



The State of Censorship and Press Freedom in the West | Part 1

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Taylor Hudak (TH): The fight for access to truthful information is one of the most important causes of the modern era. Journalists and activists around the world continue to face the threat of persecution. Meanwhile, the online platforms where we should be able to freely express ourselves, continue to censor and silence voices of dissent. I'm journalist Taylor Hudak reporting for acTVism Munich. And in this two part series, we will focus on the state of free speech, press freedom and social media censorship, covering the latest stories from around the world focussed on this central theme. As the war in Gaza continues, it has devastated nearly every aspect of life for those in the region, and journalists covering the conflict face grave danger on a daily basis. American journalist for The Grayzone, Jeremy Loffredo, who was providing on the ground coverage of the war, was arrested on October 8th after being stopped at a checkpoint in the northern West Bank with three other journalists. Jeremy and others were searched and their devices were confiscated and hacked. After an hour at the checkpoint, Jeremy was informed he was being arrested and was then transported to a police station while blindfolded and handcuffed. There he was subjected to more police interrogation. Jeremy's colleagues were eventually released. However, he was placed under investigation for suspicion of aiding the enemy during a time of war, a charge that carries a sentence of life in prison or even death. The accusations stem from his reporting on the aftermath of Iranian missile strikes on Israeli military targets.

Jeremy Loffredo (JL): I'm Jeremy Loffredo for The Grayzone in Israel, where last night Iran fired over 200 ballistic missiles in retaliation for the assassinations of Lebanese and Iranian political and military leadership. Since the missile strikes, Israeli authorities have attempted to downplay the significance of the attacks, censor the locations of missile impacts for media publication and claim that Iran was targeting Israeli civilians.

TH: According to the Grayzone, the Israeli police claimed that Jeremy had revealed the locations of missile drops near or inside sensitive security facilities, with the aim of bringing this to the notice of the enemy and thereby assisting them in their future attacks. After being interrogated by police, Jeremy was taken to a prison compound and detained for three days in solitary confinement with little food and water. During his several day detention, human rights groups, including the Courage Foundation, Freedom of the Press Foundation and Defending Rights and Dissent, called on the US Embassy in Jerusalem to advocate for Jeremy as a US citizen and a journalist. In a letter to the embassy, it stated: "Jeremy

Loffredo's actions were well within the standard realm of journalism and would have been protected by the First Amendment in the United States. Israel has imposed anti-democratic regime of military censorship on Israeli and international journalists." After a series of brief court hearings during Jeremy's detention, things took a turn when an Israeli journalist testified that his report covering Jeremy's case, which was approved by the Israeli military censor, included Jeremy's video for which he was under investigation. On October 11th, a Jerusalem district court judge ordered Jeremy's release due to this admission, and given that the information Jeremy reported on was also widely covered in other media. However, the same judge allowed police to continue their investigation until October 20th. During this time, Jeremy was ordered to stay in the country and his passports and devices were withheld. Investigators continued to interrogate him several times and conducted a digital strip search of his devices. Jeremy was eventually able to leave Israel and return home to the United States, and since then he has appeared on a live stream on the Grayzone and shared more details about his arrest, his detainment and treatment by Israeli authorities.

JL: After maybe an hour of sitting on the ground in the sun outside of this military checkpoint in Nablus, they point to me, they say: "Loffredo, come here". I get up, I say: "What's happening?" They say: "You're being arrested." and they pull out maybe 30ft of cloth and they wrap it around my head, my eyes, my ears and part of my nose. They zip tie my hands and they shackle my legs. One of the journalists I was with refused to give his cell phone and he was grabbed by the neck, dragged out of the car, and guns were drawn on him as he was pushing against the ground. And this is simply an Israeli citizen, a journalist that was in the car with me.

TH: Jeremy then goes on to describe his detention in a compound that often holds Palestinian prisoners.

JL: I was given one cup of chocolate pudding over the course of three days. That was all the food I was given. And I was given maybe one or two tiny little plastic cups of water during the three days. I would ask for more water. They would act like they did not hear me. I would ask for water and then they would just say no. I would ask sometimes just the time, I would ask a guard what time it was because I was totally unaware of what time of day it even was, because time was passing in such a strange way and solitary confinement.

