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Freedom of Expression and Right to Justice: How Syrian organizations should use the Internet to achieve their goals under a civil war

Vinicius Gorczeski

Magyar Tudományos Akadémia / Hungarian Academy of Sciences
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Freedom of Expression and Right to Justice: How Syrian organizations should use the Internet to achieve their goals under a civil war

Vinicius Gorczeski

Centre for Social Sciences, email: vinicius.gorczeski@tk.mta.hu: +36.1.2246700/5213

Abstract Since a civil war broke out in Syria in 2011, independent media outlets, justice and accountability, and civil society builders organizations have striven to exert their right to freedom of expression—despite the local government's efforts to undermine them on the streets and, in particular, in cyberspace. The Internet has proven to be an enabler of such rights, through which war crimes and other serious violations perpetrated by the Syrian government could be known by the international community. That really is in stark contrast to the Syrian pre-civil-war experience in the cyber realm, when freedom of expression was limited if not nonexistent. This paper analyzes two open questions in regard with that: how do actors working to promote the right for justice can use the Internet to coordinate with international organizations in pursuing justice and accountability efforts; and whether such emerging reality will resist a future in which Assad retains power of the country and censorship prevails over the Internet. Subsequently, this paper puts forward policy scenarios in which freedom of expression can achieve practical justice and accountability results through media and coordination efforts between local and international organizations.

Keywords Syria, civil war, freedom of expression, censorship, media literacy, advocacy, right to justice

Syrians use their right to freedom of expression to call for victims' rights

Eastern Ghouta was one of the last areas under opposition control since the uprising in 2011 evolved into a bloodshed civil war in Syria. As reported by Al-Jazeera, that changed when government forces took over most of the besieged area in early April, leaving opposition efforts at stake. Douma, one the largest towns in the region, had already been a victim of a deadly chemical attack, that left dozens dead and hundreds of others in critical condition, and prompted the US, France, and the UK to launch an aerial attack against chemical weapon facilities in Syria soon afterwards. Before such atrocities happened, the website Ghouta.com reported on the incidents. Likely unknown by western media outlets, Ghouta.com helped break the news by disseminating a report signed by the Union of Medical Care and Relief Organizations—which collected evidence on the ground about the attack and helped trigger western media outlets to cover the incident.

After seven years of a civil war in Syria, freedom of expression has become if not the norm at least the practice between organizations building up civil society, independent media outlets, and justice and accountability efforts in the country—with the Internet being the platform that enabled this right, as Ghouta.com shows. Before that,

¹ Hubbard, Ben. "Dozens Suffocate in Syria as Government Is Accused of Chemical Attack." *The New York Times*, April 8, 2018, sec. Middle East. https://www.nytimes.com/2018/04/08/world/middleeast/syria-chemical-attack-ghouta.html.

² "U.S., Britain and France Strike Syria Over Suspected Chemical Weapons Attack - The New York Times." Accessed May 26, 2018. https://www.nytimes.com/2018/04/13/world/middleeast/trump-strikes-syria-attack.html.

³ "BREAKING: Massive Chemical Weapon Attack Leaves 25+ Dead, 500+ Injured in Ghouta." *Ghouta* (blog), April 7, 2018. https://ghouta.com/index.php/2018/04/07/breaking-massive-chemical-weapon-attack-leaves-25-dead-500-injured-in-ghouta/.

freedom of expression on the Internet was limited or even nonexistent.⁴ More than facilitating freedom of expression, the Internet has become one of the single sources documenting what happens in Syria because the regime banned journalists from directly accessing the country after the war broke out.⁵

The website Ghouta.com is one example that combines freedom of expression—the right one has to express his thoughts without constraints⁶—with the mission of bringing about justice and accountability arising from the conflict. The website serves as a digital hub hosting reports released by a coalition of organizations on what is the current landscape of siege Ghouta. It is also a communication tool aimed at connecting foreign journalists with activists and witnesses on the ground to increase international awareness. The website is a product of a partnership between the Syrian Civil Society Coalition (Shaml), a network of regionally-based Syrian organizations in Turkey, PAX for peace, and international organizations working on conflicts worldwide, according to Fadi Hakim, Program Manager of Shaml. According to Hakim, among the many goals of the initiative is the use of advocacy efforts to raise awareness for atrocities committed in the heat of the war that can help hold to account perpetrators of war crimes.

