

Press Freedom Index 2015
“National security” – spurious grounds

“Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.” So said Benjamin Franklin, one of the US founding fathers, in the 18th century. Two centuries later, security is the grounds most often given by governments – both those that are democratic and those that are not – for trampling on fundamental freedoms and gagging the media.

Information seen as threat to “state integrity”

As the Ukrainian conflict unfolded last summer, **Russia** (152nd) adopted [a series of laws that violate freedom of information](#). “Public appeals to commit actions violating the Russian Federation’s territorial integrity” had already been a crime since December 2013. But an amendment approved on 4 July increased the maximum sentence to four years in prison or five years if a media outlet or the Internet are used to commit the crime.

Morocco (130th) still has red lines that no media outlet, journalist or blogger may cross. They include covering Western Sahara’s desire for independence. Publications could be banned for endangering territorial integrity [under recently proposed media legislation](#). [Mahmoud Al-Lhassan, a Sahrawi journalist and activist](#), was arrested in July for covering a peaceful demonstration in the Western Sahara capital of El Aaiún.

In the Middle East, a charge of “acting against national security” is often used to silence outspoken journalists and bloggers. [In a survey of 200 journalists and netizens jailed in Iran](#) (173rd) since President Mahmoud Ahmadinejad’s disputed reelection in June 2009 and the accompanying wave of protests, it was found that 90 per cent were charged with “acting against national security” for covering the crackdown and the plight of detainees.

In **Egypt** (158th), Gen. Abdel Fattah Al-Sisi’s takeover marked a turning point for freedom of information. A total of 15 journalists are currently detained on arbitrary grounds. Two of them are *Al-Jazeera* employees: Mohamed Adel Fahmy, who has Canadian and Egyptian dual nationality, and Baher Mohamed, who is Egyptian. They have been held since 29 December 2013 for disseminating information that “endangered national security.”

In the Horn of Africa, the growth of radical Islamist movements has resulted in security being misused as [a pretext for curtailing freedom of information](#). In **Somalia** (172nd), Mohamed Bashir Hashi, the editor of *Radio Shabelle* ([winner of the Reporters Without Borders Press Freedom Prize in 2010](#)), and Mohamud Mohamed Dahir, the director of *Sky FM*, have been held since August 2014 and are facing a possible death sentence for “attacking the integrity, independence or unity of the Somali state.” And in neighbouring **Ethiopia** (142nd), [three](#)

[journalists and six members of the Zone 9 blogging collective](#) have been held since April under an anti-terrorism law.

The military in Southeast Asian countries have realized that national security is an excellent excuse for silencing criticism and deterring investigative reporting. After seizing power in **Thailand** (134th) in May 2014 to “restore order,” the army took control of the leading TV stations, closed around 20 news outlets, and blocked access to foreign TV stations.

Burma’s government (144th), which consists mainly of former army officers who were in the previous military government, showed signs of a return to strict news control in 2014 after a year of significant democratic reforms in 2012. The trials of *Unity Journal*’s staff members and Bi Mon Te Nay, the death of journalist Ko Par Gyi in military detention and a [campaign of harassment of the media](#) by the “special intelligence department” have raised major concerns about the future of media freedom in Burma.

Indonesia’s (138th) military have also used national security as a cover for a campaign to deter foreign reporters and thereby ensure that human rights violations in the eastern province of Papua go uncovered by the international media. The three-month jail sentences imposed on French journalists Thomas Dandois and Valentine Bourra, who were caught doing reporting in Papua without permission, was accompanied by a search for their sources that still continues.

Maidan phobia in the east

The Maidan Square demonstrations in the Ukrainian capital of Kiev that began in November 2013 and led to President Viktor Yanukovich’s removal in February 2014 triggered a full-blown security panic in the region.

In December 2013, neighbouring **Russia** added “extremist” content to the list of grounds for blocking websites under the 2012 Internet law. Under this category, the amendment included not inciting hatred and terrorist acts but also calls to participate in unauthorized demonstrations – a direct response to the Maidan protests taking place at that time. The effects were not long in coming. Russia’s [three main opposition websites](#) were blocked in March 2014.

