



17 June 2013
Congress of the United States
Washington, DC 20515-4403

Members of US Congress:

We write as a coalition of civil society organizations from around the world to express our serious alarm regarding revelations of Internet and telephone communications surveillance of US and non-US citizens by the US government. We also wish to express our grave concern that US authorities may have made the data resulting from those surveillance activities available to other States, including the United Kingdom, the Netherlands, Canada, Belgium, Australia and New Zealand.¹ Many US-based Internet companies with global reach also seem to be participating in these practices.²

The introduction of surveillance mechanisms at the heart of global digital communications severely threatens human rights in the digital age. These new forms of decentralized power reflect fundamental shifts in the structure of information systems in modern societies.³ Any step in this direction needs to be scrutinized through ample, deep and transparent debate. Interference with the human rights of citizens by any government, their own or foreign, is unacceptable. The situation of a citizen unable to communicate private thoughts without surveillance by a foreign state not only violates the rights to privacy and human dignity, but also threatens the fundamental rights to freedom of thought, opinion and expression, and association that are at the center of any democratic practice. Such actions are unacceptable and raise serious concerns about extra-territorial breaches of human rights. The inability of citizens to know if they are subject to foreign surveillance, to challenge such surveillance, or to seek remedies is even more alarming.⁴

The contradiction between the persistent affirmation of human rights online by the US government and the recent allegations of what appears to be mass surveillance of US and non-US citizens by that same government is very disturbing and carries negative repercussions on the global stage. A blatant and systematic disregard for the human rights articulated in Articles 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), to which the United States is signatory, as well as Articles 12 and 19 of the Universal Declaration of Human Rights is suggested. Bearing in mind that the US must engage in a long overdue discussion about how to update and modernize its policy to align with its own founding documents and principles, what happens next in legislative and Executive Branch oversight in the US will have huge and irreversible consequences for the promotion and protection of the human rights of people around the world.

It is also notable that the United States government supported the United Nations Human Rights Council Resolution 20/8, which “[a]ffirms that the same rights that people have offline must also be

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- 1 <http://www.ft.com/cms/s/0/d0873f38-d1c5-11e2-9336-00144feab7de.html>, <https://www.bof.nl/2013/06/11/bits-of-freedom-dutch-spoops-must-stop-use-of-prism/> and http://www.standaard.be/cnt/DMF20130610_063.
 - 2 Including Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube, and Apple: http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html.
 - 3 <http://www.state.gov/statecraft/overview/>
 - 4 (A/HRC/23/40)

protected online, in particular freedom of expression ...”⁵ and, just a few days ago, on June 10, the US was part of a core group of countries that drafted a cross regional statement, which correctly emphasized “that when addressing any security concerns on the Internet, this must be done in a manner consistent with states’ obligations under international human rights law and full respect for human rights must be maintained.”⁶ That was apparently not the case with the latest practices of the US Government. Besides representing a major violation of fundamental human rights of people worldwide, the incoherence between practices and public statements by the US also undermines the moral credibility of the country within the global community that fights for human rights, as they apply to the Internet and fatally impacts consumers’ trust in all American companies that provide worldwide services.

On 10 June, 2013 many signatories to this letter joined together to raise our concerns to the United Nations Human Rights Council.⁷ We did so against the background of the recent report of the UN Special Rapporteur on the right to Freedom of Opinion and Expression, Mr. Frank La Rue.⁸ This report detailed worrying trends in state surveillance of communications with serious implications for the exercise of the human rights to privacy and to freedom of opinion and expression. We note that US-based stakeholders have also written a letter to Congress to express their concerns about the compliance of the current national surveillance program with domestic law.⁹

We are also extremely disappointed that, in all the post ‘disclosures’ statements, US authorities have only insisted that there was no access obtained to content related to US citizens, and just their communication meta-data was collected. There has not been a word on the issue of large-scale access to content related to non US citizens, which constitute an almost certain human rights violation. The focusing of the US authorities on the difference between treatment of US citizens and non-citizens on an issue which essentially relates to violation of human rights is very problematic. Human rights are universal, and every government must refrain from violating them for all people, and not merely for its citizens. We strongly advocate that current and future legal provisions and practices take this fact into due consideration.