TH: So you may be left to wonder: Where was the United States during all of this and what was being done to help an American journalist who was imprisoned in a foreign country for his reporting?

JL: The embassy apparently sent a social worker to check on me.

Max Blumenthal: The US embassy?

JF: Yes. Her first question was: "Why did you hurt Israel? You hurt Israel." And I was like, Oh, my... Oh, the person who is here to check on me is berating me because she's seeing my, you know, my paper outside my cell that I gave information to the enemy during wartime. So

she even, the social worker, who is apparently, you know, Israeli, but sent by the embassy to check on me, is treating me like a terrorist, did not offer me any food, did offer me any water, only asked why I hurt Israel and if I love Israel.

TH: Jeremy confirmed that this was the only so-called assistance that he received from the US Embassy. And even as he was leaving Israel, he was subjected to more interrogations at the airport, but was eventually able to return to the US. In a statement posted to X about Jeremy's arrest, Max Blumenthal said: "Jeremy's persecution for publishing factual journalism reflects the paranoid attitude of an Israeli state that is ruthlessly repressing critical reporting in occupied West Bank and besieged Gaza Strip, where it has killed more than 120 Palestinian journalists in just over a year, making it the deadliest conflict for media professionals in the 21st century". In addition to American journalist Jeremy Loffredo, journalists in the UK, Australia and elsewhere have also faced serious retaliation for their online posts. British journalist Richard Medhurst, Asa Winstanley and Sarah Wilkinson have been subjected to intimidation, including raids and interrogation under the UK's Anti-Terrorism laws for their online speech about the war in Gaza. And in Australia, former SBS broadcaster and journalist Mary Kostakidis faces charges for her online posts about the war in Gaza as well. The Zionist Federation of Australia filed a complaint with the Human Rights Commission against her and she was then charged under section 18 C of Australia's Racial Discrimination Act. In a recent piece authored by the Australian journalist, she elaborated that the complaint against her is based on a post of a speech by Nasrallah, the now assassinated former head of Hezbollah. Her post included a comment pointing to the threat of escalation of violence and that Nasrallah's threats were mirroring Netanyahu's actions toward Palestinians and that Netanyahu has started something he may not be able to finish. In Mary's article, she goes on to state that "In Australia there is no constitutional or legislative protection for free speech. The 18 C hate speech provision of the Racial Discrimination Act made insults and offence a test for breach of the law". Therefore, for the alleged offence in hurt that may be caused by Mary's online post, she says she may be forced to embark on a legal process that will likely go all the way to Australia's highest court.

Now taking a look at the crackdown on the social media platforms and their owners. During the past several months, bold accusations against the various platforms point to a common trend in the regulation of the social media space. And we will in fact touch on this theme in a greater depth in part two. But first, let's examine three specific cases involving social media censorship, starting with Telegram. The popular messaging app Telegram is under an ongoing investigation by French authorities following the arrest of the platform's CEO, Pavel Durov, on August 24th this year. Durov was arrested and detained by French police after arriving at Le Bourget Airport outside Paris. The arrest comes in the context of a judicial investigation, which was opened on July 8th. According to a press release from the Paris public prosecutor's office, the investigation was on several charges related to complicity to enable illegal transactions online, refusal to communicate with authorities requests, complicity to distribute abuse material, charges related to cryptology and more. After being taken into custody, Durov was held for four days for questioning. He was eventually released on August 28th on €5 million bail. He was indicted on six charges related to criminal activity on the Telegram app

