russia, with support from Tajikistan and Uzbekistan, floated a proposal at the United Nations that would create a global code of conduct to enforce “information security,” including greater government control of the Internet. This is a very bad idea. At the UN and in other international bodies we are continuing our diplomatic efforts to counter these threats to internet freedom.

On the positive side, 17 countries, including the United States, have now joined the Coalition for Freedom Online to help defend Internet freedom. Together, we are working to advance

diplomatic proposals to safeguard the Internet as a neutral and open space where citizens can exercise their rights of expression association, assembly, and religion.

In addition, we are working collectively to keep advanced communication technologies from being deployed by the worst human rights offenders against their own citizens. This Spring, President Obama signed an executive order restricting the export to Iran and Syria of technologies that can be used for Internet surveillance.

In the OSCE, the United States, joined by 38 co-sponsors to date, has pressed for adoption of a Fundamental Freedoms in the Digital Age declaration, reaffirming that human rights and fundamental freedoms do not change with new technologies and that States must respect the exercise of those enduring rights and freedoms online and offline.

As President Obama said on World Press Freedom Day this year, more than 60 years after the Universal Declaration of Human Rights proclaimed the right of every person “to seek, receive and impart information and ideas through any media and regardless of frontiers,” that right remains in peril in far too many countries. We call upon all governments to seize that promise by recognizing the vital role of a free press and taking the necessary steps to create societies in which independent journalists can operate freely and without fear and all citizens can exercise their universal human rights.

Thank you.

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