One example came out on May 11, 2018, when Ghouta.com published a report prepared by the Syrian Network for Human Rights (SNHR).⁸ The report brought evidence that linked Syrian armed

⁴ "Syria | OpenNet Initiative." Accessed December 14, 2017. https://opennet.net/research/profiles/syria.

⁵ Cottle, Simon, Richard Sambrook, and Nick Mosdell. *Reporting Dangerously: Journalist Killings, Intimidation and Security*. Springer, 2016.

⁶ "OHCHR | International Covenant on Civil and Political Rights." Accessed May 26, 2018. http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx.

⁷ "Interview with Fadi Hakim, Program Manager of the Syrian Civil Society Coalition/Shaml," February 12, 2018.

⁸ "Additional Evidences and Investigations Prove That the Syrian Regime Was Probably Implicated in Attacking Douma City Using Chemical

forces to the use of chemical attacks in Ghouta. Besides compiling evidence (photos, witnesses' accounts, and the use of open source platforms to facilitate investigations), the report provides recommendations to the United Nations Security Council and human rights bodies, calling for further legal investigations on the incident that can establish the links between victims and perpetrators. Ghouta.com has been shared by hundreds of activists on social media, including Twitter and Facebook, in grassroots-like campaigns.⁹

Yet, as Ghouta illustrates, the Syrian government, backed up by allies such as Russia, has intensified its efforts against opposition groups and regained territories it had lost since 2011. Besides that, it's unclear for Shaml how such efforts translate into effective coordination with international organizations such as the International Commission of Inquiry of Syria (COI), established by the United Nations, or the International, Impartial and Independent Mechanism (IIIM), a justice mechanism set up in 2016 by the UN to investigate unlawful acts under Public International Law committed in Syria since 2011. As the report by SNHR published on Ghouta.com stated, despite the deployment of over 200 chemical attacks in Syria, few of these incidents triggered an international response. 12

As uncertainty strikes organizations using the Internet to express and release information on perpetrators of atrocities in the war, at least

Weapons." *Ghouta* (blog), May 11, 2018. https://ghouta.com/index.php/2018/05/11/additional-evidences-and-investigations-prove-that-the-syrian-regime-was-probably-implicated-in-attacking-doumacity-using-chemical-weapons/.

⁹ "Ghouta - Home." Accessed May 26, 2018. https://www.face-book.com/ActForGhouta/?ref=br_rs.

¹⁰ "Syrian Civil War Map: Who's in Control Where." Accessed May 26, 2018. https://www.aljazeera.com/indepth/interactive/2015/05/syria-country-divided-150529144229467.html.

¹¹ "Mandate | IIIM." Accessed May 26, 2018. https://iiim.un.org/mandate/.

¹² "Mandate | IIIM." Accessed May 26, 2018. https://iiim.un.org/mandate/.

two main questions remain open. One is how actors working to promote the right for justice can use the Internet to coordinate with organizations such as the IIIM. Another is whether justice and accountability efforts will resist a future in which Assad retains power of the country and censorship prevails over the Internet as it did before 2011, putting at stake not only freedom of expression but also justice for victims.

Freedom of expression stumbles upon the lack of an international response to Syrian needs

If efforts deployed by Shaml and Pax, like with Ghouta.com, are properly designed despite the limited access to international actors involved in the Syrian conflict, they remain a great exception of organizations using the internet to communicate to the outside world what takes place in Syria. Many organizations—be them media outlets or justice and accountability by nature—work toward justice, examples being Syrians for Truth and Justice, Syrian Legal Development Program, Violations Documentation Center, or Verify.sy. Although some of these organizations have been sourced in articles featured in major international media outlets, most of their work has had limited impact with international organizations directly involved in evidence documentation for prosecution efforts. One reason for this is that organizations such as COI and IIIM operate with different communication and investigation procedures because of their mandate given by the UN. But weak dissemination of content among major media outlets also limits the international engagement, vital to trigger direct responses on the ground in Syria.