and was ordered to stay in the country. According to a French administrative document that was made exclusively available to Politico, it stated that: "The arrest warrants were issued after the messaging platform gave no answer to an earlier judicial request to identify a telegram user". The document also stressed Telegram's almost nonexistent cooperation with both French and European authorities in other cases. The arrest of Pavel Durov sparked outrage among free speech and free Internet advocates. It raised questions as to what precedent this prosecution may set. Many were left to consider how a CEO of a social media platform could be held accountable or considered complicit for crimes committed on the platform that he himself did not commit. According to authorities, at the core of this investigation is Telegram's lack of moderation practices, which are said to have allowed for criminal activity to prosper on the platform. Telegram has long been accused of refusing to comply with law enforcement requests for user data, and so this was not the first time Durov and his platform Telegram have been the subject of controversy. Pavel Durov involvement in social media dates back to 2006, in which he co-founded the popular Russian social media platform VK. However, after conflicts with Russian authorities related to his refusal to hand over user data, Durov eventually sold his stake in the company. At around this time in 2013 Durov and his brother then founded a new social media company, which is Telegram. When speaking about why he founded Telegram, Durov cited the need for a secure platform that protects user privacy.

Pavel Durov: And I realised there is no secure means of communication. I realised, I want to tell my brother what's going on, to coordinate whatever we want to do, and every tool to communicate I could use was not really secure and not encrypted. It was not safe to use them, so I thought: Hmm, it could be a good idea to actually come up with a decently encrypted messaging app. And my brother, being the genius that he is, he was able to create this encryption standard that we're using up until his day with minor changes.

TH: In 2014, Durov left Russia and immigrated to the UAE, where he eventually obtained citizenship. Head of the Russian Security Council, Dmitry Medvedev, also former president of Russia, stated that Durov miscalculated when he fled the country, thinking that he would not have to cooperate with security services abroad. And non-cooperation with authorities was in fact, one of the reasons for Durov's arrest in France. Durov also acquired Saint Kitts and Nevis and even French citizenship in the subsequent years. Meanwhile, Telegram continued to flourish during this time, and by 2020 the platform acquired more than 400 million active monthly users. But at the same time, the app became the target of several governments. And in 2022, the pressure on Telegram became more extreme, following the outbreak of the war in Ukraine. Several governments in the West viewed the platform as a hub for so-called Russian disinformation, which is interesting given Durov at one time had a dispute with Russian authorities and also given that Telegram complied with EU policies which banned access to RT, Sputnik and other Russian media in the Union in 2022. During the past two years, a series of restrictions and bans were placed on the platform in specific EU Member States or Schengen countries. In March 2023, the Norwegian Justice Ministry banned government employees from downloading or installing the Telegram app on their work devices, citing the platform's Russian origins. One year later, in March 2024, a Spanish

court ordered the country's mobile providers to block access to Telegram to investigate copyright violation claims. However, the ruling was eventually overturned. And in the Netherlands, just days before Durov's arrest, the municipality of Amsterdam issued a ban on the app on city employees' work phones due to security concerns. Several weeks after Durov's arrest and release from custody, Telegram announced it was making a series of changes to its privacy policy and terms of service to deter criminal activity on the platform. In a statement posted by Pavel Durov's Official Telegram Channel on September 23rd, he announced: "A dedicated team of moderators leveraging AI has made Telegram's search much safer. All the problematic content we identified in search is no longer accessible". Additionally, the post included that the IP addresses and phone numbers of users who violate the rules will be provided to the relevant authorities in response to valid legal requests. On October 2nd, Durov issued another statement on his account to clarify misconceptions about this previous post, highlighting changes to the platform. It states, in part: "To reduce confusion, last week we streamlined and unified our privacy policy across different countries, but our core principles have not changed. We have always strived to comply with relevant local laws as they didn't go against our values of freedom and privacy". Durov goes on to assure that, "Telegram was built to protect activists and ordinary people from corrupt governments and corporations. We do not allow criminals to abuse our platform or evade justice". The investigation into Durov is still ongoing in France, and it is important to note that investigations in France do not necessarily imply guilt or innocence and may last years before heading to trial or concluding. But the arrest of Durov in late August seems to have had a ripple effect. In mid-October, the Dutch public prosecutor and police announced they are investigating Telegram's lack of cooperation with law enforcement requests to remove certain content. And while the matter involving Telegram continues to develop, this entire case has really raised questions about the fate of other popular social media platforms. Take, for instance, X, formerly Twitter, which has had trouble of its own in Brazil. From August 31st to October 8th this year, X was banned in Brazil for failure to comply with court orders and for refusing to appoint a Brazilian representative of the company. In August 30th court order issued by Justice Alexandre de Moraes required the immediate suspension of X until the platform complied with all court orders, including the payment of all fines and the appointment of a representative of the company. However, the restrictions did not just apply to the platform itself. Brazilian based journalist Glenn Greenwald said of the ban, the most shocking part is how Brazil's authoritarian censorship judge, Alexandre de Moraes, also invented a new law that finds anyone using a VPN to access X \$10,000 per day. So this meant that any individual or company that was accessing the X platform through a VPN would be fined 50,000 Brazilian Real daily or €8,000. Following the ban, Musk posted to X stating that Brazil was "shutting down the number one source for truth". And "The oppressive regime in Brazil is so afraid of the people learning the truth that they will bankrupt anyone who tries". For several months, Musk had been battling with Justice de Moraes, who issued the order to ban the platform in late August. In April, Musk was ordered by de Moraes to remove accounts which were the subject of an investigation for spreading disinformation related to the 2022 Brazilian election. Musk refused to comply with the order and then was also included in that investigation. Brazilian authorities have also accused X of allowing the spread of disinformation, claiming that content shared on the platform was in part responsible