The Duma, the Russian parliament’s lower house, voted a series of laws in April that were supposed to help combat terrorism. They included a [telecommunications law](#) requiring people with blogs and social network pages with more than 3,000 visits a day to register under their real name with the communications surveillance agency Roskomnadzor. It also imposes conditions on them that approach those of journalists, including a ban on content of an extremist nature or content involving state secrets.

Kazakhstan (160th), which already closed most of its independent media after rioting in the city of Zhanaozen in 2011, went further in 2014 to avoid any Maidan contagion, adopting a decree in January [reinforcing the measures](#) that can be taken in “emergency situations of a social nature.” Widely used in former Soviet countries, this term is much broader than a state of emergency and covers all forms of social unrest, including riots, local or regional conflicts,

strikes and large demonstrations. In such situations, all the media in the areas affected are now subject to prior censorship. News media will be required to submit each newspaper issue or programme to the competent authorities “for approval of content” 24 hours before publication or broadcast.

“Democracies” exploiting terrorism

It is not just authoritarian regimes that use national security as a pretext. At a February 2014 news conference, *New York Times* investigative reporter James Risen denounced the judicial harassment to which he was being subjected by the US administration and called the **United States** (49th) “[an Orwellian state claiming to be the most transparent.](#)” Risen was being threatened with imprisonment if he did not identify his source under oath at the trial of a former CIA officer charged under the Espionage Act with leaking information. No fewer than eight whistleblowers, including Chelsea Manning, have been charged under the Espionage Act during Barack Obama’s two presidential terms, compared with just three under all the other administrations since its adoption in 1917.

It was in the name of national security that the United States and its National Security Agency established the mass surveillance system whose scale was exposed in June 2013 by Edward Snowden, another whistleblower charged under the Espionage Act. The 1978 Foreign Intelligence Surveillance Act (FISA) provides the legal underpinning for this surveillance system but it was the 9/11 attacks and their impact on US public opinion that triggered the security paranoia leading to adoption of the Patriot Act a few months later and the FISA Amendments Act in 2008.

Many European countries have anti-terrorism laws that facilitate spying on individuals but **France** (38th) and the **United Kingdom** (34th) are by far the worst offenders. Article 20 of the “[Military Programming Law](#)” that France adopted in December 2013 allows the authorities to bypass the requirement to request permission from a judge, the guarantor of fundamental freedoms, when ordering surveillance if the purpose is to defend “national security” or “combat terrorism.” A [2014 law reinforcing anti-terrorism measures](#) rounded off these surveillance provisions by [reducing journalists’ legal protection](#) and by establishing a system for censoring websites without referring to a judge.

In the United Kingdom, the laws regulating surveillance for the purposes of combating terrorism have led to many abuses. In late 2013, for example, the British police obtained detailed phone billing records of more than 1,700 employees of News UK, the company that owns *The Times*, *Sunday Times* and *Sun*. The *Guardian* recently revealed that emails of journalists with *Le Monde*, *Guardian*, *New York Times*, *Sun*, *NBC* and *Washington Post* were among the [70,000 emails intercepted](#) by the Government Communications Headquarters (GCHQ) in the space of just ten minutes in a 2008 exercise.

In **Australia** (25th), the [National Security Legislation Amendment](#) in October 2014 not only rendered the national security service immune from prosecution for a wide range of illegal activities but also imposed a [blanket ban on coverage](#) of its “special operations”, with imprisonment as the penalty for violators.

In **Japan** (61st), the [Act on the Protection of Specially Designated Secrets](#) that took effect on 10 December following parliamentary approval provides for sentences of up to 10 years in prison for whistleblowers who leak “state secrets” and for journalists and bloggers who report information obtained “illegally” or from whistleblowers.

In **Turkey** (149th), [dozens of journalists continue to be the targets of arbitrary prosecutions under an anti-terrorism law](#). Against a backdrop of corruption allegations implicating senior government officials, the surveillance and website blocking powers of the MIT intelligence agency and the High Council for Telecommunications (TIB) were increased in 2014. And a recent amendment extended the list of grounds on which websites can be blocked without asking a judge’s permission first. They now include ... national security.