

Editorial

by Séverine Dusollier

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- 1 I am writing this editorial in times of war. It is mid-March 2022. A few Ukrainian cities have been conquered by the Russian army, more than 2 million Ukrainians have fled and sought refuge in the European Union, Russians control two nuclear sites, the resistance inside the country—as well as the solidarity outside—is astonishing. I don't know how much worse it will be when you will be reading this.
- 2 Every other day I speak with one Ukrainian student of mine and feel so powerless. His biggest fear is that Putin manages to cut the Internet, which would leave him and his younger sister without any possibility to communicate with their parents in Kyiv.
- 3 Communication has always been a weapon and a target during wars. This is not new. Yet, this is certainly the first war in Europe where Internet and digital technologies of communication are an integral part of the means, tools, sanctions, and threats mobilized by the different states involved, as well as the actions of private individuals and companies alike.
- 4 On the side of sanctions, the Council of the European Union has prohibited, by a regulation 2022/350 of 1st of March 2022, operators from broadcasting or transmitting the Russian channels RT and Sputnik by any means, including cable, satellite, IP-TV, and internet. Whatever the exceptionality of the crisis and the inclusion of this “censorship” in the overall sanctions against Russia, this could create a dangerous precedent for the Council might lack the competence to apply such media regulation and that no scrutiny of its necessary proportionality in regard of the impact of fundamental rights of expression and of access to information has been conducted. Note that RT France has immediately filed for annulment of the Regulation before the General Court (case T-125/22). Some social networks, such as Facebook, TikTok, Reddit, YouTube and Twitter had already either suspended the accounts of these channels, and other Russian official media, or cautioned against their publications by labelling them as possible misinformation or as media controlled by the Russian government.
- 5 Many tech giants have also decided to upend their sales, services, or operations in Russia, such as Microsoft, Apple, Samsung, Spotify, Netflix, Paypal, Epic Games, Ubisoft, and Intel (and the list is expanding every day). Russian media apps are no more available from Apple Store, and Google and Meta have ceased to commercialize ads in Russia.
- 6 In retaliation, the Russian media regulating authority has blocked the access to Facebook and severely restricted the access to Twitter and Instagram. In parallel, Kremlin moves to stifle dissent and a hastily voted law threatens the diffusion of “fake news on the army” with heavy fines and imprisonment. Independent media are forced to shut down or to adopt a more official coverage of the situation. Other websites, such as BBC, Voice of America and Deutsche Welle are also restricted, if not shut down, on the Russian territory.
- 7 “War” is now a prohibited word in Russia (say “special operations” only), a State that dangerously resembles the Oceania dictatorship depicted in Georges Orwell's *1984*, where the nation slogan is “war is peace, freedom is slavery, ignorance is strength”. Vladimir Putin applies this message with a brutal force, claiming that he only wants to bring peace to the Ukrainians his army kills, demonizing freedoms in Ukraine, Russia or Belarus, and forcing ignorance upon his citizens by controlling all media and communication channels.
- 8 Despite all the efforts of Russia to control its citizens' knowledge about the aggression to its neighbor state and the Ukrainians' access to communication means, the internet has become a tool of resistance and information. The Ukrainian youth (some with millions of followers) multiply memes and videos on TikTok and other social networks to denounce and document the war (sometimes with dark humor), and to show the resistance; cyberactivists have started to try and hack Russian facilities; and

Zelensky intensively uses the Internet to galvanize his population and communicate with the world. Most interestingly, the Ukrainian government, by contrast to the invader, has decided to still allow VKontakte (VK), the favorite social network of the Russian population, instead of banning it, and encourages the Ukrainians to post information on VK about the war. It has also provided a website to mothers of Russian soldiers with information about their sons.

- 9 While Russian still applies an old-world logic of straightforward censorship of media and opinions (“ignorance is strength”), the Ukrainian government and population have perfectly understood to power of unrestricted digital media.
- 10 Those different positions on communication, its prohibition and control on one side or its strategic use on the other, perfectly reflect that wars are now also fought on social networks. People die in bombed building, in caves, in the streets in Ukraine, and a video on TikTok might look rather futile in comparison. However, if one believes that information (and not ignorance) is strength and power, it has a crucial role to play in stopping this horrendous aggression, in one way or another.
- 11 The present issue of JIPITEC, prepared before these awful events, covers quieter topics. Away from the Ukrainian battlefield, we have the luxury of peace and comfort to still read scholarship in our fields. I hope we can realize, however, the extent to which we need to transform this knowledge and thinking about our digital world and its legal issues into building a robust, resilient, and open network, that can fill its promises of providing power, truth, and information to people whose survival and resistance are on the frontline.

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