for the January 2023 riots. On August 17th, shortly before the ban, Musk announced X was closing its headquarters in Brazil due to these unreasonable censorship demands. However, the platform still remained accessible in the country, but was without a legal representative. And Musk was not hesitant to share his views on his ongoing disputes in Brazil and even referred to Justice de Moraes as a dictator. In another post, he said: "No question that de Moraes needs to leave. Having a justice who repeatedly and egregiously violates the law is no justice at all". However, things started to change in September as X began to comply with the court orders and paid a \$28 million Real fine, which is about €4.5 million. The platform appointed a Brazilian representative of the company and blocked the accounts accused of breaking Brazilian law. As a result, on October 8th, Brazil's Supreme court lifted the ban on X and authorised the immediate return of the platform's activities in the country. Brazil's telecom watchdog, Anatel, was ordered to ensure service to the platform resumed within 24 hours of the decision. And as of today, the platform is fully accessible in Brazil. According to a statement from the STF, which is the Federal Supreme Court of Brazil, the minister highlighted that the return of activities was conditioned solely on full compliance with Brazilian legislation and absolute compliance with the decisions of a judiciary in respect for national sovereignty. In response to the platform being reinstated, X's Global Government Affairs Account posted: "X is proud to return to Brazil. We will continue to defend freedom of speech within the boundaries of the law everywhere we operate". However, journalist Glenn Greenwald warned that X being reinstated in Brazil was not a win for free speech. He said that X was forced to comply with every demand in order to return its operations in the country, and that this is actually a victory for the authoritarian censors.

And now, looking at the United States, the popular video sharing app, TikTok, is also facing a potential ban. For the past two years, TikTok has been under intense scrutiny from US politicians on both sides of the political spectrum. But the situation has intensified this year as the Department of Justice and TikTok are in a legal battle after TikTok and its parent company, ByteDance, sued the US government over a new law signed in April by President Joe Biden. The new divestiture law requires TikTok's parent company ByteDance to sell TikTok or the platform will face a nationwide ban. On March 5th this year, two members of the House Select Committee on the Chinese Communist Party introduced the bill: Protecting Americans from Foreign Adversary Controlled Applications Act. According to a press release, the bill prevents App store availability for web hosting services in the US for ByteDance's controlled applications, including TikTok. Unless the application severs ties to entities like ByteDance that are subject to control of a foreign adversary. Now, to be clear, ByteDance, which owns TikTok, is a Chinese company. The press release goes on to state: "The bill creates a process for the president to designate certain specifically defined social media applications that are subject to the control of a foreign adversary per title ten, impose a national security risk". Therefore, such applications will be prohibited from the app stores and web hosting services in the US unless they are sold off to entities that are not subject to the control of a foreign adversary. On March 13th, the bill passed the US House of Representatives and the following month, on April 20th, a revised version of the bill was included in a \$95 billion military aid package for Israel, Taiwan and Ukraine. The official reason for including the bill in this foreign aid package was to expedite its implementation.

