



Inter-Parliamentary Union

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Iceland

IS/01 - Birgitta Jónsdóttir

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 146th session (Geneva, 24-27 January 2015)

The Committee,

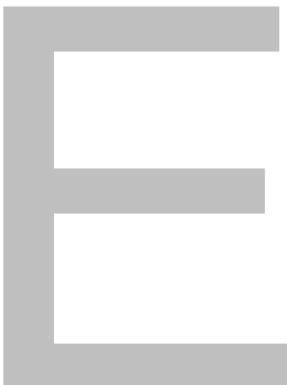
Referring to the case of Ms. Birgitta Jónsdóttir, a member of the Icelandic Parliament, and to the resolution adopted by the Governing Council at its 193rd session (9 October 2013),

Recalling the following information on file:

- Birgitta Jónsdóttir has been a member of the Icelandic Parliament since July 2009. She was the co-producer of a video, released by WikiLeaks, showing United States soldiers shooting civilians in Baghdad from a helicopter;
- On 14 December 2010, upon the United States Government's request, the District Court for the Eastern District of Virginia presented a sealed order to Twitter to turn over to the United States the records and other information concerning Ms. Jónsdóttir's Twitter account and that of two other individuals; the Twitter order was unsealed on 5 January 2011 and on 7 January 2011, Twitter informed Ms. Jónsdóttir of the Court's Order for it to turn over certain subscriber information concerning her; on 26 January 2011, Ms. Jónsdóttir and the other two persons concerned filed a motion to withdraw the Twitter order, to unseal all orders and supporting documents relating to Twitter and any other service provider, and requested a public docket for each related order;
- At the request of Ms. Jónsdóttir's US legal counsel, the IPU submitted a memorandum to the court concerning Ms. Jónsdóttir, which sets out its concerns regarding the impact the Twitter order may have on her freedom of expression, right to privacy, right to defend herself and her parliamentary immunity; the memorandum was accepted by the judge and became part of the court records;
- On 11 March 2011, the court denied the motion to withdraw the order, granted the motion to unseal only in part and took the request for public docketing of certain material under consideration; the defence counsel filed objections against the ruling, which were dismissed on 10 November 2011; Ms. Jónsdóttir decided not to challenge the latter decision, out of fear of obtaining an adverse ruling that could affect others,

Considers that the case also has to be seen against the backdrop of modern communication technology having radically increased individuals' access to information and facilitated their active participation in society, but also having contributed to a blurring of the lines between the public and private spheres and permitted unprecedented levels of interference with the right to privacy, primarily by States and businesses,

Considering also in this regard that in December 2013 the UN General Assembly adopted resolution 68/167 on the right to privacy in the digital age; in the resolution, the General Assembly affirmed that the rights held by people offline must also be protected online, and called upon all States to respect and protect the right to



privacy in digital communication. It further called upon all States to review their procedures, practices and legislation related to communications surveillance, interception and collection of personal data, emphasizing the need for States to ensure the full and effective implementation of their obligations under international human rights law,

Considering Article 25 (a) of its procedure for reviewing and handling complaints relating to the closing of cases,

1. *Remains concerned* about the repercussions of the Twitter court order on Ms. Jónsdóttir's right to freedom of expression and right to privacy; *recalls* in this regard that, under international human rights law, restrictions on these rights are subject to a threefold test: they should be prescribed by law, they must be necessary in a democratic society, and they must be proportionate to these necessary purposes; *fails to see* how the restrictions that would result from compliance with the Twitter court order can be justified on such grounds;
2. *Notes* nevertheless that Ms. Jónsdóttir has decided not to pursue the matter in court; *considers* therefore that it is no longer warranted to continue examining the case; and *requests* the Secretary General to inform the relevant authorities and the complainant accordingly;
3. *Suggests* nevertheless, given the wider ramifications of the case at hand, which concern fundamental challenges to protecting human rights in the face of fast-moving technological developments, that the IPU continues to explore ways of promoting a discussion of these challenges, their impact on parliamentary life, and the opportunities for parliamentary action among members of parliaments, human rights experts and representatives of the information technology industry;
4. *Requests* the Secretary General to take the necessary steps to this end.