



7 July 2021

**Group President and CEO of MTN Group
MTN Group
MTN Group Limited Innovation Centre
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Email: Zanele.Sodinda@mtn.com

Dear Mr Ralph Mupita

VIOLATION OF FREEDOM OF EXPRESSION IN ESWATINI IN LIGHT OF RECENT INTERNET SHUTDOWNS

The Southern Africa Litigation Centre (SALC) is a regional non-governmental organisation which was established in 2005. SALC promotes and advances human rights and the rule of law in Southern Africa, primarily through strategic litigation support.

We write to you in light of the recent ongoing internet shutdowns in Eswatini after the Eswatini Communications Commission allegedly ordered network providers, including MTN Eswatini, to turn off internet connectivity. We also acknowledge the recent statement issued by MTN Eswatini that it had implemented the directive of an internet shutdown in line with its license conditions.

When internet services are shut down, citizens are unable to freely express themselves, journalists are unable to document the human rights abuses that occur, and this lack of expression and transparency allows for even more severe human rights abuses to be perpetuated. The rights to freedom of expression, freedom of opinion, and freedom of peaceful assembly and association are among the most fundamental human rights, enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Shutdowns further impact the economy, access to health services and education.

Leading scholars on international law, UN bodies, and international courts have unequivocally determined that these rights apply online as well as offline, and that protecting these rights in online spaces is of fundamental importance. The legal obligation to respect these rights and refrain from human rights abuses is not incumbent on States alone. Private actors like MTN Africa have a responsibility to refrain from actions that violate internationally recognized human rights, including internet shutdowns. Such shutdowns violate the human rights of the citizens that they affect, and they enable further human rights abuses to continue. While we recognize the difficult position that private entities are in when governments mandate internet shutdowns, international



legal experts, the United Nations, and international jurisprudence agree that these shutdowns cannot continue.

The African Commission on Human and Peoples' Rights' 2019 Declaration of principles on freedom of expression and access to information in Africa, specifically states in Principle 38 that:

- “1. States shall not interfere with the right of individuals to seek, receive and impart information through any means of communication and digital technologies, through measures such as the removal, blocking or filtering of content, unless such interference is justifiable and compatible with international human rights law and standards.
2. States shall not engage in or condone any disruption of access to the internet and other digital technologies for segments of the public or an entire population.”

We therefore call on MTN to be cognizant of the impact that its actions have on human rights in Eswatini and take measures to mitigate and minimize those negative impacts. The drastic damage to human rights that results when internet services are shut down makes the current actions in Eswatini an unacceptable and internationally condemned measure. We note the MTN Group's stated intention to take action against the internet shutdowns in Eswatini, and we request confirmation of how MTN Group intends to prevent future internet shutdowns of this nature taking place not only in Eswatini but in other countries where its subsidiaries operate.

Respectfully,

Anneke Meerkotter
Executive Director
Southern Africa Litigation Centre