Days later, on April 23rd, the Senate passed this modified version of the bill, which allowed more time for ByteDance to sell TikTok, but it also restricted ByteDance's control over the TikTok algorithm, which has attributed too much of the platform's success. President Joe Biden then signed the bill into law requiring ByteDance to sell TikTok by January 19th, 2025, or be banned in the United States. Just a few weeks after the bill was signed into law, on May 7th, TikTok and ByteDance sued the US government over the law, claiming it was unconstitutional. The lawsuit states: "Congress has taken the unprecedented step of expressly singling out in banning TikTok, an online platform used by 170 million Americans. For the first time in history. Congress has enacted a law that bars every American from participating in a unique online community with more than one billion people worldwide". The US government submitted a response to the lawsuit stating: "The capacity for China to use TikTok's features to achieve its overarching objective to undermine American interests creates a national security threat of immense depth and scale". TikTok responded to the US government's filing with: "Nothing in this brief changes the fact that the Constitution is on our side. The TikTok ban would silence 170 million Americans' voices violating the First Amendment. As we've said before, the government has never put forth proof of its claims, including when Congress passed this unconstitutional law". On September 16th, both parties presented their arguments before a panel of three judges at the US Court of Appeals for the D.C. Circuit. An attorney for TikTok argued that the law signed in April is a violation of the First Amendment right to free speech, that it sets a dangerous precedent and is a threat to the open Internet. Meanwhile, an attorney for the US DOJ argued that the law is in the interest to protect US national security. But this is not the first time the US government has attempted to outright ban the TikTok platform. In March 2023, the US Senate proposed the Restrict Act, which requires federal actions to identify and mitigate foreign threats to information and communications technology or ICT products and services, for example, social media applications. Specifically, the Department of Commerce must identify, deter, disrupt, prevent, prohibit, investigate and mitigate transactions involving ICT products and services in which any foreign adversary such as China has any interest in that pose an undue or unacceptable risk to US national security or the safety of US persons. The Restrict Act has not progressed in the legislative process since it was introduced, but many of its objectives are similar to the new TikTok divestiture law. When introduced in 2023, the Restrict Act received significant criticism from members of Congress as well as human rights and civil liberties groups. A senior policy counsel for the ACLU said: "The Senate bill" – that is the Restrict Act – "would ultimately allow the commerce secretary to ban entire communications platforms, which would have profound implications for our constitutional right to free speech". The Foundation for Individual Rights and Freedom of Expression, or FIRE, said: "The Restrict Act threatens a free and open internet. It must be stopped", and that the bill targeting apps owned by foreign adversaries could have wide ranging consequences for freedom of speech. With the various attempts to shut down TikTok, many have questioned if the US government was invoking national security and privacy concerns as an excuse to ban the platform for other reasons. Various headlines point to US officials' concerns that through the TikTok app, young people are being exposed to a different view of Middle Eastern geopolitics and US foreign policy. A headline in The Rolling Stone from May 6th this year, states: *Lawmakers Admit: They Want to Ban TikTok Over Pro-Palestinian Content*. A similar headline in Al Jazeera reads: *TikTok*

Faces Calls For Ban Amid Claims of Anti-Israel Indoctrination. US Lawmakers Renew Calls to Restrict App Amid Anxiety About Growing Pro-Palestinian Views Among Young People. It is also worth reiterating that the new law requiring ByteDance to sell TikTok or face a ban was introduced and quickly passed in Congress in April this year. At around the same time, university students were protesting Israel's war in Gaza throughout the United States. The US Court of Appeals for the D.C. Circuit is expected to issue its decision on the Tick Tok divestiture lawsuit in December. Either side will have an opportunity to appeal the ruling before a High Court.

And that concludes part one of this two part series on the state of free speech, the Free Press and the open Internet. In part two, we will discuss the broader trends related to these issues with a focus on the United States and the EU. So do make sure that you are subscribed to acTVism Munich's YouTube and Rumble channels so you do not miss out on that report. And if you liked this video, please consider donating so we can continue to update you on these developing stories. I'm journalist Taylor Hudak, I want to thank you all for watching and I will see you in my next report.

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