According to Assaad Al Achi, program director of Baytna Syria, an organization set up in Turkey to foster civil society movements in diverse areas, this happens because the of the way messages are crafted. The main issue is how freedom of expression has been exercised by organizations working on justice and accountability and how that message has proved insufficient and ineffective. As an

example, Al Achi mentioned the case of the Syrian city of Madaya. In 2015, the city suffered from an unfolding famine. Although major international organizations such as Amnesty International and CNN reported on the case, ¹³ Al Achi mentioned that the situation on the ground was much worse. He said that, along with other Syrian activists, he questioned why the international response was limited despite regionally-based Syrian organizations having communicated on the incident with plenty of photos and other additional evidence through the Internet. "I think the main reason the message failed is, first, because the channeling of the message was wrong. Second, there was a language barrier (since messages were being disseminated in Arabic), and third because there was no mobilization at the international front because there was no involvement of Syrian diaspora communities," he noted. ¹⁴

That's important despite the organizations' efforts to use the Internet as a way of better informing the international community on events taking place in Syria. Although it lacks in-depth investigation in its reports, the website Verify.sy has fact-checked news disseminated by a Spanish website that accused the US for bombing a hospital in July 2016, when evidence suggested that Syrian forces launched the bombing campaign instead. Although publishing articles in English, the channel does not seem to have (at least it does not inform about) outreach strategies to make their work resonate across Syrian borders. One example in this case is that the English version of Verify on Facebook has 38 thousand followers only. Its Arabic version has 108 thousand followers.

¹³ "Syria Report: Famine in Madaya 'the Tip of an Iceberg' - CNN." Accessed May 26, 2018. https://edition.cnn.com/2016/01/09/mid-dleeast/syria-madaya-starvation/index.html.

¹⁴ "Interview with Assaad Al Achi, Executive Director of Baytna Syria," February 12, 2018.

¹⁵ "Spanish Channels Use a Video Recording from a Hospital Bombed by Assad's Forces and Accuse America of Doing So." Accessed May 26, 2018. https://www.verify-sy.com/ViewArticle/Spanish-channels-use-a-video-recording-from-a-hospital-bombed-by-Assad%27s-forces-and-accuse-America-of-doing-so/928/International-media/en.

Examples like Verify.sy's show that freedom of expression, in the Syrian context, has given room for a diverse body of organizations denouncing war crimes or collaborating to better inform international actors on atrocities being committed on the ground—thus, intending to bring about justice for Syrian victims. However, this has not yet resulted in palpable changes in the course of the conflict. This is because they are not reached by actors with the power to enable such changes—the international media being one example, since it can prompt international responses to issues on the ground, or international mechanisms for justice established at the UN level. And it continues to happen despite the high number of human rights violations evidence being disseminated on YouTube¹⁶

Censorship and filtering: a gloomy future for freedom of expression in Syrian cyberspace?

The emergence of evidence collection was a leap forward for organizations working on justice and accountability issues in the Syrian war, despite the limited impact achieved so far. But if their work result in reparations for victims of the conflict, it is their survival as free and independent organizations expressing themselves on cyberspace that is even more uncertain because of the evolving circumstances of the war, e.g. the Syrian government's effective strategy of regaining control of Syria, leaving at stake organizations' ability to freely communicate. To address this challenge, it's worth understanding the policy practices imposed on the Internet by the Syrian government before the revolution to foresee some risks that organizations may face if the regime remains in power.

In a report posted before the Arab Spring and the following Syrian revolution in 2011, the OpenNet Initiative highlighted that the

¹⁶ "Freedom on the Net: A Global Assessment of Internet and Digital Media." Freedom House, 2017. https://freedomhouse.org/sites/default/files/FOTN_2017_Full_Report.pdf.

Internet in Syria was controlled by the regime. ¹⁷ According to the report, the government operated filtering on all four types of tools and content analyzed by the organizations. It had conducted a "pervasive filtering" of political content and Internet tools available for citizens and selective filtering of content related both to social media and to security or conflict. It did so, the report goes on, with a high consistency and very low transparency. Information in Syria was mainly explored by state-owned media outlets. According to the OpenNet study, the government imposed laws enabling censorship of the Internet, using as justification a fear of a Syrian divide and of "Israeli penetration" in the country. The Internet in Syria was, therefore, used to orient civil society in one way: that of the government's interests in politics. ¹⁸