We therefore urge the Obama administration and the United States Congress to take immediate action to dismantle existing, and prevent the creation of future, global Internet and telecommunications based surveillance systems. We additionally urge the US Administration, the FBI and the Attorney General to allow involved or affected companies to publish statistics of past and future Foreign Intelligence Surveillance Act (FISA) requests they have received or may receive.¹⁰ We further call on the US Congress to establish protections for government whistleblowers in order to better ensure that the public is adequately informed about abuses of power that violate the fundamental human rights of the citizens of all countries, US and other.¹¹ We also join Humans Rights Watch in urging the creation of an independent panel with subpoena power and all necessary security clearances to examine current practices and to make recommendations to ensure appropriate protections for the rights to privacy, free expression, and association. The results of this panel should be broadly published.

5 http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/20/8

6 <http://geneva.usmission.gov/2013/06/10/internet-freedom-5/>

7 <http://bestbits.net/prism-nsa>

8 (A/HRC/23/40)

9 Asking the U.S. government to allow Google to publish more national security request data

<http://googleblog.blogspot.com/2013/06/asking-us-government-to-allow-google-to.html>

10 <https://www.stopwatching.us/>

11 The just-released Global Principles on National Security and Freedom of Information (the Tshwane Principles) which address the topic of Whistleblowing and National Security provide relevant guidance in this regard: <http://www.opensocietyfoundations.org/sites/default/files/Global%20Principles%20on%20National%20Security%20and%20the%20Right%20to%20Information%20%28Tshwane%20Principles%29%20-%20June%202013.pdf>.

Sincerely,

Organisations	Individuals
<p>Access, International Alternatives, Canada Asia Pacific Workers Solidarity Links Corea, Korea Asociación Colombiana de Usuarios de Internet, Colombia Association for Progressive Communications (APC), International Bangladesh NGOs Network for Radio and Communication (BNNRC), Bangladesh Barbados Association of Non Governmental Organisations, Barbados Bytes for All, Pakistan Center for Democracy & Technology, United States Centre Africain d'Echange Culturel, Democratic Republic of the Congo Christian Media Network, KOREA Citizens' Action Network, South Korea Citizens' Coalition for Economic Justice, South Korea Civil Society Internet Governance Caucus, Consumers International, Global datapanik.org, Belgium Digital Empowerment Foundation, India EELV, Fance Electronic Frontier Foundation, European Digital Rights (EDRi), Belgium Fundacion Karisma, Colombia ICT Watch, indonesia ICTEDU Learning Centre, Rwanda Instituto Nupef, Brazil Internet Democracy Project, India Internet Rights & Principles Coalition (UN IGF) IP Justice, USA IT for Change, India JONCTION, Senegal Kenya ICT Action Network (KICTANet), Kenya Korean Progressive Network 'Jinbonet', South Korea London Metropolitan University, United Kingdom Media, Germany Metamorphosis Foundation, Former Yugoslav Republic of Macedonia Net Neutrality User Forum(South Korea), South Korea New America Foundation's Open Technology Institute, USA Newcastle Environmental Justice Alliance, South Africa NURPA, Net Users' Rights Protection Association, Belgium Office of Vision 2050, Papua New Guinea ONG- TEDIC, Paraguay</p>	<p>Abbe Brown, United Kingdom Adrien Antoine, France Alexandra Groome, Canada Albert Demichelis, France Alex Comninos, USA & South Africa Alexandre Serres, France Almathely Vivas Rosales, Venezuela Amalia Toledo Hernández, Puerto Rico Anne Ballié, France Avri Doria, United States Bala Dada, Ben Doernberg, United States of America Benoit Gennevieve, France Bouveret Thérèse, France ByungRok Lee, South Korea Camille Muguet, France Carina Conradie, South Africa Carolina Rossini, Brazil Charles Ogoubiyi, France Chris Hargrove Coralie Chevallier, France Crystal Cameron-vedros, David Ratel, France Didzis Melkis, Latvia Dominique Lacroix, France Dorothea Salo, USA Emmanuelle BOSLE, France François Deneulin, France François Doubelt, France Gabriel Rivard, Georges Pakatass, France Gilles POIRIER, France Greg Math Guillaume Terrien, France Hala Essalmawi, Egypt Henri Halleux, Belgium Houidek Lena, France J. Carlos Lara, Chile Jacinto Dávila, Venezuela Jacques Lhomet, France Jan Rehmman, USA and Germany José F. Arias Ynche Jean-Jacques Subrenat, France Jean-Philippe Miginiac, France Jessica Singh, USA Jessica Tordeur Jessie Jeong, South Korea Joao Barrote, portugal</p>

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