**Protecting the powerful**

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LAST week, PTI supporter and 30-year-old resident of Faisalabad Sikandar Zaman was sentenced to three years in prison for a tweet. His Twitter account, prior to his sentencing, had 184 followers.

Legal proceedings were carried out under the Prevention of Electronic Crimes Act, 2016, (Peca), which provides for a range of punishments for online acts that are deemed unlawful. This Act was passed under the previous PML-N government, and was met by considerable condemnation from human rights and digital freedom organisations. Concerned entities warned that the Act would be used at a whim, as and when it suits those who are in a position of authority to enforce it. In the case of Pakistan, this inevitably means the military and its associated agencies.

The district and sessions judge who sentenced Sikandar found his content to be malicious, and that `the accused had tried to create a dispute about the senior leadership of armed forces which naturally has an effect towards the subordinate officials and the general public`. The `natural occurrence`ofthissupposedeffectistakenatface value, while the intent is based on the content of his mobile phone and the fact that he did not mask his political affiliation.

The content of the tweet for which Sikandar was punished probably violates established norms around how societies generally tall( about the armed forces and martyrdom. Most people would likely find it egregious across time and space.

However, it is eminently reasonable to suggest that people may air controversial views without being judicially prosecuted for them. This is why the actual content is largely beside the point. This subsequent prosecution is simply designed to place limits on a particular type of political opposition and to chill future dissent. Even if your audience is no more than 184 people.

As with most issues in Pakistan`s current political scenario, reactions to any event end up following partisan lines. Supporters of the latest edition of regime hybridity will find nothing wrong with the court`s judgement. They will probably proclaim the sanctity of the armed forces to be nonnegotiable and the prosecution to be in line with this principle. Ironically, this is exactly what thecurrent opponents of the regime used to think not too long ago.

The obvious issue with such prosecution is that it limits freedom of expression. Sure, there can be limits to what should be allowed online, but these are usually based on the actuality of harm and the protection of vulnerable populations. One can make a case for regulating content that is inflammatory and has reasonable chance of leading to actual violence such as blasphemy allegations and targeted campaigns against Ahmadis, women and transgender people. These groups do face high levels of risk, and regulation of the internet is requiredto preventthoserisks.

One can even make a stretched-out case forregulating content that ferments armed rebellion and may lead to violence against state officials.

This would apply to content created by militants and armed groups that are waging war against the state.

But to use the principle offered by these examples for the purpose of limiting political voices that pose no actual, physical or organisational threat to the public at large is extremely disturbing. Pakistan is no stranger to fragile officialdom lashing out at online content. The 2017 case of enforced disappearances of bloggers Salman Haider and Waqass Goraya is the most prominent in recent memory. In that case, it was the sheer impunity of the security apparatus that allowed such an act to take place.

The same impunity is now fully enshrined in Peca, as it allows for selective and discretionary implementation. This offers state institutions a judicial other than the usual coercive/extraju-dicial route to clamp down on online political dissent.

The Sikandar case also points to another issue with how the state views the online domain. For the past decade, there have been numerous attempts by the state to regulate the internet, either through the banning of websites, the cultivation of paid/sponsored content for political purposes, or using offline coercion against online entities. Since April 2022, it has become sharply apparent that shaping the direction of online discourse is impossible for the security apparatus or for the civilian government. The very nature of the online medium allows diffusion of voices.

There is no one tap that can be switched on and off, despite the best efforts to create one. People who feel strongly about certain issues will find a way to air their views.

Which brings us to the central aspect of why the state, more so than any other entity, needs to grow a thicker skin. The state exists because it creates order for a particular population. Sometimes it will do this very well and be recognised for it.

Other times it will fail and will be criticised for it, maybe even unfairly. Legitimacy to govern and enforce order emerges from the people whether this is the electorate that provides legitimacy through the ballot box, or whether it`s the online domain, where people may vent whatever frustration they may have. What`s clear throughout history is that this legitimacy cannot be obtained through judicial prosecutions, enforced disappearances, and other acts of coercion. The foundations of the order that comes out from such acts will be brittle, at best, and frequently prone to crises.

The regulation of internet content is an issue that has not been resolved effectively anywhere in the world. But there are good reasons to allow extensive freedom, with due provisions to protect vulnerable populations against hate and violence.

It seems Pakistan does not wish to follow this benchmark. Content against the vulnerable is permissible, while it is the most powerful entities that require careful protection.  The writer teaches politics and sociology at Lums.

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