Although the Internet landscape in Syria has changed over the past seven years with more people connected to the Internet—for example, with over 30% of the local population having access to the Internet, 19 compared to only 22% of penetration in 2011 20—a stable regime can mean most civil society organizations denouncing regime abuse or unlawful actions according to international humanitarian law can experience a shift, a setback on freedom of expression back to preuprising levels among civil society organizations operating with justice and accountability efforts if they move from Syrian hubs (Turkey, Lebanon, Jordan) back to Syria once the conflict is over. This would be the case since the government's mechanisms for filtering cyberspace and promote Internet control haven't been lifted;

¹⁷ "Syria | OpenNet Initiative." Accessed May 26, 2018. https://opennet.net/research/profiles/syria.

¹⁸ "IFLA -- Freedom of Expression and Access to Information in Syria Today." Accessed May 26, 2018. https://www.ifla.org/ES/publications/freedom-of-expression-and-access-to-information-in-syria-today#access.

¹⁹ "Middle East Internet Stats and Telecommunications Reports." Accessed May 26, 2018. https://www.internetworldstats.com/middle.htm#sy.

²⁰ "Syria Internet Users," accessed April 12, 2018, http://www.internetlivestats.com/internet-users/syria/.

in fact, freedom of expression is limited, particularly among media outlets, to a higher degree than it was in 2011.²¹ Content related to the opposition, groups advocating for human rights, and minorities in Syria are the target of such practices.²²

More than shutting down or blocking content related to the opposition, organizations working on justice and accountability issues in Syria have been target by the government in the physical realm. ²³ The latest Freedom on the Net report by Freedom House has documented the danger and challenges arising from cyber-activism in Syria. It showed that employers of the Syrian Center for Media and Freedom of Expression after a government-raid in their offices in 2012, and members of the VDC, for example, were kidnaped in the opposition-controlled area in which they operated in 2013. ²⁴ In 2017, one of the most emblematic digital activists of Syria, Bassel Khartabil, who battled for an open and free cyberspace in Syria, was assassinated in a regime-controlled prison, where he had been detained since 2013. ²⁵ The latest Freedom House report verified an increase in governmental censorship mechanisms and strategies to obstruct political dissent.

Considering a conflict resolution, it seems unlikely that the regime would change its current policies on cyberspace toward relaxation or clarity over current filtering practices, even if they already fall short of the requirements established by international law: one being the existence of provisions by law in which the regime clarifies such practices; another being justifying such practices under the

²¹ "Syria," April 26, 2017. https://freedomhouse.org/report/freedompress/2017/syria

²² "Freedom on the Net: A Global Assessment of Internet and Digital Media." Freedom House, 2017. https://freedomhouse.org/sites/default/files/FOTN 2017 Full Report.pdf.

²³ Ibid.

²⁴ Ibid.

²⁵ Censorship, Index on. "Honouring Bassel Khartabil, Syrian Digital Activist." Index on Censorship (blog), August 2, 2017. https://www.indexoncensorship.org/2017/08/honouring-bassel-khartabil-syrian-digital-activist/.

International Covenant on Civil and Political Rights, which established that filtering can be imposed if conditions of national security (and not regime-stability) and public order are met — none of these seem to hold in the current cyber-scape in Syria. ²⁶ Legislation changing as a point of departure, therefore, looks unfeasible and unlikely to take place in Syria in the short term. That leaves Syrian organizations working on justice and accountability through the Internet—be them based abroad, since they connect with sources inside Syria, or based inside Syria—and other civil society groups promoting human rights with fewer options to overcome such barriers in a future in which the regime regains stability. That does not mean they don't have options left.

How freedom of expression can achieve practical results through advocacy, outreach, and media literacy

Better coordination with international actors is one way justice and accountability organizations can help raise awareness of what happens in Syria: be them human rights or war crimes incidents, or internet restrictions faced by local organizations. The Internet plays a vital role here. The solution for both issues can only be achieved if local actors invest in media literacy and outreach. The goal is to expand advocacy efforts while building resilience among actors on the ground.²⁷ These methods are likely to raise awareness and help international actors more effectively act on human rights violations or war crimes accountability. As a result, they can also raise awareness at the local level.

One way organizations such as Ghouta.com, Verify.sy, and Syrians For Truth and Justice can launch outreach strategies is by mapping international actors working on justice and accountability from

²⁶ Rundle, Mary, and Malcolm Birdling. "Filtering and the International System: A Question of Commitment," n.d., 30.

²⁷ "Policy Brief: Internet Shutdowns." *Internet Society* (blog). Accessed May 27, 2018. https://www.internetsociety.org/policybriefs/internetshutdowns.

outside Syria. Examples are, but not limited to, COI or IIIM. Human Rights Watch and Amnesty International, two large NGOs working on the Syrian conflict, can benefit and support organizations based in Turkey or in Syria to reach wider audiences, since they can base their reports on information arising from these local hubs. In both cases, knowing the proper audience will help local organizations increase the pressure over the international community for incidents that would have otherwise gone unnoticed in the short term.

Methods for outreach can include direct contact over email or the regular dissemination of newsletters to international organizations. A second step requires a mapping of what international organizations working on justice and accountability do and their interests. The style of newsletters, the content, and the techniques of advocacy aimed at international NGOs are likely to differ based on the interests of international organizations with the mandate of documenting war crimes. Organizations should plan their content in English for outreach; the organizations mentioned already post content on their websites in English. This overcomes the issue of having Arabic content missed by these organizations—even though Arabic is a UN language, a language barrier has impeded effective coordination between local and international organizations.²⁸ Organizations with less professional capacity can work with clusters of Syrian organizations such as Shaml, formed by six different regionally-based Syrian organizations in Turkey to better integrate regionally-based organizations and grassroots initiatives on the ground in Syria.²⁹

Local organizations should use a mix of publications in these efforts: reporting not only what's happening on the ground or sharing evidence collected by witnesses in the wake of incidents; but also on the challenges in conducting such work. This would include detailed information-sharing on barriers to access information in cyberspace in regions they operate; or the need for specifying the threats received. International organizations working on Syria are likely to better respond to, advocate for, and support overcoming identified issues

²⁸ "Interview with Assaad Al Achi, Executive Director of Baytna Syria," February 12, 2018.

²⁹ "Interview with Fadi Hakim, Program Manager of the Syrian Civil Society Coalition/Shaml," February 12, 2018.

when conducting investigations on war crimes or human rights violations on the ground in Syria—even if the precise information shared by local or regionally-based actors are not necessarily used as the basis of investigations, since they can better inform and alert international actors about potential issues to investigate. The goal is for them to perform as a watchdog function.³⁰

Tackling Internet filtering is more challenging, especially in a scenario where the government regains stability over territories in Syria. There is no one-size-fits-all model for protection, since the government or censors can always catch up with technological enhancements in their efforts against opposition groups.³¹ Yet, regionally-based Syrian organizations in Turkey, such as Shaml or Syrians for Truth and Justice—both having trainings in their capacitybuilding programs— should aim at including in their media literacy efforts techniques and software that can facilitate the process of circumventing censorship on the Internet for the communication process with the international community and among one another on the ground. Although digital safety needs in this context are extensive, aiming at external communication protection is top priority since the goal is to hide IP addresses and encrypt the traffic between the user and the service, which, in Syria, is provided by the government. ³² One of the most popular examples for these are the browser Tor and the messenger app Signal. For organizations working on war crimes and human rights violations committees, such protection is vital since their work represents a threat to the stability of the regime.

These media, outreach, and digital safety mechanisms may be overlooked by organizations already working on the Syrian conflict for so many years. Be the conflict over or not, victims of the war are more likely to access justice if first organizations battling for that

³⁰ "Policy Brief: Internet Shutdowns." *Internet Society* (blog). Accessed May 27, 2018. https://www.internetsociety.org/policybriefs/internetshutdowns.

³¹ Warf, Barney. "Geographies of Global Internet Censorship." *Source: GeoJournal* 76, no. 1 (2011): 1–23.

³² Figliola, Patricia Moloney. "Promoting Global Internet Freedom: Policy and Technology," n.d., 17.

protect the right they have achieved since the uprising broke out: freedom of expression.

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Szerkesztőség: Hoffmann Tamás, Kecskés Gábor,

Körtvélyesi Zsolt, Szilágyi Emese

Honlap: http://jog.tk.mta.hu/mtalwp

E-mail: mta.law-wp@tk.mta.hu

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